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ACREAGE RATES ACT, 1952****TABLE OF CONTENTS****Sections.**

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**THE PUNJAB BETTERMENT CHARGES AND
ACREAGE RATES ACT, 1952**

PUNJAB ACT NO. II OF 1953

[Received the assent of the Governor of Punjab on the 5th January, 1953, and was first published in the *Punjab Government Gazette (Extraordinary)* of the 21st January, 1953].

1	2	3	4
Year	No.	Short title	Whether affected by later legislation
1953	II	The Punjab Betterment Charges and Acreage Rates Act, 1952	Amended by Punjab Act No. 12 of 1958. ² Amended by Punjab Act No. 7 of 1959. ³ Amended by Punjab Act No. 34 of 1963. ⁴ Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

An Act to provide for the levy of betterment charges and acreage rates on certain lands in the State of Punjab.

It is hereby enacted as follows :—

1. (1) This Act may be called the Punjab Betterment Charges and Acreage Rates Act, 1952.

⁵[(2) It shall extend to the territories which immediately before the 1st November, 1956, were comprised in the States of Punjab and Patiala and East Punjab States Union].

(3) It shall come into force at once.

¹For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, dated 25th October, 1952, pages 1208-1209 ; for report of the Joint Select Committee, see *Punjab Government Gazette*, dated 28th November, 1952, Part V, pages 135—146 ; for proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1952.

²For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1958, page 453.

³For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1959, page 177.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1963, page 1159.

⁵Substituted by Punjab Act No. 12 of 1958. This Act came into force on the 15th November, 1958,—vide Punjab Government notification No.6136/Irr./W/58/40640, dated the 15th November, 1958.

Short title, extent and commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “acreage rates” means the charges levied under section 6 on lands included in an irrigation scheme ;

(b) “betterment charges” means the charges levied under section 4 on lands included in an irrigation scheme ;

(c) “canal” includes—

(i) all parts of river, stream, lake or a natural collection of water or natural drainage channel to which the provisions of Part II of the Northern India Canal and Drainage Act, 1873 (VIII of 1873), VIII of 187

(ii) all canals, channels, reservoirs, wells, tube-wells and lift irrigation arrangements constructed, maintained or controlled by the Government for the supply or storage of water ;

(iii) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs, wells, tube-wells or lift irrigation arrangements ;

(iv) all watercourses, that is to say, all channels which are supplied with water from a canal but which are not maintained at the cost of the Government, and all subsidiary works belonging to any such channels ;

(d) “cost of an irrigation scheme” means the total financial liability accruing from the loan contracted or the investment made, the interest thereon, the cost of maintenance and operation of the scheme or of any extension thereof or of an extension as a result thereof, with reference to the period during which the said liability has to be discharged ;

(e) "Government" means the ¹[Central Government];

(f) "irrigation scheme" means any such scheme as is referred to in section 3;

(g) "landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (XVII of 1887) ²[and includes Government];

(h) "prescribed" means prescribed by rules made under this Act ;

(i) the expressions "land", "tenant" and "occupancy tenant" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (XVI of 1887) ;

(j) the expressions "Canal Officer" and "Divisional Canal Officer" have the meanings respectively assigned to them in the Northern India Canal and Drainage Act, 1873 (VIII of 1873);

³[(jj) "matured area" means such area of land included in the irrigation scheme, which is subject to payment of occupiers' rate under section 36 of the Northern Indian Canal and Drainage Act, 1873 (Act No. VIII of 1873), during any harvest].

3. Where any scheme has come or comes into operation after the 15th day of August, 1947, for any one or more of the following purposes, namely —

(i) the irrigation of lands from any existing or projected canal ;

(ii) the extension of irrigation of land situate within the approved irrigation boundary of an existing canal ;

¹Substituted for the words "Government of the State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Added by Punjab Act No. 34 of 1963.

³Clause (jj) inserted by Punjab Act No. 7 of 1959.

Irrigation schemes and notification of proposal to levy betterment charges.

- (iii) the improvement of irrigation supply or capacity factors or water allowances to lands already irrigated ;
- (iv) the provision for or the improvement of drainage, or any reservoir, dam or embankment constructed, maintained or controlled by the Government for the supply or storage of water;

the Government may proceed to levy betterment charges in respect of the lands which are included or are likely to be included in the irrigation scheme by notifying in the official Gazette a copy of which shall be posted at a conspicuous place in the village affected and in such other manner as may be prescribed its intention so to do and shall specify in such notification such particulars respecting the proposed levy as it may think necessary, including particulars respecting the type and extent of irrigation proposed :

Provided that no betterment charges shall be levied in relation to an irrigation scheme where the charges ordinarily leviable under other laws for the time being in force are sufficient to cover the cost of the scheme:

Provided further that the amount of the betterment charges recoverable from any scheme will be limited to the difference between the investment on the scheme and such part of it as may make it productive.

Explanation I. "Capacity factor" means the ratio of the mean supply to the authorised full supply discharge of a channel, and "mean supply" for a period connotes the sum of the daily supply in cusecs divided by the number of days during that period.

Explanation II. "Water allowance" means the designed number of cusecs of outlet or distributary capacity per thousand acres of land included in an irrigation scheme.

Explanation III. "Cusecs" is the unit of discharge, and means the rate of flow of one cubic foot of water per second.

4. (1) At any time after the expiry of one month from the date of the publication of the notification referred to in section 3 the Government may cause a schedule of betterment charges to be prepared for all lands or class of lands included in an irrigation scheme showing the rates at which the charges shall be leviable on the lands and payable by the landowners and occupancy tenants thereof and the proportions in which the charges shall be so payable.

Procedure for levy
of betterment
charges.

(2) In preparing a schedule under sub-section (1) for the levy of betterment charges in respect of any irrigation scheme regard shall be had to the following, namely—

(a) the type of irrigation ;

(b) the improvement in irrigation ;

(c) the extent of betterment accruing to the lands.

(3) A draft of the schedule prepared under sub-section (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.

(4) Any landowner or occupancy tenant who may be affected by the proposed betterment charges may, within sixty days from the date of the publication of the schedule in the official Gazette, or from the date of its publication in the village, whichever is later, present a petition in writing to the Government stating his objections, if any, to the levy of the betterment charges or the rate thereof.

(5) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of betterment charges and cause the same to be published in the official Gazette, and in such other manner as may be prescribed.

Amount of betterment charges.

5. (1) The amount of the betterment charges leviable in respect of any lands included in an irrigation scheme shall not exceed one-half of the difference between the value of the lands with reference to such date prior to the commencement of any work in connection with the irrigation scheme as the Government may, by notification in the official Gazette, fix in this behalf and their estimated value with reference to such other date after such commencement the Government may similarly fix, and such valuations shall be made in the prescribed manner.

(2) Where in an irrigation scheme only lift irrigation arrangements are maintained and operated by the landowners or occupancy tenants, the betterment charges leviable shall not exceed one-half of the charges which would otherwise have been payable for gravity flow irrigation :

Provided that whenever such lift irrigation arrangements are converted into gravity flow irrigation, the landowners or occupancy tenants, as the case may be, shall be liable to pay the full betterment charges in respect of the lands.

Power to levy advance payment of betterment charges, realisation thereof, etc.

¹[5A. (1) Notwithstanding anything to the contrary contained in this Act and subject to the provisions of sub-section (2), every person liable to pay betterment charges under this Act shall, with effect from the Kharif harvest of the agricultural year 1958-59, be liable to pay to the Government advance payment of betterment charges in respect of his matured area at each harvest at such rate not exceeding twenty-five rupees per acre of such area as the Government may by notification direct :

Provided that the Government may fix different rates for different matured areas.

(2) The liability to make advance payment of betterment charges shall cease from the date on which the Schedule of betterment charges has been published in the official Gazette under sub-section (5) of section 4.

¹Section 5A inserted by Punjab Act No. 7 of 1959, section 3.

(3) The amount of betterment charges which any person is liable to pay under this Act shall be realised from him after deducting therefrom the amount of advance payment of betterment charges paid by him.

(5) If the amount of advance payment of betterment charges is found to be in excess of the amount of betterment charges the excess shall be refunded by the Government to the person from whom it was realised.

(5) The amount of advance payment of betterment charges shall be realised, and deduction or refund thereof as referred to in sub-sections (3) and (4) shall be made, in such manner as may be prescribed.]

6. (1) Where in respect of any lands included in an irrigation scheme expenditure has been, or is likely to be incurred by the Government in the execution of any one or more of the following works or in undertaking any one or more of the following measures, namely—

Levy of acreage rates.

- (a) rectangulation, sub-rectangulation or killaband (that is to say, sub-division of land into one-acre fields),
- (b) level, topographical or soil surveys,
- (c) construction of watercourses,
- (d) construction of village roads and works appertaining thereto,

the Government may, for the purpose of recouping or meeting such expenditure, cause a schedule of acreage rate to be prepared showing the rates at which they shall be leviable on the lands, and the manner in which and the persons by whom they shall be payable.

(2) A draft of the schedule prepared under sub-section (1) shall be published in the official Gazette, a copy of which shall be posted at some conspicuous place in the area affected and in such other manner as may be prescribed.

(3) Any landowner or occupancy tenant who may be affected by the proposed acreage rates may, within sixty

days from the date of the publication of the schedule in the official Gazette, present a petition in writing to the Government stating his objections, if any, to the levy of the acreage rates or the incidence thereof.

(4) After considering the objections and after making such further inquiry into the matter as the Government may think fit, the Government shall determine the final schedule of acreage rates and cause the same to be published in the official Gazette and in such other manner as may be prescribed.

Finality of schedule
of betterment
charges and
acreage rates.

7. The betterment charges and the acreage rates leviable under the final schedules as published under sub-section (5) of section 4 and sub-section (4) of section 6 shall be final and no court shall call in question the schedules so published or the levy or rates of such charges or the determination by the Government of the increase in value of lands for the purpose of levying betterment charges.

Demand of bet-
terment charges
and acreage rates.

8. (1) When the schedule of betterment charges of acreage rates has been published in the official Gazette under sub-section (5) of section 4 or sub-section (4) of section 6, the Canal Officer shall prepare a demand statement in respect thereof in such form as may be prescribed containing full particulars of the amount which each landowner or occupancy tenant shall be liable to pay and cause a notice of demand to be served on him.

(2) Any landowner or occupancy tenant may within such period as may be prescribed from the date of the notice of demand, present a petition to the Divisional Canal Officer or the Deputy Collector objecting to the demand or any part thereof, and the petition shall be disposed of in such manner and orders passed thereon shall be subject to such appeals as may be prescribed.

(3) Any amount due under a notice of demand shall be subject to any orders that may be passed on appeal under sub-section (2), be payable within such time as may be prescribed.

9. (1) The betterment charges and the acreage rates may be paid in one or more instalments as may be prescribed :

Mode of recovery of betterment charges and acreage rates.

Provided that where the betterment charges or acreage rates are paid in instalments interest shall be payable in respect of such instalments at such rates as may be prescribed and such interest shall be recovered in the same manner as the betterment charges or the acreage rates.

(2) Notwithstanding anything contained in this section, the Government may, subject to such conditions as may be prescribed, allow a landowner to relinquish any part of his land in favour of the Government in satisfaction of the betterment charges payable in respect thereof.

¹[9-A. (1) Notwithstanding anything to the contrary contained in this Act, pending the publication of final schedules under section 4, any landowner may, if he so chooses, make an advance payment in lump sum of betterment charges leviable under the Act, at such rate as the Government may by notification direct, and where a landowner exercises his choice to do so he shall not be liable to pay advance payment of betterment charges under section 5A, and if he has already paid any amount under section 5A, the advance payment payable under this section shall be reduced to that extent.

(2) The provisions of sub-sections (3), (4) and (5) of section 5A, shall, as far as may be, apply to the payment made under sub-section (1).]

10. Where there has been a failure of crops in any area, the Government may, notwithstanding anything to the contrary contained in this Act or the rules made thereunder, postpone for such period as it thinks fit the recovery of any such charges or rates, whether wholly or in part.

Postponement of recovery of betterment charges and acreage rates in certain cases.

11. The betterment charges and acreage rates shall be recoverable from the landowner and occupancy tenant concerned in such proportions as may be prescribed :

Apportionment of betterment charges and acreage rates.

Provided that in making any such apportionment between the landowner and the occupancy tenant of the same land due regard shall be had to the prevailing practice in respect of the division of produce or capital values between such person in respect of that land :

Provided further that where there are more landowners than one they shall be jointly and severally liable for the portion recoverable from the landowner and similarly where there are more occupancy tenants than one they shall be jointly and severally liable for the portion recoverable from the occupancy tenants.

Betterment charges and acreage rates to be a charge on the land.

12. Any sums lawfully due under this Act by way of betterment charges ¹[advance payment of betterment charges] or acreage rates shall take priority over all other charges payable in respect of the land except land revenue and shall be deemed to that extent to be a charge on the land and shall be recoverable as an arrear of land revenue.

Betterment charges and acreage rates not to affect any other charges leviable.

13. The betterment charges ¹[advance payment of betterment charges] and acreage rates payable under this Act in respect of any land shall not affect any other rates or charges leviable under any other law for the time being in force.

Bar to jurisdiction of civil courts.

14. No civil court shall have jurisdiction in respect of any matter relating to anything done or to be done under this Act.

Indemnity from proceedings.

15. No claim shall lie against the Government for compensation or for the refund of betterment charges or acreage rates on account of loss occasioned by the failure or stoppage of water in a canal or by any cause beyond the control of the Government or by any repairs, alterations or additions made to the canal by the Divisional Canal Officer or by any measures taken by him for regulating the proper flow of water therein or for maintaining the established course of irrigation in cases where the Divisional Canal Officer considers such action to be necessary.

¹The words "advance payment of betterment charges" inserted by Punjab Act No. 7 of 1959.

16. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder. Indemnity.

17. (1) The Divisional Canal Officer, Canal Collector, Deputy Collector or a Revenue Officer of the rank of a Deputy Commissioner or Assistant Collector may summon any person whose attendance he considers necessary for the purpose of any business before him under this Act. Powers of Canal and Revenue Officers to summon persons.

(2) Any person so summoned shall be bound to appear at the time and place mentioned in the summons, in person or, if the summons so allows, by his recognised agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matters as the summoning officer may require.

18. If a person required by a summons, notice, order or proclamation proceedings from a summoning officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the summoning officer to a fine which may extend to fifty rupees, which, if not paid in cash, shall be recoverable as arrears of land revenue. Penalty for failure to attend within limits of estate in obedience to orders of Canal and Revenue Officers.

19. (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(a) the manner in which notices under this Act, or the schedules of betterment charges and acreage rates shall be published ;

- (b) the manner in which valuation may be made of any lands for the purpose of sub-section (1) of section 5 and for determining their increase in value ;
- (c) the manner in which rates of betterment charges shall be calculated with reference to any lands or class of lands in an irrigation scheme ;
- ¹[(cc) the manner in which advance payment of betterment charges shall be realised and the amount thereof deducted or refunded ;].
- (d) the form in which demand statements may be prepared under sub-section (1) of section 8 and the procedure for preparing the same ;
- (e) the form in which notices of demand may be prepared under this Act and the manner of their service ;
- (f) the time within which objections may be preferred from notices of demand under sub-section (2) of section 8, the procedure for the determination of such objections and the authorities to whom and the manner in which and the conditions subject to which appeals may be preferred therefrom ;
- (g) the time within which betterment charges and acreage rates shall be payable after the notice of demand and the manner in which such charges or rates may be realised ;
- (h) the conditions subject to which any sum due under this Act may be paid in instalments and the rate of interest for the payment of such sum in instalments ;
- (i) the conditions subject to which any landowner may be allowed to relinquish any part of his

¹Clause (cc) inserted by Punjab Act No. 7 of 1959.

land to the Government in satisfaction of betterment charges due from him ;

- (j) the manner in which betterment charges and acreage rates may be apportioned between land-owners and occupancy tenants;
- (k) the manner in which and the conditions subject to which any officer shall exercise his powers under this Act ;
- (l) any other matter requiring to be prescribed under this Act.

20. ¹[(1)] The Punjab Betterment Charges and Acreage Rates Act, 1952 (President's Act No. III of 1952), is hereby repealed, but notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the repealed Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act so far as consistent with the provisions of this Act. Repeal.

¹[(2)] The PEPSU Betterment Charges and Acreage Rates Act, 1954 (Pepsu Act No. 1 of 1955), is hereby repealed :

Provided that the repeal shall not affect—

- (a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired or incurred under the Act so repealed; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed ; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

¹Existing section 20 re-numbered as sub-section (1) and after sub-section (1) so re-numbered sub-section 2 added by Punjab Act No. 12 of 1958.

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided further that anything done or any action taken under the Act so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.]