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Haryana Preservation of Subsoil Water Act, 2009

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HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 18th March, 2009

No. Leg. 10/2009.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 12th March, 2009, and is hereby published for general information :—

HARYANA ACT NO. 6 OF 2009

**THE HARYANA PRESERVATION OF SUB-SOIL WATER
ACT, 2009**

AN

ACT

to provide for the prohibition of sowing of nursery of paddy and transplanting of paddy before the dates notified thereof and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixtieth Year of the Republic of India as follows :—

1. This Act may be called the Haryana Preservation of Sub-Soil Water Act, 2009. Short title.

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

- (a) “authorized officer” means an officer, authorized by the State Government, by notification in the Official Gazette;
- (b) “Collector” means the Collector as provided under section 6 of the Punjab Land Revenue Act, 1887 (17 of 1887), and includes any other officer, appointed by the State Government, by notification in the Official Gazette, to exercise the powers of a Collector;
- (c) “farmer” means any person, cultivating land either as an owner or as a tenant or as a sharecropper for the purpose of agriculture, horticulture, agro forestry and the like;
- (d) “notified date” means the date as may be notified under sub-section (2) of section 3;

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

(f) "State Government" means the Government of the State of Haryana.

Restriction to sow
or transplant.

3. (1) No farmer shall sow nursery of paddy before the 15th May of the year.

(2) No farmer shall transplant paddy before 15th June of the year or such date, as may be notified by the State Government.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the provisions of this section shall not be applicable to any research project of Chaudhary Charan Singh Haryana Agricultural University, Hisar or of any other research institute, notified by the State Government or Central Government.

Power to enter
into estate.

4. The authorized officer or his subordinate, servant or workman shall have the power to enter into the estate of any farmer for the purpose of surveying the area to assess the violation of the provisions of this Act.

Explanation.—The term "estate" shall have the same meaning as has been assigned to it under the Punjab Land Revenue Act, 1887 (17 of 1887).

Power to issue
directions.

5. The authorized officer, either *suo motu* or on the information brought to his notice regarding the violation of any provision of this Act, shall direct the farmer, who has violated any provision of this Act with regard to destroying the nursery of paddy, sown or transplanted before the notified date.

Power to destroy
crop and recover
expenses.

6. In case a farmer does not act as per the directions of the authorized officer given under section 5, the authorized officer shall cause such nursery of paddy or transplanted paddy, as the case may be, to be destroyed at the expense of such farmer.

Penalty.

7. (1) Any farmer, who contravenes any of the provisions of this Act, shall be liable for penalty of ten thousand rupees for every month or part thereof per hectare of land.

(2) The penalty referred to in sub-section (1) shall be in addition to the recovery of the expenses, actually incurred for destroying the nursery of paddy, sown or transplanted before the notified date.

(3) Before passing any order for imposing any penalty under sub-section (1), the authorized officer shall make such enquiry, as he may deem necessary and shall give an opportunity of being heard to the concerned farmer.

Appeal.

8. Any farmer aggrieved by an order of the authorized officer passed under sub-section (3) of section 7 may, within a period of one month, prefer an appeal to the Collector in such form and manner, as may be prescribed.

9. The penalty and the expenses referred to in section 7 shall be recoverable as arrears of land revenue. Recovery.
10. No suit, prosecution or legal proceeding shall lie against the State Government or any officer or employee of the State Government for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.
11. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter arising out or connected with the provisions of this Act. Bar of jurisdictions.
12. Every officer or official acting under or in pursuance of the provisions of this Act or any rules made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860). Officers to be public servants.
13. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.
- (2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of State Legislature, while it is in session.

M. S. SULLAR,
Secretary to Government, Haryana,
Law and Legislative Department.