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Punjab Preservation of Subsoil Water Act, 2009

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PART-I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 28th April, 2009

No. 7-Leg./2009- The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 2nd April, 2009, and is hereby published for general information:-

THE PUNJAB PRESERVATION OF SUBSOIL WATER ACT, 2009

(Punjab Act No. 6 of 2009)

AN

ACT

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

BE it enacted by the Legislature of the State of Punjab in the Sixtieth Year of the Republic of India as follows:-

1. (1) This Act may be called Punjab Preservation of Subsoil Water Act, 2009
(2) It shall come into force at once.
2. In this Act, unless the context otherwise requires,-
 - (a) “authorised officer” means an officer, authorised by State Government by notification in the Official Gazette;
 - (b) “Collector” shall have the meaning, as has been assigned to it in the Punjab Land Revenue Act, 1887, and includes any other officer, as may be appointed under this Act by the State Government by notification in the Official Gazette to exercise the powers of Collector;
 - (c) “farmer” means any person, cultivating land either as an owner or as tenant or as a share cropper for the purpose of agriculture, horticulture, agro forestry and the like;
 - (d) “notified date” means the date as notified under sub-sections (1) and (2) of section 3; and
 - (e) “State Government” means the Government of the State of Punjab.

Short title &
commencement

Definitions

PUNJAB GOVT GAZ. (EXTRA), APRIL 28, 2009
(VYSK 8, 1931 SAKA)

No farmer to sow
or transplant
paddy before the
notified date

3. (1) No farmer shall sow nursery of paddy before 10th Day of May of the agricultural year or such other date as may be notified by the State Government by notification in the Official Gazette for any local area.

Explanation – For the purpose of this section, ‘agricultural year’ means the year commencing on the 16th day of June or on such other date, as may be appointed by the State Government by notification in the Official Gazette for any local area.

(2) No farmer shall transplant paddy before such date, as may be notified in this regard by the State Government by notification in the Official Gazette.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the provisions of this section, shall not be applicable to-

- (a) any research project of the Punjab Agricultural University, Ludhiana;
- (b) any other Research Institute, as may be declared by the State Government by notification in the Official Gazette;
- (c) any water logged area, as may be declared by the State Government by notification in the Official Gazette;

Explanation – For the purpose of this clause, the term ‘water logged area’ means an area, having depth to water table less than one metre below the ground level; and

- (d) any other method of paddy crop, as may be declared by the State Government by notification in the Official Gazette.

Power to enter
into estate

4. The authorised 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.

Power to issue
directions

5. The authorised officer, either *suo motto* or on the information brought to his notice regarding the violation of any provision of this Act, shall be competent to issue directions to the farmer, who has violated any provision of this Act to destroy the nursery of paddy or sown or transplanted before the notified date.

PUNJAB GOVT GAZ. (EXTRA), APRIL 28, 2009
(VYSK 8, 1931 SAKA)

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

Power to destroy the nursery of paddy or transplanted paddy and recover expenses

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

Penalty

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

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

8. Any farmer, aggrieved by an order of the authorised officer, passed under sub section (3) of section 7, may prefer an appeal to the Collector within a period of thirty days from the date of passing the order.

Appeal

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 proceedings shall lie against the State Government or its officer or employee for anything, which is done or intended to be done in good faith under this Act.

Protection for actions taken in good faith

11. No Civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter arising under or connected with this Act.

Bar of jurisdiction

12. Notwithstanding anything to the contrary contained in any other law, enacted by the Punjab State Legislature for the time being in force, the provisions of this Act shall have effect.

Overriding effect

REKHA MITTAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.