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## The Punjab State Tube well Act, 1954

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**Case Note: -** An Act to provide for the construction improvement and maintenance of State Tube well Irrigation works in Punjab.

<sup>1</sup>[**THE PUNJAB STATE TUBEWELL ACT, 1954**]

(Punjab Act 21 of 1954.)

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<sup>1</sup>[**THE PUNJAB STATE TUBEWELL ACT, 1954 ]**

( Punjab Act 21 of 1954.)

[Received the assent of the Governor of Punjab on the 10<sup>th</sup> May,1954, and was first published in the Punjab Government Gazette Extraordinary, dated the 15<sup>th</sup>,May 1954]

No.	Year	<u>Short Title</u>	Whether repealed or otherwise affected by legislation.
21	1954	The Punjab State Tubewell Act, 1974.	Extended to the territories which immediately before the 1st November,1956, were comprised in the State of Patiala and East Punjab States Union by Punjab, Act No.5 of 1957  Amd, Punjab Act No.5 of 1974 <sup>2</sup> .

<sup>1</sup> For statement of Objects and Reasons , see Punjab Government Gazette Extraordinary, dated the 9<sup>th</sup> March, 1954. P. 172

<sup>2</sup> For statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1974 P. 454.

*An Act to provide for the construction improvement and maintenance of State Tubewell Irrigation works in Punjab .*

It is hereby enacted as follows:

**1. Short title, extent and commencement** - (1) This Act may be called the Punjab State Tubewell Act 1954.

(2) It extends to such local areas in Punjab as the Government may from time to time by notification direct.

(3) It shall come into force on such date as the Government by notification in the official Gazette direct.

**2. Definitions** – In this Act, Unless there is something repugnant to the subject or context:-

<sup>3</sup>(a) “Corporation” means Punjab State Tube well Corporation Limited:

(aa) “Government “ means the State Government of Punjab

(b) “Prescribed” means Prescribed by rules made under this Act;

(c) “State Tube-Well “ means a tube well hereto constructed, maintained or controlled or which may be here after constructed, maintained or controlled by the Government <sup>1</sup>(or the Corporation ) and includes all mechanical and electrical appliances, tools and structures appertaining to it and necessary for the abstraction of water from it;

(d) “Tube Well “ means any device for lifting water from below the surface of the ground by mechanical means operated otherwise than by human or animal power:

(e) “Underground water “ means water under the surface of the earth regardless of the geologic structure in which it is standing or moving ,but it does not include water flowing in artificial underground streams.

**3. Application of the Act**—The Government may, by notification in the official Gazette, declare that any tract of land is a tract to which this Act will apply with effect from a day to be named in the notification, not being earlier than three months from the date of thereof.

**4. Application of Act VIII of 1873-** In respect of any State Tubey Well of the provisions of the Northern India Canal and Drainage Act, 1873 (VIII of 1873) (hereinafter referred to as the said Act), shall be deemed to apply in like manner as if such State Tube Wells were a canal within the meaning of the said Act, except the provisions of section I, clause (4) of section 3, section 5 and Parts VI and VIII of the said Act:

Provided that for the purpose of such application the said Act shall be subject to the following modification :

<sup>1</sup>(1) For the purpose of Tube wells constructed , maintained, or controlled by the Corporation the officers of the Corporation holding such offices as correspond to the offices mentioned in clause (7) of section 3 of the said Act shall exercise the same powers as are exercisable by the officers of the State Government holding

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<sup>3</sup> Added by Punjab Act No. 3 of 1974.

corresponding offices in respect of the tube wells constructed, maintained or controlled by the Government and they shall be deemed to have been appointed as Canal Officers within the meaning of the aforesaid clause (7).

<sup>1</sup>*Substituted for the word "the Government" by Punjab Act No. 3 of 1974.*

(1-A) In section 6 of the said Act, for the words "so named" the words and figures "named" in a notification under section of Punjab State Tube well Act 1954" for the words "State Government" the word "State Government" or the Corporation, as the case may be" and for the words "such application or use of the said water" the words "the application or use of the underground water for the purpose of a State Tube-well" shall be deemed to be substituted, respectively"; and

(2) In section 8 of the said Act clauses (a) and (c) and the reference thereto in clause (I) shall be deemed to be omitted in clause (g) for the words "through any natural channel which has been used for purposes of irrigation" the words "in any well which has been used" shall be deemed to be substituted and in the last paragraph for the words and brackets, "Clauses (a),(b) and (c)" the word and brackets "clause(b)" shall be deemed to be substituted.

(3) In section 32 of the said Act:

(i) in sub-clause (1) of clause (a), the words "and with the previous sanction of the State Government" shall be deemed to be omitted.

(ii) Clause (b) shall be deemed to be omitted.

<sup>1</sup>*Added by Punjab Act No. 3 of 1974*

(3-A) for section 36 of the said Act, the following section shall be deemed to be substituted, namely:-

**"36.** The supply of water from a state Tube-well shall be charged at such rate (to be called "the occupier's rate") per unit of electricity consumed for such supply as the State Government may, from time to time, by notification, fix and different rate may be fixed in relation to supply of water from the tube-wells constructed, maintained or controlled by the Corporation: wells constructed, maintained or controlled by the Corporation such rate shall be fixed after consultation with the Corporation."

Provided that in the case of tube-wells constructed, maintained or controlled by the Corporation such rate shall be fixed after consultation with the Corporation.

5. In section 68 of the said Act, for the words "Such Officer shall thereupon give notice" the words "on receipt of such application or when in the opinion of the Divisional Canal Officer any such difference is likely to arise he shall give notice" shall be deemed to be substituted.

6. In clause (2) of section 70 of the said Act, the words "except by the construction of a tube-well" shall be deemed to be inserted before the word "interferes" and clauses (6) to (9) of the said section shall be deemed to be omitted.

**Section 4 of the Punjab Act No. 3 of 1974 is reproduced below:-**

4. *Notwithstanding anything contained in any judgment, decree or order of any court or other authority to the contrary, the rate:-*

- (i) *sixteen paise per unit of electricity consumed as prescribed by Punjab Government Irrigation and Power Departments notification No. 17999-Irr.& EL (57\*63/20942, dated the 11<sup>th</sup> October, 1963, read with aforesaid Department notification NO. 8280-51&E 64, dated the 17<sup>th</sup> April, 1964, for the period commencing from 1<sup>st</sup> April, 1963, and ending with 15<sup>th</sup> October, 1963.*
- (ii) *twenty-five paise per unit of electricity consumed as prescribed by Punjab Government, Irrigation and power Department notification No. 11788 IW&EL (6)-68/28248, dated the 5<sup>th</sup>/6<sup>th</sup> December, 1968, for the period commencing from 7<sup>th</sup> December, 1968, and ending with 31<sup>st</sup> March, 1970.*
- (iii) *seventeen paise per unit of electricity consumed as prescribed by Punjab Government, Irrigation and Power Department Notification No. 1076-IW&EL (WC) (6)-70/13974, dated the 29<sup>th</sup> June, 1970, for the period commencing from 1<sup>st</sup> April, 1970.*

*for the supply of water from the tube-wells constructed, maintained or controlled by the Government shall be deemed to have been prescribed in accordance with law and the aforesaid rates shall be deemed to be, and to have been, the actual occupier's rates fixed under section 36 as substituted by clause (ii) of section 3 of the Punjab State Tube-Well (Amendment) Act, 1974, and accordingly,-*

- (a) *all Act proceedings or things done or action taken by the State Government or any officer of the State Government or by any other authority in connection with the levy of or collection of charges at the aforesaid rates shall, for all purposes, be deemed to be, and to have always been done or taken in accordance with law;*
- (b) *no suit or other proceedings shall be maintained or continued in any court or before any authority for the refund of any such charges; and*
- (c) *no court shall enforce any decree or order directing the refund of any such charges.*

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<sup>1</sup> Added by Punjab Act No. 3 of 1974.