
APPENDIX VI
THE PUNJAB LAND PRESERVATION (CHOS) ACT, 1900
Punjab Act II of 1900.

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PUNJAB LAND PRESERVATION (CHOS) ACT) 1900

PUNJAB ACT II OF 1900

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1900	II	The Punjab Land Preservation (Chos) Act, 1900	Amended, Punjab Act IV of 1905 Amended, Punjab Act VIII of 1926. Amended, Government of India (Adaptation of Indian Laws) Order, 1937. Amended, Punjab Act XI of 1942. Amended, Punjab Act IV of 1944 Amended by the Indian Independence (Adaptation of Bengal and Punjab Acts) orders, 1945. Amended, by Punjab Act VII of 1950. Amended by the Adaptation of Laws Order, 1950. Amended by the Adaptation of Laws (Third Amendment) Order, 1951. Amended by Punjab Act I of 1951

PUNJAB LAND PRESERVATION ACT, 1900.

PUNJAB ACT II OF 1900

An Act to provide for the better preservation and protection of certain portions of the territories of the Punjab.

It is hereby enacted as follows:-

PRELIMINARY

1. (1) This Act may be called the Punjab Land reservation Act, 1900. Short title and commencement

It shall extend to the whole of the State of Punjab.

(2) It shall come into force at once.

Definitions

2. In this Act unless a different intention appears from the subject or context:-

- (a) the expression "land" means land within any area preserved and protected or otherwise deal with in manner in this Act provided, and includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;
- (b) the expression "Cho" means a stream or torrent flowing through or from the Siwalik mountain range with in Punjab;
- (c) the expression "tree", "timber", "forest produce" and "cattle", respectively, shall have the meanings severally assigned thereto in section 2 of the Indian Forest Act, 1927;
- (d) the expression "person interested" includes all persons claiming any interest in compensation to be made on account of any measures taken under this Act;
- (e) the expression "Deputy Commissioner" includes any officer or officers at any time specially appointed by the State Government to perform the functions of a Deputy Commissioner under this Act;
- (f) ----- the expression "right-holder" includes-
 - (i) persons not being tenants or mortgagees having rights to or in land; and
 - (ii) persons having rights of collection of forest produce or of grazing or pasture; and
- (g) the expression "erosion" includes the removal or displacement of earth, soil, stones or other material by the action of wind or water.

NOTIFICATION AND REGULATION OF AREAS

Notification areas

3. Whenever it appears to the State Government that it is desirable to provide for the conservation of subsoil water or the prevention of erosion in any area subject to erosion or likely to become liable to erosion, such Government may – by notification make a direction accordingly.

Power to regulate, restrict or prohibit, by general or special order, within notified areas, certain matters.

4. In respect of areas notified under section 3 generally or 'the whole or any part of any such area the State Government may be general or special order, temporarily regulate, restrict or prohibit-

- (a) the clearing or breaking up or cultivating of land not ordinarily under cultivation prior to the publication of the notification under section 3;
- (b) the quarrying of stone or the burning of lime at places where such stone or lime had not ordinarily been so-quarried or burnt prior to the publication of the notification under section 3 ;
- (c) the cutting of trees or timber, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this subsection of any forest-produce other than grass, save for bona fide domestic or agricultural purposes of right-holder in such area;
- (d) the setting on fire of trees, timber or forest produce;
- (e) the admission, herding, pasturing or retention of sheep goats or camels;
- (f) the examination of forest-produce passing out of any such area; and
- (g) the granting of permits to the inhabitants of towns and villages situated within the limits or in the vicinity of any such area, to take any tree, timber or forest produce for their own Use therefrom, or to pasture sheep goats or camels or to cultivate or erect buildings therein and the production and return of such permits by such persons,

5. In respect of any specified village or villages, or part or parts thereof, comprised within the limits of any area notified under section 3 the State Government may, by special order temporarily regulate, restrict or prohibit-

- (a) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3:
- (b) the quarrying of any stone or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3;
- (c) the cutting of trees and timber or 'the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this sub-section of any forest-produce for any purposes; and

Power in certain cases, to regulate, restrict or prohibit by special order, within notified areas, certain further matters

(d) the admission, herding, pasturing or retention of cattle generally other than sheep, goats and camels, or of any class or description of such cattle.

5-A. IN respect of areas notified under section 3 generally or the whole or any part of any such area, the State Government, may, be general or special order, direct-

(a) the leveling, terracing, drainage and embanking of fields;

(b) the construction of earthworks in fields and ravines;

(c) the provision of drains for storm water;

(d) the protection of land against the action of wind of water;

(e) the training of streams; and

(f) the execution of such other works and the carrying out of such other measures as may, in the opinion at the State Government, be necessary for carrying out the purposes of this Act.

6. Every order made under section 4,5 or 5-A shall be published in the Official Gazette and shall setforth that the State Government is satisfied, after due inquiry, that regulations, restrictions, prohibitions or directions contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

7. (1) When, in respect of any area, a notification has been published under section 3, and –

(a) upon such publication any general order, made under section 4 or section 5-A, becomes applicable to such area, or

(b) any special order under sections 4,6 or 5-A, is made in respect of such area,

the Deputy Commissioner shall cause public notice of the provisions of such general or special order to be given, and if the provisions of any such order restrict or prohibit the exercise of any existing rights, shall also publish in the language of the country and in every town and village the boundaries of which include any protion of the area within or over which the exercise of any such rights is so restricted or prohibited a proclamation stating the regulations, restrictions and prohibitions which have been imposed, by any such order, within the limits of such area or in any part or parts thereof; fixing a period of not less than three months from the date of such proclamation, and

requiring every person claiming any compensation in respect of any right so restricted or prohibited, within such period either to present to such officer a written notice specifying, or to appear before him and state, the nature and extent of such right and the amount and particulars of the compensations (if any) claimed in respect thereof.

- (2) Any claim not preferred within the time fixed in the proclamation made under subsection (1), shall be rejected:

Provided that with the previous sanction of the Commissioner, the Deputy Commissioner may admit any such claim as if it had been made within such period.

- 7 -A. (1) When an order has issued under section 5-A, Deputy Commissioner may by notice require the owner or occupier of the land to execute such works or take such measures as may be specified in the notice.

Enforcement
orders made
under section

(2) Every such notice shall state the time within which the works are to be executed or measures are to be taken.

- (3) A person aggrieved by an order contained in such a notice as aforesaid may, within thirty days from the service of such notice or within such longer period as the Deputy Commissioner may allow in this behalf, serve a notice of his objections on the Deputy Commissioner in such manner as may, be provided by the rules made under this Act.

- (4) If and in so far as an objection under this section is based on the ground of some informality, defect or error in or in connection with the notice, the Deputy Commissioner shall dismiss the objection, if he is satisfied that the informality, defect or error was not a material one.

- (5) If the objection is brought on all or any of the following grounds, that is to say-

(a) that the notice might lawfully have been served on the occupier of the land in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served;

(b) that some other person, being the owner, occupancy tenant, mortgagee with possession or lessee or farm holder or possessing some other right in or over the land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required;

(c) where the work or measure is work or measure for the common benefit of the land in question and other land, that some other person, being the owner

or occupier of land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required;

the objector shall serve a copy of his notice of objection on each other person referred to, and, on the hearing of the objection the Deputy Commissioner may make such order as he thinks fit with respect to the person by whom any work is to be executed or measure is to be taken and the contribution to be made by any other person towards the cost of the work or measure or as to the proportions in which any expenses which may become recoverable by the Deputy Commissioner under subsection (6) are to be borne by the objector and such other person:

Provided that no such order shall be made unless the person who is likely to be affected thereby has been given a reasonable opportunity of being heard.

In exercising his power: under this sub-section the Deputy Commissioner shall have regard

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of works and measures required; and
 - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (6) Notwithstanding anything to the contrary in any law for the time being in force, no person required by a notice or an order under this section to execute any work or to take any measure shall be required to obtain the consent of any other person before complying with such notice or order.
- (7) Subject to such right of objection as aforesaid and the right of appeal under section 18, if the person required by the notice to execute works or to take measures fails to execute the works or to take the measures indicated, within the time thereby limited, the Deputy Commissioner may himself or by an agent execute the works or take the measures and recover from that person whole of the expenses reasonably incurred by him in so doing:

Provided that it shall not be necessary for the Deputy Commissioner to wait for the decision of any objection other than an objection under clause (a) of subsection (5), or an appeal against any decision on such objection, before taking action under this subsection;

- (8) If the cost of any work executed or any measure taken by any person remains unpaid by the person from whom it is due after the date specified in a notice issued in this behalf by the Deputy Commissioner or such other date as is fixed by

him, such cost shall be recoverable as an arrear of land revenue and a certificate issued by the Deputy Commissioner in this behalf shall be final and conclusive evidence of the sum so recoverable and the person liable for the same.

(9) Every order issued under this section shall be published in such manner as may be prescribed in the rules made under this Act, and upon such publication every person affected thereby shall unless the contrary be proved, be deemed to have had due notice thereof.

(10) The Deputy Commissioner may by general or special order authorise any revenue officer subordinate to him to enquire into any objection that may be brought under this section;

Provided that no final order on any such objection shall be passed except by the Deputy Commissioner himself. .

(11) In making an order on objections brought under this section, the Deputy Commissioner shall be guided by such rules, if any, as the State Government may make in this behalf.

(12) For the purposes of this section, the expression "estate" shall have the meaning assigned thereto in the Punjab Land Revenue Act, 1887.

CONTROL OVER THE BEDS OF CHOS.

8. (1) Wherever it appears to the State Government that it is desirable that measures should be taken in the bed of any cho for the purpose of-

(a) regulating the flow of water within and preventing the widening or extension of such bed, or of

(b) reclaiming or protecting any land situate within the limits of such bed;

such Government may, either proceed at once in manner in subsection (2) provided, or, in the first instance, by notification specifying the nature and extent of the measures to be taken, and the locality in and the time within which such measures are to be taken, require all persons possessing proprietary or occupancy right in land situate in such locality to themselves carry out the measures specified in such notification accordingly.

(2) If the whole or any part of the bed of any cho be unclaimed, or if, in the opinion of the State Government the measures deemed necessary under subsection (1) are of such a character, in regard to extent and cost, that the interference of the State Government is absolutely necessary, or in the event of the owner or occupier of any portion of

Action when State Government considers it desirable to take measures to regulate the beds of chos. vesting of such beds in State Government

the bed of any cho failing to comply with the requirements. of any notification issued under subsection (1), such Government may, by notification, declare that the whole or any part of the area comprised within the limits of the bed of any cho shall vest in the State Government for such period and subject to such conditions (if any) as may be specified in the notification..

Provided that no such declaration shall be made in respect of or shall affect any land included within the limits of the bed of any such cho, which, at the date of the publication of the notification making such declaration, is cultivated or culturable, or yields any produce of substantial value.

(3) When the owners or occupiers of such locality are unable to agree among themselves regarding the carrying out of such measures, the decision of those paying the larger amount of land revenue shall be held to be binding on all.

(4) The State Government may, from time to time, by like notification, extend the period during which any such area shall remain vested in the State Government.

9. Upon the making of any declaration under subsection (2) of section 8, all private rights of whatever kind existing in or relating to any land comprised within the area specified in the notification containing such declaration at the time of the publication thereof, shall be suspended for the period specified in the declaration and for such further period (if any) to which such period may at any time be extended.

Provided that, as far as circumstances admit, such rights of way and water shall be reserved, in respect of

10. (1) The Deputy Commissioner shall, for the purposes of every notification issued under subsection (2) of section 8, fix the limits of the comprised within the bed of the choto to which such notification is to apply.

(2) Upon the publication of a notification containing any declaration under subsection (2) of section 8, it shall be lawful for the Deputy Commissioner, to -

(a) take possession of the area specified in such declaration;

(b) eject all persons there from ; and to

(c) deal with such area while it remains vested in the State Government as if it were the absolute property of the State Government.

Effect of notification to suspend or extinguish private rights in the area notified under section 8

Power of Deputy Commissioner to delimit the bed and to decide what constitutes such bed. Power to take possession of bed when vested in State Government.

11. No person shall be entitled to any compensation for anything at any time done, in good faith in exercise of any power conferred by section 8, section 9 or section 10.

12. (Condition as to sale of land acquired under the Act and obligation of Local Government to keep account of moneys expended on such land) Repealed by Act VIII of 1926, section 4.

POWER TO ENTER UPON AND DELIMIT NOTIFIED AREAS AND BEDS

13. It shall be lawful for the Deputy Commissioner and for subordinate officers, servants, care takers, and workmen, from time to time, as occasion may require.

(A) to enter upon any survey any land comprised within any area in regard to which any notification has been issued under section 3 or section 8 or in regard to which a notification is proposed to be issued under section 5-A area in regard to which any notification has been issued under section 3 or section 8 or in regard to which a notification is proposed to be issued under section 5-A;

(b) to erect bench-marks on and to delimit and demarcate the boundaries of any such area; and

(c) to do all other acts and things which may be necessary in order adequately to preserve or protect any land or to give effect to all or any of the provisions of this Act :

Provided that reasonable compensation to be assessed and determined in the manner in this Act provided shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section, but no such compensation shall be payable in respect of any this done under the said provisions within the limits of any area notified under section. 8

INQUIRY INTO CLAIMS AND AWARD OF COMPENSATION

14. (1) . The Deputy Commissioner shall

(a) fix a date for inquiring into all claims made under section 7 and may in his discretion from time to time adjourn the inquiry to a date to be fixed by him;

(b) record in writing all statements made under section 7;

(c) inquire into all claims duly preferred under section 7; and

(d) make and award upon each such claim, setting out therein the nature and extent of the right claimed,

the person or persons making such claim, the extent (if any) to which, and the person, or persons in whose favour, the right claimed is established, the extent to which it is to be restricted or prohibited that the nature and amount of the compensation (if any) awarded.

(2) For the purposes of every such inquiry, the Deputy, Commissioner may exercise all or any of the power of a Civil Court in the trial of suits under the Code Civil Procedure Act XIV of 1882.

(3) The Deputy Commissioner shall announce his award to such persons interested, or their representatives, as are present, and shall record the acceptance of those who accept it. To such as are not present, the Deputy Commissioner shall cause immediate notice of his award to be given.

15. (1) In determining the amount of compensation, the Deputy Commissioner shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 and as to matters which cannot be dealt with under those provisions by what is just and reasonable in the circumstances of each case.

(2) The Deputy Commissioner may, with the sanction of the State Government and the consent of the person titled, instead of money award compensation in land or by reduction in revenue or in any other form.

(3) If in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

PROCEDURE RECORDS AND APPEAL

16. (1) For every area, notified under section 3 or section 8, the Deputy Commissioner shall prepare a record setting forth the nature, description, local situation and extent of all rights mentioned in section 4 and section 5-

(a) existing within such area at the time of the publication of the notification relating thereto under section 3 or section 8,

(b) regulated, restricted or prohibited by an order under section 4 or section 5

(2) When any award is made under section 14, its effect upon any right shall also be recorded therein.

17. (1) Upon the publication of a notification issued under any of the provisions of this Act, the Deputy Commissioner shall cause public notice of the substance thereof to be given at convenient places in the locality to which such notification relates.

Record of rights in respect of notified area.

Mode of proclaiming notifications and of serving notices, orders and processes issued under the Act.

(2) The procedure prescribed in sections 20, 21 and 22 of the Punjab Land Revenue Act, 1887, shall be followed, as far as may be, in proceedings under this Act.

18. Every order passed and every award made by a Deputy Commissioner under this Act, shall, for the purposes of appeal, review and revision, respectively be deemed to be the order of a Collector within the meaning of sections 13,14 15 and 16 of the Punjab Land Revenue Act, 1887.

Provided that nothing in this Act contained shall be deemed to exclude the jurisdiction of any Civil Court to decide any dispute arising between the persons interested in any compensation awarded as to the apportionment or distribution thereof amongst such persons or any of them.

PENALTIES, BAR OF SUITS AND RULES

19. Any person who, within the limits of any area notified under section 3, commits any breach of any regulation made, restriction or prohibition imposed, order passed or requisition made under sections 4, 5, 5-A, or 7-A shall be punished with imprisonment for a term which may extend to one month, or with a fine which may extend to one hundred rupees , or with both.

20. The provisions of section, 52, 54, 55, 56, 57, 58, 59 , 61, 61 ,62, 64, (excluding the last sentence), 66, 67,68 and 73 of the Indian Forest Act, 1927, shall so far as applicable, be read as part of this Act, and for the purposes of those provisions, every offence punishable under section 19 shall be deemed to be a “forest offence” , and every officer employed in the management of any area notified under section 3 or section 8, as caretaker or otherwise, shall be deemed to be a forest officer.

21. No suit shall lie against the Government for anything done under this Act, and no suit shall lie against any public servant for anything done, or purporting to have been done, by him, in good faith under this act.

22. (1) The State Government may make rules, consistent with this Act, -

(a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and

(b) generally for the purpose of carrying into effect all or any of the provisions of this Act.

(2) All rules made under this section shall be published in the Official Gazette.