

THE PUNJAB STATE TUBE-WELL ACT, 1954

(PUNJAB ACT NO. 21 OF 1954)

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'THE PUNJAB STATE TUBE-WELL ACT, 1954.

(PUNJAB ACT NO. 21 OF 1954)

*[Received the assent of the Governor of Punjab on the 10th May, 1954;
and was first published in the Punjab Government Gazette
(Extraordinary) of the 15th May, 1954.]*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1954	21	The Punjab State Tube Well Act, 1954.	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 5 of 1957² Amended by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968³ Amended by Haryana Act 15 of 1971⁴

AN

ACT

**to provide for the construction, improvement and maintenance of
State Tube-well Irrigation Works in ⁵[Haryana]**

It is hereby enacted as follows :—

1. (1) This Act may be called the Punjab State Tube-Well Act, 1954.

Short title,
extent and
commencement.

1. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1954, Page 144.
2. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1957, Page 339.
3. See Haryana Government Gazette (Extraordinary), dated 29th October, 1968.
4. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1971, page 94.

(2) It extends to such local areas in ¹[Haryana] as the Government may from time to time by notification direct ²[and to the whole of the transferred territories].

(3) It shall come ³[into force in the principal territories] on such date as the Government may by notification in the official Gazette direct ⁴[and in the transferred territories on the 3rd April, 1957.]

tions.

2. In this Act unless there be something repugnant in the subject or context :—

- (a) "Government" means the State Government of ¹[Haryana] ;
- (b) "Prescribed" means prescribed by rules made under this Act ;
- (c) "State Tube-well" means a tube-well hitherto constructed, maintained or controlled or which may be hereafter constructed, maintained or controlled by ⁵[the Government or the Haryana State Minor Irrigation (Tube-wells) Corporation Limited] 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 does not include water flowing in artificial underground streams.

Application of
the Act.

3. 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 thereof.

1. Substituted for the word "Punjab" by Haryana Adaptation of Laws Order, 1968.

2. Added by *ibid.*

3. Substituted for word "into force" by *ibid.*

4. Added by *ibid.*

5. Substituted for words "the Government" by Haryana Act 15 of 1971.

4. In respect of any State Tube-well 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 :

Application of Act VIII of 1873 to State Tube wells.

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

¹[(1) In section 6 of the said Act, for the words "so named" the words "named in notification under section 3 of the Punjab State Tube-well Act, 1954" for the words "State Government", the words "State Government or the Haryana State Minor Irrigation (Tube-well) Corporation Limited" and for the words "such application or use of the said water", the words "the application or use of underground water for the purpose of a State Tube-well" shall be deemed to be substituted.]

Act 1854.

(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 purpose 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 (d) shall be deemed to be omitted.

(4) 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.

1. Substituted for old sub-section (1) by Haryana Act 15 of 1971.

(5) 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.

¹[(6) In sub-section (7) of section 3 of the said Act,—

(i) in the definition of "Canal-Officer", the following words shall be deemed to be added at the end, namely :—

"and includes the officers working as Deputy Collector, Sub-Divisional Officer, Temporary Engineer, Executive Engineer, Superintending Engineer and Managing Director in the Haryana State Minor Irrigation (Tube-wells) Corporation Limited", and

(ii) for the words "Superintending Canal Officer" "Divisional Canal-Officer" and "Sub Divisional Canal-Officer", the words "Managing Director or Superintending Engineer", "Executive Engineer" and "Sub-Divisional Officer or Temporary Engineer" respectively, shall be deemed to be substituted.

Explanation.— The Managing Director shall exercise the powers of Superintending Engineer only in case there is no Superintending Engineers.]

1. Added by Haryana Act No. 15 of 1971.