

Punjab Betterment Charges and Acreage Rules 1955 (Under Punjab Act II of 1952)

¹THE PUNJAB BETTERMENT CHARGES AND ACREAGE

RATES RULES, 1955

1.Short title.-These Rules may be called the Punjab Betterment Charges and Acreage Rates Rules, 1955.

2.Definitions.-In these Rules:-

- (a) “The Act” means the Punjab Betterment Charges and Acreage Rates Act, 1952.
- (b) “Perennial Irrigation” means canal irrigation available throughout the year.
- (c) “Restricted perennial Irrigation” means the canal irrigation available throughout the year except during the months of July and August.
- (d) “Kharif irrigation” means canal irrigation available during the months of October to September, both inclusive.
- (e) “Rabi irrigation” means canal irrigation available during the months of October to March, both inclusive.
- (f) “Included lands” means land for which canal water has been provided in a duly sanctioned ²[Outlet] under any irrigation scheme coming within the purview of this Act. Any area subsequently incorporated in the scheme shall also be considered to be “included lands”.
- (g) “Board” means a Committee consisting of a Revenue Officer of the rank of a Collector and a Canal Officer of the rank of a Divisional Canal Officer, Appointed by Government, for appraisement of the enhancement in the value of lands included in an irrigation scheme for the purpose of levy of Betterment Charges.
- (h) “Chief Engineer” means Chief Engineer for the time being in charge of the scheme for the purposes of levy of Betterment Charges.

³[(I) Outlet- the term used to designate the work which passes water from Government Channels to a water course.]

¹Vide P. G. Notification No. 326/ CA/1544/52, dated 12th February, 1955.

²Substituted by P.G. Notification No. 3986/CA/1544/52, dated 1st October 1955, for the word “Chakbandi”.

3New clause (I) added by ibid.

3. Mode of publication.-Any proposal by Government to levy Betterment Charges on lands included in any irrigation scheme or any other matter requiring publicity under the At, shall be published in the Official Gazette and certified copies and translation thereof in Hindi, Gurmukhi, or Urdu shall be posted:-

(a)at the offices of the Deputy Commissioner and the Divisional Canal Officer concerned;

(b)at conspicuous places in the locality affected by the proposed, such as Tehsils and Thanas, etc.

and by beat of drum or oral proclamation or other customary methods.

4. Method of appraisalment of enhancement in value of land.-(1) The entire area included in an irrigation scheme shall be divided by the Board into blocks or assessment circle so as to have more or less uniform physical characteristics of soil in each block or circle as per classification in the last settlement taking note of any changes which may have affected the productivity of the soil or the area concerned.

1[(2) The board shall work out for each class of land in an assessment or circle estimate of the net assets in cash as defined in clause (18) of section 3 of the Punjab Land Revenue Act, 1887 (Act XVII of 1887):-

(a)for the date prior to the commencement of the scheme as fixed by Government by notification under section 5 of Act; and

(b)for the date after such commencement as the Government shall fix by notification, under section 5 of the Act, subject to the following:-

(i)the rates to be adopted for various commodities of produce of land, labour and any other expense, shall be those prevalent in the year of that date;

(ii) for the purposes of calculating the net assets both for pre-scheme and post-scheme dates, the share that would be retainable by a tenant if the lands were let to a non-occupancy tenant paying rent, whether in kind or cash, shall be two-third of the produce,]

²[(iii) the yield to be assumed for calculating the net assets on both pre-scheme and post-scheme dates shall be as fixed in the last Settlement Report for soils of similar classification. Where the yield for any particular crop or regarding any particular kind of irrigation or class of soil is not available in the last Settlement Report for the assessment circle, concerned in the Irrigation Scheme, the yield may be taken as fixed in the last Settlement Report for the assessment circle situated in similar quantum of irrigation supplies corrected, where necessary, by general observations regarding the quality of soil and local enquiry;]

¹*Substituted by Punjab Government notification No. 595/CA-1544/52, dated 10th September, 1956.*

²*Clause (iii) added by Punjab Government Notification No. 6367/ Irri./57, dated 19th June, 1967.*

¹[(3)]

Value of the land of landowner or any occupancy tenant will be taken as 30 times his net assets.

1[(4)] The betterment Charges shall be calculated with reference to classes of lands recorded in the last settlement and as modified in the latest Revenue Record available and also with reference to different types of irrigation facilities provided for any particular types of land.

5. Publication of Draft Schedule of Betterment Charges -A draft of the schedule of betterment charges prepared under section 4 (1) 2[* * * * *] shall be published in the Official Gazette, and in the Manner provided in Rule 3. This Schedule will include information regarding rates per acre payable as Betterment Charges for each class of land:-

when paid in lumpsum,

when paid by instalments,

maximum number of instalments allowed for payment.

³**[6. Disposal of objections to Schedule of Betterment Charges** - Any aggrieved landowner or occupancy tenant may present a petition in writing to Government through the Betterment Board, within sixty days of publication of draft Schedule in Official Gazette or from the date of its publication in the village, whichever is later, stating his objections to the levy of Betterment Charges or the rate thereof. The Board shall consider the objections and submit their report thereon to the Government.]

7. Publication of final Schedule of Betterment Charges - After considering the report of the Board, and after further enquiry, if any, the Government shall determine the final schedule of betterment charges and publish the same in the manner laid down for publication of the draft schedule in Rule 3 above.

¹Sub-rule (3) omitted by Punjab Government Notification No. 535/CA-1544/52, dated 10th September, 1956 and sub-rules (4) and (5) renumbered as sub-rules (3) and (4) respectively by *ibid*.

²In rule 5 the words “after approval Government” omitted by Punjab Government Notification No. 5308’Itt. C, dated 3rd May, 1957. Irr. /C, dated 9th June, 1957.

8. Procedure for altering rates of Betterment Charges when improvement is made an irrigation scheme already subject to levy of Betterment Charges - If lift irrigation arrangements in regard to any land are converted into gravity flow irrigation, the full betterment charges will be leviable from the assessee who may be required to pay the higher rate of betterment charges from the date, the said conversion is effected, the number of installments for payment remaining the same.

9. Procedure for working out Acreage Rates - The acreage rate shall be worked out by the Divisional Canal Officer on the basis of the estimated cost of one or more works or measures mentioned in section 6(1) of the Act after consulting where necessary, the Revenue or colonization Officer concerned. The Divisional Canal Officer will then submit his proposals to 1[* *] the Chief Engineer.

10. Publication of Schedule for Acreage Rates.- The procedure for publication of the Draft Schedule of acreage rates and for receipt and disposal of objections of persons, by whom they are payable, and for publication of final schedule will be the same as that for betterment charges under these Rules.

11. No objection to be entrained to various schedules on the change of ownership after the expiry of date for receiving objections - No transfer of ownership after the period of limitation prescribed for objections of draft schedules for betterment charges or acreage rates or on any day after the publication of the final schedules shall give any right to the transferee for making fresh objections.

2[11A. Procedure for realising advance payment of betterment charges - (1) When the rate of payment betterment charges in notified by the State Government under sub-section (1) of section 5A of the Act, the Canal Officer shall prepare a demand statement in respect thereof in the form prescribed for the charging of occupier's rate containing full particulars of the amount of advance payment of betterment charges which every person is liable to pay under the Act and cause a notice to be served upon him.

(2) As soon as the demand statement referred to in sub-rule (1) is completed in respect of a village, the provisions of rules 12, 13, 14(a), 14(c), 15, 23, 24, 25, 27, 28, 29, 30, 33(b) and 34 shall as far as may be, apply to the realization of the advance payment of betterment charges in the same manner as they apply to the realisation of betterment charges under the Act.

¹The words "the Government through" in rule 9 omitted by Punjab Government Notification No. 6367/Irr./C, dated the 19th June, 1957.

²Rule 11-A inserted by the Punjab Government Notification 254-IW-59/98, dated the 5th January, 1959.

(3) Receipts shall invariably be given by the Lambardar or other persons making the collection to each assessee, for making advance payment of betterment charges.

(4) An account of each landowner shall be maintained in the Divisional Canal Office, showing the recoveries of advance payment of betterment charges.]

12. Distribution of Demand Slips - As soon as the Demand statements in respect of Betterment charges or Acreage rates for any village are completed under section 8(1) of the Act, the Divisional Canal Officer shall forward the Demand Slips meant for assessees to the Canal Patwari, who will deliver them to the Lambardar concerned within five days of their receipt by him. The Lambardar will serve them among assessees, or, in case of their absence, to their recognized Agents or an adult male member of the family of an assessee, within 7 days of receipt of these Demand Slips from Patwari. The acknowledgment of assessees or of their Agents or adults member of the family for Demand Slips shall be submitted by Lambardars to Divisional Canal Officer by registered post or through the Canal Zilladar concerned within 10 days of their receipt from the Canal Patwari.

13. Submission of Demand Statement to Tehsils- One copy of demand slips consolidated in the form of a Demand Statement for each village shall be sent to the Tehsil concerned on the same date as are fixed by the Financial Commissioner for despatch of demand statements for Occupier's Rates by Divisional Canal Officer for each crop.

14. Objection by assessees to demand and their disposal -(a) Any landowner or occupancy tenant may present his objections against the demand to the Divisional Canal Officer or the Deputy Collector concerned concerned within thirty days of the date of service of the demand slips or where the demand slips were not duly served when has knowledge of the demand against him.

(b) The orders of the Divisional Canal Officer or the Deputy Collector, as the case may be, on such objection will be appealable to the commissioner of the Division concerned, within 30 days of the date of such orders.

(c) No objection to the demand at the demand at the time of collection of betterment charges or acreage rates shall be entertained, and their collection shall not be suspended [* * ¹ * *].

¹The words "except on the receipt of an intimation from the Divisional Canal Officer that an objection has been admitted by him" omitted by Punjab Government Notification No. 6367/Irr./C, dated 19th June, 1957.

15. Procedure of Recoveries - Any amount due from an assessee, under a notice of demand for betterment charges or acreage rates, shall be paid to the Lambardar concerned within 30 days of the receipt of the notice.

16. Option of assessee for mode of payment - On publication of the final schedules of Betterment Charges, under section 4(5) and of acreage rates, under section 6(4) of the Act, the Divisional Canal Officer shall publish a notice in the village affected thereby, that the landowner or occupancy tenant should intimate to him through an application, in writing, within 30 days of the notice, his option with regard to the manner of payment by him. The notice will state that the option is to be exercised between-

(a) one lump sum payment;

(b) by half-yearly instalments spread over a number of years as decides by Government, maximum number of instalments, not exceeding 30;

(c) offering a part of his land in lieu of full or part payment of betterment charges due from him.

If no intimation is received by the Divisional Canal Officer from any landowner or occupancy tenant within the prescribed period, the recoveries will be made from him in instalments.

17. Assessee can alter his option subsequently - The landowner or occupancy tenant will have the option, after payment of the first or any subsequent instalment, to pay the balance in one lump sum according to the amount outstanding against him less interest charges included in the balance for payment by instalments.

18. Rate of interest on instalments - In computing the Amount of each instalment simple interest at $4\frac{1}{2}$ per cent per annum shall be taken into account. Similarly, $4\frac{1}{2}$ per cent simple interest will be charged on all sums not paid on the due date.

19. Conditions for surrender of land in lieu of Betterment Charges -

¹[Surrender of land by any assessee in lieu of full or part payment of betterment charges shall be accepted only if-

(a) the area to be surrendered is free from all encumbrances and is not in cultivating possession tenant or tenants;

(b) it does not reduce the holding of the assessee to less than thirty standard acres or fifty ordinary acres, whichever is less; and

(c) the area to be surrendered is in a compact block of not less than ten ordinary acres.]

20. Evaluation of land offered for surrender in lieu of Betterment Charges -

Where land in lieu of betterment charges has been accepted by the Divisional Canal Officer after due investigation, he will evaluate the are considered at such rates as may have been fixed by the Board for such class of land with reference to

the date subsequent to the commencement of the irrigation scheme fixed under section 5(1). The decision of the Divisional Canal Officer shall be subject to the final approval of the Superintendent Canal Officer.

21. Disposal of lands surrendered - The land accepted in lieu of Betterment Charges shall be disposal of in such manner as Government may think fit, and the proceeds thereof shall be credited to the irrigation Scheme concerned.

22. Apportionment of dues between owners and occupancy tenants - The apportionment of Betterment Charges and acreages rates between landowners and occupancy tenants will be carried out by the Divisional Canal Officer or the Deputy Collector or other Revenue Officer of the District concerned, in accordance with their rights as entered in the Revenue Records.

23. Apportionment of dues among joint ownerships - If any land on which betterment charges are levied, is owned by more than one person, or is in possession of more than one occupancy tenants, the Divisional Canal Officer or the Deputy Collector or other Revenue Officer, on receipt of an application from any one of the owners will apportion betterment charges amongst all owners or occupancy tenants according to their share in the said land or tenancy as given in Revenue records. But nothing contained herein shall affect joint and several liability to pay full amount of betterment charges.

24. Rules regulating the service of summons and notices, etc. - Except as otherwise provided in these Rules, every summons, notice, order and requisition which, under the Act, or Rules made thereunder, is required to be served on, or issued, delivered or communicated, as the case may be, as hereinafter provided:-

(1) Every such summons, notice, order or requisition shall be drawn up in writing and dated and signed by the officer having authority to issue or make the same under his seal.

(2) Every summons, notice, order or requisition, which is required to be served or on delivered or communicated:-

(a) Personally on or to the person to whom it is addressed or failing him ;

(b) On or to his recognised agent, or, failing such agent;

(c) On an adult male member of his family usually residing with him.

(3) If service, delivery or communication cannot be so made or effected, or if acceptance is refused the summons, notice, order or requisition may be served, delivered or communicated or if that person does not reside in that district then in such manner as the officer authorised to issue or make the same may direct.

(4) If the summons, notice order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of

them is not reasonably practicable, it may be served, delivered or communicated by delivery of a copy thereof to such of those persons as the officer authorised to issue or make the same specially nominates in this behalf, and by proclamation to be made by beat of drum or other customary method of the contents thereof for the information of the other persons interest.

(5) A summons, notice, order or requisition may be served on, or delivered, or communicated to the person named therein, either in addition to, or in substituted of, any other mode of service, by forwarding the summons, notice, order or requisition by post, in a registered letter addressed to that person.

(6) When a summons, notice order or requisition is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered the officer authorised to issue or make the same may presume that the summons was served at the time when the letter would have been delivered in the ordinary course of post.

(7) In every case in which service of any process is not effected personally, the officer authorised to issue the same shall satisfy himself, by examining the process server or otherwise, that such service has been duly effected in the manner required by these rules.

25. Quasi-permanent allotment of evacuee lands -In case of evacuee lands, demands for betterment charges and acreage rates shall be presented to the Custodian of Evacuee Property.

26. Exemption no permitted - Where a landowner or occupancy tenant fails to irrigate during any crop, himself or through his tenant, a part or whole of his included in the irrigation scheme, no exemption will be granted in respect of Betterment Charges or acreage rates payable in respect of such unirrigated area.

27. Method of dealing with alteration in demand - If, after delivery of the demand slips to the assessee, any addition is made to the demand, or any suspension is allowed under the Act or rules thereunder, such addition or suspension shall be communicated to the owner or occupancy tenant, as the case may be, by means of supplementary demand slips. Demands shall be shown in black ink, and suspension in red ink. All such alterations as are made before the despatch of the Demand Statements to the Tehsil concerned under Rule 13 *supra* shall be included in that document and suspension in red written on slips similarly printed and attached to the Demand Statement. Alterations made after the despatch of Demand Statement shall be intimated to the Tehsil concerned in a supplementary consolidated statement after 60 days. Any addition or suspension allowed thereafter shall be similarly incorporated in the Demand Statement for the succeeding harvest. Due intimation will be given about additions and suspension to assessee concerned by issue of supplementary demand slips in the manner prescribed in Rule 12.

28. Minimum amounts for additions and remission - No additional demand shall be prepared and no suspension shall be granted where the amount for any individual demand amounts to Re. 1 or less for acreage rates, or for betterment charges.

29. Demand for Betterment Charges and acreage rates not to lapse - The dues on account of betterment charges or acreage rates shall not lapse on account of their not having been demanded within a certain period.

30. Irrecoverable balances - When balances are found to be irrecoverable owing to want of assest, the defaulter absconding, or any other, cause they shall be reported to the Collector of the District, who, if he sees fit, will forward such cases to the Commissioner for action under the Punjab Land revenue Act, as amended by Punjab Act XLV of 1953.

31. Lambardars to issue receipt for collection - Receipt shall invariably be given by the Lambardar or other persons making the collection to each assessee on payment of Betterment charges or acreage rates on prescribed printed form.

32. Unit of area for calculation of Betterment Charges and Acreage Rates - (a) For purposes of calculating acreage rates, fraction of less than half acre shall be ignore and acreas of more than half and less than one acre shall be counted as one acre.

(b) For calculating the betterment charges, the exact area shall be the basis of charge.

33. Demand statement to be accessible to assesses - The Canal Patwari shall be responsible for ensuring that the village copy of the Demand Statement is at all times accessible to any person who is liable to pay betterment charges or acreage rates.

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34. Condonation of period of Limitation in certain cases -An appeal may be admitted after the period prescribed up to 6 months when the appellant satisfies the appellate authority that he had sufficient cause for not presenting the appeal within such period.

If the period prescribed expires on a day when the office of the appellate authority is closed, the appeal may be presented on the day the office re-opens.

35. Calculation of period - The period prescribed shall be calculated from the date of decision or order appealed from, and, in computing such period, the day when the decision or order was made, and the time spent on obtaining a copy of the decision or order appealed against shall be excluded.

36. Form of appeal - The application for admission of an appeal shall be stamped in accordance with the law in force relating to Court Fees, and shall be accompanied by a copy of the decision or order appealed against, and shall state concisely the grounds upon which the appeal is preferred.

37. When appeal may be summarily rejected - The appeal may be rejected if, upon a perusal of the grounds of appeal and the appellate authority unnecessary to call for the proceedings.

38. Procedure on admission of appeal - If the application be granted, an entry thereof shall be made in a register of appeals numbered consecutively, and a day shall be fixed for the hearing of the appeals.

39. Notice of hearing to be given - Unless the appeal is rejected under Rule 38, notice of the date and place fixed for the hearing of the appeal shall be given to the appellant in such manner as the appellate authority may direct, and to every other party to the case whose interest is opposed to that of the appellant in the manner hereinafter prescribed.

40. Contents of notice - A written notice containing the title of the appellate authority, the names of the parties, the date and fixed for the hearing of the appeal, and such other particulars as the appellate authority may, by general or special order, direct shall be issued in duplicate under the hand, and seal of this authority.

41. Mode of service - All notices and processes issued in connection with appeal shall be served in the manner prescribed for the service of summonses and notices generally.

42. Acknowledgment of personal service - When personal service is effected, the addressee shall be required to acknowledge the service by affixing his signature, seal or mark on the back of duplicate copy to be retained by the serving officer.

43. Memorandum by serving officer - The serving Officer shall, in every case, endorse on the duplicate copy a memo, signed by him, of the date and mode of service, and return each copy to the authority which issued it.

44. The hearing may be postponed or adjourned - The hearing of an appeal may be postponed or adjourned, from time to time, as the appellate authority may see fit, by written order, to direct to any subsequent date, and notice of such date shall be given to the parties in such manner as the authority may direct.

45. Court to be satisfied before hearing that notice has been received by parties - Except in cases falling under Rule 38 the appellate authority shall not proceed to the hearing of an appeal unless and until it is satisfied that notice of the date and place fixed for such hearing has been received by the parties

concerned in sufficient time to permit them to appear or to be represented at such hearing; provided that the appellate authority may presume that notice has been received when a written notice has been served in any of the ways described in these rules; provided also that an appeal may be heard and decided, notwithstanding the absence of any party who in spite of due service of the notice does not appear on the day for hearing the appeal.

46. Procedure for hearing and disposing of appeals -

1. **What parties present.-** The appellate authority before passing order decision on the appeal, shall record in writing which (if any) of the parties to the appeal are present, in person or by representative, at the hearing thereof.
2. **Further enquiry by appellate court.-** The appellate authority, if it thinks further enquiry necessary, may conduct such enquiry itself.
3. **The decision or order of court.-** When the hearing of the appeal concluded, decision or order of the appellate authority, shall when practicable be pronounced forthwith and shall be recorded in writing and be signed by the appellate authority and the substance thereof shall be explained to such of the parties, or their representatives, as are present when the decision, or order is pronounced or given.
4. **Translation thereof.-** Every decision or order recorded in English shall be translated into Hindi or the current language of the locality, and the translation shall be authenticated by the signature of the appellate authority and filed with the proceedings.

47. Copy thereof to be sent to Subordinate Officer -A copy of the decision or order shall be transmitted by the appellate authority to the officer from whose decision or order the appeal was preferred.

48. Copies to be granted to parties - A copy of the decision or order of the appellate authority, in English, Hindi or Punjabi, shall be granted to any person concerned or interested therein, who shall apply for the same, upon payment of the proper court fees copying charges.

49. Re-hearing in certain events - In any case in which an order on appeal is passed ex parte against a person, he may apply to the appellate authority, by which the order was passed, for an order to set it aside; and if he satisfies the authority that the summons or notice was not duly served, or that he was prevented by any sufficient cause from appearing when the appeal was called for hearing, the authority shall make an order setting aside the order has against him, upon such terms as it thinks fit, and shall appoint a day for proceeding with the appeal.