

The East Punjab Conservation of Manure Act, 1949
East Punjab Act 15 of 1949

h1093

LEGISLATIVE HISTORY 6

- Amended in part by the Adaptation of Laws Order, 1950.
- Amended in part by Punjab Act 8 of 1950.
- Amended in part by the Adaptation of Laws (Third Amendment) Order
- Amended in part by Punjab Act 33 of 1953.
- Extend to Pepsu territory by Punjab Act 5 of 1957.
- Amended by Haryana Adoption of Laws Order 1968.

An Act to provide for the conservation of manure in [Punjab]

It is hereby enacted as follows:-

1. Short title, extent and commencement. - (1) This Act may be called the East Punjab Conservation of Manure Act, 1949.

(2) It extends to the whole of the [State] of [Punjab].

(3) It shall come into force in such areas and on such dates as the [State] Government may be notification appoint in this behalf.

Object & Reasons6

Statement of Objects and Reasons. - As a result of constant cropping, the Punjab soils have become greatly impoverished and yield of crops are normally low as compared with those of foreign countries. The soils require to be enriched which can be done either by application of artificial fertilizers (on the importation of which India already spends crores of rupees every year) or by proper use of Farm Yard Manure, which is really the most important source for the recuperation of the soil fertilisation. In this Province, however, this valuable product is not being properly conserved. It is stored in the form of heaps in open ground. Being thus exposed to sun, rain, hot and dry winds, wind storms, a good deal of the valuable ingredients thereof is lost. For proper conservation it must be stored in suitable pits recommended by the Agricultural Department. Even through conservation of manure in pits does not involve any great expenditure and the propaganda in its favour has been carried on by the Agriculture Rural Reconstruction and Health Department for decades, yet the pitting of Farm Yard Manure has not been taken up on an extensive scale. As this resulted in a colossal waste of national wealth, it was considered necessary to stop this through legislation, both in the interest of proper conservation of Farm Yard Manure and the health of the nation. As this matter was very urgent and the Legislature was not in session, the Governor in exercise of the powers conferred on him by section 88(1) of the Government of India Act, 1935, promulgated the East Punjab Conservation of Manure Ordinance, 1949, for this purpose. Under section 88(2) of the said Act the Ordinance will cease to operate at the expiration of six weeks from the re-assembly of the Legislature, but it is necessary that the powers conferred by the Ordinance should be retained beyond that date and with this object in view the present Bill has been drafted.

Vide East Punjab Government Gazette Extraordinary, dated the 21st September, 1949.

2. Interpretation. - In this Act, unless there is anything repugnant in the subject or context, -

- (a) "Committee" means the Manure Conservation Committee set up or deemed to have been set up under the provisions of section 5;
- (b) "Complaint" has the same meaning as in section 4 of the Code of Criminal Procedure, 1898 (V of 1898);
- (c) "Conservation of manure" means the collection of manure in a pit of the prescribed dimensions and its subjection to the prescribed process for the purposes of enriching the soil by its use thereon;
- (d) "Deputy Commissioner" means the Deputy Commissioner of the District;
- (e) "family" means a collective body of person living in one house under one head or management;
- (f) "Government" means the [State] Government;
- (g) "head of the family" means a person in charge of a family;
- (h) "manure" means and includes animal droppings, refuse, house sweepings, ashes, uneaten fodder, residue, filth or rubbish of any kind, but does not include mineral fertilizers;
- (i) "notified area" means area notified by Government under section 3;
- [(j) "panchayat" means a panchayat established under section [5] of the Punjab Village Panchayat Act, 1939];
- (k) "prescribed" means prescribed by rules made under this Act.

3. Power to notify certain areas. - The Government may by notification declare any area situated within the limits of any one Tehsil to be a notified area for the purpose of this Act, and may by notification alter the boundaries of any area so declared.

4. Liability of occupier or head of a family in a notified area. - (1) The occupier of any building in a notified area or, if more than one person occupy a building in such area, the head of the family residing in such building, shall conserve manure, or arrange for its conservation, in the prescribed manner and to the prescribed extent.

(2) If the occupier, or, as the case may be, the head of the family responsible for conservation of manure, is not in possession of land for such purpose, he shall within one month of the formation of a Committee for the area in which he resides submit a written application to the Committee to provide him in such area with land necessary for the aforesaid purpose.

5. Formation of Committees. - (1) The Panchayat for any notified area shall be the Manure Conservation Committee for such area and its powers

under this Act shall be in addition to its powers conferred under the Punjab Village Panchayat Act, 1939 (XI of 1939).

(2) If no Panchayat has been constituted for any notified area, the Deputy Commissioner shall establish for such area a Manure Conservation Committee appointed thereto such number of persons, not less than three as he may from time to time fix in this behalf.

(3) A Committee shall, subject to such rules as may be prescribed, be competent to acquire, hold or transfer property moveable or immovable, to enter into contracts and to do all other things necessary for the purpose of this Act.

6. Chairman of Committee. - (1) The Chairman of any Committee deemed to be such under sub-section (1) of section 5 shall be the Sarpanch of the Panchayat.

(2) The Chairman of the Committee established under sub-section (2) of section 5 shall be the person appointed as such by the Deputy Commissioner from among the members of the Committee.

(3) The Chairman shall be the Chief Executive Officer of the Committee and shall be responsible for the due maintenance of all records or registers which may be prescribed.

7. Funds. - (1) There shall be a fund vested in each Committee which shall be utilized by the Committee to meet charges in connection with its duties under this Act.

(2) All grants from the Government or local bodies and all sums recovered by or on behalf of the Committee under this Act or otherwise, shall be credited to the aforesaid fund.

8. Committee to take steps for acquiring land. - (1) On receiving any application made to it under sub-section (2) of section 4, the Committee shall take all steps necessary for providing to the applicant the area of land required by him.

(2) If the Committee is unable to provide the land required by the applicant, it shall within one month of the application, apply to the Government for the acquisition of the necessary area of land within the notified area.

[9. Acquisition of land by Government. - If in the opinion of Government any land is required for the Conservation of Manure, in pursuance of an application made to it by any Committee, it may, by notification declare such land to be so required for a public purpose and such notification shall be conclusive evidence of the matters stated therein, and shall not be liable to be called in question in any court on any ground whatever.

(2) The Deputy Commissioner of the District in which the area referred to in sub-section (1) is situated shall give publicity to the notification issued under sub-section (1) in such manner as may be prescribed.

(3) After the expiry of 15 days from the issue of a notification under sub-section (1), the Deputy Commissioner may, by order, notwithstanding any

law to the contrary, authorise the Committee to take possession of the area specified therein.

(4) The Deputy Commissioner shall then proceed to occupy this area or procure its occupation, as the case may be, and the provisions of the Land Acquisition Act, 1894 (Act I of 1894), except sections 4 to 8 inclusive as amended by the Land Acquisition (East Punjab Amendment) Act, 1948 (East Punjab Act XV of 1948), shall be applicable as nearly as may be.]

10. Power of Committee to charge rents. - The Committee may charge rents not exceeding the prescribed scale for the site or sites it provides for conservation to manure of any person who has made application to it under sub-section (2) of section 4.

11. Power of entry. - Any member of a Committee or [any officer of the Revenue Department not below the rank of Naib Tehsildar or any officer of the Department of Agricultural not below the rank of Agricultural Inspector], shall be empowered to enter upon any land or premises within the jurisdiction of such member of officer, as the case may be, for the purpose of ascertaining whether or not manure is being conserved in such land or premises.

12. Power to require conservation of manure. - (1) If any person fail to conserve manure in the manner or to the extent required under sub-section (1) of section 4, the Committee may by notice in writing specifying a reasonable period require him to conserve manure in the prescribed manner or to the prescribed extent.

(2) If any work required to be done under sub-section (1) is not executed within the period of the notice, the Committee may itself cause such work to be executed and recover a sum not exceeding the cost thereof from the person to whom notice was issued under sub-section (1).

13. Penalty for disobedience. - Any person who disobeys a notice issued by the Committee under section 12 shall on conviction by the Committee be punished with the fine which may extend to twenty five rupees, and if the breach is a continuing breach, with a further fine which may extend to four rupees for every day after the first during which the breach continues.

14. Supervision of the proceedings of the committee by the Deputy Commissioner. - (1) The Deputy Commissioner may, of his own motion or on an application of the party aggrieved, call for the records of any proceedings whereby any person has been convicted by the Committee under section 13, and may cancel or modify any order of conviction but not so as to enhance the penalty.

(2) A fee of Rs. 2 shall be paid on every application.

15. Finality, of orders of the Committee. - Subject to an order made by the Deputy Commissioner under section 14, the order of a Committee under section 13 shall be final and shall not be liable to be called in question by any court or other authority.

16. Procedure if the Committee does not issue notice. - If in any case a Committee fails within a reasonable period of the default to issue notice under sub-section (1) of section 12 [any officer of the Revenue Department not below the rank of Naib Tehsildar or any officer of the Department of Agricultural not below the rank of Agricultural Inspector] may issue such notice. If the notice is not complied with he shall have the power of a Committee under sub-section (2) of that section.

17. Proceedings on disobedience of notice issued under the last preceding section. - If any person disobeys a notice issued under the last preceding section the officer who issued the notice may make a complaint to the nearest Magistrate having jurisdiction who shall thereupon exercise all the powers of a Committee under section 13.

18. No legal practitioner to appear before Committee. - Notwithstanding anything contained in the Legal Practitioners Act, 1879 (XVIII of 1879) no legal practitioner shall be permitted to appear before the Committee for any part in any proceedings under this Act.

19. Delegation. - The Deputy Commissioner may by written order delegate any functions under this Act by name or by designation of office to any Revenue Assistant or Tehsildar.

20. Recovery of dues as arrears of land revenue. - Any sums due under this Act may on application to the Collector be recovered as if they were arrears of land revenue.

21. Bar to suit or legal proceedings. - No suit, prosecution or other legal proceedings shall lie in respect of anything, in good faith done or intended to be done under this Act or the rules made thereunder.

22. Provisions of Panchayat Act to apply to proceeding of committee. - The provisions of the [Punjab Village Panchayat Act, 1939], specified in the Schedule to this Act shall, so far as may be, apply to the proceedings of Committee, the powers to exercised by them and the duties to be performed by them under this Act and their suspension or abolition.

23. Power of Government to make rules. - (1) Government may make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power Government may make rules regulating -

- (a) the size of pits for the conservation of manure, the processes to which it is to be subjected and the extent to which, it is to be conserved;
- (b) the appointment, suspension and removal of members of Committees;
- (c) the functions and powers the appointment, suspension and removal of Chairmen of Committees;
- (d) the powers of a Committee to sue and acquire, hold or transfer property and to enter into contracts;

- (e) the records and registers to be maintained by Committees and their custody and proper maintenance;
- (f) the custody and proper maintenance of the funds of Committees;
- (g) the terms and conditions on which lands may be transferred by Government to Committees;
- (h) the scale of rents to be charged by Committees for sites provided by them for conservation of manure;
- (i) the conduct of business at meeting of Committees and the quorum for such meetings;
- (j) the punishment, suspension and dismissal of servants of Committees;
- (k) the manner in which summons issued by Committees are to be signed and sealed; and
- (l) any other matter in respect of which rules are expressly required or allowed by this Act to be made.

24. Repeal of East Punjab Ordinance No. XV of 1949. - The East Punjab Conservation of Manure Ordinance, 1949, is hereby repealed but notwithstanding such repeal any orders made, anything done, any action taken or any proceedings commenced or liability or penalty incurred in exercise of the powers conferred by or under the said Ordinance shall be deemed to have been made, done, taken or commenced or incurred in exercise of the powers conferred by or under this Act.

Schedule

Sections 11, 12(2), 17, 18, 33, 34, 36(3), 38, 50, 61, 64.