

***The Central Provinces Reclamation of Lands (Eradication of Kans)
Act, 1948
(C.P. and Berar Act No. 17 of 1948)***

act2876

[Dated 9th April, 1948]

LEGISLATIVE HISTORY ▼

- M.P. Act No. 6 of 1950
- M.P. A.O. 1956
- M.P. A.O. 1957
- M.P. Act No. 8 of 1957, extended to Bhopal Region only

[Received the assent of the Governor on the 9th April 1948: assent first published in the Central Provinces and Berar Gazette. Extraordinary on 10th April 1948].

An Act to provide for reclamation of lands by eradication of lands by eradication of Kans weed in retains areas of the Central Provinces:

It is hereby enacted as follows:-

1. Short title and Extent. - (1) This Act may be cited as **the Central Provinces Reclamation of Lands (Eradication of Kans) Act, 1948.**

(2) It extends to the whole of the [Mahakoshal region excluding the merged territories.]

Note. - In its application to the Bhopal region of the State, through the Act, for the words "Kans area", wherever they occur, the words "reclamation area" shall be deemed to be substituted.

Object & Reasons ▼

Statement of objects and Reasons. - Large areas of rabi and particularly wheat have gone fallow in the northern districts of this province on account of Kans infestation and it is estimated that Kans intend land in the three districts of Saugor, Hoshangabad and Jabalpur ranges approximately between two and three lakhs of acres. This has entailed a heavy reduction in wheat cropping in these districts during the last five years. Under the grow-more-food plan, the Provincial Government have formulated a scheme according to which tractors will be hired from Government of India for mechanized operations to clear Kans, half the cost to be charged to the holder of the affected land and the other half

to be subsidised by Government. It is accordingly proposed to plough by tractors during this open season an area of 10,000 acres in about 25 contiguous villages in Khurai tahsil of the Saugor district where the majority of cultivators have come forward for tractor ploughing on payment. Two tractor units have been requisitioned and they are due to commence the ploughing operations by the middle of March. Government are advised that for the efficient working of the scheme and the continuity of mechanized operations it is essential to secure homogeneous blocks of land comprising 500 acres each in the minimum inclusive of intervening patches of cultivated land which may be comparatively free from Kans. This bill has therefore been designed to take power for temporary possessions of such blocks of mechanized ploughing. A provision has been made to award compensation to cultivators whose land suffers any damage on account of the mechanized operations or the passage of tractors.

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

- (a) "eradicating operations" means such operations as are considered necessary by the Reclamation Officer to eradicate Kans from a Kans area [reclamation area];
- (b) "Kans" means a kind of weed known as *Saccharum Spontaneum* (hereinafter referred to as Kans);

Clause (a) and (b) for Bhopal Region only: -

"(a) "Eradicating Operations" means-

- (i) such operations as are considered necessary by the Reclamation Officer for eradication of Kans from reclamation area, or
 - (ii) such operations for the eradication of Kans as may be performed by the Reclamation Officer in any land at the request of the person having interest in the land, or
 - (iii) such operations as the Reclamation Officer considers necessary on any land with a view to check the spread of Kans into the adjoining area;
- (b) "Kans" means a kind of weed known as *Saccharum Spontaneum* and includes such bushes and shrubs on any land as hinder the cultivation thereof in a proper and efficient manner."

- (c) "Kans area [reclamation area]" means the area which the State Government may by notification declare under clause (a) of sub section (1) of section 3 to be an area infested with Kans;
- (d) "Reclamation Officer" means an officer appointed as such by the State Government and includes any other officer authorised by the Reclamation Officer to exercise all or any powers conferred upon him under this Act.

3. Declaration of Kans area reclamation area. - (1) If the State Government is of opinion that any area is infested with Kans, it may, by notification-

- (a) declare such area giving full particulars thereof, to be a Kans area [reclamation area] for the purposes of this Act: and
- (b) authorise the Reclamation Officer to enter upon any land in such area and take possession thereof for such period as may be specified for the purpose of eradication of Kans from such area.

(2) Such notification shall be a sufficient notice of the facts stated therein to all persons owning or having interest in the land comprised in-such area. -

(3) The [Collector] of the district comprising the Kans area [reclamation area] shall give publicity to the notification issued under sub-section (1) in such manner as he deems fit.

4. Constitution of Reclamation Committee. - The State Government for the purpose of assisting the Reclamation Officer appoint a Reclamation Committee consisting of such persons as it may think fit, and assign such duties to the committee as it may deem fit.

5. Power to survey and carry on eradicating operation. - On the issue of a notification under sub-section (1) of section 3, the Reclamation Officer and his subordinates and work-men authorised by him in this behalf may-

- (a) enter upon any land in the kans area for the purpose of survey and any other ancillary purpose; and
- (b) take possession of the whole or any part of the kans area and carry on eradicating operations therein.

[6. Liability of owners, etc, for cost of eradicating operations. - (1) Every person owning or having interest in the land, in which eradicating operations have been carried on, shall be liable to pay for such operations costs at such rates and in accordance with such principles as may be prescribed.

(2) The Reclamation Officer shall, in consultation with the Reclamation Committee, fix the amount of cost payable by each owner or other person having interest in the land comprised in the Kans area [reclamation area]. The amount so fixed shall be a charge on the land to which it relates and shall not be called in question in any suit or other legal proceeding.

Sub-section (2) for Bhopal Region only:-

"(2) The Reclamation Officer shall, in consultation with the Reclamation Committee, fix the amount of cost payable by each owner or other person having interest in the land comprised in the on which eradicating operations have been carried on. The amount so fixed shall be a charge on the land to which it relates and shall not be called in question in any suit or other legal proceeding."

(3) The reclamation officer shall also determine whether the amount so apportioned shall be paid by the person owning or having interest in the land in one lump sum or by annual instalments, and where he directs annual instalments, he may fix the amount and number of such instalments.]

7. Recovery of costs. - (1) The [Collector] shall cause to be served on a person owning or having interest in the land in which eradicating operations have been carried on, notice of demand specifying the amount of cost of reclamation payable by him and the period within which it shall be paid.

(2) The said costs shall be recoverable as arrears of land revenue.

8. Compensation for damages. - (1) Any person may within thirty days from the date of restoration of the land, to him, apply to the Reclamation Committee for payment of compensation for destruction of or damage to any plant or tree in his land as a result of the eradicating operations carried on under section 5.

(2) On receipt of such application the Reclamation Committee may make such enquiry as it deems fit and if in its opinion the payment of compensation is justified, it may grant such amount of compensation as it deems fit.

(3) The decision of the Reclamation Committee shall be final in all respects and shall not be called in question in any Court of law.

9. Power of Collector to enforce compliance. - The [Collector] may take or cause to be taken such steps or use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with the provisions of this Act.

10. Persons acting under the Act to the public servants. - All persons acting in pursuance of the provisions of this Act shall be deemed to be public servants within the meaning of that expression in the Indian Penal Code, 1860 (XLV of 1860).

11. Protection of persons acting in good faith. - (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

(2) No suit shall be instituted against the Government and no prosecution or suit shall be instituted against any person for anything done or intended to be done under this Act.

12. Repeal and savings. - (1) The Central Provinces Reclamation of Lands (Eradication of Kans) Ordinance, 1948 (III of 1948), is hereby repealed.

(2) Any notification issued, appointment, authorization or enquiry made, duty assigned, notice served or any action taken under the said Ordinance

shall, if not inconsistent with the provisions of this Act, be deemed to have been issued, made, assigned served or taken under this Act.

13. Power to make rules. - (1) The State Government may by notification make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for the assessment of damage to embankments and field boundaries and payment of compensation therefor.