

**THE EAST PUNJAB UTILISATION OF LANDS
ACT, 1949.**

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THE EAST PUNJAB UTILIZATION OF LANDS ACT, 1949.

EAST PUNJAB ACT NO. XXXVIII OF 1949.

[Received the assent of His Excellency the Governor-General on the 22nd November, 1949, and first published in the East Punjab Government Gazette (Extraordinary) of November 26, 1949.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1949	XXXVIII	East Punjab Utilization of Lands Act, 1949	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Amended in part by Punjab Act XI of 1951 ² Amended in part by Punjab Act XXXII of 1953 ³ Amended by Punjab Act No. XXXIX of 1956 ⁴ Amended by Punjab Act No. XXIV of 1957 ⁵ 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 No. V of 1959 ⁶ Amended by Punjab Act No. I of 1960 ⁷ Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

An Act to provide for the utilization of lands in ⁸[Punjab].

It is hereby enacted as follows :—

1. (1) This Act may be called the East Punjab Utilization of Lands Act, 1949.

Short title, extent and duration.

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette (Extraordinary)*, 1949, page 1130, for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume IV, 1949, pages (8) 61—(8) 63.

²For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1951, page 93, for proceedings in the Assembly, see *Punjab State Legislative Assembly Debates*, Volume III, 1951, pages (21) 138—(21) 152. (This Act repealed Punjab Ordinance No. XV of 1950).

³For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1953, p. 164, for proceedings in Assembly, see *Punjab Legislative Assembly Debates*, 1953.

⁴For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)* 1956, pages 1078-79.

⁵For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)* page 680.

⁶For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1958, page 1487.

⁷For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)*, 1959, page 472.

⁸Substituted for the words "East Punjab" by Adaptation of Laws (Third Amendment) Order, 1951.

(2) It extends to the whole of the ¹[Union territory of Chandigarh].

²(3) * * * * *

Definitions.

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

- (a) "Allottee" has the meaning assigned to it under the East Punjab Displaced Persons (Land Resettlement) Act, 1949.
- (b) "Collector" means Collector of the district where the land is situated.
- (c) "Custodian" has the meaning assigned to it in the Administration of Evacuee Property Ordinance, 1949.
- (d) "Evacuee land" means land which has vested in the Custodian under the provisions of the Administration of Evacuee Property Ordinance, 1949.
- (e) "Land" means land which is not urban land and is not occupied as the site of any building in a town or village but does not include land which is leased by Government or Custodian under any law other than this Act.
- (f) "Owner" means a person having a proprietary right in the land and includes an allottee, a usufructuary mortgagee or a lessee.
- (g) "Prescribed" means prescribed by rules made under the Act.
- (h) "Tenant" means a person to whom land is leased by the Collector under the provisions of this Act.
- (i) "Urban land" means all land included within the limits of a Corporation, Municipal Committee, Notified Area Committee, Town Area, Small Town Committee and Cantonment.

Power to take possession of any vacant land.

3. ³(1) Notwithstanding any law to the contrary, the Collector may issue notice to the owner of any land which has not been cultivated for the last six or more harvests to show cause, within thirty days of the date of the service of such notice on him, why the land has not been cultivated and in case the Collector does not find the explanation to be satisfactory, he may take possession of the land forthwith for the purposes of the Act :

¹Substituted for the words "State of Punjab" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

²Sub-section (3) which reads as follows :—

"It shall remain in force for two years from the date of its commencement" was omitted by Punjab Act XI of 1951, section 2.

³Substituted by Punjab Act No. 39 of 1956.

Provided that the Collector may take possession of the land without issue of notice, if, in his opinion, the owner thereof has been wrongfully shown in the revenue records to have cultivated the land which in fact has remained uncultivated for six or more harvests prior to such wrong entry.]

(2) The notice required by sub-section (1) shall be deemed to be duly served if delivered at, or sent by post to, the usual or last known place of residence of the owner :

Provided that no notice shall be deemed to be invalid on the ground of any defect, vagueness or insufficiency.

¹[4. Where possession of any land has been taken under the last preceding section, compensation shall be paid in accordance with the provision of section 23(1) of the Land Acquisition Act, 1894 (Act No. 1 of 1894):

Payment of compensation.

1 of
1894.

Provided that from the compensation the Collector shall be competent to deduct the expenditure, if any, incurred in relation to any preliminary process incidental to the utilization of the said land or in connection with any additional staff or services rendered necessary for such utilization and computed in the manner prescribed. The balance shall be paid to the person who in his opinion is entitled to receive the same without prejudice to the rights of any other person who may be law fully entitled to claim it.]

5. Where the Collector has taken possession of any land under section 3, he may lease it to any person on such terms and conditions as he may deem fit for the purpose of growing food and fodder crops :

Lease by Collector.

²[Provided that the period of lease shall not be less than 7 years or more than 20 years.]

³[6. (1) If a person to whom land has been leased under section 5 commits a breach of any of the terms and conditions thereof, the Collector shall, without prejudice to any other right or remedy against him, have the power to determine the lease and take possession of the land.

Power of Collector to determine lease in certain cases.

(2) Where lease has been determined by the Collector, the lessee shall not be entitled to any compensation.]

¹Substituted for section 4, by the East Punjab Utilization of Lands (Amendment) Act, 1953, section 2 (Punjab Act 32 of 1953).

²Substituted for the old proviso by Punjab Act XI of 1951, section 5,

³Section 6 omitted by Punjab Act XI of 1951, section 6, but now section 6 inserted by Punjab Act No. 24 of 1957.

Delivery of possession on termination of lease.

7. (1) Where any land taken possession of by the Collector under section 3 is on the expiry of the lease * * * * 1 * * * * to be returned to the owner, the Collector may after making such inquiry, if any, as he considers necessary, specify by order in writing the person to whom possession of the land shall be given.

(2) The delivery of possession of the land to the person specified in any order made under sub-section (1) shall be a full discharge of the Collector from all liability in respect of such delivery but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person to whom possession of any land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Collector shall cause a notice declaring that the land released to be affixed on some conspicuous part of the land.

(4) On issue of the notice referred to in sub-section (3) the land specified in the notice shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government or the Collector shall not be liable for any compensation or other claim in respect of the land for any period after the said date.

Penalty for failure of the tenant to grow food or fodder crops.

8. Where the tenant fails to grow food or fodder crops on the land leased to him, he shall besides the payment of rent fixed under section 5 be also liable to pay a penalty not exceeding twice such rent.

9. * * * 2 * * *

Sums due recoverable as arrears of land revenue.

10. All sums due under this Act from the owner or tenant shall be recoverable as arrears of land revenue.

Power of Collector to use force for securing compliance with his orders.

11. The Collector may take or cause to be taken such steps and use or cause to be used such force as may in his opinion be reasonably necessary for securing compliance with any order made by him under this Act.

Delegation of functions.

12. The Collector may delegate all or any of his powers and functions under this Act to any officer of the Revenue or Rehabilitation Department in his district either by name or designation.

¹The words "or its earlier termination" omitted by Punjab Act XI of 1951, section 7.

²Section 9 omitted by Punjab Act XI of 1951, section 8.

13. Notwithstanding anything contained in any law for the time being in force, no instrument in writing to give effect to a lease by the Collector under the Act shall require stamp, attestation or registration. Instrument of lease not necessary.

¹[14. (1) Any person aggrieved by an order passed by the Collector may, within fifteen days from the date of such order, or such longer period as the Commissioner may allow for reasons to be recorded in writing, prefer an appeal in writing to the Commissioner of Division in which the land is situate. Appeal and Revision.

Explanation.—In computing the period of fifteen days, the time taken in obtaining a certified copy of the order appealed against shall be excluded.

(2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal.

(3) The Commissioner shall decide the appeal after giving the parties an opportunity of being heard and, if necessary, after sending for the records of the case from the Collector and after making such enquiry as he thinks fit either personally or through the Collector.

(4) The ²[Central Government] or the Financial Commissioner authorised by it in this behalf, may, at any time, for the purpose of satisfying itself or himself as to the legality or propriety of any order passed by any officer under this Act, call for and examine the records of any case pending before or disposed of by such officer and may, after giving the parties a reasonable opportunity of being heard, pass such order in reference thereto as may be deemed fit.

(5) Except as provided in this Act no order made or action taken in exercise of any power conferred by this Act shall be called into question in any court or before any officer or authority.]

15. (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. Debar to suits or legal proceedings.

¹Substituted by Punjab Act No. 1 of 1960, section 12.

²Substituted for the words "State Government" by the Punjab Reorganization (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.

(2) No suit or other legal proceedings shall lie against the ¹[Government] for any damage caused by anything which is, in good faith, done or intended to be done under this Act.

Power of Govern-
ment o to make
rules.

16. The ²[Central Government] may by notification make ³rules for carrying out the provisions of this Act.

¹Substituted for the word "Crown" by the Adaptation of Laws Order, 1950.

²Substituted for the words "State Government" by the Punjab Reorganisa-
tion (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects Order,
1968.

³For rules, see Punjab Government Notification No. 1763-FP-50/786, dated
20th February, 1950.