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SINGLA THE PUNJAB LAND REFORMS ACT, 1972

(Punjab Act No. 10 of 1973)

THE PUNJAB LAND REFORMS RULES, 1973

BARE ACT

Price : ₹ 120.00



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THE PUNJAB LAND REFORMS ACT, 1972

(Punjab Act No. 10 of 1973)



THE PUNJAB LAND REFORMS RULES, 1973

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BARE ACT

2017

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(Punjab Act No. 10 of 1973)

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THE PUNJAB LAND REFORMS ACT, 1972

(Punjab Act No. 10 of 1973)

Received the assent of the President of India on the 24th March, 1973 and was first published in the Punjab Gazette (Extra.) Legislative Supplement, Part I, dated April 2, 1973/Chaitra 12, 1895.

An Act to consolidate and amend the law relating to ceiling on land holdings, acquisition of proprietary rights by tenants and other ancillary matters in the State of Punjab.

Be it enacted by the Legislative of the State of Punjab in the Twenty-third Year of the Republic of India as follows:-

1. Short title, extent and commencement- (1) This Act may be called the Punjab Land Reforms Act, 1972.

2. It extends to the whole of the State of Punjab.
3. It shall come into force at once.

CHAPTER I

PRELIMINARY

2. Declaration as to giving effect to certain directive principles.- It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Articles 39 of the Constitution of India.

3. Definitions.- In this Act, unless the context otherwise requires,—

- (1) "appointed day" means the twenty-fourth day of January, 1971;
- (2) "banjar land" means land which has remained uncultivated for a continuous period of not less than four years immediately preceding the date on which the question whether such land is banjar or not arises;
- (3) "Collector" means the Collector of the district or any other officer not below the rank of Assistant Collector of the first grade empowered in this behalf by the State Government;
- (4) "family" in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her minor children, other than a married minor daughter;
- (5) "land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture,

and includes -

- (a) the sites of buildings, and other structures on such land, and
- (b) banjar land;
- (6) "landowner" shall have the meaning assigned to it in Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887);

Explanation.- In respect of land mortgaged with possession, the mortgagee shall be deemed to be landowner;

- (7) "minor" means a person who has not completed the age of eighteen years;
- (8) "orchard" means a compact area of land having fruit bearing trees grown thereon in such number that they preclude, or when fully grown would preclude, a substantial part of such land from being used for any other agricultural purpose but shall not include under banana or guava trees or land comprised in vineyard;
- (9) "Pepsu law" means the Pepsu Tenancy and Agricultural Lands Act, 1955;
- (10) "person" includes a company, family, association for other body of individuals, whether incorporated or not, and any institution capable of holding property;
- (11) "prescribed" means prescribed by rules made under this Act;
- (12) "Punjab law" means the Punjab Security of Land Tenures Act, 1953;
- ¹[(13) "self-cultivation" means cultivation by a landowner either personally or through any member of his family or through his brother, or through a servant or hired labour under the personal supervision of the landowner or supervision of a member of his family, subject to the condition that the servant or hired labour is paid wages in cash or in kind or partly in cash and partly in kind but not as a share of the produce;]
- (14) ²--I
- (15) "surplus area" means the area in excess of the permissible area;
- (16) "tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Act XVI of 1887) and includes a sub-tenant, and self-cultivating lessee, but shall not include a present holder as defined in clause (f) of section 2 of the East Punjab Displaced Persons (Land Resettlement) Act, 1949;
- (17) all other words and expressions used herein and not defined but defined in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), or the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), shall have the meaning assigned to them in either of those Acts.

¹ Substituted by Punjab Act No. 40 of 1973.

² Omitted by Punjab Act No. 40 of 1973.

CHAPTER II

CEILING OF LAND

4. Permissible area.- ¹[(1) Subject to the provisions of section 5, no person shall own or, hold land as landowner or mortgagee with possession or tenant or partly in one capacity and partly in another in excess of the permissible area.]

(2) 'Permissible area' shall mean in respect of -

- (a) land under assured irrigation and capable of yielding at least two crops in a year (hereinafter in this Act referred to as 'the first quality land') seven hectares; or
- (b) land under assured irrigation for only one crop in a year, eleven hectares; or
- (c) barani land, 20.5 hectares; or
- (d) land of other classes including banjar land, an area to be determined accordingly to the prescribed scale with reference to the intensity of irrigation, productivity and soil classification of such classes, having regard to the respective valuation and the permissible area of the classes of land mentioned at (a), (b) and (c), above ²[subject to the condition that the area so determined shall not exceed 21.8 hectares]:

Provided that—

- (i) where land consists of two or more classes, the permissible area shall be determined on the basis of relative valuation of such classes of land, subject to the condition that it does not exceed 21.8 hectares;
- (ii) where the number of member of a family exceeds five, the permissible area shall be increased by one-fifth of the permissible area for each member in excess of five, subject to the condition that additional land shall be allowed for not more than three such members.

(3) Notwithstanding anything contained in sub-section (2), where any land is comprised in an orchard ³[on the appointed day], such land shall, for the purpose of determining the permissible area, be treated as barani land.

⁴[(4)(a) Where a person is a member of a registered co-operative farming society, his share in the land held by such society together with his other land, if any, or if such person is a member of a family, together with the land held by every member of the family shall be taken into account for determining the permissible area;

- (b) Where a person is a member of a family, the land held by such person together with the land held by every other member of the family,

¹ Substituted by Punjab act No. 40 of 1973.

² Added by Punjab Act No. 40 of 1973.

³ Substituted for the words "at the commencement of this Act" by Punjab Act No. 40 of 1973.

⁴ Substituted by Punjab Act No. 40 of 1973.

whether individually or jointly, shall be taken into account for determining the permissible area.]

(5) In determining the permissible area, any land which was transferred by sale, gift or otherwise, other than a *bona fide* sale or transfer, after the appointed day but before the commencement of this Act, shall be taken into account as if such land had not been transferred and the onus of proving the transfer as *bona fide* shall be on the transferor.

(6) For the purpose of valuation of land one and quarter hectares of banjar land shall be treated as equivalent in value to one hectare of barani land.

(7) For evaluating the land of any person at any time under this Act, the land owned by him immediately before the commencement of this Act as well as the land acquired by him after such commencement by inheritance, bequest or gift from a person to whom he is an heir shall be evaluated as if the evaluation was being made on the appointed day and the land acquired by him after such commencement in any other manner shall be evaluated as if the evaluation was being made on the date of such acquisition.

5. Selection of permissible area and furnishing of declaration by certain persons.- ¹[(1) Every person, who on the appointed day or at any time thereafter, owns or holds land as landowner or mortgagee with possession or tenant or partly in one capacity and partly in another in excess of the permissible area, shall select his permissible area and intimate his selection to the Collector, and where land is situate in more than one district, to the Collectors concerned, through a declaration, to be furnished in such form and manner and within such period, as may be prescribed and if such person has an adult son or adult daughter, he shall also be entitled to select separate permissible area in respect of each such son or daughter, as the case may be, out of the land owned or held by him, subject to the condition that the land so selected together with the land already owned or held by such son or daughter, shall not exceed the permissible area of each such son or daughter:

Provided that where land is situated in more than one patwar circle, the declaration shall be supported by an affidavit in the prescribed form.]

(2) In making the selection, such a person shall include, firstly, land mortgaged without possession and, secondly, land under self-cultivation on the date of commencement of the period prescribed for furnishing the declaration under sub-section (1), but shall not include area declared surplus under the Punjab law, the Pepsu law or this Act, other than the area which was exempt from utilization by the State Government immediately before such commencement.

6. Collection of information in case declaration is not furnished.- If any person fails to furnish the declaration in accordance with the provisions of section 5, the

¹ Substituted by Punjab Act No. 15 of 2014 and published in Punjab Govt. Gaz. (Extra), August 04, 2014.

Collector shall obtain the requisite information in the prescribed manner.

7. Determination of permissible and surplus areas.- (1) On the basis of the information given in the declaration furnished under section 5 or the information obtained under section 6, as the case may be, and after making such inquiry as he may deem fit, the Collector shall, by an order determine the permissible area and the surplus area of a landowner or tenant, as the case may be.

¹[(2) If any person referred to in sub-section (1) of section 5 fails to furnish the declaration or files a declaration containing information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punishable with the imprisonment which may extend to two years, or with fine which may extend to two thousand rupees or with both.]

(3) ²[---]

(4) For the purpose of determining the surplus area of any person,-

- (i) any judgment, decree or order of a court or other authority obtained ³[on or after the appointed day] and having the effect of diminishing the surplus area of such a person;
- (ii) a tenancy created ⁴[on or after the appointed day] in any land which has been or could have been declared as surplus area of such a person under the Punjab law, the Pepsu law or this Act;

shall be ignored.

8. Vesting of unutilized surplus area in the State Government.- Notwithstanding anything contained in any law, custom or usage for the time being in force, but subject to the provisions of section 15, the surplus area, declared as such under the Punjab law or the Pepsu law, which has not been utilized till the commencement of this Act and the surplus area declared as such under this Act, shall, on the date on which possession thereof is taken by or on behalf of the State Government, vest in the State Government, free from all encumbrances and in the case of surplus area of a tenant, which is included within the permissible area of the landowner, the right and interest of the tenant in such area shall stand terminated on the aforesaid date:

Provided that where any land falling within the surplus area is mortgaged with possession, only the mortgagee rights shall vest in the State Government.

9. Power to take possession of surplus area.- (1) The Collector may, by an order in writing, after an area has become surplus under the Punjab law or the Pepsu law or becomes surplus under this Act, direct the landowner or tenant or any other person in possession of such area to deliver possession thereof, within ten

¹ Substituted by Punjab Act No. 22 of 1976.

² Omitted by Punjab Act No. 22 of 1976.

³ Substituted for the words "after the commencement of this Act" by Punjab Act No. 40 of 1973.

⁴ Substituted for the words "after the commencement of this Act" by Punjab Act No. 40 of 1973.

days of the service of the order on him, to such person as may be specified in the order.

(2) If the landowner or tenant or any other person in possession of such area refuses or fails without reasonable cause to comply with the order made under sub-section (1), the Collector may take possession of that area and may, for that purpose, use such force as may be necessary.

10. Amount payable for the surplus area.- (1) The Collector or the officer authorised by the State Government in this behalf shall determine the amount to be paid for the land which has vested in the State Government under section 8, in accordance with the principles hereinafter set out, that is to say—

- (i) for the first three hectares of land, twelve times the fair rent, subject to a maximum of five thousand rupees per hectare;
- (ii) for the next three hectares of land, nine times the fair rent, subject to a maximum of three thousand seven hundred and fifty rupees per hectare; and
- (iii) for the remaining land, six times the fair rent, subject to a maximum of two thousand and five hundred rupees per hectare.

Explanation.- For the purpose of this sub-section, 'fair-rent' shall mean the value of one-fifth of the gross produce of the land determined in the prescribed manner by the Collector or the officer authorised in this behalf by the State Government.

(2) For the purposes of sub-section (1), the Collector or the officer authorised by the State Government shall prepare a statement in such form and manner as may be prescribed and shall, after following the prescribed procedure, apportion the amount amongst the persons, including tenants, having interests in the land.

(3) Where in the surplus area of any person mortgagee rights have vested in the State Government, the amount payable to the mortgagee shall be the mortgage money due to the mortgagee, or the amount payable under this section, whichever is less.

(4) The amount shall be payable either in lump sum or in half-yearly instalments not exceeding fifteen in the manner prescribed:

Provided that the amount shall be applied firstly to discharge Government dues, secondly to meet the claims of secured creditors and then to pay the dues of other claimants.

11. Disposal of surplus area.- (1) The surplus area, which has vested in the State Government under section 8, shall be at the disposal of the State Government.

(2) The State Government may, by notification in the official Gazette frame a scheme for utilizing the surplus area under the Punjab law, the Pepsu law or this Act by,—

- (a) conferment of rights of ownership on tenants in respect of such land

as is comprised in the surplus area of the landowner of such a tenant; and

- (b) allotment to tenants, members of Scheduled Castes and Backward Classes and landless agricultural workers, of an area not exceeding two hectares of the first quality land or equivalent area, provided that the total area held or owned by any such allottee, after the allotment, shall not exceed two hectares of the first quality land or equivalent area.

(3) Any scheme framed by the State Government under sub-section (2) may provide for the terms and conditions on which the rights of ownership are to be conferred on the tenants and also the terms and conditions on which the land comprised in the surplus area is to be allotted.

(4) The State Government may, by notification in the official Gazette add to, amend, vary or revoke any scheme made under this section.

(5) Notwithstanding anything contained in any law for the time being in force and save in the case of land acquired by the State Government under any law for the time being in force or by an heir by inheritance, no transfer or other disposition of land which is comprised in the surplus area under the Punjab law, the Pepsu law or this Act, shall affect the vesting thereof in the State Government or its utilization under this Act.

(6) The utilization of any surplus area before the commencement of this Act will not affect the right of the tenant to purchase land in accordance with the provisions of section 15 or the right of the landowner to receive rent from the tenant settled on the surplus area till the tenant becomes the owner thereof.

(7) Where succession has opened after the surplus area or any part thereof has been determined by the Collector, the saving specified in favour of an heir by inheritance under sub-section (5) shall not apply in respect of the area so determined.

12. Bar on future acquisition of land in excess of permissible area.-

(1) Notwithstanding anything to the contrary in any law, custom, usage, contract or agreement, from and after the commencement of this Act, no person, whether as landowner or tenant, shall acquire or possess by transfer, exchange, lease, agreement or settlement any land, which with or without the land already owned or held by him, in the aggregate, exceeds the permissible area:

Provided that nothing in this section shall apply to land held by a co-operative society if the land owned or held by an individual member of the society, together with his share in the land held by such a society, does not exceed the permissible area.

(2) Any transfer, exchange, lease, agreement or settlement made in contravention of the provisions of sub-section (1) shall be null and void.

13. Power to separate share of landowners in joint lands.- (1) Where a person

owns land jointly with other persons and his share of such land or part thereof has been or is to be declared as surplus area, the Collector, on his own motion, may, after summary enquiry and after affording to such a person an opportunity of being heard, separate his share of such land or part thereof in the land owned by him jointly with the other persons.

(2) Where, after the declaration of the surplus area of any person and before the utilization thereof, his land has been subjected to the process of consolidation, the Collector shall also be competent to separate the surplus area of such a person out of the area of land obtained by him after consolidation in the manner referred to in sub-section (1).

14. Exemption of lands belonging to religious or charitable institutions.- Notwithstanding any judgment, decree or order of any court or authority, the provisions of this Chapter shall not apply to lands belonging to any religious or charitable institution of a public nature in existence immediately before the date of commencement of this Act, but not belonging to the mahant, mohtamim or manager thereof:

Provided that the exemption specified herein shall be admissible till such time only as the land or income therefrom is utilized for the specified purpose of such institution and shall not be admissible to the lessees of such lands.

Explanation.- For the purpose of this section, 'religious or charitable institution' means -

- (i) a temple;
- (ii) a gurdwara;
- (iii) a gaushala;
- (iv) a wakf as defined in clause (ii) of section 3 of the Wakf Act, 1954 (Parliament Act 29 of 1954); or
- (v) any other religious place of the public nature.

CHAPTER III

MISCELLANEOUS

15. Saving of certain rights of tenants to purchase land.- (1) Notwithstanding anything contained in this Act, a tenant who was entitled to purchase the land comprised in his tenancy, under section 18 of the Punjab law or section 22 of the Pepsu law, as the case may be, immediately before the commencement of this Act, shall be entitled to purchase such land from the landowner on the same terms and conditions, as were applicable immediately before such commencement:

Provided that -

- (i) the amount payable by the tenant for the land shall be equivalent to ninety times the land revenue (including rates and cesses) payable for such land or five hundred rupees per hectare, whichever is less; and
- (ii) the procedure for purchase of such land shall be as is specified

hereinafter and the period of limitation for exercise of such a right shall be one year from the date of commencement of this Act.

(2) An application for the purchase of land under sub-section (1) shall be made to the Assistant Collector of the first grade having jurisdiction who shall, after giving notice to the landowner and after making enquiry in the prescribed manner, determine the amount payable in respect thereof.

(3) The tenant may pay the amount determined under sub-section (2) either in lump sum or in half-yearly instalments not exceeding fifteen in the manner prescribed.

(4) On the payment of the entire amount or the first instalment thereof, as the case may be, the tenant shall be deemed to have become the owner of the land and the Assistant Collector shall, where the tenant is not already in possession of the land, put him in possession thereof, subject to the provisions of the Punjab Tenancy Act, 1887.

(5) If a default is committed in the payment of any of the instalments, the entire outstanding balance shall, on application by the person entitled to receive it, be recoverable as arrears of land revenue.

(6) If the land is subject to mortgage at the time of purchase, the land shall pass to the tenant unencumbered by the mortgage, but the mortgage amount shall be a charge on the purchase price.

16. Summary eviction and fine.- (1) Any person who is in wrongful or unauthorised possession of any land,--

- (a) the transfer of which either by the act of parties or by the operation of law is invalid under the provisions of this Act; or
- (b) to the use and occupation of which he is not entitled under the provisions of this Act;

may, on an application made within a period of one year of such wrongful or unauthorised possession, and after summary enquiry, be ejected by the Collector, who may also impose on such person a penalty not exceeding one thousand rupees.

(2) The Collector may direct that the whole or any part of the penalty imposed under sub-section (1) shall be paid to the person who has sustained any loss or damage by the wrongful or unauthorised possession of the land.

17. Abrogation of pending decrees, orders and notices.- No decree or order of any court or authority and no notice of ejectment shall be valid save to the extent to which it is consistent with the provisions of this Act.

18. Appeal, review and revision.- The provision in regard to appeal, review and revision under this Act shall, so far as may be, the same as provided in sections 80, 81, 82, 83 and 84 of the Punjab Tenancy Act, 1887 (Act XVI of 1887).

19. Correction of clerical errors.- Clerical and arithmetical mistakes in any order passed by any officer or authority under this Act or errors arising therein from any accidental slip or omission may at any time be corrected by such officer or

authority either of his own motion or on an application received in this behalf from any of the parties.

20. Court fees.- Notwithstanding anything contained in the Court-fees Act, 1870 (VII of 1870), every application, appeal or other proceeding under this Act shall bear a court-fee stamp of such value as may be prescribed.

21. Bar of jurisdiction.- (1) Save as provided by or under this Act, the validity of any proceedings or order taken or made under this Act shall not be called in question in any court or before any other authority.

(2) No civil court shall have jurisdiction to entertain any suit, or proceed with any suit instituted after the appointed day, for specific performance of a contract for transfer of land which affects the right of the State Government to the surplus area under this Act.

22. Indemnity.- No suit or other legal proceedings shall lie against any authority in respect of anything done in good faith in pursuance of the provisions of this Act.

23. Penalty for making false statements.- If, during, the course of any proceedings under this Act, any person makes a declaration or a statement or furnishes any information which is false or which he knows or has reason to believe to be false or which he does not believe to be true, he shall be punishable with imprisonment which may extend to ¹[two years, or with fine which may extend to two thousand rupees, or with both.]

24. Mode of recovery.- Any amount payable under this Act including the amount of penalty imposed under this Act may be recovered as arrears of land revenue.

25. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provision or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing such a difficulty.

26. Power to make rules.- (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or two successive sessions, and if before expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

¹ Substituted for the words "six months, or with fine which may extend to one thousand rupees" by Punjab Act No. 22 of 1976.

27. Exemption of certain lands from the operation of the Act.- The provisions of this Act shall not apply to -

- (a) lands owned by or vested in the State Government otherwise than under the provisions of this Act, or lands taken on lease by the State Government;
- (b) lands belonging to or vested in a local authority or the Punjab Agricultural University or any corporation owned or controlled by the Central Government or the State Government;
- (c) lands owned by or vested in or taken on lease by the Central Government;
- (d) lands owned by the Bhoodan Yagna Board under the Punjab Bhoodan Yagna Act, 1955; and
- (e) lands owned or held by an agricultural co-operative credit society, Land Mortgage Bank, the State or Central Co-operative Bank or any other Bank;
- ¹[(f) lands owned by an educational institution, recognised by Government, which is engaged in the education and research in agricultural sciences and has been conducting such education and research on the appointed day;
- (g) lands owned by an educational trust of public nature in existence on the appointed day];

Provided that nothing in this section shall apply to a lessee of any of the authorities or institutions referred to above.

- ²[(h) land acquired by a person for non-agricultural purposes and falling within the Municipal area as defined in clause (8-c) of section 3 of the Punjab Municipal Act, 1911 (Punjab Act No. 3 of 1911) or the urban area as defined in clause (60) of section 2 of the Punjab Municipal Corporation Act, 1976 (Punjab Act No. 42 of 1976);
- (i) land acquired by a person and put to non-agricultural use, or land in respect of which permission, wherever applicable, has been granted for its use for non-agricultural purposes by the State Government; and
- (j) land not covered under clauses (h) and (i), acquired by a person for non-agricultural purposes:

Provided that a person desirous of conversion of land use for non-agricultural purposes shall make an application to the State Government within one year from the date of commencement of the Punjab Land Reforms (Amendment) Act, 2011 or within one year of the acquisition of land, whichever is later:

Provided further that if such person fails to apply for permission within one year or is denied such permission or continues to use the land for agricultural

¹ Added by Punjab Act No. 40 of 1973.

² Inserted by Punjab Act No. 32 of 2011 and shall be deemed to have come into force on and with effect from the 24th January, 1971.

purposes after obtaining permission or reverts to agricultural use of the land at any subsequent stage, then such land shall be excluded from the purview of this clause.]

Explanation.- For the purposes of clause (c) "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949, and includes the State Bank of India constituted under the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, and Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963.

28. Repeal and Saving.- (1) The Punjab Security of Land Tenures Act, 1953 and the Pepsu Tenancy and Agricultural Lands Act, 1955, in so far as these are inconsistent with the provisions of this Act, are hereby repealed.

(2) The repeal of the enactments mentioned in sub-section (1), hereinafter referred to as the said enactments, shall not affect -

- (i) the proceedings for the determination of the surplus area pending immediately before the commencement of this Act, under either of the said enactments, which shall be continued and disposed of as if this Act had not been passed, and the surplus area so determined shall vest in, and be utilised by, the State Government in accordance with the provisions of this Act:

Provided that such proceedings shall, as far as may be, be continued and disposed of, from the stage these were immediately before the commencement of this Act, in accordance with the procedure specified by or under this Act, ¹[and the cases pending before the Pepsu Land Commission immediately before the date of commencement of this Act shall stand transferred to the Collector of the district concerned for disposal:]

Provided further that nothing in this section shall affect the determination and utilisation of the surplus area, other than the surplus area referred to above, in accordance with the provisions of this Act;

- (ii) the previous operation of the said enactments or anything duly done or suffered thereunder;
- (iii) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments, in so far as such right, privilege, obligation or liability is not inconsistent with the provisions of this Act and any proceeding or remedy in respect of such right, privilege, obligation or liability may be instituted, continued or enforced as if this Act had not been passed:

Provided that such proceeding or remedy shall, as far as may be, instituted, continued or enforced in accordance with the procedure specified by or under this Act.

¹ Added by Punjab Act No. 40 of 1973.

¹THE PUNJAB LAND REFORMS RULES, 1973

In exercise of the powers conferred by sub-section (1) of section 26 of the Punjab Land Reforms Act, 1972 (Punjab Act No. 10 of 1973), Governor of Punjab is pleased to make these rules for carrying out the purpose of the Act.

1. Short title and comment.- (1) These rules may be called the Punjab Land Reforms Act, 1973.

(2) They shall come into force at once.

2. Definitions.- In these rules, unless the context otherwise requires—

(a) "Act" means the Punjab Land Reforms Act, 1972;

² [(b) "Circle Revenue Officer" means the Assistant Collector of the Second Grade or any other office; not below the rank of Naib-Tehsildar, authorised by the Collector in this behalf].

(c) "form" means a form appended to these rules;

(d) "schedule" means a schedule appended to these rules;

(e) "section" means a section of the Act;

³ **3. Powers and Jurisdiction of Collector.-** Where a person owns or holds land as landowner or tenant in more than one revenue district, the Collector having jurisdiction in the area, where the largest portion of such land is situate, shall be the Collector within the meaning of sub-section (3) of section 3].

4. Prescribed relation for self cultivation.- Rule 4 omitted on 16.11.1979]

5. Selection of permissible area and furnishing of declaration.— (1) Every person, who on the appointed day or at any time thereafter, owns or holds as landowner or tenant or mortgagee with possession or partly in one capacity and partly in another, in excess of the permissible area shall intimate his selection through a declaration in form A, to be furnished in duplicate personally or by registered post (acknowledgement due).

(2) In the case of a person who owns or holds lands as landowner or tenant or mortgagee with possession or partly in one capacity and partly in another, in excess of the permissible area on the appointed day or at any time before the commencement of these rules, the declaration referred to in sub-rule (1) shall be furnished within a ⁴[period of four months and fifteen days] of the date of commencement of these rules and in the case of a person, who, becomes liable to furnish the declaration at any time after the commencement of these rules, the declaration shall be furnished within a ⁵[period of four months and fifteen

¹ Published in Punjab Govt. Gaz. (Extra) July 4, 1973 vide G.S.R. 60/P.A. dated 4.7.1973.

² Substituted vide Notification No. G.S.R. 162/P.A. dated 16.11.1979.

³ Substituted vide Notification No. G.S.R. 11/PA dated 8th February, 2008, w.e.f. 13.2.2008.

⁴ Substituted vide Punjab Govt. Gaz Notification No. GSR 87/PA dated 4.10.1973.

⁵ Substituted vide Punjab Govt. Notification No. G.S.R. 87/PA dated 4.10.1973.

days] of the date on which he becomes so liable.

¹[Provided that the period of four months and fifteen days shall be deemed to have been extended for a period of one year to file declaration referred to in sub-rule (1), if the person is a developer/promoter of a project and requires the land for the purposes other than agricultural or subservient to agriculture or for pasture and has applied for change of land use to the concerned department of the State Government within a period of four months and fifteen days.

Explanation.- For the purpose of this sub-rule, a developer/promoter shall mean a person who requires land to develop a project other than a project of agricultural purpose or purpose subservient thereto or a pasture, to be approved by the concerned department of the Government of Punjab.]

²[2-A] If any person referred to in sub-rule (2) failed to furnish the declaration within the period specified in sub-rule (2) or furnished a declaration, which is false or which he knows or has reasons to believe to be false or which he does not believe to be true he shall furnish a declaration within a period of thirty days from the date of commencement of the Punjab Land Reforms (Amendments) Act, 1976].

3. If the lands owned or held by a person are situate in more than one tehsil, the declaration shall be furnished to the Collector having jurisdiction in the area in which the largest portion of such lands is situate.

4. In the case of a family, the declaration shall be filed by the husband and where the husband is dead or does not own or hold any land, by the wife and in any other case by the eldest surviving child, who is a member of the family.

5. On receipt of the declaration the Collector shall issue a receipt to the person furnishing the declaration.

6. Procedure for obtaining information as required by section 6.- (1) Where a person, who is required to furnish a declaration in accordance with the provisions of section 5, fails to do so, the Collector may cause necessary entries in Form A to be filled up by the Patwari or Patwaris concerned.

(2) The correctness of entries in the form filled-up by the ³[Patwari or Patwaris as the case may be] shall be verified by the Circle Revenue Officer concerned.

7. Determination of permissible area and surplus area.- On receipt of form A, the Collector shall, after satisfying himself as to the correctness of the entries made therein, and after giving an opportunity to the landowner, mortgagee with possession or tenant, as the case may be, of being heard and after making such enquiry as he may deem necessary by an order, determine the permissible area and the surplus area of a landowner or mortgagee with possession or the tenant, as the case may be. A copy of such order shall be endorsed to the Circle

¹ Proviso added by Punjab Govt. Notification No. GSR 10/PA dated 8.2.2008, w.e.f. 12.2.2008.

² Sub-rule (2-A) inserted vide Notification No. G.S.R. 41/PA dated 30.4.1976.

³ Substituted for the word "Patwari" vide Notification No. 69/PA dated 2.9.1987.

Revenue Officer.

8. Valuation of different classes of land.- The valuation of different classes of land shall be as follows:-

- (i) Land under assured irrigation and capable of yielding at least two crops in a year - 100 per cent.
- (ii) Land under assured irrigation for only one crop in a year - 63.6 per cent.
- (iii) Barani Land - 34 per cent.
- (iv) Sailab, Bet Sailab, Dakar, Rosli, Bhud, Chhamb, Thur, Sem Kallar and Banjar Jadid, not falling under sub-clauses (i),(ii) and (iii)—34 per cent.
- (v) Banjar - 27 per cent.

9. Determination of area under assured irrigation when land is Nehri or Chahi.—(1) Where land is commanded for irrigation by perennial canal the area of such land shall be multiplied by half of the irrigation intensity ratio specified against such a canal in Schedule 'A'. The figure thus arrived at shall be treated as the land under assured irrigation and capable of yielding at least two crops in a year and the remaining area of such land shall be treated as Barani Land.

(2) Where land is commanded for irrigation by non-perennial canal, the area of such land shall be multiplied by the irrigation intensity ratio specified against such a canal in Schedule 'A'. The figure thus arrived at shall be treated as the land under assured irrigation for crop in a year and the remaining area of such land shall be treated as Barani Land.

(3) Where land is commanded for irrigation by a tubewell owned by the Government, the area of such land shall be multiplied by half the irrigation intensity ratio specified against such a tubewell in Schedule 'A'. The figure thus arrived at shall be treated as the land under assured irrigation and capable of yielding at least two crops in a year and the remaining area of such land shall be treated as Barani Land.

(4) Where land is irrigated by water drawn from a privately owned tubewell, pumping set, open well or bore, the land under assured irrigation and capable of yielding at least two crops in a year shall be according to the norms specified in Schedule 'B'. The remaining area shall be treated as Barani Land.

(5) Where irrigation by canal water or Government-owned tubewell is supplemented by water drawn from a privately owned tubewell, pumping set, open well or bore, the area determined in accordance with the provisions of Schedule 'B' shall also be taken into consideration for the purpose of this rule.

(6) Where a tubewell, a pumping set, an open well or bore has been installed on or before the appointed day in the land described in the Jamabandi prepared immediately before that day as Banjar Jadid or Banjar Qadim, the land determined in accordance with the provisions of Schedule 'B' shall be treated as land under assured irrigation and capable of yielding at least two crops in a year

or land under assured irrigation for only one crop in a year depending on whether according to the khasra-girdawari record of the year 1970 at least two crops were raised on this land or only one crop was raised.

10. Valuation of the land for determining permissible area.— For the purpose of proviso (i) of clause (d) of sub-section (2) of section 4, the land owned or held by a person shall be valued according to the relative valuation of various classes of land as given in rules 8 and 9 and the whole of the land shall be converted into the first quality land. After it is so valued and converted the land in excess of seven hectares of first quality land shall be treated as surplus area. The figure arrived at on the basis of total valuation of all the classes of land shall be treated as land of the class referred to in clause (a) of sub-section (2) of section 4 and the permissible area and the surplus area shall be determined accordingly.

Illustrations—

- (1) A person has 20 hectares of land commanded for irrigation by a perennial canal the projected intensity ratio whereof is 62 per cent for the whole year. There is a privately owned tubewell with a motor of 5 H.P. installed in that land. Besides, he has Barani land measuring 10 hectares. In this case, the permissible area shall be worked out as follows:

The first quality land irrigated by canal water -

$$20 \times 62 / 2 \times 100 = 6.2 \text{ hectares.}$$

The first quality land irrigated by tubewell = 5 hectares.

Total area of the first quality land = $6.2 + 5 = 11.2$ hectares.

Land deemed to be Barani out of 20 hectares = $20 - 11.2 = 8.8$ hectares.

Barani Land = 10 hectares.

Total Barani land including land deemed to be Barani = $10 + 8.8 = 18.8$ hectares.

Value of the Barani land in terms of the first quality land $18.8 \times 34 / 100 = 6.392$ hectares.

Value of the whole land in terms of the first quality land = $11.2 + 6.392 = 17.592$ hectares.

Permissible area in terms of first quality land = 7 hectares.

Surplus area in terms of the first quality land = 10.592 hectares.

Land selected by this person as his permissible area shall be valued accordingly. The area equivalent to 7 hectares of the first quality land shall be allowed to him as permissible area and the rest shall be declared as surplus area.

¹[(2) A person has 12 hectares of land commanded by a non-perennial canal the projected intensity ratio whereof is 55 per cent. Besides, he has 20 hectares of Barani land and 10 hectares of Banjar Land.

Total area of irrigated land = 12 hectares.

¹Substituted vide Notification No. GSR 138/PA dated 7.12.1976.

Land under assured irrigation for one crop = $12 \times 55 / 100 = 6.6$ hectares.

Land deemed to be Barani out of 12 hectares = $12 - 6.6 = 5.4$ hectares.

The first quality land irrigated by canal water = $6.6 \times 63.6 / 100 = 4.2$ hectares.

Total Barani land including land deemed to be

Barani = $20 + 5.4 = 25.4$ hectares.

Value of the Barani land in terms of first

Quality land = $25.4 \times 34 / 100$ hectares.

Value of Banjar land in terms of the first

Quality land = $10 \times 27 / 100$ hectares

Total value of the land in terms of the first

Quality land = $4.2 + 25.4 \times 34 / 100 + 10 \times 27 / 100 - 4.2 + 8.636 \times 27 = 15.536$ hectares.

Permissible area in terms of the first quality land = 7 hectares.

Surplus area in terms of the first quality land = 8.536 hectares.

The land selected by this person as his permissible area shall be valued accordingly. The area equivalent to 7 hectares of the first quality land shall be allowed to him as permissible area and the rest shall be declared surplus area].

11. Determination of value of gross produce for the purpose of section 10.—

The value of the gross produce referred to in the explanation to sub-section (1) of section 10 for the purpose of determining fair rent shall be determined on the following basis:-

(1) The gross produce per agricultural year per hectare of the land shall be the total of average yield of crops generally grown on such lands in the National Extension Service Block in which land is situate.

(2) The average yield per hectare of a crop grown on a certain land shall be worked out by taking the arithmetic average of the yield as determined by crop cutting experiments on such class of land during a period of five years immediately preceding the appointed day.

(3) If results of crop cutting experiments are not available either for irrigated or for un-irrigated land the average yield per hectare of a crop grown on irrigated land shall be taken as twice the average yield per hectare of such crop grown on un-irrigated and vice versa.

(4) The value of gross produce for one hectare or uncultivated Kallar, Sem, Thur and Banjar land shall be taken as 80 per cent of the value determined for gross produce for one hectare of Barani land.

(5) If results of crop cutting experiments are not available for any block to determine the average yield of any particular crop, the average yield as recorded in the Season and Crop Report prepared immediately before the appointed day shall be taken to be the average yield.

(6) The money value of the gross produce shall be arrived at by multiplying the gross produce determined according to sub-rules (1), (2), (3), (4) and (5)

above, by the average market value determined by taking the arithmetic average of the market prices of crops prevailing in the principal market of the area of 15th June (for Rabi) and 15th January (for Kharif) for a period of 3 preceding years;

Provided that where the procurement price is fixed by the Government of India in respect of a certain crop, it will be taken as the market price of the crop for the purpose of sub-rule (6).

12. Relevancy of revenue record for determining irrigated and un-irrigated land.— For the purpose of these rules, the relevant revenue record for determining whether the land is irrigated or un-irrigated shall be the entries in khasra girdawari record for the year 1970;

Provided that when the land is acquired by a person [on or after the appointed day] in any manner, other than by inheritance, bequest or gift from a person to whom he is an heir, the relevant revenue record for the aforesaid purpose shall be the khasra girdawari record prepared immediately before such acquisition.

13. Procedure for determining amount to be paid for surplus area.— (1) The statement referred to in sub-section (2) of section 10 shall be prepared in form 'B'.

(2) After the statement referred to in sub-rule (1) has been prepared, the Collector or the officer authorised by the State Government ¹[shall serve a ninety days' notice] in form 'C' on the persons having interest in the land.

(3) When the period specified in the notice issued under sub-rule (2) has expired, the Collector or the officer authorised by the State Government, after taking into consideration the claims put in by various persons and after such enquiry as he deems necessary shall apportion the amount determined under sub-section (1) of section 10 amongst the persons having interest in the land.

²**14. Manner of payment.**—Where the amount determined under sub-section (1) of section 10 is one thousand rupees or less, it shall be paid in lump sum. Where the amount is more than one thousand rupees, ³[at least one thousand rupee or the amount of instalment whichever is more], will be paid in lump sum and the remaining amount in half-yearly equated instalments not exceeding fifteen;

Provided that half yearly instalments will not be less than five hundred rupees each, the last instalment being the amount in balance].

15. Issue of vouchers for cash payment.— (1) The amount shall be paid by issuing vouchers in form 'D'. A book containing such vouchers shall be kept in double-lock by the Treasury Officer or Sub-Treasury Officer, as the case may be, and shall, on receipt of a demand in form 'E' be issued to the Collector or to an

¹ Substituted for words 'serve a notice' vide Notification No. 69/PA dated 2.9.1987.

² Rule 14 substituted vide Notification No. 162/PA dated 16.11.1979.

³ Substituted vide Notification No. 69/PA dated 2.9.1987.

officer authorised by the State Government, who shall keep the book in his personal custody and shall before commencing the use thereof, send an intimation to the Treasury Officer or Sub-Treasury Officer, as the case may be, in form 'F'. Ordinarily, only one book ¹[shall be issued at a time] by the Treasury Officer or Sub-Treasury Officer to the Collector or to the Officer concerned.

(2) A voucher, which is not encashed within a period of three months from the date of its issue, shall cease to be valid unless it is, on an application by the holder thereof, countersigned and revalidated for payment by the Collector of an officer authorised by the State Government. The holder, on failure to obtain payment within three months from the date of issue, shall submit the voucher with an application for its revalidation.

(3) In case of loss, destruction or ²[mutilation of the voucher] the holder may apply for the issue of fresh voucher. A new voucher shall not be issued until after the expiry of six months from the date of ³[issue of the said voucher] and until non-payment certificate has been obtained from the Treasury Officer or Sub-Treasury Officer.

16. Procedure for Treasury Officer and Sub-Treasury Officer.— (1) The Treasury Officer or Sub-Treasury Officer, as the case may be, shall keep an account of vouchers, presented and encashed on each day of payment in form 'G'. These forms shall be kept in a guard file. Where no payments are made on any day⁴ the Treasury Officer or Sub-Treasury Officer shall prepare a blank statement in this form.

(2) The Treasury Officer or Sub-Treasury Officer shall prepare a monthly statement in form 'H' and send one copy thereof to the Collector of the district or the officer authorised by the State Government, who shall consolidate all the statements for the district on form 'I'.

17. Procedure on application made under section 15.— (1) The application under sub-section (2) of section 15 shall be made in form 'J'.

(2) The Assistant Collector of the first grade shall after verifying the particulars given in the application made under sub-rule (1) and after making a summary enquiry, determine the amount payable in respect of the land for which the application is allowed.

(3) When a tenant has become owner of any land in accordance with the provisions of the sub-section (4) of section 15, the Assistant Collector of the first grade shall issue to him a certificate in form 'K'. The Assistant Collector of the first grade shall prepare three copies of such certificate, one to be placed on the file, the second to be sent to the landowner and the third to the patwari concerned, who shall make entries in the mutation register in accordance with

¹ Substituted vide Notification No. 69/PA dated 2.9.1987.

² Substituted vide Notification No. 69/PA dated 2.9.1987.

³ Substituted vide Notification No. 69/PA dated 2.9.1987.

the certificate which shall, for purposes of attestation of the mutation and charging of fee, be treated as if it were an order of a revenue officer.

¹[18. **Payment of purchase price.**- (1) The amount determined under sub-section (2) of section 15 shall be paid in lump sum where it does not exceed two hundred rupees and in fifteen equated half yearly instalments in other cases.]

(2) The lump sum or the first instalment of the amount determined under sub-section (2) of section 15 shall be deposited in a Government Treasury or Sub-Treasury or paid to the Assistant Collector of the first grade having jurisdiction within fifteen days of such determination and every subsequent instalment shall be paid within fifteen days of the date on which it becomes due.

19. Court fees.- An appeal or an application for review or revision, as the case may be, shall be made on -

- (a) one-rupee court fee stamped paper, when made to the Collector.
- (b) two-rupee court fee stamped paper, when made to the Commissioner, and
- (c) four-rupee court fee stamped paper, when made to the Financial Commissioner.

20. Court fee on miscellaneous applications and process fees.- Save as provided in rule 19, an application made under the provisions of the Act, shall bear one-rupee court fee stamp. Process fees shall be chargeable as prescribed by or under the Court Fees Act, 1870 (Act VII of 1870).

21. Procedure to be followed generally.- In all proceedings under the Act and these rules, the Collector or any other officer shall, in respect of matters for which provision has not been made in the Act or these rules, observe the procedure prescribed for revenue officers under the Punjab Tenancy Act, 1887, and the rules thereunder.

22. Manner of service of notice or orders.- Save as otherwise provided in these rules, notices or orders under the Act, shall be served in the manner provided in Section 90 of the Punjab Tenancy Act, 1887 (Act XVI of 1887).

23. Repeal.- The Punjab Security of Land Tenures Rules, 1953, the Punjab Security of Land Tenures Rules, 1956 and the Pepsu Tenancy and Agricultural Lands Rules, 1958, in so far as they are inconsistent with the provisions of these rules, shall stand repealed.

¹ Substituted vide Notification No.87/PA dated 4.10.1973.

FORM 'A'

(See rule 5)

(To be furnished in duplicate for each district under rule 5 of the Punjab Land Reforms Rules, 1973)

Name of the landowner/tenant _____, son of _____
resident of _____ Patwar Circle _____
Tehsil _____

¹[(a) Name of minor children with their ages on 24th January, 1971.

Sr. No.	Name	Age
1.		
2.		
3.		
4.		
5.		

(b) Names of adult sons for whom separate permissible area is selected:

Sr. No.	Name
1.	
2.	
3.	
4.	
5.]	

PART-I (Village-wise)

Name of the Village						
Total area owned and area (if any) held as mortgagee with possession on as a share in a Co-operative Society (to be indicated separately)	Area held as a tenant	Area cultivated in any other capacity	Particulars of area transferred since 24 th January, 1971 with names of the transferees, and nature of transfer, whether sale or gift or other- wise	Particulars of land acquired since 24 th January, 1971	Name of tenants under the landowners with area held by each and the date from which the tenancy commenced	

¹ Substituted vide Notification No. G.S.R. 87/PA/10/73/S.26(Amd.)73 dated 4.10.1973.

1	2	3	4	5	6

PART II (Village-wise

(Details of Khasra Nos. owned or held as a mortgagee with possession and as a tenant)

Khasra No.	Area	Kind of land also clearly mentioning if under orchard excluding ¹ [land under bananas or guavas trees or land comprised in vineyard]]	Whether irrigated, if so, source of irrigation	Whether irrigation available for one crop or for two crops	Whether selected as a part of permissible area. If so, whether reserved for himself or his adult son.
1	2	3	4	5	6

Affidavit

I solemnly affirm that particulars given by me in the above form are true to the best of knowledge and belief and that nothing has been concealed.

Dated _____ 197

Landowner/Tenant

Attestation

Certified that the above declaration or solemn affirmation was made before me at _____.

It was read over to the deponent who admitted it as correct.

Dated _____ 197

Magistrate 1st Class/Oath Commissioner

¹ Substituted vide Notification No. G.S.R. 69/P.A. dated 2.9.1987

Receipt

Received form 'A' (in duplicate) from Shri/Shrimati _____, resident of _____

Dated _____ 19

Collector

District

FORM "B"

(See Sub-rule (I) of rule 13)

1. Name of the landowner or tenant
2. Address
3. Fair rent in respect of land comprised in the surplus area

Village and tehsil in which land is situated	Khasra and Khewat No.	Area	Class of land	Amount of fair rent
1	2	3	4	5

Note.- (Please mention the first quality land, the land with assured irrigation for one crop, barani land and banjar land in that order).

4. Amount payable for the surplus area-

- (a) Amount for the first three hectares of land
- (b) Amount for the next three hectares of land
- (c) Amount for the remaining area

Signature of the Circle
Revenue Officer

FORM 'C'

[See sub-rule (2) of rule (13)]

To _____

A copy of the statement (in form 'B') regarding the amount payable in respect of the surplus area referred to in sub-section (2) of Section 10 of the Punjab Land Reforms Act, 1972, is enclosed herewith for your information.

2. You are requested to appear before the undersigned personally or through authorised agent on _____ at _____ and state the nature of your interest in the land mentioned in form 'B' and particulars of your claim for payment of the amount or a part of the amount in respect of such interest.

Signature of the Collector or
Officer authorised by the
State Government

FORM 'D'

[See sub-rule (1) of rule 15]

Voucher for payment of amount in Cash Book No. _____ Voucher
No. _____, Name, parentage and residence of the claimant.

Amount payable in cash Rs. _____ (in words) _____

Signature of Collector

Date _____

Received voucher No. _____ of Book No. _____

Dated _____

Signature of recipient

Dated _____

Book No. _____ Voucher No. _____

Head of service Chargeable :

Voucher No. _____ of list of payment.

Approved for Rs. (in words) _____

Signature of Collector

Dated _____

Received this _____ day of _____ 197, the sum of Rs.
_____ in words being the amount due to me.

Name, parentage and address _____
of the claimant _____

Claimant's signature

Dated _____

FORM 'E'

[See sub-rule (1) of rule 15]

Form of requisition to be sent by Collector or Officer authorised by the State Government to Treasury Officer/Sub-Treasury Officer.

No. _____

Collector or the Officer,
authorised by the State Government
dated the _____

To
The Treasury Officer/
Sub-Treasury Officer

Please issue immediately to the undersigned one Book containing voucher Nos.

1 to 100 for payment of compensation in cash under the ¹[Punjab Land Reforms Act, 1972]

Collector or the Officer authorised
by the State Government

FORM 'F'

[See sub-rule (I) of rule 15]

Form of intimation to Treasury Officer/Sub-Treasury Officer Use of Voucher
Books

Intimation No. _____

Dated _____

From

The Collector or the Officer authorised
by the State Government

To

The Treasury Officer/Sub-Treasury Officer,
_____ District/Tehsil

This is to intimate that I have/this _____ day of _____
commenced the use of Book No. _____ containing voucher Nos. 1 to
100. Please acknowledge receipt of this intimation.

Collector or the Officer authorized by the
State Government
Dated _____

FORM 'G'

[See sub-rule (I) of rule 16]

Statement of encashed compensation cash vouchers issued for the surplus area
determined under the Punjab Land Reforms Act, 1972.

Treasury _____ District.

¹ Substituted for the words and figures, Pepsu Tenancy and Agricultural Lands Act, 1955 vide
Notification No. G.S.R. 87/PA-10/73/S.26(Amd) 73 dated 4.10.1973.

Date of encashment	Book and serial No. of vouchers	Treasury/ Sub-treasury voucher No.	Amount paid	Signature of Treasury Officer	Remarks
1	2	3	4	5	6

Treasury Officer Sub-Treasury Officer,
_____ District/Tehsil.
Dated _____

FORM 'H'

[See sub-rule (2) of rule 16]

Monthly statement of payment of amount in cash for the surplus area
determined under the provisions of the Punjab Land Reforms Rules, 1973.

Tehsil _____ District _____ Month _____

Book and serial No. of voucher	Total amount encashed	Remarks
1	2	3

Treasury Officer/Sub-Treasury Officer,
_____ District/Tehsil
Dated _____

The Collector or Officer authorised
by the State Government.
_____ District

FORM 'I'

[See sub-rule (2) of rule 16]

Consolidated monthly statement of payment of amount in cash for the surplus area determined under the provisions of Punjab Land Reforms Act, 1972 to be sent to the Financial Commissioner, Revenue.

Month _____

Name of District	Total amount paid by cash payment	Remarks
1	2	3

No. _____

Date _____

Collector of the district of the Officer
authorised by the Stte Government
_____ District

FORM 'J'

[See sub-rule (1) of rule 17]

To

The Assistant Collector of the first grade, Tehsil _____

- I wish to purchase the land(s) description of which is given below (Table A) under section 15 of the Punjab Land Reforms Act, 1972.
- I also attach (here give details of documents attached) in proof of the fact that the land(s) remained in my occupation for _____ years.
- I also own land particulars of which are given in table B overleaf.
- I intend to pay the purchase price in lump sum/in _____ half yearly instalments.

TABLE 'A'

Serial No.	Name, parentage and address of applicant	Total area to be purchased	Village, tehsil and district where land is situate	Khasra, Khatauni and Nos. of the land	Name, parentage and address of the landowner	Number of years for which it has been in occupation and since when	Land Revenue rates and cesses assessed on land	Remarks
1	2	3	4	5	6	7	8	9

Signature of the Tenant

TABLE 'B'

Serial No.	Village, Tehsil and district where land is situate	Land Held				Total of items Nos. 3(b) and (d)	Remarks
		As Owner		In any other capacity as mortgagee or lessee or tenant			
		Khasra, Khewat and Khatauni Nos.	Area	Khasra, Khewat and Khatauni Nos.	Area		
		(a)	(b)	(c)	(d)		
1	2	3				4	5

FORM 'K'

[See sub-rule (3) of rule 17]

Certificate of sale under sub-section (2) of section 15 of the Punjab Land Reforms Act, 1972.

Case No. _____

Date of Institution _____

_____ versus _____

I, _____, Assistant Collector of the first grade, hereby certify that _____ son of _____, resident of village _____

tehsil _____ district _____, is the purchaser of land comprising Khasra Nos. _____, measuring _____, situated in village _____, tehsil _____, district _____.

The amount determined in respect of this land is Rs. _____ and paise _____. The sum of Rs. _____, Paise _____ has been paid by the purchaser. He is required to pay instalments of ¹[----] each per harvest, the last instalment being equal to or less than ²[-----].

Dated _____

Signature of Assistant Collector,
1st Grade

(Seal)

SCHEDULE 'A'

(See Rule 9)

Serial No.	Name of Canal	Projected intensity
		Per cent
1.	Bist-Doab Canal (Perennial)	45
2.	Sidhwan Canal (Non-perennial)	31
3.	Bhakra Canals (Perennial)	62
4.	Sirhind Canal (Perennial)	62
5.	Eastern Canal (Non-perennial)	55
6.	Sirhind Feeder (Golewala System) (Perennial)	62
7.	Upper Bari-Doab Canal-	
	(a) Perennial	90
	(b) Non-perennial	45
8.	Government Tubewell	100
³ 9.	Shah Nehar (non-perennial)	80%

¹ Substituted vide Punjab Govt. Notification No. G.S.R. 87/PA/10/73/S.26(Amd)73 dated 4.10.1973.

² Substituted vide Punjab Govt. Notification No. G.S.R. 87/PA/10/73/S.26(Amd)73 dated 4.10.1973.

³ Inserted vide Punjab Govt. Notification No. G.S.R. 87/PA/10/73/S.26(Amd.)73 dated 4.10.1973.

¹[Note.- In respect of private canals and kuhls and lift irrigation for which there is no projected intensity of irrigation, the land irrigated by such means shall be ascertained from the khasra girdawari record of Rabi, 1970 and Kharif, 1970. If the water drawn from such a source had irrigated some land for both Rabi and Kharif, 1970, it shall be treated as the land of the first quality and where such water had irrigated land only for one crop, it shall be treated as land having assured irrigation for only one crop.]

²[Note 2.- The projected intensity of Navi and Moghall khuls in Pathankot Tehsil and Gurdaspur District shall be 60 per cent.

SCHEDULE 'B'

[See sub-rule (4) of rule 9]

(1) Where land is irrigated by water drawn from a privately owned tubewell, pumping set or bore, the area of land having assured irrigation and capable of yielding at least two drops in a year shall be determined as follows:-

- ³[(i) in the case of a tubewell or pumping set or bore worked with 5 H.P. but not more than 12.5 H.P. Motor - 3 hectares per tubewell or pumping set or bore;
- (ii) in the case of a tube well or pumping set or bore worked with 12.5 H.P. but not more than 17.5 H.P. Motor - 5 hectares per tubewell or pumping set or bore; and
- (iii) in the case of a tube well or pumping set or bore worked with more than 17.5 H.P. Motor - 6 hectares per tubewell or pumping set or bore.]

Provided that in the case of Sunam and Barnala tehsils of the Sangrur district, the Bhatinda district, the Faridkot district ⁴[Hoshiarpur and Garhshankar and Balachaur tehsil] of the Hoshiarpur district, the Pathankot tehsil of the Gurdaspur district, the Rajpura tehsil of the Patiala district and National Extension Service Blocks, Khuian Sarvar and Abohar in the Ferozepore district and the Ropar district except Chamkaur Sahib National Extension Service Block, the coverage of area shall be reduced by 25 per cent.

(2) In the case of open wells (percolation wells), the area of land under assured irrigation and capable of yielding at least two crops in a year shall be two hectares per such well.

¹ Added vide ibid.

² Note 2 added vide notification No. G.S.R. 58/88 dated 15.5.1975.

³ Substituted vide Notification No. GSR 25/P.A./10/1973/S.26/Amd(10)/2010 dated 1st July, 2010 w.e.f. 9.7.2010.

⁴ Substituted vide Notification No. GSR 28/PA dated 6.4.1976.

Provided that in the Bhatinda and Mansa tehsils of the Bhatinda district, such land shall be treated as Barani.

(3) If a well is shared by more than one person, the area irrigated by such a well shall be in proportion to the share of each person:

Provided that where the land irrigated by any one or more of the modes referred to in paras (1), (2) and (3) is less than the land determined under those paras, the land so irrigated shall be treated as the land under assured irrigation and capable of yielding at least two crops in a year.

Note.— This schedule is subject to the provision of rule 9(6)

REVENUE DEPARTMENT

Notification

The 4th July, 1973

No. GSR 61/P.A.10/73/S.11/73.— In exercise of the powers conferred by sub-section (2) of section 11 of the Punjab Land Reforms Act, 1972 (Act No. 10 of 1973), the Governor of Punjab is pleased to frame the following 'scheme, namely:—

1. Short title and commencement.— (1) This scheme may be called the Punjab Utilization of Surplus Area Scheme, 1973.

(2) It shall come into force at once.

2. Definitions.— In this scheme, unless the context otherwise requires,—

- (a) "Act" means the Punjab Land Reforms Act, 1972;
- (b) "allottee" means a person who is allotted or is deemed to have been allotted land under this scheme;
- ¹[(c) "eligible person" means a major person who has been residing in the State of Punjab for a period of five years before the commencement of this scheme and is primarily engaged in agriculture as his occupation and who is—
 - (i) a tenant or a member of Scheduled Caste or Backward Class and does not own or hold any land or owns or holds land less than two hectares of the first quality land or its equivalent area; or
 - (ii) a landless agricultural worker].
 - (d) "form" means a form appended to this scheme;
 - (e) "Rules" means the Punjab Land Reforms Rules, 1973;
 - (f) all words and expressions used herein and not defined but defined in the Act or rules shall have the meanings assigned to them in the Act or the rules, as the case may be.

3. Application by eligible person.— An eligible person may make an application to

¹ Clause 'c' of para 2 substituted vide Punjab Govt. notification No. G.S.R. 108, PA dated 3.12.1973.

the Circle Revenue Officer in Form I for allotment of land comprised in the surplus area. Such an application shall be made within three months of the date of commencement of this scheme or within such extended period as may, for reasons to be recorded, be allowed by the Circle Revenue Officer.

4. Power to proceed *suo motu*.— Proceedings for allotment of land comprised in the surplus area may also be initiated *suo-motu* by the Circle Revenue Officer.

5. Procedure to be observed by Circle Revenue Officer.— When an application is made under paragraph 3 or when the Circle Revenue Officer *suo motu* initiates proceedings under paragraph 4, he shall, after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry, as he may consider necessary, prepare a statement for each revenue estate, indicating:—

- (1) particulars of each eligible person,
- (2) the land, if any, owned or held by each such person,
- (3) the area which can be allotted to each such person under the Act, and
- (4) The revenue estate or estates for which such person indicates preference for allotment of land, in case no area is available for allotment in the revenue estate, where he resides.

6. Procedure for allotment of surplus area.— (a) After the procedure prescribed in paragraph 5 has been followed the Circle Revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the persons who do not own or hold any land are placed at the top and the persons who own or hold any land are placed, according to the area possessed by each, in an ascending order:

Provided that where more than one person have equal claims, their names in the priority list shall be arranged by drawing of lots by the Circle Revenue Officer so that a person, whose lot is drawn first, gets preference over the persons whose lots are drawn subsequently.

- (b) The Circle Revenue Officer shall also prepare a list of Khasra numbers (with area) of the land comprised in the surplus area available for allotment in a revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangles shall be observed first and then of killas in each rectangle.
- (c) The record of each case alongwith the lists referred to in sub-paragraphs (a) and (b), shall be forwarded to the Collector, who shall proceed to allot the surplus area to eligible persons in order of the priority shown in the lists prepared under sub-paragraph (a):

Provided that a tenant cultivating the surplus area shall be allotted land cultivated by him subject to the condition that the land allotted to him together with the land already owned by him does not exceed 2 hectares of the first quality land or an equivalent area.

- (d) The allotment of the surplus area determined under the Punjab Law and the Pepsu Law may be undertaken before the determination of the surplus area under the Act. Such area shall be allotted to eligible persons, who have made application under paragraph 3 of this scheme ¹[or are considered eligible for allotment under paragraph 4].
- ²[(e) Where mortgagee rights in respect of any land falling within the surplus areas have vested in the State Government under the proviso to section 8 of the Act, such land shall not be allotted to any person until Government becomes its full owner. The Government may give such land on lease to any person from year to year.]

7. Allotment of land to eligible persons in other revenue estates.- If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may having due regard to his preference, allot him surplus area in any revenue estate in which it is available.

In making such allotment, the Collector shall endeavour to allot him land in any other revenue estate nearest to his village of residence, as far as possible, in the following order:

- (i) in the Patwar circle,
- (ii) in the Kanungo circle, if no land is available in the Patwar circle.
- (iii) in the tehsil, if no land is available in the Kanungo circle,
- (iv) in the district, if no land is available in the tehsil.
- (v) in some other district, if no land is available in the district.

(2) If more than one eligible person seek or are being considered for allotment of land in a revenue estate other than the revenue estate in which they reside, the principles mentioned in paragraph 6 shall, as far as possible, apply.

8. Issue of certificate.- Each allottee shall be given a certificate in Form II by the Collector. A copy of the certificate shall be sent to the Circle Revenue Officer.

9. Delivery of possession.- (1) After making the allotment under paragraph 6 or 7, as the case may be, the Collector shall also pass an order for delivering possession of the land to the allottee under sub-section (1) of section 9 of the Act. One receipt of such an order, the landowner, the tenant or any other person in possession of such land shall deliver possession of the land mentioned in the order to the allottee.

³[Provided that where the circumstances of the case so require the Collector may, for reasons to be recorded, pass an order for delivering possession of the land to him or to an officer authorised by him in that behalf and on the issue of

¹ Added vide notification of Punjab Govt. No. GSR 108/PA dated 3.12.1973.

² Added vide notification of Punjab Govt. No. GSR 108/PA dated 3.12.1973.

³ Proviso added to sub-paragraph (1) of Paragraph 9 vide Notification No. G.S.R. 95/PA-10/73 dated 27.8.1974.

such an order the landowner, the tenant or any other person in possession shall deliver possession accordingly.]

(2) The possession of the land shall be given to the allottee after the crops are harvested. If, however, the Collector deems it necessary to deliver possession of the land to an allottee before crops are harvested, a statement of the area under the crops shall be prepared before giving possession. A copy each of the statement shall be furnished to the landowner, tenant or any other person in possession of such land and to the allottee.

¹[(9-A. When the possession of the surplus area is taken by or on behalf of the State Government the mutation in respect of such area shall first be entered in favour of the State Government and when the allottee has become an owner of that area in accordance with the provisions of that sub-paragraph (d) of paragraph 10 the mutation shall be entered in his favour].

10. Conditions of allotment.- The allotment shall be subject to the following terms and conditions:-

- (a) where possession of land is given with standing crops, the allottee shall pay in lump sum to the landowner or tenant, or any other person in possession, as the case may be, who had raised the crops, compensation to be determined by the Circle Revenue Officer in accordance with the provisions of the Punjab Tenancy Act, 1887, within two months of the determination of the compensation by the Circle Revenue Officer or the harvesting of the standing crop or crops whichever period expires later.
- (b) the allottee shall be liable to pay all Government dues, including land revenue, surcharge, special charge, special assessment, abiana, consolidation fee, in respect of the land allotted to him, from the date he takes possession of the land.
- (c) the allottee shall be liable to pay for the land an amount determined on the following basis:—
 - (i) land under assured irrigation and capable of yielding at least two crops a year—twelve times the fair rent or Rs 5,000 per hectare, whichever is less;
 - (ii) land under assured irrigation for only one crop in a year—twelve times the fair rent or Rs. 3,500 per hectare, whichever is less;
 - (iii) barani land—twelve times the fair rent or Rs 1,750 per hectare, whichever is less;
 - (iv) Bhud, Sailab, Bet-Barani, Bet Sailab, Dakar Rosli Banjar Jadid having no means of irrigation and uncultivated Thur, Sem and Kaller lands—twelve times the fair rent or Rs 1,750 per hectare,

¹ Paragraph 9A inserted vide Notification ibid.

whichever is less;

- (v) banjar land twelve times the fair rent or Rs 1500 per hectare, whichever is less.

- (d) the allottee shall become the owner of the land allotted to him when full payment of the amount due from him has been made; and

- ¹[(e) the allottee shall not be competent to transfer his rights in the land allotted to him to any person till he becomes the owner thereof or before the expiry of a period of five years of the date of possession, whichever is later:

Provided that the allottee may transfer the land by way of mortgage without possession in favour of a Cooperative Society, Scheduled Bank or Corporation owned or controlled by the government for the purpose of raising loan for the development of such land].

11. Cancellation of allotment in certain cases.- If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable to cancellation of the allotment:

Provided that if default is made in paying part of the amount determined under paragraph 10(c), the Collector may cancel the allotment of an area proportionate to the amount which has remained unpaid.

12. Manner of payment of compensation.- (i) The amount shall be paid into the Government treasury or sub-treasury by the allottee in half yearly instalments of Rs. 500 each, the last instalment being equal to or less than Rs. 500/-. However, the allottee may deposit the entire amount into the Government treasury in lump sum.

- (ii) The Circle Revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them. At the end of every month a statement regarding payments received from allottees shall be furnished by the Treasury Officer or Sub-Treasury Officer, as the case may be to the Circle Revenue Officer.

13. Conferment of proprietary rights on tenants allotted surplus land under the Punjab law.- A tenant resettled on the surplus area of a land-owner ²[--] in accordance with the provisions of the Punjab Law and the rules framed thereunder at any time before the commencement of the Act shall be deemed to have been allotted land in accordance with the provisions of this scheme:

Provided that the provisions of this paragraph shall not be applicable where the tenant is deemed to have become the owner in accordance with clause (b) or sub-section (4) of section 18 of the Punjab Law before the commencement of

¹ Substituted vide Notification No. S.O. 25251/PA 10/1973/S.11 Amd.(3)/2010 dated 1st July, 2010 w.e.f. 9.7.2010.

² Omitted vide Notification No. G.S.R. 93/PA dated 27.8.1974.

the scheme.

14. Repeal and Saving.- The Utilization of the Surplus Area Scheme, 1960 framed under section 32 of the Pepsu Tenancy and Agricultural Lands Act, 1955, is hereby repealed:

Provided that anything done or any action taken under the scheme so repealed shall be deemed to have been done or taken under the corresponding provisions of this scheme.

FORM I

(See Paragraph 3)

Name, parentage village, tehsil and district of the applicant	Khasra No. of land he owns/cultivates with the name of the estate, tehsil and district	Area he wants to be allotted with the name of the estate, tehsil and district	Name of the Scheduled or Backward Class to which he belongs	Remarks

I hereby certify that I have known the applicant personally for a period of _____ and to the best of my knowledge and belief he belongs to the _____ caste which is one of the Scheduled Castes or a Backward Class declared as such by the State Government.

Signature of Sarpanch/Lambardar
or any Gazetted Officer or a
Revenue Officer.



THE PUNJAB LAND REFORMS RULES, 1973

FORM II

Form of Certificate

(See Paragraph 8)

Certified that _____ son of _____
resident of _____ has been allotted land measuring
_____ and situated in _____
estate _____ Tehsil _____
District _____ under the provision of the Punjab Utilization of
Surplus Area Scheme, 1973, subject to the terms and conditions specified in that
scheme. The amount payable for such allotment has been determined
as _____

Collector

1154
19
350
19
369
19