

STATEMENT OF CONDITIONS FOR GRANT OF RESUMED LAND UNDER PARAGRAPH 32(4) OF THE LAND REFORMS REGULATION, 1972

In exercise of the powers conferred by sub-paragraph (4) of paragraph 32 read with paragraph 18 of the Land Reforms Regulation, 1972 (Martial Law Regulation 115 of 1972) the Governor of the Punjab is pleased to issue the following statement of terms and conditions on which the land vesting in Government under the repealed West Pakistan Land Reforms Regulation (Martial Law Regulation 64 of 1959) and not granted to any person before the repeal thereof, shall, subject to the other provisions of the Land Reforms Regulation, 1972, be granted free of charge. This statement of terms and conditions shall be deemed to have come into force with effect from the 5th March, 1974.

2. Definitions.- (1) In this statement unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

- (a) "Chief Land Commissioner" means a Member of the Commission nominated as the Chief Land Commissioner by the Commission under sub-paragraph (4) of paragraph 4 of the Regulation;
- (b) "estate" means any area—
 - (i) for which a separate record of rights has been made; or
 - (ii) which has been separately assessed to land revenue; or
 - (iii) which the Board of Revenue may, by general or special order, declare to be an estate;
- (c) "family" means and includes wife or wives, husband, son and daughter but does not include step-son and step daughter;
- (d) "Government" means the Government of the Punjab;
- (e) "land" means land which was resumed under the West Pakistan Land Reforms Regulation (Martial Law Regulation 64 of 1959) and is now available for grant under this statement of terms and conditions;
- (f) "grantee" means a person who is granted land under this statement of terms and conditions and includes his successors-in-interest;
- (g) "Regulation" means the Land Reforms Regulation, 1972 (Martial Law Regulation 115 of 1972), and includes all amending Regulations, Ordinances, Orders and notifications issued thereunder;
- (h) "Rules" means the Rules made under the Regulation; and
- (i) "self-cultivator" means a person who cultivates land himself or through his son or grandson or son-in-law or nephew.

(2) All other terms and expressions used in this statement shall have the meaning respectively assigned to them in the Regulation or, as the case may be, in the Punjab Land Reforms Rules, 1972.

3. General powers of Government.- The Government is prepared to grant land but no person shall be entitled as of right to receive a grant under this statement and the Government retains absolute discretion in the selection of grantees.

¹[**4. Eligibility.-** Subject to the provisions of the Regulation and this statement, the following shall be eligible for grant of land:-

¹ Substituted by Government of the Punjab, Colonies Department's notification No. 2005-99/1416-CLI, dated 19th May, 1999.

- (a) A tenant who is shown in the Revenue Records to be cultivating possession of the land in Kharif 1971 and Rabi 1971-72.
- (b) A grantee of land under the repealed West Pakistan Land Reforms Regulation, 1959 as defined in para 28 of the Land Reforms Regulation, 1972, whose grant was cancelled for non-payment of instalments of sale of the land but who is in cultivating possession of the land.
- (c) A tenant in the estate concerned who is either landless or owns anywhere an area less than a subsistence holding.
- (d) A landowner in the estate concerned whose total holding in the estate and anywhere else is less than a subsistence holding.
- (e) A tenant in the adjoining or other estate in the district who is either landless or owns anywhere an area less than a subsistence holding.
- (f) A landowner in the adjoining or other estate in the district whose total holding anywhere is less than a subsistence holding.
- (g) Such other persons as may be specified by Government from time to time.]

²[5. **Priorities for grant of land.**- (1) Tenants and other eligible persons mentioned at (a) and (b) of paragraph 4 shall have the first preference to the grant of land in their cultivating possession.

(2) While considering claims of tenants and other eligible persons mentioned at (c), (d), (e) and (f) of paragraph 4, the following order of priority shall be observed:-

- (I) Tenants and landowners of the estate where the land proposed to be granted is situated.

 - (a) Tenants or self-cultivating owners in the estate who own less than five acres of land shall be given preference over others.
 - (b) If after satisfying the claims of tenants and self-cultivating owners at (a) above, some land is left for grant, then the tenants and self-cultivating owners in the estate who owns five acres or more but less than twelve acres, shall be considered.
 - (c) If after satisfying the claims of tenants and landowners of category (b) above, some land is still left for grant, then the persons who own less than subsistence holding but are not self-cultivator in the estate, shall be considered.
- (II) Tenants and landowners of the estates adjoining the estate where the land proposed to be granted is situated.

If after satisfying the claims of tenants and landowners of the estate concerned, under (I) above, some land is still left for grant, then the tenants and landowners of the adjoining estates, shall be considered.
- (III) Tenants and landowners of other estates in the district (other than the estates adjoining the estate where the land proposed to be granted is situated).

If after satisfying the claims of tenants and landowners of the adjoining estates, under (II) above, some land is still left for grant, then the tenants and landowners of other estates in the district (other than the estates adjoining the estate where the land proposed to be granted is situated), shall be considered.
- (3) In deciding the inter-se claims of tenants and other persons falling in the same category, the following principles should be observed:-
 - (i) A tenant who owns no land should be given preference over an

² Substituted *ibid*.

owner however small the latter's holding may be.

- (ii) A tenant having longer period of tenancy should be given preference over a tenant having lesser period of tenancy. If there be two or more tenants having equal qualification, selection should be made by drawing lots.
- (iii) An owner owing lesser area nearer to the land to be granted should be given preference over others. If there be two or more owners having equal qualification, selection should be made by drawing lots.
- (iv) While considering claims of tenants and landowners of adjoining estates, one residing nearer to the land to be granted should be given proposed, belonging to an estate nearer to the land to be granted should be given preference over others and the principles at (i), (ii) and (iii) above shall be observed.
- (v) While considering claims of tenants and landowners of other estates in the district (other than the estates adjoining the estate where the land proposed to be granted is situated) one belonging to an estate nearer to the land to be granted should be given preference over others and the principles at (i), (ii) and (iii) above shall be observed."

6. Scale of area to be granted.- Subject to its availability land will not be granted to persons made eligible under this statement of conditions exceeding the maximum of a subsistence holding and if an entitled person already owns any land, he should be granted only so much land which together with the land already owned by him does not exceed an area of a subsistence holding.

³[**7. Applications for grant of land.**- (1) A schedule of land available in each village for grant under sub-paragraph (4) of paragraph 32 of the Regulation shall be prepared by the office of the Deputy Land Commissioner. Copies of the schedule shall be pasted at conspicuous places in the village concerned as also on notice boards at tehsil and district headquarters and applications for grant of land shall be invited by the Deputy Land Commissioner under sub-paragraph (1) of paragraph 5 and clause (I) of sub-paragraph (2) of paragraph 5 from tenants, ex-grantees and landowners of the estate concerned, by a date to be specified in the notice. Wide publicity to this effect shall also be given by beat of drum from a period of seven days in the estate concerned. The applicant shall be required to furnish, inter alia, the following particulars:-

- (i) Name, parentage and present address of the applicant.
- (ii) Whether the applicant is a person who, but for the coming into force of the Regulation, would have been entitled to inherit land from any person who is required to surrender land under the Regulation.
- (iii) Particulars of the land (area with Khasra No. and name of village / tehsil / district):-
 - (a) being cultivated by the applicant;
 - (b) owned by the applicant;
 - (c) desired to be granted.

(2) If after satisfying the claims under (I) of sub-paragraph (2) of paragraph 5, some land is still left for grant, its schedule shall be prepared by the Deputy Land Commissioner and further action taken on the lines of sub-paragraph (1).

(3) If after satisfying the claims under (II) of sub-paragraph (2) of paragraph 5, some land is still left for grant, its schedule shall be prepared by the Deputy Land Commissioner and further action taken on the lines of sub-paragraph (1).

³ Substituted *ibid*.

(4) Applications shall be sent either by registered post, acknowledgement due, to the Deputy Land Commissioner or presented to him in person and receipt thereof obtained from his office.

(5) All applications received in the office of the Deputy Land Commissioner shall be passed on to the Sub-Assistant Land Commissioner concerned for necessary verification and proposals.]

⁴[8. **Procedure for grant of land.**- (1) After receipt of applications under sub-paragraph (1) or sub-paragraph (2) or sub-paragraph (3) of paragraph 7, the Sub-Assistant Land Commissioner shall verify the facts from the original revenue records of the estate under his control and if necessary by recording other evidence and then make his proposal for grant of land in Form LR-XVIII-MLR-64 to be prepared in quadruplicate. In doing so, the Sub-Assistant Land Commissioner shall keep in view the principles laid down in paragraph 5 and such as may be issued, from time to time, by the Chief Land Commissioner. The Sub-Assistant Land Commissioner shall submit his proposal, alongwith the original application, to the Deputy Land Commissioner, through the Assistant Land Commissioner of the area.

(2) The Assistant Land Commissioner shall make his recommendations in the relevant column of Form LR-XVIII-MLR-64, in all the copies, and pass it on to the Deputy Land Commissioner.

(3) On receipt of proposal and recommendation of the Sub-Assistant Land Commissioner and the Assistant Land Commissioner in Form LR-XVIII-MLR-64, the Deputy Land Commissioner shall, after hearing applicant and considering such objections as may be raised against the recommendation, pass an order in the relevant column of all copies of Form LR-XVIII-MLR-64 finalizing the grant. The Deputy Land Commissioner shall announce the order to the applicant and obtain his signatures or thumb-impression in the relevant column of all copies of Form LR-XVIII-MLR-64.

(4) A copy of the order in Form LR-XVIII-MLR-64 shall be retained in the office of the Deputy Land Commissioner; the second copy shall be sent to the Sub-Assistant Land Commissioner for record, the third copy shall be sent to the Tehsildar concerned, for entries in the revenue record; and the fourth copy shall be given to the grantee.

(5) An upto date record showing grant of land under sub-paragraph (1) of paragraph 5, clause (I), clause (II) and clause (III) of sub-paragraph (2) of paragraph 5 separately shall be maintained in the office of the Deputy Land Commissioner and the Sub-Assistant Land Commissioner in Registers to be prepared village wise.]

9. Terms and conditions of the grant.- (1) The grantee -

(a) *Restrictions on alienation.*- shall not alienate by sale, gift, mortgage or otherwise the land or any portion thereof during the period of 25 years from the date of the grant; provided that for the purpose of obtaining a loan for the development of the land the grantee may mortgage the land in favour of the Provincial Government, any Government sponsored institution or a co-operative society;

(b) *Use, cultivation of land and crop pattern.*- shall maintain the land in a proper state of cultivation and productivity and the whole of the land shall be used for the sole purpose of agriculture and the whole or any part of the land shall not be used for building purposes except such buildings as are, in the opinion of the Deputy Land Commissioner, required for agricultural purposes or purposes subservient to agriculture. The grantee shall also observe the crop pattern in vogue or such pattern and restrictions in respect of crops as may be prescribed by the Government or the Chief Land Commissioner, from time to time;

(c) *Prohibition to sublet.*- shall not sublet the land, but shall cultivate it himself, or if he is unable to cultivate it himself on account of any physical infirmity, shall cultivate it through his son, or son-in-law, or nephew, if any, and if no such relative is available through any other person specially permitted by the Deputy Land Commissioner;

⁴ Substituted *ibid.*

(d) *Association or Co-operatives of Farmers.*- shall join such association of cooperative societies of farmers for purposes of enhancement of productivity and return from land, as the Chief Land Commissioner may direct;

(e) *Prompt payment of Government dues.*- shall pay to Government promptly, when due, in respect of the land all land revenue assessments, occupier's rates, cesses or other charges imposed by competent authority under any law for the time being in force;

(f) *Rights of public etc.*- shall not interfere with the lawful use by the public of any thoroughfare on the land or with the exercise of any rights and easements already existing thereon or which the grantee is required by the Deputy Land Commissioner or the Collector to create or allow;

(g) *Boundary marks.*- shall comply with such directions as the Collector may from time to time issue requiring him to construct boundary marks on the limits of the said land or any part thereof, and shall keep them, when erected, in good repair to the satisfaction of the Collector;

(h) *Maintenance of the water courses.*- shall maintain in proper state of repair and clearance the water-course irrigating the land, and shall not construct, or cause any alternation in any canal, water-course or drainage channel upon the land without the permission of the competent Canal Officer;

(i) *Enforcing of conditions of grant.*- shall permit, without let or hindrance, all officers or servants of Government or of the Commission and all other persons duly authorized by the Commission in that behalf to enter on the land at all times and to do all acts and things necessary for or incidental to:

- (i) the purpose of enforcing compliance with any of the provisions of the grant, or of ascertaining whether these have been duly performed or observed;
- (ii) any purpose connected with the full enjoyment, discovery and use of the rights reserved to Government.

(2) *Reservations by Government.*- The Government hereby absolutely excepts and reserves to itself in respect of the said land, all existing rights to and over all mines and minerals, coal, gold-washing, earth oil and quarries of whatsoever nature existing on over or below the surface of the said lands, or any part thereof, together with all easements heretofore enjoyed by the Government in respect of the aid lands or any part thereof with full liberty to search for, work and remove the same in as full and ample a manner as if this grant had not been made.

(3) *Notice to grantee and time for rectification.*- When the Deputy Land Commissioner, or an Assistant Land Commissioner, specially empowered by the Deputy Land Commissioner, is satisfied that the grantee in possession of the land has committed a breach of any of the terms and conditions governing the grant, he may, after giving the grantee an opportunity to appear and state his objections, resume the grant, or impose on the grantee a penalty not exceeding rupees one thousand which shall be recoverable as arrears of land revenue:

Provided that if the breach is capable of rectification the Deputy Land Commissioner, or as the case may be the Assistant Land Commissioner concerned, shall not order the resumption of the grant unless he has allowed the grantee an opportunity to rectify the breach within a reasonable period not exceeding 30 days from the date of the order.

(4) *Resumption.*- Subject to the provisions of appeal and revision, the grantee shall within 30 days of the order of resumption leave the land and surrender it peacefully to the Deputy Land Commissioner, and if so required by the Deputy Land Commissioner the grantee shall pull down and remove any structure existing thereon and deliver the possession of the land in a level state or in its former condition. If the grantee fails to deliver possession of the land to the Deputy Land Commissioner within the prescribed period, the Deputy Land Commissioner shall eject the grantee with the use of such force, including Police Force, as may be necessary.

(5) *Arbitration.*- If any question or dispute arise at any time between the Government, the Commission and the grantee in any way touching and concerning the grant or the construction meaning, operation or effect of any of these conditions or as to the rights, duties or liabilities of either party under the grant or touching the subject matter of the grant or arising out

of or in relation thereto, the matter shall be referred to the arbitration of the Chief Land Commissioner, whose decision shall be final and binding on the parties:

Provided that reference to arbitration shall not be made if the decision on any such matter has otherwise been provided for and has been so decided.

10. Entries in the Revenue Records.- An order made by any authority under this statement shall be deemed to be a decree of the Civil Court for the purpose of sanctioning mutation and preparation of revenue records.

11. Power of the Chief Land Commissioner.- The Chief Land Commissioner may at any time make such orders and issue such instructions as he may deem necessary for the proper implementation of this statement.

12. Appeal, review and revision.- Any person aggrieved by an order made under this statement may file an appeal or an application for review or revision in accordance with the provisions of the Punjab Land Reforms Rules, 1972.
