

The punjab land reform (PROCEDURE FOR GRANT OF LAND) RULES, 1978

[Gazette of Punjab, Extraordinary, Part I, 6th December 1978]

No. LH-II-407/78-550-LC.----- In exercise of the powers conferred by section 21 of the Land Reforms Act, 1977 (II of 1977) and with the approval of the Government of the Punjab, the Land Commission of the Punjab is pleased to make the following rules, namely :-

CHAPTER I

PRELIMINARY

Short title, extent and commencement.- (1) These rules may be called the Punjab Land Reforms (Procedure for Grant of Land) Rules, 1978.

(2) They shall apply to the Province of the Punjab and the Islamabad Capital Territory.

(3) They shall come into force at once.

2. Definition.- (1) In these rules unless there is anything repugnant in the subject or context-

(a) "Act" means the Land Reforms Act, 1977 (II of 1977).

(b) "Assistant Land Commissioner" means an officer notified as such for any sub-division by the Commission and shall include any person for the time being performing the functions as such :-

(c) "Chief Land Commissioner" means a member of the Commission nominated to be Chief Land Commissioner by the Commissioner under sub paragraph (4) of paragraph 4 of the Land Reforms Regulation, 1972, and shall include any person for the time being performing the functions as such.

(d) "Commission" means the Land Commission of the Punjab constituted under paragraph 4 of the Land Reforms Regulation, (Martial Law Regulation, No. 115 of 1972) or re constituted under section 23 of the Act.

(e) "Deputy Commissioner" means an officer appointed as such for any District by the Commission and shall include any person for the time being performing the functions as such.

(f) "Estate" means any area-

(i) For which a separate record-of-rights has been maintained.

Or

(ii) Which the Board of Revenue, Punjab may by general or special order declare to be an estate.

(g) "Grantee" means a person who is granted land under these rules and includes his successors-in-interest.

(h) "Land" means land which vests in Government under the Act, and

(i) "Sub-Assistant Land Commissioner" means an officer appointed as such for any Tehsil by the Commission and shall include any person for the time being performing the functions as such.

(2) All other terms and expressions used in these rules shall have the same meaning as are assigned to them in the Act or in the Punjab Land Reforms Rules, 1977, as the case may be.

CHAPTER II

PROCEDURE FOR GRANT of LAND UNDER SUBSECTIONS (1) AND (2) OF SECTION 15 OF THE ACT

3. Eligibility for grant and scale of area to be granted.- Land shown in the Revenue Records to be in cultivating possession of a tenant during Rabi 1975-76 and Kharif 1976 shall subject to the proviso to subsection (1) of section 15 of the Act and the limitation laid down in subsection (2) of section 15 thereof be granted to him free of charge.

4. Application for grant of land under subsections (1) and (2) of section 15 of the Act.-----

(1) An application for grant of land under subsections (1) and (2) of section 15 of the Act -shall be made by the tenant eligible in Form LR-1977-(IV, Part I) thereof shall be filled in by the office of the Sub-Assistant Land Commissioner and thereafter the Form shall be delivered to the tenant concerned after making an entry in the Remarks column of Register LR-1977 (III) against the name of the tenant.

(2) The tenant shall fill in Part II of the form and return it to the Sub-Assistant Land Commissioner within the ten days of its receipt. It will be the duty of the Sub Assistant Land Commissioner to assist the tenant in filling the relevant part of the form and to collect it from him within the prescribed period.

(3) On receipt- of Form LR-1977-IV duly filled in, the Sub-Assistant Land Commissioner shall sign the receipt slip at the foot of Form LR-1977 IV and after detaching it return it to the tenant. The office of the Sub Assistant Land Commissioner shall also make an additional entry in the remarks column of Register LR-1977-III about receipt of duly filled in Form LR-1997-IV.

5. Procedure for grant of land under subsections (1) and (2) of section 15 of the Act.----- (1)

The Sub-Assistant Land Commissioner shall verify the facts from the original revenue record of the estates under his control and if necessary, by recording other evidence and then make his proposal for grant of land in Form LR-1977-V, to be prepared in quadruplicate. In doing so, the Sub-Assistant Land Commissioner shall keep in view the area in the possession of the tenant and shown against his name in Register LR-1977-III, his choice of area and such other instructions as may be issued, from time to time by the Chief Land Commissioner. The Sub-Assistant Land Commissioner shall submit his proposal along with original application, to the Deputy Land Commissioner, through the Assistant Land Commissioner of the area.

(2) The Assistant Land Commissioner shall make his recommendation in the relevant column of LR-1977-V, in all the copies, and pass it on, along with the application, 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-1977 V, the Deputy Land Commissioner shall after hearing the applicant-tenant and considering such objections as may be raised against the recommendation, pass an order in the relevant column of all copies of LR-1977-V finalizing the grant. The Deputy Land Commissioner shall announce the order to the applicant-tenant and get his signatures or thumb impression in the relevant column of all copies of the LR-1977-V.

(4) One copy of order in Form LR-1977-V, 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 records and the fourth shall be given to the applicant-tenant.

(5) An up-to-date record showing grant of land under subsections (1) and (2) of section 15 of the Act, shall be maintained in the office of the Deputy Land Commissioner and the Sub-Assistant Land Commissioner in Register in Form LR-1977-VI, to be prepared village-wise.

CHAPTER III

PROCEDURE FOR GRANT OF LAND UNDER SUBSECTION (3) OF SECTION 15 OF THE ACT

6. General powers of Government.--- -The land available for grant under subsection (3) of section 15 of the Act shall also be granted free of charge but the Government retains absolute discretion in the selection of grantees.

7. Priorities for grant of land.- (1) The land available for grant under subsection (3) of section 15 of the Act shall be granted in the following order of priority :-

(I) Tenants and other persons of the estate where the Land proposed to be granted is situated, who own less than twelve acres.-(a) Tenants and self-cultivating owners in the estate, who own less than five acres of land shall be given preference to others.

(b) After the claims of tenants and other persons of a category (a) have been satisfied, the tenants and self-cultivating owners in the estate, who own five acres or more but less than twelve acres of land, shall be considered.

(c) If after satisfying the claims of tenants and other persons of category (b) some land is still left for grant, the persons who own less than twelve acres of land but are not self-cultivators in the estate, shall be considered.

(II) Tenants and other persons of the estates adjoining the estate where the land proposed to be granted is situated, who own less than twelve acres.-(a) If after satisfying the claims of tenants and other persons of the estate concerned, under (1) above some land is still left for grant, then the claims of tenants and self-cultivating owners in the adjoining estates, who own less than five acres of land, shall be considered.

(b) If any land is still left, then the tenants and other persons of the adjoining estates who own five acres or more but less than twelve acres, shall be considered.

(2) In deciding the Inter se claims of tenants and other persons falling in the same category the one who does not own any land or owns lesser area shall be given preference over others.

8. Scale of area to be granted.----- A tenant or other person who is eligible for grant of land under subsection (3) of section 15 of the Act shall be granted only so much land which together with the land already owned by him does not exceed twelve acres.

9. Applications Procedure for grant of land under subsection (3) of section 13 of the Act.--

----- (1) Schedule of land available in each village for grant under sub section (3) of section 15 of the Act 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 from landless tenants of the village concerned and other persons of the same village owning less than twelve acres, by a date to be specified in the notice. Wide publicity to this effect shall also be given by beat of drum for a period of seven days in the village concerned. The applicant shall be required to furnish, inter alia, the following particulars-

(i) Name, parentage, caste and present address of the applicant.

(ii) Whether the applicant is a person who, but for the coming into force of the Act, would have been entitled to inherit land from any person who is required to surrender land under the Act.

(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) 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.

(3) All applications received in the office of the Deputy Land Commissioner under sub-rules (1) and (2) shall be passed on to the Sub-Assistant Land Commissioner concerned for necessary verification and proposals.

(4) After receipt of applications under the preceding sub rule, the Sub Assistant Land Commissioner shall verify the facts from the original revenue records of the estates under his control and if necessary by recording other evidence and then make his proposal for grant of land in Form LR-1977-VII, to be prepared in quadruplicate. In doing so, the Sub-Assistant Land Commissioner shall keep in view the principles laid down in sub-rules (1) and (2) of rule 7, and such other instructions 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.

(5) The Assistant Land Commissioner shall make his recommendation in the relevant column of LR-1977-VII, in all the copies, and pass it on to the Deputy Land Commissioner.

(6) On receipt of proposal and recommendation of the Sub-Assistant Land Commissioner and the Assistant Land Commissioner in Form LR-1977-VII, the Deputy Land Commissioner shall after hearing the applicant and considering such objections as may be raised against the recommendation, pass an order in the relevant column of all copies of LR-1977-VII 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 LR-1977-VII.

(7) A copy of order in Form LR-1977-VII 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 records, and the fourth shall be given to the grantee.

(8) An up-to-date record showing grant of land under subsection (3) of section 15 of the Act, to landless tenants of the village concerned and other persons of the same village owning less than twelve acres shall be maintained in the offices of the Deputy Land Commissioner and Sub Assistant Land Commissioner in Part I of Register in Form LIZ-1977-VIII, to be prepared village-wise.

(9) If after satisfying all claims of landless tenants of the village concerned and other persons of the same village owning less than twelve acres, some land is left for grant its schedule shall be prepared by the office of the Deputy Land Commissioner for inviting applications from landless tenants of adjoining villages and other persons of the said villages owning less than twelve acres of land, in the same manner as is given in sub-rules (1) and (2) of rule 8. The applications shall be dealt with in the manner provided in the preceding sub-rules (3), (4), (5), (6) and (7).

(10) An up-to-date record showing grant of land under subsection (3) of section 16 of the Act to landless tenants of adjoining villages and other persons of such villages owning less than twelve acres, shall be maintained in the offices of the Deputy Land Commissioner and Sub-Assistant Land Commissioner in Part II of Register in Form LR-1977-VIII, to be prepared village-wise.

CHAPTER IV

CANCELLATION OF A GRANT

10. Cancellation of grant.--- If any grantee violates any of the terms and conditions of grant laid down in the Act, the Deputy Commissioner may, after giving an opportunity of being heard to the grantee, or his heirs, as the case may be cancel the grant.

CHAPTER V

ENTRIES IN THE REVENUE RECORD

11. Entries in the Revenue records.-- (1) An order made under these rules sanctioning grant of land in favour of any person or cancelling such grant shall be deemed to be a decree of the civil Court for purposes of sanctioning mutations and preparation of revenue records.

(2) As soon as an order of the Deputy Land Commissioner sanctioning grant of land in favour of any person is received by the Patwari, he shall Prepare mutation in respect of the land granted and the Tehsildar shall sanction the mutation, transferring the land from the Provincial Government to the grantee, as follows :-

(f) If the grant has been made under subsections (1) and (2) of section 15 of the Act, the grantee should be described in the column of ownership as:

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(ii) If the grant has been made under subsection (3) of section 15 of the Act, the grantee should be described in the column of ownership as:

CHAPTER VI

APPEAL, REVIEW AND REVISION

12. Appeal, review and revision.- Any person aggrieved by an order made by a Deputy Land Commissioner under these rule, may file an appeal or an application for review or revision in accordance with the provisions of the Punjab Land Reforms Rules, 1977.

CHAPTER VII

POWERS OF THE CHIEF LAND COMMISSIONER

13. Powers of the Chief Land Commissioner.- The Chief Land Commis sioner may at any time, issue such special or general instructions, not inconsistent with the provisions of the Act and these rules, as he may deem necessary.