

THE PUNJAB LAND REFORMS (PROCEDURE FOR GRANT OF LAND) RULES, 1978

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

1. 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. Definitions.- (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 Commission 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 for the Punjab constituted under paragraph 4 of the Land Reforms Regulation, 1972 (Martial Law Regulation No. 115 of 1972) or re-constituted under section 23 of the Act;

(e) “Deputy Land 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) & (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 sub-section (1) of section 15 of the Act and the limitation laid down in sub-section (2) of section 15 thereof be granted to him free of charge.

4. **Applications for grant of land under sub-sections (1) and (2) of section 15 of the Act.**- (1) An application for grant of land under sub-sections (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 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 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-1977-IV.

5. **Procedure for grant of land under sub-sections (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 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 upto-date record showing grant of land under sub-sections (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 SUB-SECTION (3) OF SECTION 15 OF THE ACT

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

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

- (I) Tenants and landowners of the estate where the land proposed to be granted is situated.
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- (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 own five acres or more but less than twelve acres, shall be considered.
- (c) If after satisfying the claims of tenants and landowners at (b) above, some land is still left for grant, then the persons who own less than twelve acres but are not self-cultivators 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 proposal to be granted is situated), shall be considered.

(2) 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 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 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.]

8. Scale of an area to be granted.— A tenant or other person who is eligible for grant of land under sub-section (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.

¹ Substituted by Punjab Land Commission Notification No. 1167-99/791-L.C, dated 14.5.1999, published in the Gazette of Punjab, Extraordinary, dated 1st September, 1999.

²[9. **Applications / procedure for grant of land under sub-section (3) of section 15 of the Act.**- (1) A schedule of land available in each village for grant under sub-section (3) of section 15 of the Act shall be prepared by 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 clause (I) of sub-rule (1) of rule 7 from tenants and small landowners of the estate where the land proposed to be granted is situated, by a date to be specified in the notice. Vide 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 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) If after satisfying the claims under clause (I) of sub-rule (1) of rule 7 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-rule (1).

(3) If after satisfying the claims under clause (II) of sub-rule (1) of rule 7, 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-rule (1).

(4) Application 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.

(6) After receipt of applications under sub-rule (1) or sub-rule (2) or sub-rule (3), 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 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.

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

(8) 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 Form 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 Form LR-1977-VII.

(9) 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

² Inserted ibid.

Commissioner for record; the third copy shall be sent to the Tehsildar concerned, for entries in the revenue records; and the fourth copy shall be given to the grantee.

(10) An upto date record showing grant of land under clause (I), clause (II) and clause (III) of sub-rule (1) of rule 7 separately shall be maintained in the office of the Deputy Land Commissioner and the Sub-Assistant Land Commissioner in 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 Land 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 canceling 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 a 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:

- (i) If the grant has been made under sub-sections (1) and (2) of section 15 of the Act, the grantee should be described in the column of ownership as

عطیہ دارزیر دفعہ (۱) از زرعی اصلاحات ایکٹ ۱۹۷۷ء

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

عطیہ دارزیر دفعہ (۳) از زرعی اصلاحات ایکٹ ۱۹۷۷ء

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 rules 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 Commissioner 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.