

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 12th January, 2021

No.1-Leg./2021.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 11th day of January, 2021, is hereby published for general information:-

THE PUNJAB (WELFARE AND SETTLEMENT OF LANDLESS, MARGINAL AND SMALL OCCUPANT FARMERS) ALLOTMENT OF STATE GOVERNMENT LAND ACT, 2020

(Punjab Act No. 1 of 2021)

AN

ACT

to provide as a welfare measure for allotment of land to landless, marginal and small farmers who are in cultivating possession and occupation of Government lands for a period of ten years or more and for protecting Government interests of getting reasonable price for its lands and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India, as follows: -

1. (1) This Act may be called the Punjab (Welfare and Settlement of Landless, Marginal and Small Occupant Farmers) Allotment of State Government Land Act, 2020. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

- (a) "Acre" means an area of land measuring 4840 square yards;
- (b) "Allotment Commissioner" means the Assistant Collector of the First Grade under the Punjab Land Revenue Act, 1887 (Punjab Act No. XVII of 1887) posted as Sub-Divisional Magistrate in a Sub-Division;
- (c) "Allottee" means an occupant of land to whom land has been allotted by an order passed by the Allotment Commissioner but does not confer right of ownership;
- (d) "Appointed day" means the first day of January, 2020;

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- (e) "Chief Allotment Commissioner" means the District Collector or the Deputy Commissioner of the District;
 - (f) "cultivating possession" means continuous cultivating possession for a period of ten years or more as on the appointed day by a landless, marginal or small farmer or his predecessor on Government land established by entries in the revenue record;
 - (g) "Financial Commissioner" means the Financial Commissioner, Revenue of the Government of Punjab;
 - (h) "Government" means the Government of Punjab in the Department of Revenue, Rehabilitation and Disaster Management;
 - (i) "land" means the agriculture land in rural area belonging to or vesting in the State Government of any department, but shall not include,-
 - (i) evacuee land, governed by the Punjab Package Deal Properties (Disposal) Act, 1976;
 - (ii) nazool land as defined in rule 2 (d) of the Nazool Lands (Transfer) Rules, 1956; and
 - (iii) surplus area of land in excess of the permissible area declared under the Punjab Land Reforms Act, 1972 (Punjab Act No. 10 of 1973);
 - (j) "Landless, Marginal and Small Farmer" means a farmer, who, does not own, owns up to 2.5 acres and more than 2.5 acres and up to 5 acres of agriculture land respectively in the State of Punjab;
 - (k) "occupant" means a person including his predecessors in cultivating possession;
 - (l) "prescribed" means prescribed by rules made under this Act;
 - (m) "rural area" means an area which is not part of urban area and is not within the limits of any municipality or local self-government institution;
 - (n) "Sub-Divisional Magistrate" means the in-charge of the revenue administration of a Sub-Division in the District; and
 - (o) "Tehsildar" means the Tehsildar of a Tehsil under the Punjab Land Revenue Act, 1887 (Punjab Act No. XVII of 1887).

Eligibility for
allotment of land.

- 3. (1) Any landless, marginal or small farmer in cultivating possession and occupation of land shall be eligible for allotment of land not exceeding five acres in accordance with the provisions of this Act.

(2) An application for allotment of land under the provisions of this Act shall be made to the Allotment Commissioner in such manner, as may be prescribed.

4. The price payable by an eligible applicant for allotment of land shall be determined on the basis of the Collector rate fixed by the Collector for the area prevalent on the date of application and the rate of allotment shall be determined as follows: -

For Marginal and Small Farmers of General Category:-

(a) up to 2.5 acres	fifty per cent of the Collector rate
(b) above 2.5 acres and up to 5 acres	sixty-five per cent of the Collector rate

For Landless of both categories (General Category and Scheduled Castes Category); and Members of Scheduled Castes Category:-

(a) up to 2.5 acres	thirty per cent of the Collector rate
(b) above 2.5 acres and up to 5 acres	forty per cent of the Collector rate

5. (1) On receipt of an application for allotment of land, the Allotment Commissioner shall call for the report and recommendations of the Tehsildar.

(2) The Allotment Commissioner in respect of land for which an application for allotment has been received shall serve a notice to the Secretary to Government of the department in which the land vests and in the manner as may be prescribed, for raising specific objections, if any, within sixty days of the date of notice.

(3) The Allotment Commissioner on receipt of the report under sub-section (1) and objections, if any, of the department under sub-section (2) and after conducting such inquiry as he deems fit, and hearing the applicant and the District head of the concerned Government Department in which the land vests, shall by order in writing by recording reasons determine whether the land is to be allotted and thereafter either allot the land by determining the amount payable in the manner prescribed or decline the allotment:

Provided that an occupant shall be ineligible for allotment of land, if, he is an allottee or vendee of land, the allotment or transfer of which has been cancelled on the ground of fraud or misrepresentation of facts or otherwise.

6. (1) The allottee shall within thirty days of the passing the order of allotment, deposit and pay twenty-five per cent of the total amount determined, failing which the allotment shall be cancelled:

Provided that in the event an allottee deposits the entire amount of the price determined within thirty days of the passing of the order of allotment of land, he shall be entitled for a discount of ten per cent.

(2) The balance amount payable after payment of the initial amount under sub-section (1), shall be paid and deposited by the allottee in six equated interest free installments within a period of three years from the date of allotment of land.

(3) In the event of failure to pay the due amount in terms of sub-section (2) within thirty days, the allotment shall be deemed to be cancelled and possession of the allotted land shall be taken by the Tehsildar who shall dispose of the same in the manner prescribed.

Issuance of conveyance deed and conferment of ownership rights on the allottee.

7. (1) The Allotment Commissioner on receipt of full and final amount of consideration, shall execute a conveyance deed conferring ownership rights of the allotted land in favour of the allottee.

(2) In the event of death of the allottee, his legal heirs shall be entered in his place.

(3) Mutation of ownership rights shall be entered and sanctioned in favour of the allottee on the basis of conveyance deed executed by the Allotment Commissioner in favour of the allottee.

Cancellation of allotment.

8. (1) The Allotment Commissioner except in case of deemed cancellation under sub-section (3) of section 6 of this Act, may after due enquiry and an opportunity of being heard to an allottee, cancel and rescind the allotment of land, if the allotment had been made on misrepresentation or fraud.

(2) The amount paid shall be forfeited to the Government in case of cancellation of allotment under sub-section (1).

Appeal.

9. An allottee or a department of the Government, in which the land vests, aggrieved by an order passed by the Allotment Commissioner affecting his or its rights may, within thirty days from the date of order, prefer an appeal to the Chief Allotment Commissioner in such form and manner, as may be prescribed:

Provided that the Chief Allotment Commissioner may entertain an appeal after the expiry of said thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time and decide it within sixty days.

Revision.

10. The Government may, at any time call for the record of any case under this Act pending before, or disposed of, by the Allotment Commissioner or the Chief Allotment Commissioner and pass such order, consistent with the

provisions of this Act and the rules framed thereunder, in relation thereto, as in its opinion the circumstances of the case require:

Provided that the Government shall not pass an order under this section reversing or modifying any proceedings or order of the Allotment Commissioner or the Chief Allotment Commissioner without giving the affected party an opportunity of being heard.

11. The procedure for conduct of proceedings under this Act shall be in such manner as may be prescribed. Procedure.

12. Save as otherwise expressly provided in this Act, an order passed by the Allotment Commissioner, the Chief Allotment Commissioner or the Government under this Act, shall be final and the jurisdiction of the Civil Court to entertain any suit or proceedings in respect of any matter which the said authorities are empowered by or under this Act, shall be barred. Finality of orders and bar of jurisdiction of Civil Courts.

13. No suit or other legal proceedings shall lie against the Government or any officer or authority functioning under this Act in respect of anything done or action taken or intended to be taken or done in good faith, in pursuance of this Act. Protection of action taken in good faith.

14. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power of Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters under this Act, namely: -

- (a) the form for making an application by an eligible occupant of land under this Act for allotment;
- (b) the method and procedure for the Tehsildar to conduct an inquiry for consideration of entitlement of an intended allottee for allotment of land under this Act, and for calculating and determining the price of the land;
- (c) the procedure for paying and depositing (after the payment of initial twenty-five per cent of the determined price for allotment of land) the six-monthly installments and the amount of each installment;
- (d) the procedure for refund of the amount paid for allotment in case of cancellation of allotment under section 6 of this Act;
- (e) the procedure for disposing the land that is repossessed after failure on the part of the allottee to pay the determined amount or installments;

(f) the procedure to be followed for the conduct of proceedings under this Act; and

(g) any other matter which is required to be, or may be, prescribed.

Power to remove difficulties.

15. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, consistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

Period of applicability of this Act.

16. This Act shall remain in force for a period of two years from the date of its commencement:

Provided that any proceedings initiated or pending under this Act at the expiry of two years from the date of commencement of this Act shall continue in the same manner till its final completion as if this Act had not lapsed.

Act to have overriding effect.

17. The provisions of this Act shall have overriding effect, notwithstanding anything contained in any judgment or decree of any court or anything inconsistent herein in any other law, rule or policy for the time being in force.

Repeal.

18. (1) The Punjab Allotment of State Government Land Act, 2016 (Punjab Act No.54 of 2016) shall stand repealed.

(2) Notwithstanding such repeal-

(i) any order passed or anything done or any action taken in pursuance of any provision of the repealed Act shall be deemed to have been made, done or taken under the provisions of the Act so repealed; and

(ii) any proceeding pending under the provisions of the repealed Act shall continue in the same manner as if that Act had not been repealed.

S.K. AGGARWAL,

Secretary to Government of Punjab,

Department of Legal and Legislative Affairs.