

# The Pepsu Tenancy and Agricultural Lands Act, 1955

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### Act 13 of 1955

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The Pepsu Tenancy and Agricultural Lands Act, 1955 Pepsu Act No. 13 of 1955 Received the assent of the President on the 4th March, 1955, and was first published in the Patiala and East Punjab States Union Gazette, Extraordinary, of the 4th March, 1955. An Act to amend and consolidate the law, relating to tenancies of agricultural lands and to provide for certain measures of land reforms. It is hereby enacted in the Sixth Year of the Republic of India as follows :-

## Chapter I

### Preliminary

#### 1. Short title, commencement and duration.

(1) This Act may be called the PEPSU Tenancy and Agricultural Lands Act, 1955. (2) The provisions [section 7-A and Chapters IV, IV-A and IV-B shall save as otherwise provided in those provisions, come into force on the date of commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956] [Substituted by Pepsu Act No. 15 of 1956.], but the remaining provisions shall come into force on the sixth day of March, 1955. (3) [-] [Sub-section (3) as amended by Pepsu Act No. 27 of 1955 and Pepsu Act No. 9 of 1956, omitted by Pepsu Act No. 15 of 1956.]

#### 2. Definitions.

- In this Act, unless the context otherwise requires, -(a)'allottee' means a displaced person or a group of such persons to whom land is allotted in pursuance of the scheme contained in the notification of the Department of Rehabilitation No. 9R, dated the 23rd July, 1949, or in pursuance of any other scheme for allotment of evacuee land to displaced persons which the State Government may, by notification in the Official Gazette, specify for the purpose of this Act, and includes -(i) the legal representatives of such displaced persons; and (ii) in the case of an allotment to a group of displaced persons, each such person and his legal representatives; (b)'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;(bb)[ "Collector" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), and includes any officer not below the rank of an Assistant Collector specially empowered by the State Government to perform all or any of the functions assigned to the Collector under this Act.] [Inserted by Punjab Act No. 3 of 1959, section 2.](c)"Commissioner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), and includes any other officer specially empowered by the State Government to perform all or any of the functions assigned to the Commissioner under this Act;(d)"evacuee land" means land which is or which is deemed to be evacuee property under the Administration of Evacuee Property Act, 1950 (XXXI of 1950);(e)"khana damad" means a person who having married the daughter of a landowner having no male issue lives along with his wife in the house of his father-in-law and who according to the custom is treated by him as his son;(f)"landowner" has the meaning assigned to it in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), and includes an allottee;[Explanation. - In respect of land mortgaged with possession, the mortgagee shall be deemed to be the landowner.] [Explanation added by Pepsu Act No. 15 of 1956.](ff)"Non-Resident Indian" means a person of Indian origin who is either permanently or temporarily settled outside India, in either case -(a)for or on taking up employment outside India; or(b)for carrying on a business of vocation outside India; or(c)[ for any other purpose, in such circumstances as would indicate his intention to stay outside India for an uncertain period.] [Added vide Punjab Act 5 of 1998.](g)the expression "to cultivate personally" with its grammatical variations and cognate expressions means to cultivate on one's own account -(i)by one's own labour, or(ii)by the labour of such of one's relatives, as may be prescribed, or(iii)by servants or hired labour;(h)"prescribed" means prescribed by rules made under this Act;(i)"standard acre" is a measure of land convertible with reference to the yield form, and the quality of, the soil, into an ordinary acre according to the prescribed scale;(j)"State" means the [territories of the State of Punjab which, immediately before the 1st November, 1956, formed part of the State of Patiala and East Punjab States Union.] [Substituted for the words 'State of Patiala and East Punjab States Union' by the Punjab Adaptation of Laws (State and Concurrent Subjects) Order, 1968.](k)"tenant" has the meaning assigned to it in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), but does not include a person -(i)who holds a right of occupancy, or(ii)who is relative of the tenant within the meaning of sub-clause (2) of clause (g);(l)"the President's Act" means the Patiala and East Punjab States Union Tenancy and Agricultural Lands Act, 1953 (President's Act 8 of 1953);(m)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 meanings assigned to them in either of those Acts.

### 3. Permissible limit.

- [(1) "Permissible limit" for the purposes of this Act means thirty standard acres of land, and where such thirty standard acres on being converted into ordinary acres exceed eighty acres, such eighty acres :Provided that in case of an allottee, -(a)who has been allotted land exceeding forty standard acres, the permissible limit shall be forty standard acres and where such forty standard acres on being converted into ordinary acres exceed one hundred acres, such one hundred acres; and(b)who has been allotted land exceeding thirty standard acres but not exceeding forty standard acres, the

permissible limit shall be equal to the area of land allotted to him]. [Explanation. - For the purpose of determining the permissible limit of an allottee, the provisions of the proviso shall not apply to the heirs and successors of the allottee to whom land is allotted.] [Explanation added by Punjab Act 16 of 1962 with effect from the 30th October, 1956, - vide sections 2 and 1(2).] (2) For the purpose of computing the permissible limit under sub-section (1) - (a) where a person holds some as a landowner and some other land as an allottee both kinds of land shall be included; (b) land occupied by an occupancy tenant shall not be included in the holding of the landowner but it shall be included in the holding of the occupancy tenant in whom proprietary rights in respect of such land vest under the Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1954 (18 of 1954); (c) where a landowner owns land jointly with other landowners his share of such land as ascertained from the record of rights shall alone be included; (d) where a landowner died within a period of six months from the commencement of the President's Act, the permissible limit shall be determined with reference to the land which has devolved upon each of his successors-in-interest, including any land held by such successors-in-interest immediately before the death of the landowner. (e) any transfer of land made by the landowner after the commencement of the President's Act shall be disregarded; (f) [-] [Clause (f) omitted by Pepsu Act No. 15 of 1956].

#### **4. Act to override other laws.**

- Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law or any usage, agreement, settlement, grant, sanad or any decree or order of any court or other authority.

## **Chapter II**

Reservation of land for personal cultivation

#### **5. Reservation of land for personal cultivation.**

(1) Subject to the provisions of this section, every landowner owning land exceeding thirty standard acres shall be entitled to select for personal cultivation from the land held by him in the State as a landowner any parcel or parcels of land not exceeding in aggregate area the permissible limit and reserve such land for personal cultivation by intimating his selection in the prescribed form and manner to the Collector : Provided that in making such selection, the landowner shall include to the extent of the permissible limit, all land which he held for personal cultivation immediately before the commencement of the President's Act. (2) The right conferred by this section on a landowner to reserve land for personal cultivation shall cease if it is not exercised - (a) within a period of one year from the commencement of the President's Act, where the landowner is a member of the Armed Forces of the Union; and (b) within a period of six months from such commencement, in any other case.

## **5A. [ Reservation of additional land for personal cultivation in certain cases. [Section 5A inserted by Pepsu Act No. 15 of 1956.]**

- Any landowner, -(1)whose permissible limit has been altered under the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, or(2)who on account of the provisions contained in sub-section (2) of section 7A is not entitled to resume reserved land or any part thereof, or(3)in the case of allottee whose allotment has been modified or revised after the commencement of the President's Act,shall be entitled, -(a)in any case where he has reserved land for personal cultivation under section 5, to reserve additional land for personal cultivation.(b)in any case where he was not entitled to reserve land for personal cultivation to reserve such land for personal cultivation,not later than the expiry of six months from the date of commencement of the Act referred to in clause (1) and the provisions of section 5 shall so far as may be, apply to reservation of land for personal cultivation under this section as they apply to reservation of land for personal cultivation under that section.]

## **6. Land reserved for personal cultivation to be notified.**

(1)The Collector shall in respect of every landowner notify in such form and manner as may be prescribed the particulars of all lands reserved for the personal cultivation of the landowner under section 5 [or section 5A, as the case may be.] [Added by Pepsu Act No. 15 of 1956](2)A copy of every notification issued under sub-section (1) shall, as soon as may be, be served upon the landowner concerned in the prescribed manner.

## **Chapter III**

### **General Rights of Tenancy**

## **7. Termination of tenancy.**

(1)[No tenancy other than a tenancy of the landowner who is member of the Armed Forces of the Union or a Non-Resident Indian] [Substituted vide Punjab Act No. 5 of 1998.]shall be terminated except in accordance with the provisions of this Act or except on any of the following grounds, namely :-(a)[-] [Clause (a) of sub-section (1) omitted. by Pepsu Act No. 15 of 1956].(b)that the tenant has failed to pay rent within a period of six months after it falls due:[Provided that no tenant shall be ejected under this clause unless he has been afforded an opportunity to pay the arrears of rent within a further period of six months from the date of the decree or order directing his ejection and he has failed to pay such arrears during that period;] [Proviso added to clause (b) of sub-section (1) of section 7 by Pepsu Act No. 9 of 1956](c)that the tenant, not being a widow, [a minor, an unmarried woman, a member of the Armed Forces of the Union or a person incapable of cultivating land by reason of physical or mental infirmity] [Substituted by Pepsu Act No. 15 of 1956, section 7(2).] has after commencement of the President's Act, sublet without the consent in writing of the landowner, the land comprising his tenancy or any part thereof;(d)that the tenant has, without sufficient cause, failed to cultivate personally such land, in the manner and to the extent customary

in the locality in which such land is situated;(e)that the tenant has used such land or any part thereof in a manner which is likely to render the land unfit for the purpose for which it was leased to him;(f)that the tenant, on demand, in writing by the landowner has refused to execute a kabuliyat agreeing to pay rent in respect of his tenancy in accordance with the provisions of sections 9 and 10.(2)[-] [Sub-section (2) omitted by Pepsu Act No. 15 of 1956 section 7(1).].

### **7A. [ Additional grounds for termination of tenancy in certain cases. [Section 7A inserted by Pepsu Act No. 15 of 1956, section 8.]**

(1)Subject to the provisions of sub-sections (2) and (3), a tenancy subsisting at the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, may be terminated on the following grounds in addition to the grounds specified in section 7, namely :-(a)that the land comprising the tenancy has been reserved by the landowner for his personal cultivation in accordance with the provisions of Chapter II;(b)that the landowner owns thirty standard acres or less of land and the land falls within his permissible limit :Provided that no tenant [other than a tenant of a landowner who is [member of the Armed Forces of the Union or a Non-Resident Indian] [Sub-section (1) Substituted by Pepsu Act No. 15 of 1956.] shall be ejected under this sub-section -(i)from any area of land if the area under the personal cultivation of the tenant does not exceed five standard acres, or(ii)from an area of five standard acres, if the area under the personal cultivation of the tenant exceeds five standard acres,until he is allotted by the State Government alternative land of equivalent value in standard acres.(2)No tenant, who immediately preceding the commencement of the President's Act had held any land continuously for a period of twelve years or more under the same landowner or his predecessor-in-title, shall be ejected on the grounds specified in sub-section (1) -(a)from any area of land, if the area under the personal cultivation of the tenant does not exceed fifteen standard acres, or(b)from an area of fifteen standard acres, if the area under the personal cultivation of the tenant exceeds fifteen standard acres :Provided that nothing in this sub-section shall apply to the tenant of a landowner who, both at the commencement of the tenancy and the commencement of the President's Act, was a widow, a minor, an unmarried woman, a member of the Armed Forces of the Union or a person incapable of cultivating land by reason of physical or mental infirmity.Explanation. - In computing the period of twelve years, the period during which any land has been held under the same landowner or his predecessor-in- title by the father, brother or son of the tenant shall be included.(3)For the purpose of computing under sub-sections (1) and (2) the area of land under the personal cultivation of a tenant, any area of land owned by the tenant and under his personal cultivation shall be included.]

### **7B. [ One time concession. [Added vide Punjab Act 5 of 1998.]**

- The concession given under sections 7 and 7A to the land owner who is a Non-Resident Indian shall be one time and shall be available only in respect of the land acquired or held by him before the commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Act, 1997.]

## **8. [ Security of tenure to certain tenants. [Substituted by Pepsu Act No. 15 of 1956]**

- Subject to the provisions of section 7, every tenant admitted after the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, shall hold land for a minimum term of three years: Provided that nothing herein shall apply to the tenant of a person who is a widow, a minor, an unmarried woman, a member of the Armed Forces of the Union, or a person incapable of cultivating land by reason of physical or mental infirmity.]

## **8A. [ Certain sales of tenancy land not pre-emptible. [New sections 8A and 8B inserted by Punjab Act No. 8 of 1959.]**

(1) Notwithstanding anything to the contrary contained in the Punjab Pre-emption Act, 1913, a sale of land comprising the tenancy of a tenant made to him by the landowner shall not be pre-emptible under the Punjab Pre-emption Act, 1913, and no decree of pre-emption passed after the commencement of this Act in respect of any such sale of land shall be executed by any Court. (2) Where, after the commencement of the President's Act, a tenant, to whom the land comprising his tenancy is sold by the landowner, has been dispossessed of such land by a pre-emptor in execution of a decree for pre-emption or otherwise, the tenant so dispossessed shall in the manner prescribed have the option either to purchase the land from the pre-emptor on payment of the price paid to the tenant by the pre-emptor or to be restored to his tenancy under the pre-emptor on the same terms and conditions on which it was held by him immediately before the sale, on an application made by him to an Assistant Collector of the first grade having jurisdiction within a period of one year from the commencement of the Pepsu Tenancy and Agricultural Land (Amendment) Ordinance, 1958. (3) On receipt of an application under sub-section (2) the Assistant Collector shall, after giving to the parties notice in writing and a reasonable opportunity of being heard, determine the claim summarily, and shall keep a memorandum of evidence and a gist of his final order with brief reasons therefor.

## **8B. Certain mortgagees to be deemed as tenants under the Act.**

(1) Where, after the commencement of the President's Act, land comprising the tenancy of a tenant is mortgaged to him with possession by the landowner and such land is subsequently redeemed by the landowner, the tenant shall, notwithstanding such redemption or any other law for the time being in force, be deemed to be the tenant of the landowner in respect of such land on the same terms and conditions on which it was held by him immediately before the execution of the mortgage as if the mortgage had never been executed. (2) Where a tenant referred to in sub-section (1) has been dispossessed by the landowner in execution of a decree or order of redemption, he shall be entitled to be restored to his tenancy in the manner prescribed on the same terms and conditions on which it was held by him immediately before the execution of the mortgage on an application made by him to an Assistant Collector of the first grade having jurisdiction within a period of one year from commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Ordinance, 1958. (3) An application received under sub-section (2) shall be disposed of by the Assistant Collector of the first

grade in the manner laid down in sub- section (3) of section 8A].

## **9. Maximum amount of rent payable.**

- Notwithstanding any agreement, usage, decree or order of a court or any law for the time being in force, the maximum rent payable by a tenant in respect of the land leased to him shall not exceed one-third of produce of the land or the value of such produce, as the case may be.

## **10. Determination of rent.**

(1) Subject to the provisions of section 9, the rent payable by a tenant shall be -(a) where the rent is fixed by an agreement in writing, the rent so agreed upon; (b) where there is no such agreement, the rent payable for the agricultural year immediately preceding the period in respect of which the rent falls to be determined; (c) where it is not practicable to ascertain the rent for the previous agricultural year referred to in clause (b), the rent payable according to the usage of the locality; (d) where the case does not fall under any of the aforesaid clauses, a reasonable rent. (2) The reasonable rent referred to in clause (d) of sub-section (1) shall be determined by the prescribed authority who in determining such rent shall have regard to the following matters, namely :- (a) the rental value of any land leased for similar purposes in the locality; (b) the income from similar lands in the locality; (c) the prices of foodgrains and other commodities in the locality; (d) such other matters as may be prescribed.

## **11. Receipt for rent.**

(1) Every landowner shall give or cause to be given a receipt for the rent received by him or on his behalf in such form and manner as may be prescribed. Explanation. - A receipt shall be deemed to have been given within the meaning of this sub-section, if it is handed over to the prescribed authority within seven days of receipt of rent by the landowner or by any person on his behalf. (2) If any landowner makes default in complying with the provisions of sub- section (1), the prescribed authority may, by order in writing, direct him to pay a penalty not exceeding three times the amount of land revenue payable in respect of the land relating to which the default is made.

## **12. Prohibition against recovery of excessive rent.**

- Notwithstanding anything in any agreement, usage, or law for the time being in force, it shall not be lawful for any landowner -(a) to recover from a tenant rent in excess of the amount specified in section 9 or section 10, as the case may be, or (b) to demand from a tenant any cess, rate or tax or service or payment of any description or denomination whatsoever, in addition to the rent lawfully recoverable under this Act.

### **13. Liability to refund amount unlawfully recovered.**

- If the prescribed authority, after making such enquiry as it may deem fit, is satisfied that a landowner has recovered any rent, cess, rate or tax or received any service from any tenant in contravention of the provisions of section 12, the prescribed authority may direct the landowner - (a) to pay the Government as penalty a sum not exceeding ten times the excess amount recovered; and (b) to refund to the tenant the excess amount recovered from him; or (c) where the landowner has received any service from any tenant to pay to the tenant such sum by way of compensation as the prescribed authority may think fit.

### **14. Bar on eviction from dwelling house.**

(1) If in any Abadi Deh or Gorah Deh a tenant is in occupation of a dwelling-house built on a site belonging to the landowner, the tenant shall not be ejected from such dwelling-house or the land immediately appurtenant thereto and necessary for his enjoyment unless - (a) the landowner proves that the dwelling-house was not built at the expense of the tenant; and (b) such tenant makes default for a period exceeding one year in the payment of rent, if any, which he has been paying for the use and occupation of such house : Provided that in the case of a tenant under an allottee, this sub-section shall have effect as if for the word 'and' in sub-clause (a) the word 'or' were substituted. (2) The provisions of this section and the next succeeding section shall not apply to a dwelling-house which is situated on any land used for the purpose of agriculture in respect of which the tenancy has been terminated under the provisions of this Act. Explanation. - In this section and the next succeeding section, the expression 'landowner' in relation to evacuee land means the Custodian of Evacuee Property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

### **15. Option to tenant to purchase site of dwelling-house.**

(1) A tenant who is in occupation of a dwelling-house built at his own expense on a site belonging to the landowner shall have the right to purchase such site from the landowner at the price agreed upon in writing between him and the landowner or in the absence of any such agreement at such price as may be determined by the prescribed authority. (2) A tenant who intends to purchase the site of a dwelling-house in pursuance of the provisions of sub-section (1) shall give to the landowner a notice in writing in the prescribed manner of his intention to do so. (3) Where a landowner has received notice under sub-section (2), he shall within one month of the receipt thereof, communicate in writing to the tenant the price at which he is willing to sell to him the site of the dwelling-house. (4) Where a landowner fails to communicate to the tenant the price in respect of the site of the dwelling-house under sub-section (3), or where the tenant is not willing to pay the price demanded by the landowner for such site, the tenant may make an application in the prescribed form to the prescribed authority within the prescribed period for determination of the market value of the site. (5) On receipt of an application under sub-section (4), the prescribed authority shall, after giving the parties an opportunity of being heard, determine, by an order in writing the market value of the site. (6) An order made under sub-section (5) shall be served upon the landowner and the tenant and if the tenant deposits with the prescribed authority the market value of the site of the



dwelling-house as determined under that sub- section within six months, from the date of the service of the order upon him, the site shall be deemed to have been transferred to the tenant, and the amount so deposited shall be paid to the landowner.(7)The prescribed authority shall, on payment of the prescribed fee, issue to the tenant a certificate containing the prescribed particulars in respect of the site of the dwelling-house deemed to have been transferred to the tenant under sub-section (6) and notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), no such certificate shall require to be registered under that Act.(8)Where a tenant fails to deposit the market value of the site of the dwelling-house under sub-section (6), he shall be deemed to have relinquished his right to purchase such site.

## **16. Right of tenant to make improvements on land.**

(1)A tenant may at any time apply in writing to the landowner for permission to make improvements at his own expense on the land leased to him.(2)If, within one month of the receipt of such application, the landowner fails or refuses, without reasonable cause, to grant the required permission to the tenant, the tenant may make an application within the prescribed period to the prescribed authority for the grant of such permission.(3)Where an application is made to the prescribed authority under sub- section (2), the prescribed authority after giving the parties an opportunity of being heard, may make such order thereon as it may deem fit.(4)Where a tenant makes any improvements on the land leased to him, in accordance with an order made by the prescribed authority under sub-section (3), the tenant shall be deemed to have made such improvements with the permission of the landowner.(5)In this section, the expression 'tenant' includes a sub-tenant.

## **17. Compensation for improvements.**

(1)A tenant who has made any improvements at his own expense on the land leased to him in accordance with the provisions of section 16, shall, if his tenancy is terminated under the provisions of this Act, be entitled to receive compensation for such improvements before he can be ejected from such land.(2)The compensation payable to a tenant under sub-section (1), shall be determined by the prescribed authority in accordance with the value of such improvements at the date of termination of the tenancy and in determining such compensation the prescribed authority shall have regard to the following matters, namely :-(a)the amount by which the value of land has increased by reason of the improvements;(b)the condition of the improvements at the date of the determination of the value thereof and the probable duration of their effect;(c)the labour and capital involved in the making of the improvements; and(d)the reduction or remission of rent, if any, or other advantage secured by the tenant in consideration of the improvements made by him.

## **18. Devolution of tenancy on death of tenant.**

(1)If a tenant dies during the term of his tenancy, the tenancy shall subject to the provisions of sub-section (2), devolve-(a)on his lineal male descendants, in the male line of descent, if any;(b)failing such descendants, on his widow, if any :Provided that such widow shall cease to enjoy the tenancy right if she remarries or abandons the land or is ejected therefrom in accordance with the provisions

of this Act;(c)failing such descendants and widow, or in case there is a widow if and when she ceases to enjoy the tenancy rights under the proviso to clause (b), on a khana damad, if any.(2)No person shall be entitled to succeed to tenancy under sub-section (1), unless he is willing to cultivate personally the land comprising the tenancy.

## **19. Rights and privileges of tenants under other laws not affected.**

- Nothing contained in this Chapter shall be construed to limit or prejudice the rights and privileges of any tenant under any other law for the time being in force or any usage, or arising from any contract, grant, decree or order of a court or otherwise howsoever.

## **Chapter IV**

Acquisition of proprietary rights by tenants

## **20. [ Definition of tenant. [Substituted by Pepsu Act No. 15 of 1956.]**

- In this Chapter, the expression 'tenant' means a tenant as defined in clause (k) of section 2, who is not liable to be ejected -(a)under clauses (a) and (b) of sub-section (1) of section 7A; or(b)under clauses (a) and (b) of sub-section (2) of section 7A;Provided that this definition shall not apply to a tenant who is to be allotted by the State Government land under the proviso to sub-section (1) of section 7A.]

## **21. Application of this Chapter to evacuee lands.**

- The provisions of this Chapter shall apply to evacuee land with effect from such date as the State Government may, by notification in the Official Gazette, specify.

## **22. Acquisition of proprietary rights by tenants.**

(1)Subject to the other provisions contained in this Act a tenant shall be entitled to acquire from his land-owner in respect of the land comprising his tenancy the right, title and interest of the landowner of such land (hereinafter referred to as the 'proprietary rights') in the manner and subject to the conditions hereinafter provided.(2)Every tenant intending to acquire proprietary rights shall make an application in writing to the prescribed authority in the prescribed manner, containing the following particulars, namely :-(a)the area and location of the land in respect of which the application is made;(b)the name of the landowner from whom proprietary rights are to be acquired;(c)such other particulars as may be prescribed.(3)The right conferred upon a tenant to acquire proprietary rights in respect of any land under this section may, if such tenant has sublet the land, be exercised by the sub-tenant to the exclusion of the tenant.

### **23. Determination of compensation for acquisition of proprietary rights.**

(1) On receipt of an application under section 22, the prescribed authority after satisfying itself that the applicant is entitled to acquire proprietary rights in any land under this Chapter shall determine the compensation payable in respect thereof in accordance with the principles set out in section 26. (2) On determination of such compensation the prescribed authority shall by order in writing require the applicant to deposit the first instalment of the compensation as prescribed under section 27 in a Government treasury or sub-treasury or with the prescribed authority and to produce before it a receipt for the same within a period of fifteen days from the date of the service of such order : Provided that the prescribed authority may, on sufficient cause being shown, extend the period specified in this sub-section, so however that the aggregate period does not exceed one month. (3) Where the first instalment of compensation has been deposited in accordance with the provisions of sub-section (2), the prescribed authority shall issue to the applicant a certificate in the prescribed form declaring him to be the landowner in respect of the land specified in the certificate. (4) On and from the date of the issue of a certificate under sub-section (3), the proprietary rights of the landowner in the land specified in the certificate shall be deemed to have been extinguished and such proprietary rights shall vest in the applicant free from all encumbrances and as from such date the applicant shall cease to be liable to pay any rent in respect of such land to the landowner : Provided that - (a) the amount of compensation payable by the applicant shall be a first charge on such land; (b) the amount of any encumbrance existing on such land on the date of the issue of the certificate shall be valid charge on the amount of compensation payable by the applicant under this Act. (5) Every certificate issued under sub-section (3) shall be conclusive evidence of the acquisition by the applicant of proprietary rights in the land specified therein and notwithstanding anything contained in the Indian Registration Act, 1908 (XVI of 1908), no such certificate shall be required to be registered under that Act.

### **24. Tenant may abandon his intention to acquire proprietary rights.**

(1) Any person who is entitled to acquire proprietary rights in respect of any land under this Chapter may at any time after the amount of the first instalment of compensation is deposited under sub-section (2) of section 23 but before a certificate is issued to him under sub-section (3) of that section make a declaration in writing in the prescribed manner before the prescribed authority that he has abandoned his intention to acquire proprietary rights in such land. (2) Where any declaration is made under sub-section (1), the amount of the first instalment of compensation deposited by the tenant under sub-section (2) of section 23 shall be refunded to him.

### **25. Forfeiture of right to acquire proprietary rights.**

- If any person upon whom the right to acquire proprietary rights is conferred under this Chapter fails to comply with any order made under sub-section (2) of section 23 he shall forfeit his right to acquire such proprietary rights.

## **26. Principles of compensation for acquisition of proprietary rights.**

(1) Where any person has acquired proprietary rights in respect of any land under this Chapter he shall be liable to pay to the landowner from whom such rights have been acquired compensation at the rate of ninety times the land revenue (including rates and cesses) payable for such land or two hundred rupees per acre, whichever is less. (2) The compensation payable under this section shall be determined by the prescribed authority who shall specify the person or persons to whom the compensation shall be paid. (3) If there is any dispute as to the person or persons who are entitled to the payment of compensation, the prescribed authority shall decide the dispute and if the prescribed authority finds that more than one person are entitled to compensation it shall apportion the amount thereof among such persons.

## **27. Compensation payable in instalments.**

(1) The compensation payable under section 26 may be paid in such annual instalments not exceeding six as may be prescribed. (2) Every instalment of compensation shall be deposited in a Government treasury or sub-treasury or paid to such authority as may be prescribed within fifteen days of the date of its becoming due and receipt therefor shall be furnished to the prescribed authority. (3) Where any instalment of compensation is not deposited in a Government treasury or sub-treasury or paid to the prescribed authority within the period of fifteen days specified in sub-section (2), the prescribed authority shall, of its own motion or on the application of the landowner concerned, take steps within one month from the expiry of the said period of fifteen days for the recovery of such instalment in the manner provided in section 49. (4) Interest at the rate of two and a half per cent per annum shall be payable on the amount of any instalment which is not paid within time from the date when the instalment became due.

## **28. Payment of compensation to landowner.**

- Subject to the provisions of sub-section (2) of section 24, the prescribed authority shall, as soon as may be, after the amount of any instalment of compensation has been deposited under section 23 or section 27 pay the same to the person entitled to it on his executing a receipt for the same.

## **29. [ Recovery of land revenue, etc., from tenants and their rights to set off the same against rent. [Section 29 omitted by Pepsu Act 15 of 1958 and sections 29 and 29A inserted by Punjab Act 27 of 1962, section 2.]**

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, the amount of land revenue (including surcharge, special charge, additional surcharge or special assessment), or of acreage rates, or of betterment charges, or of any other tax (including rates and cesses), payable under any law for the time being in force in respect of any land, the proprietary rights of which a person under this Chapter is entitled to acquire, may be recovered from such person. (2) Where any amount has been recovered from a person under sub-section (1), such person shall be entitled to set off such amount against the rent payable in respect of such land.

## **29A. Rights of landowners in certain cases to enforce acquisition of proprietary rights by tenants.**

(1)Where a person entitled under this Chapter to acquire proprietary rights in respect of the land comprising his tenancy fails to make an application under sub-section (2) of section 22, within a period of one year from the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1962, an application containing the particulars specified therein may be made in writing to the prescribed authority in the prescribed manner by the landowner requiring such person to acquire proprietary rights in such land in accordance with the provisions of this Chapter.(2)The application under sub-section (1) shall be disposed of in accordance with the provisions of this Chapter as if it were an application made by a person under sub-section (2) of section 22 and the provisions of section 25 shall apply to the order made under sub-section (2) of section 23 in respect of such application.]

## **30. Proprietary rights to devolve on heir.**

- If any tenant or sub-tenant dies before exercising his right to acquire proprietary rights in respect of any land under this Chapter such right shall, on his death, devolve upon his lineal male descendants in the male line of descent, if any, and shall be exercised by them in the like manner and subject to the like conditions as the tenant or the sub-tenant, as the case may be.

## **31. Bar of transfer of ownership rights.**

(1)No land in respect of which proprietary rights have been acquired under this Chapter shall be transferred by sale, mortgage, gift or otherwise during a period of six years from the date of a certificate issued under sub-section (3) of section 23 :[Provided that nothing in this sub-section shall apply to the land mortgaged with the State Government or the Punjab State Co-operative Land Mortgage Bank Limited established under the Punjab Co-operative Land Mortgage Banks Act, 1957.] [Proviso added by Punjab Act 16 of 1962, section 3.](2)Any transfer of land made in contravention of sub-section (1) shall be void and no registering authority shall register any document evidencing such transfer under the Indian Registration Act, 1908 (XVI of 1908).

## **32. Certain transfers not to affect rights of tenants under this Chapter.**

(1)No transfer of land made by a landowner after the commencement of the President's Act shall affect the right of any person to acquire proprietary rights in such and under this Chapter.(2)If any question arises whether any transfer of land does or does not affect the right of any person to acquire proprietary rights in such land, the question shall be referred to the prescribed authority for its decision.

## Chapter IV

### A

Ceiling on land and acquisition and disposal of surplus area

#### **32A. Ceiling on land.**

(1)Notwithstanding anything to the contrary in any law, custom, usage or agreement, no person shall be entitled to own or hold as landowner or tenant land under his personal cultivation within the State which exceeds in the aggregate the permissible limit.(2)For the purpose of computing the permissible limit under sub-section (1), the provisions of clauses (d) and (e) of sub-section (2) of section 3 shall not apply.

#### **32B. Returns by persons having land in excess of the ceiling.**

- Any person, who on the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, owns or holds as landowner or tenant land under his personal cultivation, which in the aggregate exceeds the permissible limit, shall, within a period of [one month from the commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Ordinance, 1958] [Substituted for the words 'six months from the commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Ordinance, 1957, by Punjab Act No. 3 of 1959, section 4. The Punjab Ordinance No. 7 of 1958 came into force on the 30th July, 1958.] furnish to the Collector a return giving the particulars of all his land in the prescribed form and manner and stating therein his selection of the parcel or parcels of land not exceeding in the aggregate the permissible limit which he desires to retain and the lands in respect of which he claims exemption from the ceiling under the provisions of this Chapter :[Provided that such person shall state in the return any transfer or other disposition of land made by him after the 21st August, 1956, and where a person has furnished a return before the commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Ordinance, 1958, he shall within the aforesaid period intimate to the Collector any such transfer or other disposition of land made by him.] [Added by Punjab Act No. 3 of 1959, section 4.]

#### **32BB. [ Declarations supported by affidavits to be furnished by certain landowners and tenants. [Section 32BB inserted by Punjab Act No. 3 of 1959, section 5.]**

(1)Every landowner or tenant required to furnish a return under section 32-B, whose land is situated in more than one Patwar circle, shall furnish to the Collector within a period of one month from the commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Ordinance, 1958, a declaration supported by an affidavit in respect of the lands owned or held by him in such form and manner as may be prescribed.(2)If a landowner or tenant fails to furnish the declaration supported by an affidavit as required by sub-section (1), the prescribed authority not below the rank of

Collector may, by order, direct that the whole or part of the land of such landowner or tenant, in excess of ten standard acres, to be specified by such authority shall be deemed to be the surplus area of such landowner or tenant, and thereupon such area shall be included by the Collector as the surplus area of such landowner or tenant in the statement to be prepared in respect of him under section 32D :Provided that nothing herein shall affect -(a)the lands of such landowner or tenant which have been exempted under section 32K; or(b)the right of such person to any compensation in respect of such surplus area to which he may be entitled under this Act :Provided further that no such order shall be made without giving the person concerned an opportunity of being heard.(3)Where a landowner or tenant, who is required to furnish a declaration under sub-section (1), fails so to do, the Collector may in respect of him obtain the information required to be shown in the declaration through such agency as he may deem fit.]

### **32C. Collection of information through other agency.**

- If any person owning or holding under his personal cultivation land in excess of the permissible limit fails to furnish the return and intimate his selection within the period prescribed under section 32-B, the Collector may obtain the information required to be shown in the return through such agency as he may [deem fit and, subject to the provisions of sub-section (2) of section 32BB, select] [Substituted for the words 'deem fit and select' by Punjab Act 3 of 1959, section 6.] the parcel or parcels of land which such person is entitled to retain under the provisions of this Act as also the surplus area of such person.

### **32D. Submission of statement to Government.**

(1)On the basis of the information given in the return under section 32-B [or the declaration furnished under sub-section (1) of section 32-BB which shall be duly verified through such agency as may be prescribed or the information obtained by the Collector under sub-section (3) of section 32-BB or] [Substituted for the words 'which shall be duly verified through such agency as may be prescribed or the information obtained by the Collector under' by Punjab Act No. 3 of 1959, section 7.] section 32-C, the Collector shall prepare a draft statement in the manner prescribed showing, among other particulars, the total area of land owned or held by such a person, the specific parcels of land which the landowner may retain by way of his permissible limit or exemption from ceiling and also the surplus area.(2)The draft statement shall include the advice of the Pepsu Land Commission appointed under section 32-P regarding the exemption from ceiling if claimed by the landowner and be published in the office of the Collector and a copy thereof shall be served upon the person or persons concerned in the form and manner prescribed. Any objection received within thirty days of the service shall be duly considered by the Collector and after affording the objector an opportunity of being heard order shall be passed on the objection.(3)Any person aggrieved by an order of the Collector under sub-section (2) may, within thirty days of the order, prefer an appeal to the State Government or an officer authorised by the State Government in this behalf.(4)Without prejudice to any action under sub-section (3), the State Government may of its own motion call for any record relating to the draft statement of any time and, after affording the person concerned an opportunity of being heard, pass such order as it may deem fit.(5)Any order of the State Government under sub-section (3) or sub-section (4) or of the Collector subject to the decision of the State

Government under those sub-sections shall be final.(6)The draft statement shall then be made final in terms of the order of the Collector or the State Government as the case may be, or in terms of the advice of the Pepsu Land Commission regarding exemption from the ceiling claimed by the landowner (if any), and published in the Official Gazette and no person shall then be entitled to question it in any court to before any authority.(7)The final statement shall then be submitted by the Collector to the State Government as soon as may be and a copy thereof may on demand be given to the landowner or the tenant concerned.

**32DD. [ Future tenancies in surplus area and certain judgments etc. to be ignored. [Section 32DD inserted by Punjab Act No. 16 of 1962 with effect from the 30th October, 1956, - vide section 4.]**

- Notwithstanding anything contained in this Act, for the purposes of determining the surplus area of any person -(a)a tenancy created after the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, in any area of land which could have been declared as the surplus area of such person; and(b)any judgment, decree or order of a court or other authority, obtained after the commencement of that Act and having the effect of diminishing the area of such person which could have been declared as his surplus area;shall be ignored.]

**32E. Vesting of surplus area in the State Government.**

- Notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, and subject to the provisions of Chapter IV [after the date] [Substituted for the words 'as from the date' with effect from the 30th October, 1956, by Punjab Act No. 16 of 1962, section 5.] on which the final statement in respect of a landowner or tenant is published in the Official Gazette, then -(a)in the case of the surplus area of a landowner, or in the case of the surplus area of a tenant which is not included within the permissible limit of the landowner, [such area shall, on the date on which possession thereof is taken by or on behalf of the State Government, be deemed to have been acquired] [Substituted for the words 'such area shall be deemed to have been acquired' with effect from the 30th October, 1956, by Punjab Act No. 16 of 1962, section 5.] by the State Government for a public purpose and all rights, title and interest (including the contingent interest, if any, recognised by any law, custom or usage for the time being in force) of all persons in such land shall be extinguished, and such rights, title and interest shall vest in the State Government free from encumbrances created by any person; and(b)in the case of the surplus area of a tenant which is included within the permissible limits of the landowner, the right and interest of the tenant in such area shall stand terminated :Provided that, for the purposes of clause (a), where any land falling within the surplus area is mortgaged with possession, only the mortgagee rights shall vest in the State Government.

**32F. [ Power to take possession of surplus area. [Substituted by Punjab Act 27 of 1962, section 3.]**



(1)The Collector may, by order in writing, at any time after the date on which the final statement in respect of a landowner or tenant is published in the Official Gazette, direct the landowner or the tenant or any other person in possession of the surplus area to deliver possession thereof within ten days of the service of the order on him to such person as may be specified in the order.(2)If the landowner or the tenant or any other person in possession of the surplus area refuses or fails without reasonable cause to comply with the order made under sub-section (1), the Collector may take possession of the surplus area and may for that purpose use such force as may be necessary.]

### **32FF. Certain transfers not to affect the surplus area.**

- 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 or up to 30th July, 1958, by a landless person, or a small landowner, not being a relation as prescribed of the person making the transfer or disposition of land, for consideration up to an area which with or without the area owned or held by him does not in the aggregate exceed the permissible limit, no transfer or other disposition of land effected after the 21st August, 1956, shall affect the right of the State Government under this Act to the surplus area to which it would be entitled but for such transfer or disposition:Provided that any person who has received any advantage under such transfer or disposition of land shall be bound to restore it, or to make compensation for it, to the person from whom he received it.

Section 32FF inserted by Punjab Act No. 3 of 1959, section 8.Section 13 of Punjab Act No. 16 of 1962, reads as follows :-'13.Validation.- Notwithstanding anything contained in this Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, where the surplus area in respect of the land owned by a Hindu undivided family referred to in clause (a) of section 32-KK of the principal Act, has been determined under that Act at any time before the commencement of this Act by any authority competent to determine such area, whether by ignoring the partition of any such land under section 32FF or otherwise, such determination shall be valid and shall be deemed always to have been valid and shall not be questioned on the ground that the descendants of the landowner constituting with him Hindu undivided family were landowner in their own right in respect of their shares in such land or on the ground that the partition had been ignored".

### **32G. Principles for payment of compensation.**

(1)Where any land is acquired under section 32-E, there shall be paid compensation which shall be determined by the Collector or any other officer in the manner and in accordance with the principles hereinafter set out, that is to say -(a)in respect of land other than banjar land -(i)for the first twenty-five standard acres of land, twelve times the fair rent; and(ii)for the next twenty-five standard acres of land, nine times the fair rent; and(iii)for the remaining land, ninety times the land revenue (including rates and cesses) payable for such land or two hundred rupees per acre; whichever is less:Provided that the compensation under this clause shall in no case be less than ninety times the land revenue (including rates and cesses) payable for the land or two hundred rupees per acre, whichever is less :[Provided further that where the land exceeds fifty standard acres, it shall, for the purposes of computing compensation under this clause, be allocated to sub-clauses (i), (ii) and (iii) in such manner as may be prescribed.] [Added by Punjab Act 27 of 1962,

section 4.](b)in respect of banjar land, forty-five times the land revenue payable in respect of an equal area of any barani land in the village concerned or where there is no such land in the village, in the nearest village, which is assessed to land revenue at the lowest rate, or at the rate of one hundred rupees per acre, whichever is less.Explanation. - In this sub-section 'fair rent' means fair rent as determined by the Pepsu Land Commission appointed under section 32-P.(2)The Collector or the officer authorised by the State Government shall prepare a compensation statement in the form and manner prescribed and shall give notice to all persons known to have any interest in the land for which compensation is to be paid, to appear personally or by duly authorised agent before him at a time and place therein mentioned (such time not being earlier than fifteen days after the date of service of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests. Thereafter, the amount of the compensation shall be apportioned among the persons having interest in the land.(2A)[ Where in the surplus area of any person mortgagee rights have vested in the State Government, the compensation payable to the mortgagee shall be the mortgage money due to the mortgagee, or the compensation payable under this Act, whichever is less.] [New sub-section (2A) inserted by Punjab Act 16 of 1962, section 6.](3)In apportioning compensation between a landowner and a tenant not more than twenty times the land revenue shall be awarded to the tenant.(4)[ Where on the land there is any building, structure, tubewell or crop, the owner thereof shall in addition to the compensation payable in respect of the land, be entitled to be paid by the State Government compensation therefor which shall be equivalent to three-fourth of the market value of such building, structure, tubewell or crop, as the case may be, and which shall be determined, -(a)in the case of crop, by the Collector; and(b)in other cases, by the Pepsu Land Commission or, in respect of the surplus area declared under sub-section (12) of section 32K by the Board referred to in sub-section (6) of that section :Provided that an option in writing may be given by the Collector to the owner to remove such building, structure, tubewell or crop within the period prescribed, and if such building, structure, tubewell or crop, as the case may be, is removed by the owner within the period prescribed or within such further period as the Collector may extend for the purpose no compensation shall be paid to the owner in respect thereof :Provided further that the cost incurred in raising the crop shall be the market value of the crop.] [Substituted by Punjab Act 27 of 1962, section 4.]

### **32H. Payment of compensation.**

(1)The compensation payable by the State Government shall be given in cash or in bonds or partly in cash and partly in bonds, as may be prescribed.(2)Compensation in respect of land other than banjar land shall, in the first instance, be paid at the rate of ninety times the land revenue (including rates and cesses) payable for such land or two hundred rupees per acre, whichever is less, and the balance, if any, shall be payable after the fair rent has been determined in accordance with the provisions of this Act.

### **32J. Disposal of surplus area.**

(1)The surplus area acquired under section 32E shall be at the disposal of the State Government.(2)The State Government may, by notification in the Official Gazette, frame a scheme

for utilising the surplus area by allotment to tenants willing to cultivate land personally or to landowners or tenants owning or holding land not exceeding five standard acres in order to make their holdings equal to five standard acres, and to landless agricultural workers or for the development of co-operative farms or seeds farms or efficient management of land.(3)Any scheme framed by the State Government under sub-section (2) may provide for the terms and conditions on which the lands in the surplus area are to be allotted, provided the following priorities in the method of selecting tenants and fixing the area of land to be allotted shall form part of the scheme, namely -(a)tenants who are liable to ejectment and entitled to allotment of alternative land under section 7-A [including tenants of landowner who are members of the Armed Forces of the Union [and Non-Resident Indian] [Inserted by Punjab Act 29 of 1969, section 3.]; and(b)landowners or tenants owning or holding land not exceeding five standard acres in order to make their holdings equal to five standard acres, and landless agricultural workers.(4)The terms and conditions, on which the lands, in the surplus area are to be allotted, shall include payment of the prescribed amount for the land in a lump sum or in annual instalments spread over twenty years.Explanation. - The said amount shall be prescribed by the State Government having regard to the condition that the aggregate amount payable to the State Government by the persons to whom land is allotted under the scheme shall not exceed the aggregate amount of compensation payable by the State Government for surplus area which is acquired.(5)The State Government may, by notification in the Official Gazette, add to, amend, vary or revoke any scheme made under this section.

### **32K. Exemptions from ceiling on land.**

(1)The provisions of section 32A shall not apply to -(i)orchards where they constitute reasonably compact areas;(ii)specialised farms engaged in cattle breeding, dairying or wool raising;(iii)sugarcane farms operated by sugar factories;(iv)efficiently managed farms which consist of compact blocks on which heavy investment or permanent structural improvements have been made and whose break-up is likely to lead to a fall in production;(v)lands belonging to registered co-operative societies formed for the purpose of co-operative farming, provided the land owned by an individual member of the society does not exceed the permissible limit; and(vi)where a landowner gives an undertaking in writing to the Collector that he shall, within a period of two years from the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, plant an orchard in any area of his land not exceeding ten standard acres, such area of land.(2)Where a landowner has, by an undertaking given to the Collector, retained any area of land with him for planting an orchard and fails to plant the orchard within a period of two years referred to in clause (vi) of sub-section (1), the land so retained by him shall on the expiry of that period vest in the State Government under section 32E and compensation therefor shall be payable in accordance with the provisions of this Chapter.(3)[ Notwithstanding anything contained in this Act, -(a)the exemption specified in clause (vi) of sub-section (1) shall not be allowed unless the orchard planted within the period specified therein is found to be an orchard also at the time of granting the exemption;(b)the exemptions specified in clauses (i), (ii), (iii), (iv) and (v) of sub-section (1) shall not be allowed unless the orchards constituting reasonably compact areas or the specialised farms engaged in cattle breeding, dairying or wool raising or the sugarcane farms operated by sugar factories or the efficiently managed farms or the land belonging to registered co-operative societies, as the case may be, are found to be so also at the time of granting the exemptions;(c)the exemption

specified in clause (iv) of sub-section (1) shall not be allowed unless the efficiently managed farm satisfies the conditions hereinafter appearing in the succeeding sub-sections.(4)For determining whether a farm should be exempted under clause (iv) of sub-section (1), the Pepsu Land Commission shall award to the farm, in respect of the harvests of Rabi and Kharif for the year 1956, marks in the following manner -(a)the total number of marks shall be one thousand and the various features, including the features relating to yield of crops per standard acre, for which marks are to be awarded and the maximum marks to be awarded for each feature shall be such as may be prescribed;(b)the marks shall be awarded for each feature subject to the maximum marks prescribed for the feature;(c)in awarding marks for the feature relating to yield of crops, the Pepsu Land Commissioner shall apply such standard of yield of crops per standard acre as may be prescribed;(d)the award of marks shall be in relation to the yield of each prescribed crop in a particular harvest;(e)area under crops for which standard yields are not prescribed or areas on which prescribed crops are sown but such areas are less than five per centum of the total area of the farm, shall be ignored for the purposes of awarding marks;(f)for awarding marks to a farm for the feature relating to yield of crops, the average of the marks awarded for the yield of each prescribed crop shall be regarded as the marks awarded to that farm for the feature relating to yield of crops;(g)for awarding marks in respect of each harvest, the evaluation of land under each crop for converting into standard acres shall, notwithstanding anything to the contrary in section 32NN, be made in relation to the class of land in existence at the time of such harvest;(h)in awarding marks, the Pepsu Land Commission shall give due allowance for any loss in the yield of crops due to any natural calamity or circumstances beyond the control of the landowner;(i)where any area of the farm has not been brought under any crop on any ground, other than the normal rotation of crops or circumstances beyond the control of the person concerned, the Pepsu Land Commission may deduct from the total number of marks awarded to the farm such number of marks not exceeding one hundred as it may deem fit;(j)no farm which is awarded less than eighty per centum of the total number of marks prescribed in respect of all features shall be exempted under clause (iv) of sub-section (1).(5)Every person, to whom any exemption is granted under clause (iv) of sub-section (1), shall furnish from time to time to such authority and in such form and manner such periodical information relating to the produce of different crops, the programme regarding different agricultural operations such as use of improved seeds and fertilizers, adoption of plant protection measures like spraying and maintenance of standard of yield of crops as may be prescribed.(6)Every exemption of a farm under clause (iv) of sub-section (1) shall be liable to be reviewed by a Board consisting of the Commissioner of the Division concerned as Chairman and two other persons having special knowledge or practical experience of land or agricultural problems as members, to be appointed by the State Government by notification, who may be paid such allowances as may be prescribed.(7)The first review under sub-section (6) shall be made by the Board after the expiry of at least three years from the date on which exemption to a farm is granted and thereafter periodical reviews shall be made by the Board so that a period of not less than three years shall intervene between two consecutive reviews.(8)In reviewing the exemptions of efficiently managed farms, the Board shall take into account the periodical information furnished in respect of the farm under sub-section (5) and shall, as far as may be, be guided by the same provisions of this Act and the rules made thereunder as are applicable to the grant of the exemptions under this section and marks shall be awarded by the Board for all the harvests during the period between the grant of exemptions and the review or the period between two consecutive reviews, as the case may be.(9)If, during the

course of any review, the Board finds that any area of land included in a farm exempted under clause (iv) of sub-section (1) is inherited by an heir of the landowner and such area of land, with the lands, if any, already owned by him, does not exceed in the aggregate the permissible limit, the Board shall advise the State Government that such area of land should be excluded from the farm exempted under clause (iv) of sub-section (1); and where such advice is to be tendered by the Board, the Board shall if such heir so desires, exclude such area of land for the purpose of reviewing the exemption relating to the farm from the date of inheritance.(10)The Board shall after each review advise the State Government whether the exemption of any farm should continue or should be withdrawn or whether any area of land included in the farm should be excluded therefrom under sub- section (9).(11)The advice tendered by the Board under sub-section (10) shall be binding on the State Government.(12)Where an exemption in respect of any farm is withdrawn by the State Government on the advice of the Board, -(a)if a landowner is alive, the whole of the area of such farm; and(b)if the landowner is dead, the whole of the area of such farm, except to the extent of the land which is inherited by the heirs of the landowner and which, with the lands, if any already owned by such heirs, does not exceed in the aggregate the permissible limit; shall be declared to be the surplus area :Provided that such declaration shall not be made without giving an opportunity of being heard to the landowner or the heirs, as the case may be.(13)In declaring the surplus area under this section, the provision of this Act shall, as far as may be, apply.(14)Any rules made under section 52 for giving effect to the provisions of this section may be made retrospectively from the 30th October, 1956.] [Added by Punjab Act 27 of 1962, section 5 and it shall be deemed to have come into force on the 30th day of October, 1956.]

### **32KK. Land owned by Hindu undivided family to be deemed land of one landowner.**

- Notwithstanding anything contained in this Act or in any other law for the time being in force, -(a)where, immediately before the commencement of this Act, a landowner and his descendants constitute a Hindu undivided family, the land owned by such family shall, for the purposes of this Act, be deemed to be the land of that landowner and no descendant shall, as member of such family, be entitled to claim that in respect of his share of such land he is landowner in his own right; and(b)a partition of land owned by a Hindu undivided family referred to in clause (a) shall be deemed to be a disposition of land for the purposes of section 32FF.Explanation. - In this section, the expression "descendant" includes an adopted son.

Section 32KK inserted by Punjab Act No. 16 of 1962, Section 7 and shall be deemed to have come into force with effect from 30th October, 1956.Section 13 of Punjab Act No. 16 of 1962, reads as follows :-13. "Validation. - Notwithstanding anything contained in this Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority where the surplus area in respect of the land owned by a Hindu undivided family referred to in clause (a) of section 32-KK of the principal Act, has been determined under that Act at any time before the commencement of this Act by any authority competent to determine such area, whether by ignoring the partition of any such land under section 32-FF or otherwise, such determination shall be valid and shall be deemed always to have been valid and shall not be questioned on the ground that the descendants of the landowner constituting with him the Hindu undivided family were landowners

in their own right in respect of their shares in such land or on ground that the partition had been ignored".

### **32L. Ceiling on future acquisition of land.**

(1) Notwithstanding anything to the contrary in any law, custom, usage, contract or agreement, from and after the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, 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, shall in the aggregate, exceed the permissible limit. (2) Any transfer, exchange, lease, agreement or settlement made in contravention of the provisions of sub-section (1) shall be null and void.

### **32M. Ceiling on future acquisition by inheritance.**

(1) If, after the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, any person whether as landowner or tenant, acquires by inheritance or by bequest or gift from a person to whom he is an heir any land [or if after such commencement and subject to the provisions of section 32FF any person acquires in any other manner, except as specified in section 32L, any land] [Inserted by Punjab Act No. 16 of 1962, section 8.] which with or without the lands already owned or held by him, exceeds in the aggregate the permissible limit, then he shall within the period prescribed furnish to the Collector a return in the manner specified in section 32-B giving the particulars of all lands and selecting the land he desires to retain [and if the land of such person is situated in more than one Patwar circle, he shall also furnish a declaration required by sub-section (1) of section 32BB] [Added by Punjab Act No. 3 of 1959, section 9(1).] [(1-A) If such person fails to furnish the declaration, the provisions of sub-sections (2) and (3) of section 32-BB shall apply.] [Inserted by Punjab Act No. 3 of 1959, section 9(2).] (2) If he fails to furnish the return and select his land within the prescribed period, then the Collector may obtain the information and select the land for him in the manner specified in section 32-C. (3) The Collector shall then submit a statement to the State Government in the manner specified in section 32-D and issue a notification in the Official Gazette as required by that section. (4) The excess land shall then vest in the State Government in accordance with the provisions of section 32-E and compensation therefor, shall be payable in accordance with the provisions of this Chapter.

### **32MM. [ Power to separate share of landowners in joint lands. [New section 32MM inserted by Punjab Act No. 16 of 1962, Section 9.]**

(1) Where the landowner owns land jointly with other landowners and his share of such land or part thereof, as ascertained from the record of rights, has been or is to be declared as surplus area, the officer competent to declare such area or where such area has been declared, the officer competent to utilise it, may on his own motion, after summary enquiry and affording to the persons interested in such land an opportunity of being heard, separate his share of such land or part thereof in the land owned by him jointly with other landowners. (2) Where, after the declaration of the surplus area of any person and before the utilisation thereof, his land has been subjected to the process of consolidation, the officers referred to in sub-section (1) shall be competent to separate the surplus

area of such person out of the area of land obtained by him after consolidation.]

### **32N. Definition of 'public purpose', 'surplus area' and 'land'.**

- In this Chapter:-(1)'Public purpose' includes -(i)a purpose connected with the allotment of land to -(a)tenants who are liable to ejectment and entitled to allotment of alternative land under Section 7-A; or(b)landowners or tenants owning or holding land not exceeding five standard acres in order to make their holdings equal to five standard acres, and landless agricultural workers;(ii)development of co-operative farms or seed farms; and(iii)efficient management of land;(1A)[ "small landowner" means a landowner whose entire land in the State does not exceed the permissible limit;] [Inserted by Punjab Act No. 3 of 1959, section 10(1).],(2)'surplus area' means the area in excess of the permissible limit [and includes the area which is deemed to be surplus area under sub-section (2) of section 32BB] [Inserted by Punjab Act No. 3 of 1959, section 10(2).]; and(3)'land' includes banjar land save as otherwise provided.

### **32NN. [ Removal of certain doubts. [Section 32NN inserted by Punjab Act No. 16 of 1962, section 10, and shall be deemed to have come into force with effect from 30th October, 1956.]**

- For the removal of doubts it is hereby declared that for evaluation the land of any person at any time under this Act, the land owned by him immediately before the commencement of the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, or the land acquired by him after such commencement by inheritance or by bequest, or gift from a person to whom he is an heir, shall always be evaluated for converting into standard acres as if the evaluation was being made on the date of such commencement, and that the land acquired by him after such commencement in any other manner shall always be evaluated for converting into standard acres as if the evaluation was being made on the date of such acquisition.]

## **Chapter IV**

### **B**

#### **Constitution of Land Commission**

### **32P. Constitution of Land Commission and functions thereof.**

(1)The State Government shall establish a Commission to be called the Pepsu Land Commission consisting of -(a)a Chairman being a person who is or has been a Judge of the High Court;(b)two members to be nominated by the State Government having special knowledge or practical experience of land or agricultural problems.(2)The Chairman and members of the Commission shall hold office for a term of three years.(3)The Chairman and members shall be entitled to receive such remuneration for the performance of their duties under this section as may be prescribed.(4)Subject to the provisions of this Act and in accordance with any rules which may be made by the State

Government in this behalf, it shall be the duty of the Commission to -(a)determine fair rents for the purposes of section 32-G.(b)determine the market value of any building [structure or tube-well] [Substituted for the words 'structure, tube-well or crop' by Punjab Act 27 of 1962, section 6.] under sub-section (4) of section 32-G;(c)advise the State Government with regard to exemption of lands from the ceiling in accordance with the provisions of section 32-K.(5)The advice given by the Pepsu Land Commission under clause (c) of sub- section (4) shall be binding on the State Government and notwithstanding anything in section 32-D, no final statement shall, in a case in which exemption is claimed under section 32-K, be published unless such advice is included therein.(6)In determining the fair rents, the Pepsu Land Commission shall, in accordance with such principles, as may be prescribed, classify soils where necessary.(7)The fair rent shall not exceed the value of one-fifth of the gross produce of land determined in accordance with such principles as may be prescribed.(8)If there is a difference of opinion among the members of the Commission on any matter, the opinion of the majority shall prevail, and the decision or advice of the Commission shall be expressed in terms of the views of the majority.(9)For the purposes of performing its duties, the Pepsu Land Commission shall be empowered to make such enquiries as may be necessary and in doing so shall have the powers of a civil court specified in section 41.[Chapter V] [Chapter containing sections 33, 34, 35, 36, 37 and 38 omitted by Pepsu Act No. 15 of 1956.]

## Chapter VI

### Miscellaneous

### 39. Appeals and revision.

(1)Any person aggrieved by any decision or order of [the prescribed authority or the Assistant Collector of the First Grade] [Substituted for the words 'the prescribed authority' by Punjab Act No. 16 of 1962, section 11.] may, within thirty days from the date of the decision or order excluding the time spent in obtaining the copies of such decision or order, prefer an appeal to the Collector in such form and manner as may be prescribed :Provided that the Collector may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(2)Any person aggrieved by any decision or order of [the Collector (whether acting as prescribed authority or not)] [Substituted for the words 'the Collector' by Punjab Act No. 16 of 1962, section 11.] not being a decision or order made in an appeal under sub-section (1), may, within thirty days from the date of the decision or order excluding the time spent in obtaining the copies of such decision or order, prefer an appeal to the Commissioner in such form and manner as may be prescribed :Provided that the Commissioner may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.(3)With respect of all matters dealt with under this Act the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the prescribed authority or [the Assistant Collector of the First Grade or the Collector] [Substituted for the words 'the Collector' by Punjab Act No. 16 of 1962, section 11.] or the Commissioner as is provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).



#### **40. Correction of clerical errors.**

- Clerical and arithmetical mistakes in any order passed by any officer or authority under this Act or error 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.

#### **41. Officers holding enquiries to have powers of civil courts.**

- Any officer or authority holding an enquiry or hearing an appeal or a revision under this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), relating to - (a) proof of facts by affidavits; (b) enforcing attendance of any person and his examination on oath; (c) production of documents; (d) issue of commission; and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

#### **42. 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 six months, or with fine which may extend to one thousand rupees, or with both.

#### **43. 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 provision of this Act; or (b) to the use and occupation of which he is not entitled under the provisions of this Act; may, after summary enquiry, be ejected by the Collector, who may also impose on such person a penalty not exceeding five hundred 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 unauthorized possession of the land.

#### **44. Certain officers to be public servants.**

- Every officer acting under or in pursuance of the provisions of this Act or any rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

#### **45. Procedure**

. - In all enquiries and proceedings under this Act, the Collector and any other officer shall have such powers and follow such procedure as may be prescribed.

#### **46. 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.

#### **47. Bar of jurisdiction.**

(1) No civil court shall have jurisdiction to settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial Commissioner, the Collector or the prescribed authority. (2) No order of the Financial Commissioner, the Commissioner, the Collector or the prescribed authority made under or in pursuance of this Act shall be called in question in any court.

#### **48. Protection of action taken under this Act.**

(1) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or any rules made thereunder. (2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions contained in this Act or any rules made thereunder.

#### **49. Mode of recovery of compensation and penalty.**

- The amount of any compensation or other sum payable under this Act and the amount of any penalty imposed under this Act may be recovered as an arrears of land revenue.

#### **50. Delegation.**

- The State Government may, by notification in the Official Gazette, direct that the powers exercisable by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercisable also by an officer subordinate to the State Government.

#### **51. [ Exemption of certain lands. [Substituted by Pepsu Act 15 of 1956.]**

- [(1)] the provision 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; (b) lands vested in the Central Government which have not been transferred to an allottee either on permanent or quasi permanent basis; (c) lands belonging to any religious or charitable institution but not to a Mahant, Mohtamim or manager thereof; (d) lands granted to any member of the Armed Forces of the Union for gallantry; (e) private lands leased by the Government; (f) lands belonging to or vested in a Panchayat or a local authority; (g) nazool lands transferred by the State Government to co-operative societies

formed by persons belonging to Scheduled Castes;(h)land to which the Pepsu Bhoodan Yagna Act, 1955 (25 of 1955), applies.Explanation. - For the purposes of clause (c), 'religious or charitable institution' means-(i)a temple;(ii)a gurdwara;(iii)any other religious place of a public nature;(iv)a wakf as defined in clause (1) of section 3 of the Muslim Wakfs Act, 1954 (Parliament Act 29 of 1954); or(v)any other institution of a public nature the object of which is relief to the poor, education, medical relief or the advancement of any other object of general public utility including religious teaching or worship;which the State Government may, by notification in the Official Gazette, specify].(2)[ The provisions of section 7, section 7-A and Chapter IV shall not apply to lands leased out by the Punjab State Co-operative Land Mortgage Bank Limited established under the Punjab Co-operative Land Mortgage Banks Act, 1957.] [Added by Punjab Act No. 16 of 1962, section 12]

**51A. [ Exemption of lands granted for gallantry before 26th January, 1950.  
[Inserted and shall be deemed always to have been inserted by Punjab Act 11  
of 1968, Section 2]**

- Notwithstanding anything contained in this Act, where any land is granted for gallantry at any time before the 26th day of January, 1950, to any member of the armed forces, whether maintained by the Central Government or by any Indian State, then, so long as such land or any portion thereof, as the case may be, has not passed from the original grantee into more than three successive hands by inheritance or bequest, and is held by the grantee or any of such hands, such land or portion, as the case may be, shall not be taken into account in computing the surplus area under this Act, nor shall any tenant of such land or portion have the right to purchase it under section 22:Provided that where such land or portion has passed into more than three such hands and the person holding such land or portion, immediately before the 3rd of August, 1967, is a person to whom it has passed by inheritance or bequest, the exemption under this section shall apply to such land or portion thereof, as the case may be, during the life-time of such person.]

**52. 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)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for -(a)the appointment and powers of prescribed authorities and the areas within which they may exercise their jurisdiction.(b)the form in which and the period within which any application may be made under this Act;(c)the form and manner of holding enquiries under this Act;(d)the form and manner in which a receipt for payment of rent may be given;(e)the form of any statement to be furnished under this Act and the particulars to be included therein;(f)the manner in which land for personal cultivation may be reserved under this Act;(g)the instalments in which any compensation may be paid under this Act;(h)the manner of service of any order or notice under this Act;(i)the form in which any certificate may be issued under this Act;(j)the powers of the Collector and other authorities and the procedure to be followed by them in the conduct of enquiries;(k)the fees to be paid in respect of any application or other proceedings under this Act;(l)any other matter which is to be or may be prescribed under this Act.

### 53. Repeal and saving.

(1) The Patiala and East Punjab States Union Tenancy and Agricultural Lands Act, 1953 (President's Act 8 of 1953), and the PEPSU Agricultural Tenants (Temporary Protection and Disability) Act, 1954 (22 of 1954), are hereby repealed :Provided that, notwithstanding the repeal of the President's Act 8 of 1953, anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in exercise of powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done or action was taken. (2) Any proceeding relating to the ejectment of a tenant on the ground of personal cultivation or the acquisition by a tenant of proprietary rights in the land comprising his tenancy, postponed by the PEPSU Agricultural Tenants (Temporary Protection and Disability) Act, 1954 (22 of 1954), shall Section 28 of the Punjab Land Reforms Act, 1972 (No. 10 of 1973) reads as follows:-[in so far as it is not inconsistent with the provisions of this Act as amended by the Pepsu Tenancy and Agricultural Lands (Second Amendment) Act, 1956, be disposed of in accordance with such provisions.].

Substituted by Pepsu Act 15 of 1956. 28. (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 enactment, shall not effect -(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 :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, constituted or enforced as if this Act had not been passed :Provided that such proceeding or remedy shall, as far as may be, be instituted, continued or enforced in accordance with the procedure specified by or under this Act.