

# **The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949**

HARYANA

India

## **The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949**

### **Rule**

### **THE-EAST-PUNJAB-HOLDINGS-CONSOLIDATION-AND-PREVENTION of 1949**

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The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949Published vide Punjab Government Notification No. 10954-D-49/7351, Dated 8.12.1949.

#### **1. Title.**

- These rules may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949.

#### **2. Definition.**

- In these rules -(a)"Act" means the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, and(b)"Section" means a section of the said Act.

#### **3. Mode of Publication.**

- Any matter required to be published, or of which public notice is to be given under the Act shall be published by exhibiting copies thereof in the estate or estates concerned [and at a conspicuous place in the village or villages concerned as well as at the Panchayat Ghar of the Panchayat in which the village or villages lie] [Words added vide GSR 11 dated 7.1.1969.] in Urdu, Hindi, or Gurmukhi as may be deemed proper, and shall also so far as possible be announced in such estate or estates by beat of drum.[4. Preparation of scheme of Consolidation. - After the notification and publication by the State Government, of its intention to make a scheme for the Consolidation of Holdings under

sub-section (1) of section 14, the Consolidation Officer shall visit each of the estates concerned after giving reasonable notice of his visit to the landowners and non-proprietors thereof and shall, in consultation with the village committee constituted by him for this purpose, put up a scheme for the consolidation of holdings. The total number of members of the said committee shall not be less than three and it shall include :-(i)members of the Gram Panchayat, if any, constituted under the Punjab Gram Panchayat Act, 1952 (No. IV of 1953) and representatives of landowners.(ii)a representative each of Harijans and other non-proprietors if not already included in the Panchayat;(iii)a representative each of the Co-operative Farming Societies, if any.]

## 5.

Every such scheme of consolidation shall contain the following particulars. -(i)a statement of classification of land for the purpose of consolidation and the exchange ratio for conversion of one class into another;(ii)a statement of valuation of lands, wells, trees, etc, to be exchanged showing the compensation to be given or received by the holders concerned;(iii)a brief statement as to the action, if any, taken in pursuance of sections 17 and 18 of the Act; and(iv)such other particulars as may be considered expedient by the Settlement Officer in this behalf.[6. Draft scheme of consolidation to be explained to the persons affected thereby. - In addition to publication under the provisions of rule 4 the draft scheme of consolidation shall be read over and explained by the Consolidation Office to the persons likely to be affected thereby specially collected for the purpose. If any person desires to have a copy of the proposed consolidation scheme, it shall be supplied to him on payment of the following copying fee :-One rupee for the first two hundred words or less and fifty paise for every additional 100 words or fraction thereof;Provided that a copy of consolidation scheme may be supplied on request to the Gram Panchayat concerned free of cost.] [Substituted vide Punjab Government Notification No. GSR 183/P. Amd. (3)/64, dated the 4th August, 1964.]

## 7. Repartition.

- The Consolidation Officer shall after obtaining the advice of the landowners of the estate or estates concerned, carry out repartition in accordance with the scheme of consolidation of holdings confirmed under section 20, and shall prepare the following repartition papers :-(i)a map of village showing all the existing field numbers, recognised roads, and irrigation channels and areas assigned for public purposes, such as burial grounds, disposal of animal carcasses, ponds or grazing areas, etc., with new field numbers superimposed upon it in red lines or other markings;(ii)another similar village map exhibiting the position emerging as a result of repartition;(iii)a statement showing the names of the owners of holdings, with particulars of field numbers, shares, class of land, tenure, area, assessment and encumbrances, if any, after getting the record-of-rights up-to-date;(iv)a statement showing the names of owners with particulars of all different rights possessed by each individually;(v)a statement showing the compensation payable by or to an owner in order to adjust differences in the value of land exchanged under section 15 of the Act or due to the existence of wells, trees, etc., under sub-section (4) of section 17;(vi)a statement showing the names of occupants or holders to whom the new consolidated holdings are allotted with particulars of field number, shares, class of land, tenure, area, assessment and encumbrances, if any; and(vii)such other papers as may be considered expedient by the Settlement Officer (Consolidation) in this behalf.

## **8. Repartition papers to be explained to the person affected thereby.**

- The contents of the statements mentioned in items (iv) to (vii) of the preceding rule shall be read over and explained by the Consolidation Officer to the persons likely to be affected thereby specially collected the purpose.

## **9. Redistribution of assessment.**

- After repartition has been confirmed and appeal against it, if any, has been finally decided, the Collector of the district shall take necessary steps for the redistribution of the assessment of the estate concerned, in accordance with sub-section (2) of section 65 of the Punjab Land Revenue Act, 1887.

## **10. Eviction.**

- The Consolidation Officer shall serve a notice on the person or persons liable to eviction under sub-section (2) of section 23 requiring him within fifteen days of the receipt of the notice to vacate the land. If such notice is not complied with within the time specified therein, the Consolidation Officer may exercise the powers of a Revenue Officer under the Punjab Land Revenue Act, 1887, for the purpose and putting in physical possession of holding the person entitled thereto.

## **11. Deposit of compensation.**

- The amount of compensation payable by an owner under section 15 of the Act shall be deposited by him in the nearest Government treasury or sub-treasury and a copy of the receipt obtained by him in token shall be produced by him before the Consolidation Officer.

## **12. Transfer of encumbrance.**

- In transferring a lease, mortgage, debt, or other encumbrance under sub-section (1) of section 26, the Consolidation Officer shall -(i)if the new holding is of the same market value as the original one, transfer the entire encumbrance attaching to the latter;(ii)if the new holding is of substantially greater market value than the original one, transfer to the former holding the encumbrance attaching to the latter, subject, in the case of a lease to the condition that the lessee shall pay to the owner such reasonable rent in excess of the rent already payable under the lease as may be fixed by the Consolidation Officer and in the case of any other encumbrance, subject to such reasonable reduction in the area or in the rate of interest as may be fixed by the Consolidation Officer, having regard to the substantially better security provided by the owner of the new holding.

## **13. Putting the encumbrancer in possession.**

- If the lessee, mortgagee or other encumbrancer appears to the Consolidation Officer to be entitled to the possession of a holding under section 26, the Consolidation Officer shall issue a notice to the

owner to show cause within fifteen days of the receipt of the notice why the lessee, mortgagee or other encumbrancer, as the case may be, should not be put in possession of such holding. If the owner fails to show cause or if the Consolidation Officer is satisfied that the cause shown by the owner is not adequate, he shall put the lessee, mortgagee or other encumbrancer as the case may be into possession of the holding, and the record of rights in respect of the holding shall be corrected accordingly.

**14. [ Assessment, Collection, Refund etc., of cost of Consolidation. - (i) The cost of consolidation proceedings shall be assessed [village-wise] [Rule 14 substituted vide Punjab Government Notification No. 838-D- 52/1757, dated 29th April 1952/9th May 1952.] at Rs. 5 per acre or portion of an acre of land, other than ghair mumkin land, if the wattbandi is carried out by the persons, whose holdings are affected and at Rs. 7-8-0 per acre if the wattbandi is carried out by or on behalf of the Consolidation Officer, at the option or default of the persons whose holdings are affected.] [Substituted vide Punjab. Government Notification No. 6992-D (IX)-60/5570, dated 21 September 1960.]**

(ii) The cost of consolidation shall be payable by the persons, whose holdings are affected by the scheme of consolidation except that in case of evacuee land, it shall be payable by an allottee in respect of land, which has been allotted to him on a quasi permanent basis and the Custodian in the case of unallotted lands. (iii) [ The cost of consolidation shall be collected in two half-yearly instalments along with the land revenue demand for Kharif and Rabi harvests [except when the Government directs otherwise by written order to collect this in more than two-half yearly instalments in hard and deserving cases.] [Inserted vide Punjab Government Notification No. 4655-D- 53/dated the 6.5.1953.] After a notification under section 14(1) of the Act has issued, the patwaris shall prepare in form CH 1 a list of assesseees from whom the cost of consolidation is to be recovered. This list will be arranged lambardar-wise. (iv) All entries in the list mentioned in sub-rule (iii) above shall be checked by the Girdawar Kanungo and read over and explained to the persons, whose holdings are affected by the scheme of consolidation. The Assistant Consolidation Officer shall check the entries in the list and the list duly signed on every page by the Patwari - Girdawar, Kanungo and the Assistant Consolidation Officer in token of its correctness shall be forwarded to the Consolidation Officer, who, after countersigning it, shall return it to the Patwari after the Wasil Baqi Nawis has noted the consolidated demand in a register [in the such form as may be prescribed by Government from time to time] [Substituted vide Punjab Government Notification No. GSR 184/PA 50/48/S-46/Amd. (1)/63, dated the 16.5.1963.]. The patwari shall copy out the list lambardar-wise and deliver the relevant papers to the lambardars concerned for collection. (v) Before the second instalment falls due, the village Patwari, shall immediately, after the preparation of a preliminary record of the village particularly the Naqsha Haqdarwar draw up the list of 2nd instalment of cost of consolidation incorporating the changes, if any, in the first list of the cost of consolidation payable by the persons, whose holdings are affected by the scheme of consolidation. This list shall also be prepared, checked and authenticated and disposed of as laid down in sub-rule (iv) above. (vi) The

excess cost of consolidation recovered from a person whose holdings are affected by the scheme of consolidation shall be refunded under order of the Settlement Officer to whom an application may be made for the purpose through the Patwari of the village who shall forward it through the proper channel after verification and report. The refund, however, shall, be prepared in the office of the Settlement Officer and sent to the applicant through the Girdawar Kanungo who shall obtain a receipt for it and return it to the Settlement Officer for record.(vii)The demand on account of cost of the consolidation will be due as soon as the list is in the hands of the lambardars or other person entrusted with the collection and must be paid into the treasury not later than the dates given below [in the dates mentioned under column 2 and 3 of the table given below i the respect of the areas mentioned under the column 1 of the said table, namely:-

Area	Kharif date	Rabi date
Ambala and Hissar Division	30th January	30th June

After the above dates process may be issued for recovery of arrears in the same way as for arrears of land revenue.(viii)The allowance to the lambardars and other person collecting the cost of consolidation, shall be two percent of the amount collected. Unless otherwise expressly ordered by Government a lambardar or other person concerned while depositing the cost of consolidation into the treasury, shall be entitled to retain the allowance due to him and deposit the balance into the treasury. The allowance will be conditional on the demand being paid in full for each estate by the date fixed in sub-rule (vii). The Collector of the district may deduct any sum out of the allowance for delay in payment of the demand into the treasury. In case full amount recovered is deposited in the treasury by the lambardar or other person without retaining the allowance due to him the Collector of the district may refund such amount of allowance to the person concerned to which he is entitled. The Collector may also recover, as arrears of land revenue, the amount of allowance withheld in excess, if any, by lambardars or other person entrusted with the collection of cost of consolidation while depositing it into the treasury, without fulfilling conditions set out above; and].(ix)A monthly return [in such form as may be prescribed by Government from time to time] [Substituted vide Punjab Government Notification No. GSR No. 184/PA 50/48/S.46/Amd. (1)/63, dated the 16.5.1963.] shall be forwarded by the Collector to the Commissioner of the division with a copy of it to the Director, Consolidation of Holdings, by the seventh of the month following that to which it relates. In this return shall be entered the demand for the harvest, arrears (if any) and payment received during the month.

## 15. Appointment of guardians to minors.

- Where any of the landowners is a minor, the Consolidation Officer may after making such enquiries as may be necessary and by an order in writing, appoint a suitable person whose interest is not adverse to that of the minor as guardian ad litem. Similar action may be taken into the case of widows, absentees, soldiers or others, if considered necessary.

## 16.

(i)The area to be reserved for the common purpose of extension of abadi for proprietors and

non-proprietors under Section 18(c) of the Act shall be reserved after scrutinizing the demand of proprietors desirous of building houses and of non-proprietors including Harijan families working as agrarian labourers who are in need of a site for house. The land reserved for extension of abadi shall be divided into plots of suitable sizes. For the plots allotted to proprietors area of equal value shall be deducted from their holdings but in case of non-proprietors including Harijan families these shall be allotted without payment of compensation and they shall be deemed to be full owners of the plots allotted to them.(ii)[ In an estate or estates where during consolidation proceedings there is no shamlat deh land or such land is considered inadequate, land shall be reserved for the village Panchayat and for other common purposes, under section 18(c) of the Act, out of the common pool of the village at the scale prescribed by the Government from time to time. Proprietary rights in respect of land so reserved (except the area reserved for the extension of abadi of proprietors and non-proprietors) shall vest in the proprietary body of the estate or estates concerned and it shall be entered in the column of ownership of record of rights as Jumla Malkan Wa Digar Haqdarar Arazi Hassab Rasad. The management of such land shall be done by the Panchayat of the estate or estates concerned on behalf of the village proprietary body and the Panchayat shall have the right to utilise the income derived from the land so reserved for the common needs and the benefits of the estate or estates concerned] [Existing rule 16 renumbered as sub-rule (i) of that rule and new sub-rule (ii) added by Punjab Government Notification No. 459-D-57/713, dated the 9.4.1957.].[17. Form of application and documents which shall accompany it. - Every application under section 42 shall be signed and verified by the applicant, shall contain the following particulars and shall be accompanied by a certified copy each of the orders, if any, passed under sub-sections (2), (3) and (4) of section 21, although plan of the paths or paths, if any, in dispute and a certified copy of the grounds of the last appeal, if any, filed under sub-section (3) or sub-section (4) of section 21 :- (a) name of the authority to whom application is made; (b) name and description of place of residence, tehsil and district of the applicant; (c) names, description and addresses of the persons, who are likely to be affected, if the application is accepted; (d) names of the village, tehsil and district, in which the land which is subject matter of the application is situated; (e) the date of publication of the repartition shajra under sub-section (1) of section 21 of the Act, if it is known to the applicant; (f) whether any objection was lodged with the Consolidation Officer; (g) whether any appeal was preferred under sub-section (3) and under sub-section (4) of section 21 and, if so, with what result; (h) whether any application was previously filed under section 42 of the Act and, if so, with what result; (i) a statement of in concise form on which the party applying relies; and (j) relief prayed for.]

**18. [ Limitation for application under section 42. - An application under section 42 shall be made within six months of the date of the order against which it is filed:**

Provided that in computing the period of limitation, the time spent in obtaining certified copies of the orders and the grounds of appeal, if any, filed under sub-section (3) or sub-section (4) of section 21, required to accompany the application shall be excluded : Provided further, that an application may be admitted after the period of limitation prescribed therefor if the applicant satisfies the authority competent to take action under section 42 that he had sufficient cause for not making the application within such period] [New rules 17, 18 and 19 inserted by Punjab Government Notification

No. 1426-D(II-60/1527, dated the 18.3.1960.]. [19. Fees on application. - The following fees shall be payable in court fees stamps in respect of applications under section 42] [Substitute vide Punjab Government Notification dated 18.3.1960.] :-

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| (i) on the application   | *Rs. [10]   |
| (ii) on the copy of the order against which application is made  | Re. 1   |
| (iii) On a certified copy of the grounds of last appeal, if any filed under sub-section (3) or sub-section (4) of section 21 | Re. 1   |
| (iv) Process fees  | Rs. 2 up to four respondents and 50 naya paise for each additional respondent subject to a maximum of Rs. 5 : |

[Provided that the process fee shall not be payable unless the application is admitted and the respondents are ordered to be summoned.] [Added by Punjab Government Notification No. 6744-4 CHII 61/4884, dated the 6.9.1961.]\*Vide GSR No. 74 Dated 22.2.1964.[Form C.H. 1] [Form C.H. 1 and C.H. 2 added by Punjab Government notification no. 838-D-52/1757, dated the 29th/9th May, 1952.] Recovery Fard of Consolidation fee of Village\_\_\_\_\_ Hadbast No. \_\_\_\_\_ .Tehsil\_\_\_\_\_. District\_\_\_\_\_.

Serial No.	Names of persons whose holding are affected	No. of Khewats/ Khataunies	Area on which consolidation fee has been assessed in acres	Rate of consolidation fee (per acre)	Demand	Remarks
1	2	3	4	5	6	7

#### Notes

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|-------------------------|---|
| (i) Columns Nos 2 and 4 | Names of persons whose holdings are affected, parentage and caste with details of rights (owners, occupancy tenants, sanjjidars) and area should be entered according to the latest Jamabandi of the village. |
| (ii) Column No. 3       | Khewats and Khataunies should be written in respect of each person whose holdings are affected and has interest in them.  |
| (iii) Column No. 5      | Rate of consolidation fee per acre should be entered in this column.  |
| (iv) Column No. 6       | The demand of consolidation fee due from the persons whose holdings are affected should be entered in this column.  |
| (v) Column No. 7        | In case there is any change under the order for mutation, etc., after the preparation of the list a mention should be made in the remarks column.   |

[Form C.H. 2] Omitted by GSR 184, Dated 15th May, 1963. [New rules 17, 18 and 19 inserted by Punjab Government Notification No. 1426-D(II-60/1527, dated the 18.3.1960.]