

The Pepsu Abolition of Ala Malikiyat Rights Act, 1954

HARYANA

India

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Act 17 of 1954

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The Pepsu Abolition of Ala Malikiyat Rights Act, 1954 Pepsu Act No. 17 of 1954 An Act to abolish the rights of ala maliks and vest full proprietary rights in adna maliks and to provide for payment of compensation to ala maliks and for matters connected therewith. It is hereby enacted in the Fifth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Pepsu Abolition of Ala Malikiyat Rights Act, 1954. (2) [It extends to the territories of the State of Punjab which immediately before the 1st November, 1956 formed part of the State of Patiala and the East Punjab States Union.] [Substituted by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.] (3) It shall come into force at once. [* * *] [The words 'and it shall apply in the first instance to all land other than evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950), but the State may, by notification in the Official Gazette, apply the provisions of this Act to such class of evacuee property and with effect from such date as may be specified in the notification' omitted by Punjab Act No. 20 of 1961.]

2. Definitions.

- In this Act, unless the context otherwise requires -(a) "adna malik", in respect of land in which the proprietary rights are divided between a superior owner and an inferior owner, means the inferior owner; (b) "ala malik", in respect of a land in which the proprietary rights are divided between a superior owner and an inferior owner means the superior owner; (c) "appointed day" means the date on which the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953 (President's Act 2 of 1953), came into force; (d) "Collector" means the Collector of the district in which the land, in respect of which the rights of an ala malik are abolished, is situated and includes any other officer not below the rank of an Assistant Collector of the first grade specially empowered by the Government to perform the duties of Collector under this Act; (e) "Government" means the Government of the State of Punjab; (f) "rent" means whatever is payable to an ala malik in money,

kind or service by an adna malik in respect of the land held by the adna malik;(g)the expressions "land" and "land revenue" have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (Punjab Act XXI of 1887);(h)"Financial Commissioner" has the same meaning as in the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), and includes any other officer specially empowered by the Government to perform the duties of the Financial Commissioner under this Act;(i)References in this Act to the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), and the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887), shall be construed as references to those Acts as in force in the State of Patiala and East Punjab States Union.

3. Extinguishment of rights of the ala maliks and vesting of full proprietary rights in Adna Maliks.

- Notwithstanding anything to the contrary contained in law, custom or usage for the time being in force as from the appointed day(a)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 an ala malik in the land held under him by an adna malik shall be extinguished; and such rights, title and interest shall vest in the adna malik free from all encumbrances if, any, created in the land by the ala malik;(b)the ala malik shall cease to have any rights to collect or receive any rent in respect of such land;(c)the ala malik shall be entitled to receive and be paid such compensation as may be determined or deemed to have been determined under this Act.

4. Determination of compensation payable to ala maliks.

(1)Any ala malik whose rights have been extinguished under section 3 may within twelve months from the appointed day, make an application to the Collector, in such form and manner as may be prescribed, for the determination of the amount of compensation payable to him.(2)For the purpose of determining the amount of compensation payable to an ala malik, the Collector may, of his own motion and shall on receipt of an application under sub-section (1), issue notice to the parties concerned and after giving the parties an opportunity of being heard and after making such inquiry as he may consider necessary, the Collector shall make an award determining the amount of compensation payable to the ala malik in accordance with the provisions of section 5.(3)Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.(4)Where the compensation is payable to a minor or to a person having a limited interest, the Collector may make such arrangement as may be equitable having regard to the interest of the minor, the person having a limited interest and their reversioners.(5)The amount of compensation determined under this section shall be payable by the adna malik;Provided that where a portion of the annual rent is payable by the Government, that portion of the compensation, which bears the same proportion to the total amount of compensation as the share of the Government in the annual rent bears to the total amount of the annual rent, shall be payable by the Government.

5. Principles of compensation.

- The amount of compensation payable to an ala malik under this Act shall be five times the amount of annual rent payable to the ala malik, whether by the adna malik or whether partly by adna malik and partly by the Government: Provided that where no rent is payable in respect of any land held by the adna malik, the amount of compensation shall be five per centum of the land revenue including rates and cesses payable in respect thereof by the ala malik.

6. Payment of compensation.

(1) The compensation awarded under this Act shall either be paid in cash to the ala malik or be deposited with the Collector by the adna malik, or, as the case may be, partly by the Government and partly by the adna malik within a period of one year from the date of the award. (2) Where the adna malik makes a default in the payment of compensation or any instalment thereof in accordance with the terms of the award, the amount due may be recovered from him in the same manner as an arrears of land revenue.

7. Review and Revision.

(1) The Collector may, either of his own motion or on an application of any party interested review any award made by him or by any of his predecessors in office, and pass an order modifying, reversing or confirming the award; and such power shall be exercised subject to the provisions, as far as they may be applicable of section 82 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887). (2) With respect to 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 Collector as provided in, section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

8. Certain powers of Collector and Financial Commissioner.

- For the purposes of this Act, the Financial Commissioner and the Collector may, in so far as may be necessary or expedient so to do, exercise all the powers of a revenue officer or a revenue court as the case may be, under the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).

9. Certain mortgages and charges not enforceable against land held by ala maliks.

- Notwithstanding anything contained in any contract or any law for the time being in force no claim or liability whether under any decree or order of a civil court or otherwise, enforceable against an ala malik for any money which is charged on or is secured by a mortgage of, any land held under him by an adna malik, shall be enforceable against the land, and every such claim or liability shall be deemed to be a charge on the compensation payable to the ala malik in respect of such land.

9A. [Act not to apply to certain evacuee property. - (1) Nothing in this Act shall apply to evacuee property as defined in the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

(2)Notwithstanding anything contained in sub-section (1), the provisions of this Act shall, subject to the provisions of sub-section (3), apply to -(a) a person on whom, after the commencement of the Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953 (President's Act 2 of 1953), the rights of an adna malik are conferred by the Central Government under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954); and (b) an adna malik of land, held under an ala malik who is an evacuee as defined in clause (d) of Section 2 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950). (3) For the purposes of section 3 and sub-section (1) of section 4, the appointed day, in relation to a person referred to in sub-section (2); shall, notwithstanding anything to the contrary contained in this Act or in any judgment, decree or order of any court, be -(i) in the case of a person on whom the rights of adna malik are conferred by the Central Government after the commencement of the Pepsu Abolition of Ala Malikiyat Rights (Amendment) Act, 1961, the date on which such rights are conferred; and (ii) in any other case the date of commencement of the Pepsu Abolition of Ala Malikiyat Rights (Amendment) Act, 1961].

10. Bar of jurisdiction.

(1) No civil Court or any other authority shall have jurisdiction to settle, decide or deal with any question which under this Act is required to be settled, decided or dealt with by the Financial Commissioner or the Collector. (2) Save as otherwise expressly provided in this Act, every award or order made by the Financial Commissioner or Collector shall be final and no award or order made under this Act shall be called in question by any court or other authority.

11. Protection of action taken in good faith.

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

12. Power to make rules.

(1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely -(a) the form and manner in which an application for determination of compensation may be made by an ala malik. (b) the form of notice and the manner in which notice may be served under this Act; (c) the manner in which inquiries may be held under the Act; (d) the manner in which compensation may be paid; (e) the manner in which applications for review or revision may be filed; (f) any other matter which has to

be, or may be, prescribed.

13. Repeal and saving.

- The Patiala and East Punjab States Union Abolition of Ala Malikiyat Rights Act, 1953 (President's Act 2 of 1953), is hereby repealed but, notwithstanding such repeal 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 the 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.[Section 9A inserted by Punjab Act No. 20 of 1961.]