

The Punjab Land Revenue Rules

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India

The Punjab Land Revenue Rules

Rule THE-PUNJAB-LAND-REVENUE-RULES of 1949

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The Punjab Land Revenue Rules Published vide H.P. Government notification No.R.81-18/49/7 dated 9th February 1949 and as in force in the are to H.P. vide section 5 of Punjab Reorganisation Act, 1966.[as applicable to H.P.]Zaildars and Inamdars

1.

Omitted by Punjab Government Notification No. G.S.R. 12/PA- 17/87/S. 28/Amd. (6)/65 dated the 30th January 1965.

2.

Deleted by Punjab Government Notification No. G.S.R.-32/PA-17/87/S-)55/Amd.(2)/64 dated the 23rd January, 1964.

3.

-13.Omitted by Punjab Government Notification No. G.S.R 12/PA-l 7/87/Section 28/Amd.(6)/65 dated the 30th January,

1965.

Village Headmen

14.

(i)A sufficient number of headmen shall be appointed to every estate, and this number when once fixed shall not be increased except by the order of the Commissioner, nor be reduced except by the order of the Financial Commissioner.(ii)If an estate or a considerable portion thereof is owned by

Government, the headman may be appointed from among the tenants. In other estates he shall be appointed from among the land-owners: Provided that where the office of headman has become vacant by the migration of the headman to the Dominion of Pakistan, the appointment may be from among the allottees and the oustees from the capital site at Chandigarh in accordance with rule 19-A having regard to the other considerations in rule 15(b), (c), (d) and (e)(iii) The lessee of the revenue or produce of an uncultivated or forest estate owned by Government shall be during the currency of his lease the headman thereof. (iv) In the Kangra Kulu and Lahaul and Spiti districts, for the purposes of this rule the estate shall mean the mauza, tappa, kothi, or other officially recognized revenue unit as the Collector, subject to the orders of the Commissioner, shall determine.

15.

In the first appointment of headmen, regard shall be had among other matters to -(a) his hereditary claims; (b) extent of property in the estate possessed by the candidate; (c) service rendered to the state by himself or by his family; (d) his personal influence, character, ability and freedom from indebtedness; (e) the strength and importance of the community from which selection of a headman is to be made; (f) service rendered by himself or by his family in the national movements to secure freedom of India. In the case of ex-headman of an estate or sub-division thereof in the territory now comprising the State of Punjab who had resigned or was dismissed on account of his participation in a national movement before partition and another headman was appointed in his place, the present incumbent of the post shall be removed irrespective of the provisions of rule 16 and the ex-headman would be appointed in his place, if he has not rendered himself unfit for appointment for any of the reasons given in rule 16 except imprisonment for a political offence before 15th August, 1947. In case, the ex-headman is no longer alive, a person of his family who would under the rules have been entitled to be headman if the resignation or dismissal had not intervened, would be appointed a headman. But where no such person exists there would be no need to remove the existing lambardar.

16.

(i) A headman shall be dismissed when -(a) he is sentenced to imprisonment for one year or upwards or to any heavier sentence; or (b) in an estate owned altogether or chiefly by Government he ceases to possess the interest which led to his appointment; or (c) in any other estate he ceases to be a land-owner in the estate or sub-division of the estate in respect of which he holds office; or (d) he has mortgaged his holding and has delivered possession to the mortgagee; but in special cases the Collector may, with the Commissioner's sanction, retain him in his office under such circumstances, if he can furnish adequate security for the payment of the revenue he has to collect and for the due discharge of his duties; or (e) his holding has been transferred under section 71 of the Land Revenue Act, or the assessment thereof has been annulled under section 73 of the same Act. (iii) A headman may be dismissed when: -(a) criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office; or (b) he is seriously embarrassed by debt, or if his unencumbered holding is so small so as to disqualify him in the Collector's opinion for the responsibilities attached to the office of headman; or (c) owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge the duties of his office; or (d) there is

reason to believe that he has taken part in or concealed illicit distillation, or the smuggling of cocaine, opium or charas; or(e)he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order; or(f)he neglects to discharge his duties, or is otherwise shown to be incompetent; or(g)the estate or sub-division thereof, in respect of which he holds office, or his own holding is attached either for an of land-revenue or by order of any Court.

17.

(i)In an estate, or sub-division thereof, owned chiefly or altogether by Government, a successor to the office of headman shall be selected with due regard to all the considerations, other than hereditary claims, stated in rule 15:Provided that in Such an estate, or sub-division thereof notified for the purpose by the Financial Commissioner the selection shall, as far as possible, be made in the manner prescribed by sub-rule (ii) if a suitable heir is forthcoming.(ii)In other estates the nearest eligible heir according to the rules of primogeniture shall be appointed unless some special custom of succession to the office be distinctly proved, but subject in every case to the following provisions:-(a)the claim of a collateral relation of the last incumbent to succeed shall not be admitted solely on the ground of inheritance, unless the claimant is a descendant in the male line of the paternal great-grandfather of the last incumbent:(b)Where headman has been dismissed in accordance with the provisions of rule 16, the Collector may refuse to appoint any of his heirs:(1)if the circumstances of the offence, dereliction of duty, or disqualification, for which the headman was dismissed make it probable that he would be unsuitable as a headman;(2)if there is reason to believe that he has connived at the offence or dereliction of duty for which the headman has been dismissed;(3)if any disqualification for which the headman has been dismissed attaches to him;(4)if he may reasonably be supposed to be under the influence of the dismissed headman or his family to an undesirable extent.Note: - If a dismissed headman's heir is considered fit to succeed, regard shall be had to the property which he will inherit, in like manner as if he had already inherited it.(c)The Collector may also refuse to appoint person claiming as an heir on any ground which would necessitate or justify the dismissal of person from the office of the headman.(d)A female is not ordinarily eligible for the office, but may be appointed when she is the sole owner of the estate for which the appointment has to be made, or, for special reasons, in other cases.(iii)Failing the appointment of an heir/a successor to the office shall be appointed in the manner and with regard to the considerations, described in rule 15.(iv)Election shall not in any case be resorted to as an aid in making appointments under this rule and rule 14.

18.

Omitted by Punjab Government Notification G.S.R. 167/PA-17/1887/S. 28/Amd(6)/65 dated the 23rd July 1965.

19.

(i)Where an office becomes vacant in consequence of any proceedings taken for the recovery of an arrear of land-revenue under sections 71, 72 or 73 of the Land Revenue Act, the transferee, agent or

farmer who under those proceedings obtains possession of the land on which the arrears were due may, in the discretion of the Collector, be appointed to the vacant office.(ii)Where a headman, who as land-owner is individually responsible for more than half the land-revenue of an estate, or of the sub-division thereof in respect of which he holds office, has mortgaged his holding and has delivered possession thereof to the mortgagee, and this office of headman has become vacant in consequence thereof, the mortgagee may, at the discretion of the Collector, be appointed to the vacant office.(iii)On the termination of any such transfer, farm or attachment as is referred to in sub-section (1), or on the release of any such mortgage as is referred to in sub-section (ii), a headman appointed under this rule shall cease to hold office, and a new headman shall be appointed with reference to the considerations stated in rule 15.

19A.

Notwithstanding anything contained in these rules where the office of headman has become vacant in consequence of the migration of the headman to the Dominion of Pakistan any refugee from West Punjab who has been allotted land in the village or an outsee who has been ousted from the Capital site at Chandigarh, and has been settled in the village may at the discretion of the Collector be appointed headman temporarily; provided the appointee furnishes sufficient security for the payment of Government dues, with due regard to the considerations stated in rule (15 (b), (c), (d) and (e)).

19B.

Notwithstanding anything to the contrary contained in these rules, where the population of Harijans or members of the Scheduled Castes including Christians ascertained at the last preceding census is 100 or more in an estate, there shall be appointed one additional headman from amongst the Harijans or members of the Scheduled Castes, including Christians, subject to the following conditions: -(i)In appointing the headman, regard shall be had among other matters, to -(a)services rendered to the State by himself or by his family;(b)his personal influence, character, ability and freedom from indebtedness;(ii)He shall be dismissed when he is sentenced to imprisonment for one year or upwards or to any heavier sentence.(iii)He may be dismissed when -(a)criminal proceedings which have been taken against him show that he is unfit to be entrusted any longer with the duties of his office; or(b)he is seriously embarrassed by debt; or(c)owing to age or physical or mental incapacity or absence from the estate, he is unable to discharge the duties of his office; or(d)there is reason to believe that he has taken part in or concealed illicit distillation or the smuggling of cocaine, opium or charas; or(e)he takes part in any unconstitutional agitation against the Government or fails to give his active support to the Government in the maintenance of law and order; or(f)he neglects to discharge his duties, or is otherwise shown to be incompetent.(iv)He shall perform all duties prescribed in rule 20 of these Rule except those prescribed in clauses (i) to (iv) thereof.(v)He shall not be entitled to any remuneration in the form of pachotra etc.

20.

In addition to the duties imposed upon headman by law for any purpose, a headman shall - (i) Collect by due date all land-revenue and all sums recoverable as land revenue from the estate, or sub-Division of an estate in which he holds office, and pay the same personally or by revenue money order or by remittance of currency notes through the post at the place and time appointed in that behalf to the Revenue Officer or assignee empowered by Government to receive it. Selected lambardars, approved by the Collector, may pay land-revenue and all sums recoverable as land-revenue from the estate or sub-division of an estate in which they hold office, by cheques on the Imperial Bank of India, provided that there is a branch of the Imperial Bank at the headquarters of the district in which the said estate is included; (ii) Collect the rents and other income of the common land and account for them to the persons entitled thereto; (iii) Acknowledge every payment received by him in the books of the land-owners and tenants; (iv) Defray joint expenses of the estate and render account thereof as may be duly required of him; (v) Report to the tehsildar the death of any assignee of land-revenue or Government pensioner residing in the estate, or the marriage or re-marriage of a female drawing a family pension and residing in the estate, or the absence of any such person for more than a year; (vi) Report to the tehsildar all encroachments on roads including village roads or on Government waste lands and injuries to, or appropriations of, nazul property situated within the boundaries of the estate; (vii) Report any injury to Government buildings made over to his charge; (viii) Carry out, to the best of his ability, any orders that he may receive from the Collector requiring him to furnish information, or to assist in providing on payment supplies or means of transport for troops or for officers of Government on duty; (ix) Assist in such manner as the Collector may from time to time direct at all crop inspections, recording of mutations, surveys preparation of record-of-rights, or other revenue business carried on within the limits of the estate; (x) Attend the summons of all authorities having jurisdiction in the estate, assist all officers of the Government in the execution of their public duties; supply, to the best of his ability, any local information which those officers may require, and generally act for the land-owners, tenants and residents of the estate or sub-division of the estate in which he holds office in their relations with the Government; (xi) Report to the patwari any outbreak of disease among animals; (xii) Report to the patwari the deaths of any right-holders in their estates; (xiii) Report any breach or Cut in a Government irrigation canal or channel to the nearest canal officer, zaildar or canal patwari; (xiv) Under the special directions of the collector, to assist by the use of his personal influence and Otherwise all officers of Government and other persons, duly authorised by the Collector in the collection and enrolment of recruits for military service whether combatant or non-combatant; (xv) Render all possible assistance to the village postman while passing the night in the village, in safeguarding the cash and other valuables that he carries.

21.

(i) The remuneration of a headman in an estate or sub-division of an estate, owned chiefly or altogether by Government shall be such portion of the village officer's cess or of the income accruing to Government from the estate as may be sanctioned by the Financial Commissioner. (ii) In other estates the remuneration of a headman shall be the remuneration appointed when the land-revenue of the estate was last assessed. (iii) In any case not provided for by sub-section (i) and

(ii), a headman shall receive a portion of the village cess equal to five per cent of the land-revenue for the time being assessed on the estate or portion of the estate in which he holds office whether the assessment is leviable or not.(iv)The collector may at any time revise and alter the existing arrangements in an estate regarding the collection of the land-revenue by the different headmen and the division of the remuneration between them.Chief Headman

22.

In an estate in which the appointment of a chief headman has been sanctioned by Government the office shall be vacated as nearly as may be in the manner provided in the rules relating to headmen.

23.

(i)In estate in which a chief headman has been appointed, an order may, at the option of the officer by whom it is issued, be addressed either to the chief headman or to any headman who is by his office responsible for the execution thereof. And if the order is addressed to the chief headman, he may either execute it himself or refer to the responsible headman.(ii)In addition to his own duties as a headman the chief headman shall be responsible for the due execution of their duties by other headmen in the same estate.(iii)Nothing in sub-sections (i) and (ii) shall be deemed to apply to the matter defined in clauses (i) to (iv) of rule 20.

24.

The remuneration of the chief headman of an estate shall be.(i)The remuneration appointed in respect of his office when the land-revenue of the estate was last assessed;(ii)Or failing any such special provision, a portion of the village officer's cess equal to one per cent of the land-revenue collected from the estate;(iii)This remuneration shall be collected by the village headmen and be paid by them to the chief headman;

25.

(i)Where a headman or chief headman commits breach of or neglects the duties imposed on him by these rules or by any other law for the time being in force, the Collector may by order direct-(a)that the emoluments of his office be withheld and forfeited to Government for a term not exceeding one year; or(b)that he be suspended from office for a term not exceeding one year.(ii)In a case of suspension, a substitute shall or shall not be appointed, as in the circumstances of the case, the Collector shall deem necessary.

26.

(i)Where an estate is owned by a non-resident land-owner, he may nominate, for the Collector's approval, a substitute to discharge the duties of headman from among the residents in the estate. If the non-resident owner fails to nominate a fit person, the Collector may appoint a substitute from

among the resident tenants.(ii)Where, in an estate owned by more land-owners than one, non-resident headman is liable, either individually or as representative of other non-resident land-owners, for more than half the land-revenue of the estate, a substitute for such headman may be appointed from among either the resident land-owners or tenants. In making such appointment the Collector shall consult the wishes of the non-resident headman.

27.

Where, by reason of old age, physical infirmity, or absence from his circle or village with the permission of the Collector, a chief headman or headman, or, by reason of minority, or other cause, a headman is unable to perform the duties of his office in person, a substitute may be appointed to discharge those duties. A substitute appointed under this or the preceding rule, shall be deemed to be, and shall be equally with the person in whose behalf he is appointed the village officer, appointed to the office and the Collector may in each such case direct, from time to time, whether the duties of the office shall be performed by the substitute or the substantive holder, or by both concurrently

28.

(i)When the person on whose behalf the substitute was appointed vacates his office, the tenure of office by the substitute shall thereupon abate.(ii)Saving as provided in sub-section (i), an order appointing a substitute shall remain in force until it is revoked, or until the substitute dies or is dismissed or resigns the appointment.

29.

(i)In appointing a substitute for a minor headman, the Collector shall select any land-owner resident in the village, or any resident tenant if the case falls under rule 14 (ii).(ii)In making other substitute appointments under rule 27, the Collector shall consult the substantive holder of the office when he is capable of expressing his wishes in the matter Any resident land-owner in the estate or circle, as the case may be, or any resident tenant in cases falling under rule 14 (ii), shall be eligible for appointment as a substitute under this sub-section.(iii)In judging the fitness of a person for appointment as a substitute under this rule, regard shall be had to the property which he will inherit from the person he is intended to represent, in like manner as if he had already inherited it.(iv)A substitute may be removed at any time by the Collector either on his own motion or, except in the case of a substitute for a minor headman, at the request of the person for whom the substitute is acting, for any reason which would justify the removal of the substantive holder of the office or for any other reason which the Collector thinks sufficient.

30.

(i)For special reason to be recorded in the order appointing a substitute, the person in whose stead a substitute is appointed may be permitted to enjoy a portion not exceeding a moiety of the

remuneration of the office.(ii)In the absence of any such order a substitute is entitled to the whole remuneration of the office.

30A.

In the case of lambardars of "Phatis" in Kulu District the foregoing rules shall be read subject to the modification that in their appointment the considerations shall be those prescribed in clauses (b), (c) and (d) of rules 15. Rule 17 shall not apply to them.(ii)In the phatis in waziri "Rupi" the Commendation of jagirdars shall be considered, in appointment of lambardar, who may be dismissed when he is obnoxious to the jagirdar.

30B.

The remuneration of gatpo chenmos in the kothis of Waziri Spiti of the Lahaul and Spiti District is fixed at Rs 20 in cash assigned from the land-revenue of their respective kothis.

30C.

In the case of the inams in the Jhelum district, the foregoing rules shall be read subject to the following modifications:

1. The Jhelum inams are of three descriptions-

(a)the inams sanctioned at the 1st regular settlement (Mr. Brandreth's) Register A;(b)new inams sanctioned at the 3rd regular settlement (1895-1901) for ilaquadars: Register B;(c)new inams sanctioned at the 3rd regular settlement for non-ilaquadars: Register C.Register a inams

2. Register A inams are hereditary grants from Government, conditional on the performance of all the duties of an inamdar under rule 10.

3. When a register A inam has been vacated, the appointment thereto shall, as far as possible, be made in the manner prescribed for lambardars by rule 17 (ii). If no suitable heir is thus forthcoming the appointment shall be made in the manner prescribed for zaildars under rules 4 and 5.

4. A register A inam may be confiscated or suspended under the provisions of rule 25, but if is not allowable to confiscate or suspend one inam to give its holder another of less value. No inam exceeding Rs. 100 in amount shall be confiscated without previous sanction of the Commissioner.

5. When an inamdar dies, the Collector has discretion to reduce the inam, but this should not be done, except for special reasons to be recorded in writing, when the eldest son succeeds, nor except in special cases when owing to the unfitness of the eldest son a younger son or grandson of the last holder succeeds. The power of reduction may be exercised more freely when the inam is given to a person who is not in the direct line of descent.

6. Savings from lapsed and forfeited inams are to be utilized for additions to register A inams anywhere in the district with a view to the ultimate introduction of a graded system. When inams are increased or reduced, the amount of the inam so altered should, as far as possible, amount to either Rs. 150, Rs. 125, Rs. 100 or Rs. 75. Such reductions and increases of inams are subject to confirmation by the Commissioner.

Register B Inamdar

7. These correspond to zaildari allowances and have been sanctioned for ilaqadars who do not enjoy register A inams, and are graded at Rs. 150, Rs. 100 and Rs. 75. The numbers given at settlement in each grade may be increased from savings from register C inams, but not from register A inams. The amount sanctioned for register B at settlement was Rs. 3,275 of which Rs. 675 was for the Tallagang tehsil since transferred to the Attock district

8. Register B inams are governed by the ordinary rules under the Land-Revenue Act including (as they are graded) rules 12 and 13 and have been sanctioned for the term of settlement, but increases given from register C are for life only if this term is shorter (see rule 9 infra).

Register C inams

9. These correspond to sufedposhi inams, they have been sanctioned for non-ilaqadars not enjoying A inams, for life or for the period of settlement, whichever is shorter, to a deserving ilaqadar, whose inam appears to be too small, or to any other person of influence who is not an ilaqadar. The sanction of the Commissioner is not necessary when the proposed successor is son of the deceased inamdar or a village headman in the same ilaqa.

10. These sufedposhi inams aggregated Rs. 815 which included Rs. 80 of the Tallagang tehsil, since transferred to the Attock district, and are graded Rs. 50, Rs. 40 and Rs. 30. Except for the special conditions given in rule 9 above, the Land-Revenue Rules apply to them.

30D.

At last settlement Government sanctioned in the Tallagang tehsil nine hereditary posts of zaildars and seven hereditary posts of inamdars. To these hereditary posts the foregoing general rules apply subject to the following modifications:-(i)These hereditary inams are grants from Government conditional on the performance of all the duties of zaildar or inamdar, under rule 9 or 10 respectively.(ii)The inams being hereditary, rule 12 about promotion and reduction of zaildar shall apply subject to the limitations that no hereditary inam shall be paid less than the amount shown in the special register maintained by the Collector Attock, in which the names of the special inamdars and the amounts of their fixed inams are shown.(iii)When any such inam becomes vacant due to death, resignation or dismissal,a successor to that vacant inam shall be appointed as far as possible, in the manner prescribed for lambardars by rule 17(ii).(iv)If none of the heirs of the last incumbent who succeeded to his property is considered fit for succession to the hereditary inamdari the Collector shall apply to the commissioner for sanction to strike off the inam from the register of special inam. If the Commissioner accords this sanction, the Collector shall make an appointment in accordance with Rules 4, 5, 7 and 8. If the Commissioner does not agree to the proposal, the Collector shall proceed to appoint the senior-most incumbent according to the rule of primogeniture, whom he considers fit to be appointed

Estates and Survey Marks

31.

All demarcated areas of uncultivated and forest land owned by government are declared to be estates within the meaning of the Punjab Land Revenue Act, 1887.

32.

At every angle on the boundary between two estates and at such other places on the boundary lines as may be necessary for the convenient determination of the boundary pillars of mud or stone shall be erected, not less than 3 feet in height.

33.

At every point where the boundaries of more than two estates meet a trijunction pillar of the following specification shall be erected.

Material. - A single block of stone or masonry of stone or burnt brick with lime mortar; if masonry, upper surface to be plastered with Pakka lime plaster.

Shape. - If a stone block, in length and breadth not less than 18 inches and in depth not less than 3 feet. If masonry cubic, each edge of the cube not less than three feet long.

Position. - The lowest side of the pillar to be accurately bedded upon a levelled surface, and only half the pillar to be

above ground.Procedure of Revenue Officers

34.

(i)The statements and pleadings made by or on behalf of parties to revenue proceedings, whether oral or written, shall be as brief as the nature of the case admits; and shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case and which he either admits or believes that he will be able to prove.(ii)Every written application or statement filed by a party to a revenue proceeding shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.

35.

The death of one of the parties to a revenue proceeding, or in a proceeding to which a female is a party, her marriage, shall not cause the proceeding to abate. And the Revenue Officer before whom the proceeding is held shall have power to make the successor in interest of the deceased or of the married female a party thereto.

36.

In fixing date for the hearing of parties and their witnesses, in adjourning proceedings and in dismissing applications on default or for other sufficient reasons, a Revenue Officer will, so far as the nature of the case may require or permit, be guided generally by the principles of the procedure for the time being in force in Revenue Courts.

37.

The provisions of sections 75, 78 of the Civil Procedure Code and of Schedule 1, Order XXVI, annexed to the said Code in respect of commissions shall apply in the case of proceedings before a Revenue Officer.

38.

(i)A Revenue Officer may at his discretion award to a witness attending on summons a sum on account of his expenses not exceeding the sum to which the witness would have been entitled for a like attendance in a Civil Court.(ii)The sum so awarded shall be costs in the proceedings.

39.

In proceedings under section 34, sub-section (4) of the Land Revenue Act, no detailed record of the statements of parties and witnesses shall be made; but the order of the Revenue Officer shall state briefly the persons examined by him, the facts to which they deposed and the grounds of the order.

40.

In other proceedings under the Land Revenue Act, not being proceedings under section 117, and in proceedings before a Revenue Officer under the Punjab Tenancy act, the Revenue Officer shall make with his own hand a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

41.

In every proceeding in which an order is passed on the merits after enquiry, the Revenue Officer making the order shall also record a brief statement of the reasons on which it is founded.

42.

(i) In proceeding in which costs have been incurred, the final order shall apportion the costs between the parties to the proceeding. (ii) Costs thus apportioned shall be recoverable by the Revenue Officer by attachment and sale of the moveable property of the persons liable for the same in the manner prescribed in section 70 of the Land Revenue Act.

43.

(i) Orders of ejectment from, and delivery of possession of immovable property shall be enforced in the manner provided in the Code of Civil procedure for the time being in force in respect of the execution of a decree whereby a Civil Court has adjudged ejectment from, or delivery of possession of such property. (ii) And in the enforcing of these orders a Revenue Officer shall have all the powers in regard to contempts, resistance and the like which a Civil Court may exercise in the execution of a decree of the description mentioned in sub-section (i). Language of Revenue Offices

44.

The language of revenue offices at or below district level shall be—(a) Hindi in Devnagari script in the Hindi Region and Punjabi in Gurmukhi script in the Punjabi Region; and (b) English and Urdu in Chandigarh Capital; provided that the order or judgment, against which an appeal or revision under the law for the time being in force, may be written by the Presiding Officer in English. Explanation. - The expressions, 'Hindi Region' and 'Punjabi Region' shall have the meaning assigned to them in Punjabi Regional Committees Order, 1957.

45.

x x

46.

x xExecution of certain orders of Civil and Criminal Courts through Revenue Officers

47.

When the produce of any land has been attached in pursuance of an order for its attachment and sale addressed to the Collector by a Civil or Criminal Court, the Collector shall direct that an appraisalment of the attached produce be made by a Revenue Officer or by the kanungo of the circle in which the land is situated. The produce shall not be sold until the appraisalment has been approved by the Collector or by a Revenue Officer appointed in that behalf by the Collector.

48.

Sale of the produce of land shall be made by a Revenue Officer or by the field kanungo of the circle in which the land is situated. When the sale is made by the kanungo it shall be carried out in presence of a village headman appointed in that behalf by a Revenue Officer. The field kanungo shall be entitled to a commission of 5 per cent on the sale proceeds.

49.

When produce sold by a kanungo consists of movable property, the purchase money shall not be received nor shall the sale become absolute until the sale has been confirmed by the Collector, or by a Revenue Officer named by the Collector.

50.

When an order of a Civil Court is sent to the Collector for the execution of a decree for the possession of land, the Collector shall give possession to the decree-holder on the date specified in the decree or in the directions issued by the Civil Court executing the decree. If no date is specified in the decree or by Civil Court and the land, of which possession is to be given, is in the cultivating possession of the judgment debtor, the Collector shall at once refer to the Civil Court for instructions as to whether or not he is to delay execution until any crop which may have been shown by the judgment-debtor and is standing on the 'land' has been removed. Collection of Land Revenue.

51.

When there are superior and inferior land-owners in the same estate or in the same holding, the inferior land-owner shall, in absence of any special order of the Financial Commissioner to the contrary be liable for the land-revenue.

52.

(i) Land-revenue payable in cash shall be paid at the office of the tehsil to which the estate belongs except in the following cases: (a) Where the tehsil treasury at the district headquarters has been incorporated with the district treasury. In this case the payment shall be made into the district treasury, the statement of the manner in which the sum paid is to be appropriated being first checked and attested by the tehsildar. (b) Where a special arrangement has been made with the sanction of the Deputy Commissioner authorizing any person under engagement to pay land-revenue direct into the District treasury. In this case the payment shall be made as provided in clause (a). (c) Where the special permission of the Commissioner has been given authorizing any person to pay land revenue into the headquarters treasury of another district within his division or with the concurrence of the Commissioner concerned into the headquarters treasury of any district in another division of the Punjab. (d) Where the land-revenue is assigned, and the assignee has made arrangements satisfactory to the Collector for receiving such revenue at any place approved of by him or within fifteen days after the dates fixed for the payment of the instalments of the Government demands. In this case the payments shall be made at the place so approved. (ii) If only part of the land-revenue of an estate has been assigned, the assignee shall not be permitted to appoint under this rule a place for payment of the land revenue due to him other than a place in the estate.

53.

(i) Where by the terms of the current assessment the land-revenue is payable in cash, but the amount to be paid at each harvest is determined by appraisalment of the produce, the appraisalment shall be made by the revenue Officer or other agent appointed by the collector in this behalf at the place where the produce is grown, but the land-revenue determined to be due shall be paid at the place and in the manner provided under the last foregoing rule. (ii) Where in a case under this rule the land-revenue is assigned, the Collector may at his discretion permit the assignee to make the appraisalment.

54.

(i) Where land-revenue is payable in kind, the produce shall be divided at the place where it is grown, in the presence of a Revenue Officer or agent appointed by the Collector to superintend the division, and the produce thus ascertained to be due as land-revenue shall be paid to that Revenue Officer, or agent at the same place. (ii) Where in a case under this rule the land-revenue is assigned, the Collector may at his discretion authorise the assignee to make the division and to receive the land-revenue in person or through an agent.

55.

(i) No order under the foregoing rules, by which arrangements made by an assignee for the receipt of assigned land-revenue payable in cash are approved, shall authorise the assignee to receive payment

otherwise than from village headman empowered under these rules to collect the same from the land-owners.(ii)If the land-revenue is not paid to the assignee by the date fixed for payment, the Collector of his own motion or on the application of the assignee may order that it be paid to himself in the same manner and at the same place as is appointed for the payment of land-revenue due to government in the same tehsil.

56.

The Collector may at any time cancel an order made in favour of an assignee of land-revenue under rules 52, 53 or 54 And the land-revenue due to the assignee shall thereafter be paid or the produce be appraised or divided (as the case may be) in the same manner and at the same place as is appointed in respect of estates in the same tehsil of which the land-revenue is due to Government.

57.

(i)Land-revenue due to assignees, that is paid under the foregoing rules into a Government treasury, shall be held-in deposit at the credit of the assignee, and shall be paid to him on his demand.(ii)A charge of 2 percent for expenses of collection, or such other charges, as may in any case have been prescribed, shall be deducted by the Collector from all such sums.

58.

The continuance of such special arrangement as is referred to in the second exception to rule 52 for payment of land-revenue direct into the district treasury shall depend on the punctual payment of the revenue and on any arrear falling due the Collector shall make an order cancelling the arrangement.Collection of Rates and Cesses

59.

(i)Where the annual land-revenue of an estate is payable at one harvest the demand of each year from that estate on account of rates and cesses shall be paid at the same harvest.(ii)In all other cases the demand of each year from that estate on account of rates and cesses shall be paid in two instalments, namely, one at the kharif harvest and the other at the rabi harvest, and each instalment shall bear the same proportion to the total demand of the year as the instalment or instalments of land-revenue due on the same estate for the same harvest bear to the total land-revenue payable by the estate for the same year

60.

Rates and cesses due at each harvest shall be payable on the date on which the first instalment of land-revenue due from the same estate on account of the same harvest is payable, and except as by these rules is otherwise provided, at the revenue office appointed for the receipt of land-revenue due to Government in the same tehsil.

61.

Where no land-revenue is payable by an estate, the rates and cesses due therefrom shall be payable by the same instalments and at the same dates by and at which the rates and cesses of the adjacent estates are payable And the Collector shall by order determine the instalments and dates which are applicable under this rule.

62.

(i)A headman when paying an instalment of rates and cesses as required by rule 60, shall be entitled to withhold -(a)any portion of the due demand which contains of produce in kind due to village officers' holding office in the estate;(b)the remuneration due to persons other than the patwari;(c)the proceeds of any cess leveled on account of village expenses.(ii)It shall be the duty of the headman to pay sums thus withheld to the persons entitled to the same.Process fees

63.

For the service of every writ of demand, warrant of attachment and for warrant of arrest or other process for the collection of revenue under Chapters VI and VII of the Punjab Land Revenue Act, 1887, (XVII of 1887) a Charge shall be made at the following rates:

	Rs.
1) For writ of demand	1.00
2) For warrant of attachment	2.00
3) For warrant of arrest or other process	3.00
Recovery of Arrears	

64.

(i)An application under section 97 of the Land Revenue Act shall state: -(a)the name and description of the defaulter;(b)the arrear of which recovery is desired;(c)the circumstances which have made the application necessary.(ii)Any number of defaulters residing in the same estate may, at the discretion of the Revenue Officer to whom the application is made, be included in the same application but the arrear due from each defaulter shall be separately specified.

65.

(i)If the application is in due form and the arrear, of which recovery is desired has not been due for more than six months, the Revenue Officer shall fix a date for the hearing of the case, and serve a writ of demand on the defaulter together with a notice requiring him to appear on the date so fixed, if the demand has not in the meantime been paid.(ii)If the arrear has been due for more than six months the application shall be rejected, unless the applicant satisfies the Revenue Officer that the

delay in realizing the arrear is not due to his neglect. And, if so satisfied, the Revenue Officer shall proceed as in sub-section (i)

66.

On and after the date fixed for the attendance of the defaulter, the Revenue Officer shall make an inquiry into existence of the arrear, and if it is proved, he shall record an order standing the amount of the arrear and the person who is the defaulter, and shall thereafter proceed to recover the same.

67.

A defaulter who under section 69(2) of Punjab Land Revenue Act is being kept under personal restraint may be allowed to be at large upon bail being given that he shall not absent himself from a place to be specified by the Revenue Officer ordering the restraint during certain hours until ten entire days have elapsed from the commencement of his detention, unless the arrear be sooner paid.

68.

No defaulter shall be detained under section 69(2) of the Act or confined under section 69(3) for an arrear unless it is due from himself or from a co-proprietor, of whom he is the representative village headman; nor shall any defaulter be imprisoned for an arrear due before he came into possession of office.

69.

If in any case, an Assistant Collector or the 2nd Grade decides to keep a defaulter arrested by warrant under detention instead of causing him to be taken' before the Collector, he shall without delay report his action to the Collector, for information if the detention exceeds twenty four hours.

70.

When it is proposed to sell an estate or holding or any other immovable property under section 75 or section 77 of the Act, such estate or holding or immovable property shall in the first place be attached in the manner prescribed in section 72.

71. and 71A.

Repealed vide rule 107 of the H.P. Land Revenue (fees for inspection copies of extracts from Patwaris records) Rules 1980.

72.

The statements prescribed by clause (a) of sub-section (2) of section 31 of the Punjab Land Revenue Act shall be recorded in the form set forth below to be known as Jamabandi with such additions as the Financial Commissioners may prescribe from time to time for each district: -

1	2	3	4	5	6	7	8	9	10
Khewat ro Jamabandi No.	Khatauni No.	Name of Patti or Taraf, with name of lambardar and revenue.	Owner with description.	Cultivator with description.	Well or other means of irrigation.	Field Nos.	Areas.	Rent paid by cultivators, rate and amount.	Share or measure of right and rule of bachh.

Note - (1) In column 4, the father's name, the grand-fathers name, and residence of the owner shall be entered. (2) In column 5, the father's name, the grand-father's name, and residence and status (e.g., maurusi, ghair maurusi) of the cultivator shall be entered. (1) The presumption of truth attaches to the entries so made only in respect of owners and of mortgagees with possession for a period of more than 20 years in estates outside the municipality or cantonment and in the District of Shimla except the llaqa of Kotgarh in Kot Khai Tehsil and it is only in regard to such persons that careful enquiry is necessary. (2) The presumption of truth attaches to the entries so made only in respect of occupancy tenants; and of lessees for a period of more than 20 years in estates outside a municipality or cantonment and in the District of Shimla except the llaqa of Kotgarh in Kot Khai Tehsil and it is only in regard to such persons that careful enquiry is necessary.

72A.

Where the proprietary rights in the land have accrued, since the 15th June, 1952 or the 18th August, 1953, to occupancy tenants and adna maliks, by virtue of section 3(a) of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952, or the Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act 1954, as the case may be, and section 3(a) of the Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1952, or the Pepsu Abolition of Ala Malikiyat Rights Act, 1954 as the case may be, necessary variations in proprietary rights, title and interest shall be given effect to in the records of rights or annual records by making such entries straight-way without resorting to mutation proceedings. Similar procedure shall be observed in the case of proprietary rights accruing to occupancy tenants in Shamilat lands after the expiry of a period of six months from the 15th April, 1953, or the date of publication of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952, or from the date of their obtaining the occupancy rights, whichever is later, except in the cases where an occupancy tenant has exercised the option under the proviso to section 3(a) of the Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952, not to acquire a share in the Shamilat. However, in the case of proprietary rights accruing to occupancy tenants in Shamilat lands under the Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1954, necessary

variation will be recorded with effect from 18th August, 1953, when the President's Act was enforced in that State or from the date of obtaining occupancy rights. A reference to the relevant section of the Act under which these rights have been acquired shall be recorded in the remarks column of the records of rights or the annual records.

72B.

(1) Where the proprietary right or other rights, title or interest on the evacuee property, as described in the Administration of Evacuee property Act, 1950 (XXXI of 1950), have been acquired by the Central Government under section 12 of the Displaced persons (Compensation and Rehabilitation) Act 1954 (44 of 1954 (hereinafter referred to as the said Act) and have been transferred by that Government under section 10 of the said Act, or where any such rights have been transferred in payment of compensation under section 20 of the said Act, such transfer shall be given effect to in the Records of Rights or Annual Records, as the case may be, by making necessary entries on the basis of the Sanads issued under section 10 and section 20 of the said Act by the Central Government, without resort to mutation proceedings. (2) Similarly the name of Central Government shall be recorded in the relevant column of the Record of Rights or annual Record, as the case may be, without entering a mutation, in all those cases in which proprietary or other rights, title or interest have been acquired by the Central Government but not transferred as specified, in sub rule (1). The names of temporary allottees or lessees, as the case may be, shall be entered as such in the cultivator's column. Note - A reference to the relevant sections of the Act and notifications issued thereunder, under which such rights, title or interest, have been acquired by the Central Government and necessary particulars of Sanads, conferring rights of ownership upon the allottees shall be recorded in the remarks column remarks of the Record of Rights or Annual Record, as the case may be. (3) Rights of evacuee mortgages or mortgagors of the land owned by or in favour of non-evacuees shall continue to be recorded in the owner's or cultivators' column, as the case may be, in the name of the Custodian, till such rights are separated under the provisions of the Evacuee Interest (Separation) Act, 1951 After the rights have been separated by the Competent Officer between the Custodian of Evacuee Property and the non-evacuee right holders, the Custodian's separated share shall be recorded in the name of the Central Government as laid down in sub-rule (2). (4) The names of Muslim properties held in trust for a public purpose or a religious Or a charitable nature, shall be recorded in the owner's or cultivator's column, as the case may be, of the Record of Rights or Annual Records and the words "under the Management of the Custodian" i.e., "Falan Mazabi Addra ba ehtmam Custodian" urdu shall be recorded alongwith the name of the institution without resort to mutation proceedings. In the cultivator's column the tenant's name shall be shown under the Custodian, i.e. "Kasht Falan ghair Mauroosizer taht Custodian." (5) The preparation of "Fard Taqsim Anazi Matrooqa" shall hereafter be discontinued.

73.

74.

75.

Cancelled

76.

77.

In all cases in which processes are issued by post, the parties concerned shall be required to pay Talbana at the rate of thirty-one naye paise per head with a minimum of fifty naye paise