

The Punjab Utilization of Surplus Area Scheme, 1973

PUNJAB

India

The Punjab Utilization of Surplus Area Scheme, 1973

Rule

THE-PUNJAB-UTILIZATION-OF-SURPLUS-AREA-SCHEME-1973 of 1973

- Published on 4 July 1973
- Commenced on 4 July 1973
- [This is the version of this document from 4 July 1973.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Utilization of Surplus Area Scheme, 1973 Published vide Punjab Government, Revenue Department, Notification No. G.S.R./P.A. 10/73/Section 11/73, dated the 4th July, 1973.

1. Short title and commencement.

(1) This scheme may be called the Punjab Utilization of Surplus Area Scheme, 1973. (2) It shall come into force at once.

2. Definitions.

- In this scheme, unless the context otherwise requires, -(a) "Act" means the Punjab Land Reforms Act, 1972; (b) "allottee" means a person who is allotted or is deemed to have been allotted land under this scheme; (c) ["eligible person" means a major person who has been residing in the State of Punjab for a period of five years before the commencement of the scheme and is primarily engaged in agricultural as his occupation and who is - [Substituted by Notification No. G.S.R. 108\PA10 / 73/Section 11/AMD. (1)/73 dated the 3rd December, 1973.] (i) a tenant, or a member of Scheduled Caste or Backward Class and does not own or hold any land or owns or holds land less than two hectares of the first quality land or its equivalent area, or (ii) a landless agricultural worker]. (d) "form" means a form appended to this scheme; (e) "Rules" means the Punjab Land Reforms Rules, 1973; (f) all words and expressions used herein and not defined but defined in the Act or rules shall have the meanings assigned to them in the Act, or the rules, as the case may be.

3. Application by eligible person.

- An eligible person may make an application to the Circle Revenue Officer in Form 1 for allotment of land comprised in the surplus area. Such an application shall be made within three months of the date of commencement of this scheme or within such extended period as may, for reasons to be recorded, be allowed by the Circle Revenue Officer.

4. Power to proceed suo motu.

- Proceedings for allotment of land comprised in the surplus area may also be initiated suo motu by the Circle Revenue Officer.

5. Procedure to be observed by Circle Revenue Officer.

- When an application is made under paragraph 3 or when the Circle Revenue Officer suo motu initiates proceedings under paragraph 4, he shall, after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry, as he may consider necessary, prepare a statements for each revenue estate, indicating :- (1) particulars of each eligible person ; (2) the land, if any, owned or held by each such person; (3) the area which can be allotted to each such person under the Act; and (4) the revenue estate or estates for which such person indicates preference for allotment of land, in case no area is available for allotment in the revenue estate, where he resides.

6. Procedure for allotment of surplus area.

(a) After the procedure prescribed in paragraph 5 has been followed, the Circle Revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the persons who do not own or hold any land are placed at the top and the persons who own or hold any land are placed according to the area possessed by each, in an ascending order; Provided that where more than one person have equal claims, their names in priority list shall be arranged by drawing of lots by the Circle Revenue Officer so that a person, whose lot is drawn first, gets preference over the persons whose lots are drawn subsequently. (b) The Circle Revenue Officer shall also prepare a list of Khasra numbers (with area) of the land comprised in the surplus area available for allotment in revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangles shall be observed first and then of killas in each rectangle. (c) The record of each case along with the lists referred to in sub-paragraphs (a) and (b), shall be forwarded to the Collector, who shall proceed to allot the surplus area to eligible persons in order of the priority shown in the lists prepared under sub-paragraph (a): Provided that a tenant cultivating the surplus area shall be allotted land cultivated by him subject to the condition that the land allotted to him together with the land already owned by him does not exceed 2 hectares of the first quality land or an equivalent area. (d) The allotment of the surplus area determined under the Punjab law and the Pepsu law may be undertaken before the determination of the surplus area under the Act. Such area shall be allotted to eligible persons, who have made application under

paragraph 3 of the scheme [or are considered eligible for allotment under paragraph 4] [Added by Notification No. G.S.R. 108/ PA10/ 73/Section 11/AMD. (1)/73 dated the 3rd December, 1973.](e)[Where mortgagee rights in respect of any land falling within the surplus area have vested in the State Government under the proviso to section 8 of the Act, such land shall not be allotted to any person until the Government becomes its full owner. The Government may give such land on lease to any person from year to year] [Added by Notification No. G.S.R. 108/ PA10/ 73/Section 11/AMD. (1)/73 dated the 3rd December, 1973..].

7. Allotment of land to eligible persons in other revenue estates.

- If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may, having due regard to his preference, allot him surplus area in any revenue estate in which it is available. In making such allotment, the Collector shall endeavour to allot him land in any other revenue estate nearest to his village of residence, as far as possible, in the following order:-(i)in the patwar circle;(ii)in the Kanungo circle, if no land is available in the patwar circle;(iii)in the tahsil, if no land is available in the Kanungo circle;(iv)in the district, if no land is available in the tahsil;(v)in some other district, if no land is available in the district.(2)If more than one eligible persons seek or are being considered for allotment of land in a revenue estate other than the revenue estate in which they reside, the principles mentioned in paragraph 6 shall, as far as possible, apply.

8. Issue of certificate.

- Each allottee shall be given a certificate in Form II by the Collector. A copy of the certificate shall be sent to the Circle Revenue Officer.

9. Delivery of possession.

(1)After making the allotment under paragraph 6 or 7, as the case may be, the Collector shall also pass an order for delivering possession of the land to the allottee under sub-section (1) of section 9 of the Act. On receipt of such an order, the landowner, the tenant or any other person in possession of such land shall deliver possession of the land mentioned in the order to the allottee:[Provided that where the circumstances of the case so require the Collector may for reasons to be recorded pass an order for delivering possession of the land to him or to an officer authorised by him in that behalf and on the issue of such an order the landowner, the tenant or any other person in possession of such land shall be deliver possession accordingly.] [Added by Legislative Supplement Part III, dated 27-8-1974.](2)The possession of the land shall be given to the allottee after the crops are harvested. If, however, the Collector deems it necessary to deliver possession of the land to an allottee before crops are harvested, a statement of the area under the crops shall be prepared before giving possession. A copy each of the statement shall be furnished to the land-owner, tenant or any other person in possession of such land and to the allottee.

9A. Entry of mutation.

- When the possession of the surplus area is taken by or on behalf of the State Government, the mutation in respect of such area shall first be entered in favour of the State Government and when the allottee has become an owner of the area in accordance with the provision of that sub-paragraph (d) of paragraph 10 the mutation shall be entered in his favour.

10. Conditions of allotment.

- The allotment shall be subject to the following terms and conditions :-(a)where possession of land is given with standing crops, the allottee shall pay in lump sum to the landowner or tenant, or any other person in possession, as the case may be, who had raised the crops, compensation to be determined by the Circle Revenue Officer in accordance with the provisions of the Punjab Tenancy Act, 1887, within two months of the determination of the compensation by the Circle Revenue Officer or the harvesting of the standing crop or crops whichever period expires later.(b)the allottee shall be liable to pay all Government dues, including land revenue, surcharge, special charge, special assessment, abiana, consolidation fee, in respect of the land allotted to him, from the date he takes possession of the land.(c)the allottee shall be liable to pay for the land an amount determined on the following basis :-(i)land under assured irrigation and capable of yielding at least two crops a year - twelve times the fair rent or Rs. 5,000 per hectare, whichever is less;(ii)land under assured irrigation for only one crop in a year - twelve times the fair rent or Rs. 3,500 per hectare, whichever is less;(iii)barani land - twelve times the fair rent or Rs. 1,750 per hectare, whichever is less;(iv)Bhud, Sailab, Bet-Barani, Bet Sailab, Dakar, Rosli, Banjar Jadid having no means of irrigation and uncultivated Thur, Sem and Kaller lands -twelve times the fair rent or Rs. 1,750 per hectares, whichever is less;(v)banjar land - twelve times the fair rent or Rs. 1,500 per hectare, whichever is less.(d)the allottee shall become the owner of the land allotted to him when full payment of the amount due from him has been made; and(e)the allottee shall not be competent to transfer his rights in the land allotted to him to any person till he becomes the owners or before the expiry of a period of 15 years of the date of possession, whichever is later :Provided that the allottee may transfer the land by way of mortgage without possession in favour of a Land Mortgage Bank, the State or Central Co-operative Bank or any other Bank for the purpose of raising loan for development of such land.

11. Cancellation of allotment in certain cases.

- If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable to cancellation of the allotment :Provided that if default is made in paying part of the amount determined under paragraph 10(c), the Collector may cancel the allotment of an area proportionate to the amount which has remained unpaid.

12. Manner of payment of compensation.

- (i) The amount shall be paid into the Government treasury or sub-treasury by the allottee in half

yearly instalments of Rs. 500 each, the last instalment being equal to or less than Rs. 500. However, the allottee may deposit the entire amount into the Government treasury in lumpsum.(ii)The Circle Revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them. At the end of every month a statement regarding payments received from allottees shall be furnished by the Treasury Officer or Sub-Treasury Officer, as the case may be, to the Circle Revenue Officer.

13. Conferment of proprietary rights on tenants allotted surplus land under the Punjab law.

- A tenant resettled on the surplus area of a landowner [-] [See Legislative Supplement Part III, dated 7-8-1974.] in accordance with the provisions of the Punjab law and the rules framed thereunder at any time before the commencement of the Act shall be deemed to have been allotted land in accordance with the provisions of this scheme :Provided that the provisions of this paragraph shall not be applicable where the tenant is deemed to have become the owner in accordance with clause (b) of sub-section (4) of section 18 of the Punjab law before the commencement of the scheme.

14. Repeal and Saving.

- The Utilization of the Surplus Area Scheme 1960 framed under section 32 of the Pepsu Tenancy and Agricultural Lands Act, 1955, is hereby repealed:Provided that anything done or any a tion taken under the scheme so repealed shall be deemed to have been done or taken under the corresponding provisions of this scheme.