

The Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1952

HARYANA

India

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Act 9 of 1953

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The Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1952 Act 9 of 1953 Received the assent of the President on the 14th day of April, 1953, and was first published in the Punjab Government Gazette (Extraordinary) of the 15th August, 1953.[*] [For the Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated 29th November, 1953 Pages 1433. For proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1953] An Act to abolish the rights of superior proprietors, to confer full proprietary rights on inferior proprietors, in land held by them and to provide for payment of compensation to the superior proprietors whose rights are extinguished and for certain consequential and incidental matters. It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1952. (2) It extends to the whole of the State of [Haryana]. [Substituted vide Haryana Adoption of Laws Order for words 'Punjab'.] (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires - (a) "adna malik" means, in the case of land in which the proprietary rights are divided between superior and inferior owners, the inferior owner; (b) "ala malik" mean, in the case of land in which the proprietary rights are divided between superior and inferior owners, the superior owner and includes a talukdar; (c) "Collector" means the Collector of the district in which the land, in respect of which the rights of ala malik are abolished, is situated and includes any officer not below the rank of an Assistant Collector of the First Grade specially empowered by the State Government to perform the duties of a Collector under this

Act;(d)the expressions 'land', 'land revenue', 'rent' and any other expression not defined, but used in this Act shall have the meanings respectively assigned to them in the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887);(e)the expressions, 'Financial Commissioner' and 'Commissioner' have the meanings, respectively assigned to them under the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887).

3. Abolition of rights of ala maliks and vesting of full proprietary rights in adna maliks.

- Notwithstanding anything to the contrary contained in any law, custom or usage for the time being in force, except as otherwise provided in this Act -(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 deemed to have been extinguished as from 15th June, 1952; and full proprietary rights shall be deemed to have vested in the adna malik free from all encumbrances.(b)the ala malik shall cease to have any right to collect or receive any rent or customary dues in respect of such land; provided that the extinguishment of the right of the ala malik as aforesaid shall not affect his rights to receive compensation in accordance with this Act.

4. Determination of compensation payable to ala maliks.

(1)Any ala malik whose rights have been extinguished under section 3 may, before the 15th of June, 1953, apply to the Collector in such form as may be prescribed, for the determination of the amount of compensation payable to him :Provided that the Collector may entertain the application after the said date if he is satisfied that the applicant was prevented by good and sufficient cause from filing the application in time.(2)On receipt of an application under sub-section (1), the Collector shall issue notice to the parties concerned and, after giving them an opportunity of being heard and after making such enquiry as may be prescribed, shall make an award determining the amount of compensation payable in accordance with the provision 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 arrangements as may be equitable having regard to the interests of the minor, the parties concerned 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 or other dues 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 or other dues bears to the total amount of rent or other dues, shall be paid by the Government.

5. Principles of compensation.

- The amount of compensation payable under this Act shall be eight times the amount of annual rent and other dues, if any, payable to the ala malik, whether by the adna malik or whether partly by

(1)The compensation awarded under this Act shall either be paid in cash to the party entitled to it or be deposited with the Collector, by the adna malik or, as the case may be, by the Government within a period of three months of the date of the award ;Provided that the Collector may, having regard to the amount of compensation or for other reasons to be recorded by him, allow the adna malik to pay the compensation in such six-monthly instalments payable within a period not exceeding six years in any case as he thinks fit.(2)Where the adna malik makes a default in the payment of compensation, the amount due may be recovered in the same manner as an arrears of land revenue.

(1)An appeal shall lie from -(a)any award or order made by the Collector to the Commissioner; and(b)any order of the Commissioner, to the Financial Commissioner;Provided that when an original award or order is confirmed on first appeal, a further appeal shall not lie.(2)The Collector, the Commissioner, or the Financial Commissioner, may, either of his own motion or on the application of the party interested review and on such review modify, reverse or confirm any order passed by himself or by any of his predecessors in office and such power shall be exercised subject to the provisions, as far as they may be applicable, or section 82 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).(3)With respect of all matters dealt with under this Act, the Financial Commissioner shall have the same power to call for, examine and revise the proceedings of the Collector or the Commissioner as provided in section 84 of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887).(4)The period of limitation for an appeal under this section shall run from the date of the award or order appealed against and shall be as follows :-

- (5) In computing the period for an appeal from an award or order under this Act, the Indian Limitation Act, 1908 (IX of 1908) shall apply. (6) For the purposes of this Act, the Collector, the Commissioner and the Financial Commissioner may, in so far as may be necessary or expedient to do so, 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).

- Notwithstanding anything contained in any contract or in 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, but 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.

9. 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 15th June, 1952, 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) In relation to a person referred to in sub-section (2), the date of extinguishment of rights of an ala malik and vesting of full proprietary rights in an adna malik under section 3 and the period for applying to the Collector for the determination of the amount of compensation under sub-section (1) of section 4, 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 an adna malik are conferred by the Central Government after the commencement of the Punjab Abolition of Ala Malikiyat and Talukdari Rights (Amendment) Act, 1961, the date on which such rights are conferred, and a period of twelve months from such date; and (ii) in any other case, the date of commencement of the Punjab Abolition of Ala Malikiyat and Talukdari Rights (Amendment) Act, 1961, and a period of twelve months from such commencement.

10. Bar of jurisdiction.

- Save as otherwise expressly provided in this Act, every award or order made by the Collector, Commissioner, or Financial Commissioner shall be final and no proceedings or order taken or made under this Act, shall be called in question by any court or before any officer or authority.

11. Bar to legal proceedings.

- No prosecution, suit or other legal proceeding shall lie against the State Government or any officer so authorised for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

12. Power to make rules.

(1) The State 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 the ala maliks; (b) the form of notice and the manner in which notices may be served under this Act; (c) the manner in which

inquiries may be held under this Act;(d)the manner in which compensation may be paid;(e)the manner in which appeals and applications for review and revision may be filed;(f)any other matter which has to be, or may be, prescribed.

13. Repeal of President's Act IX of 1951.

- The Punjab Abolition of Ala Malikiyat and Talukdari Rights Act, 1951 (President's Act IX of 1951), 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 or the rules thereunder 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 taken.