

EAST PUNJAB UTILIZATION OF LANDS ACT, 1949

1949 : EastPb.ActXXXV111] OF 449 LANDS THE EAST PUNJAB UTILISATION OF LANDS Sections. 1. 2. 3. 4. 5. 6. 7. 8. 9. IO. 11. 12. 13. 14

15. ACT, 1949.TABLE OF CONTENTS. Short title, extent and duration. Definitions. Power to take possession of any vacant land. Payment of compensation. Lease by Collector. Power of Collector to determine lease in certain cases. Delivery of possession on termination of lease. Penalty for failure of the tenant to grow food or fodder crops. Omitted. Sums due recoverable as arrears of land revenue. Power of Collector to use force for securing compliance with his order. Delegation of functions. of lease not necessary. Appeals and Revision. Debar to suits or legal proceedings. 16. of Government to make rules. 1949 .. East Pb. ActXXXV111.] UTILIZATION OF LANDS 451 ITHE EAST PUNJAB UTILIZATION OF LANDS ACT, 1949. EAST PUNJAB ACT NO. xxxvlll OF 1949. [Received the assent of His Excellency the Governor- General on the 22nd November, 1949, and first published in the East Punjab Government Gazette (Extraordinary) of November 26, 1949.1 1 Year 1949 No. xxxviii 3 Short title East Punjab Utili- zation of Lands Act, 1949 4 Whether repealed or otherwise affected by legislation Amended in part by the Adapta- tion of Laws Order, 1950 Amended in part by the Adapta- tion of Laws (Third Amend. ment) Order, 1951 Amended in part by Punjab Act Xiof 19512 Amended in part by Punjab Act xxxiiof 19538 Amended by Punjab Act No. XXXIX of 1956' Amended by Punjab Act No. XXIVof 19575 E Ktend2d to the territories which, immediately before the 1956, were 1st November, compris2d in the State of Patiala and East Punjab States Union, by Punjab Act No. V of 19598. Amended by Punjab Act No. 1 of 19607 Amended by the Punjab Re- organisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order , 1968. An Act to provide for the utilization of lands in 8[Punjab]. It is hereby enacted as follows : 1. (1) This Act may be called the •East Punjab Short title, and duration. Utilization of Lands Act, 1949. IFor Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1949, page 1130. for proceedings in the Assembly, see East Punjab Legislative Assembly Debates, Volume [V, 1949, (8) 63. *For Statement of Obj •cts and Reasons, see Punjab Government Gazette (Extra- ordinary), 1951, page 93, for proceedings in the Assembl • se P,njlb State Legisla- 1951, pages (This Act tive Assembly Debates, Volume III, repealed Punjab Ordinance No. XVof 1950). 'For Statement of Objects and Reaons, see Punjab Government Gazette (Extra- ordinary), 1953, p. 164, for proceedings in As*embly, see Panjib Legislative Assem- biy Debates, 1953. 'For Statement of Obj33ts and Reasons, see Punjab Government Gazette (E traordinary) 1956, pages 1078-79. 'For Statement of Objects and Reasons, See PuMab Government Gazette (Extraordinary) page 680. 'For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary). 1958, page 1487. 'For Statem:nt of Objnts and Reasoas, see Punjab Government Gazette (Extraordinary). 1959, page 472. 8Substituted for the words "East Punjab" by Adaptation . of Laws (Third Amendment) Order, 1951. Definitions. 452 UTILIZATION OF LANDS [1949: East Pb. Act Xxxvm (2) It extends to the whole of the 1[Union territory of Chandigarh]. 2(3) 2. In this Act, unless there is anything repugnant in the subject or context,— (a) "Allottee" has the meaning assigned to under the East Punjab Displaced Persons (Landmtl Resettlement) Act, 1949. 1949, (b) "Collector" means Collector of the district where the land is situated. (c) "Custodian" has the meaning assigned to it in the Administration of Evacuee Property Ordi- nance, 1949. (d) "Evacuee land" means land which has vested in the Custodian under the provisions of the Administration of Evacuee Property Ordinance, 1949. (e) "Land" means land which is not urban land and is not occupied as the site of any building in a town or village but does not include land which is leased by Government or Cusrodian under any law other than this Act. (f) "Owner" means a person having a proprietary right in the land and includeS an allottee, a usufructuary mortgagee or a lessee. (g) "Prescribed" means prescribed by rules made under the Act. (h) "Tenant" means a person to whom land is leas- ed by the Collector under the provisions of this Act. (i) "Urban land" means all land included within the limits of a Corporation, Municipal Com- mittee, Notified Area Committee, Town Area, Small Town Committee and Cantonment. Power to take 3. 3(1) Notwithstanding any law to the contrary, the possession Ofany Collector may issue notice .to the owner of any land which has not been cultivated for the last six or more harvests to show cause, within thirty days of the date Of the service of such notice on him, why the land has not been cultivated and in case the Collector does not find the explanati011 to be satisfactory, he may take

possession of the land forthwith for the purposes of the Act substituted for the words 'State of Punjab' by the Punjab Reorganisation Act (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) order' 1968. Sub-section (3) which reads as follows : "It shall remain in force for two years from the date of its commencement was omitted by Punjab Act XI of 1951. section 2. *Substituted by Punjab Act No. 39 of 1956. 1949: East Pb. Act XXXVIII] UTILIZATION OF LANDS 453 Provided that the Collector may take possession of the land without issue of notice, if, in his opinion, the owner thereof has been wrongfully shown in the revenue records to have cultivated the land which in fact has remained uncultivated for six or more harvests prior to such wrong entry.] (2) The notice required by sub-section (1) shall be deemed to be duly served if delivered at, or sent by post to, the usual or last known place of residence of the owner : Provided that no notice shall be deemed to be invalid on the ground of any defect, vagueness or insufficiency. 1[4. Where possession of any land has been taken Payment of com- under the last preceding section, compensation shall be paid in accordance with the provision of section 23(1) 1 of of the Land Acquisition Act, 1894 (Act No. 1 of 1894): 1894. Provided that from the compensation the Collector shall be competent to deduct the expenditure, if any, incurred in relation to any preliminary process incidental to the utilization of the said land or in connection with any additional staff or services rendered necessary for such utilization and computed in the manner prescribed. The balance shall be paid to the person who in his opinion is entitled to receive the same without prejudice to the rights of any other person who may be lawfully entitled to claim it.] 5. Where the Collector has taken possession of any Lease by Collector. land under section 3, he may lease it to any person on such terms and conditions as he may deem fit for the purpose of growing food and fodder crops : 2[Provided that the period of lease shall not be less than 7 years or more than 20 years.] 3[6. (1) If a person to whom land has been leased under Power of Collector to determine lease section 5 commits a breach of any of the terms and conditions thereof, the Collector shall, without prejudice to any other right or remedy against him, have the power to determine the lease and take possession of the land. (2) Where lease has been determined by the Collector, the lessee shall not be entitled to any compensation.] Substituted for section 4, by the Punjab Utilization of Lands (Amendment) Act, 1953, section 2 (Punjab Act 32 of 1953). 2Substituted for the old proviso by Punjab Act XI of 1951, section 5, 3Section 6 omitted by Punjab Act XI of 1951, section 6, but now section 6 inserted by Punjab Act No. 24 of 1957. 454 UTILIZATION OF LANDS 1949 : East Pb. Act XXXVIII of posses. 7. (1) Where any land taken possession of by Collector on termination of lease. Collector under section 3 is on the expiry of the * to be returned to the owner, the Collector may after making such inquiry, if any, as he considers necessary, specify by order in writing the person to Whom (2) The delivery of possession of the land to the person specified in any order made under sub-section (1) shall be a full discharge of the Collector from all liability in respect of such delivery but shall not prejudice any rights in respect of the land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered. (3) Where the person to whom possession of any land is to be given cannot be found and has no agent or other person empowered to accept delivery on his behalf, the Collector shall cause a notice declaring that the land released to be affixed on some conspicuous part of the land.. (4) On issue of the notice referred to in sub-section (3) the land specified in the notice shall be deemed to have been delivered to the person entitled to the possession thereof, and the Government or the Collector shall not be liable for any compensation or other claim in respect of the land for any period after the said date. Penalty for failure 8. Where the tenant fails to grow food or fodder crops of the tenant to on the land leased to him, he shall besides the payment of food or rent fixed under section 5 be also liable to pay a penalty not exceeding twice such rent. Sums due recover- 10. All sums due under this Act from the owner or tenant as arrears of tenant shall be recoverable as arrears of land revenue. land revenue. Power of Collector 11. The Collector may take or cause to be taken such force for steps and use or cause to be used such force as may in his securing compliance with his opinion be reasonably necessary for securing compliance With any order made by him under this Act. of function- 12. The Collector may delegate all or any of his powers and functions under this Act to any officer of the Revenue or Rehabilitation Department in his district either by name or designation. 1The words "or its earlier termination" omitted by Punjab Act XL of 1951' section 7. *Section 9 omitted by Punjab Act XI of 1951, section 8. 1949 : East Pb. Act XXXVIII] UTILIZATION OF LANDS 455 13. Notwithstanding anything contained in any law Instrument of base for the time being in force, no instrument in writing to give not necessary effect to a lease by the Collector under the Act shall

require stamp, attestation or registration. 1[14. (1) Any person aggrieved by an order passed Appeal and by the Collector may, within fifteen days from the date Revisim• of such order, or such longer period as the Commissioner may allow for reasons to be recorded in writing, prefer an appeal in writing to the Commissioner of Division in which the land is situate. Explanation.—In computing the period of fifteen days, the time taken in obtaining a certified copy of the order appealed against shall be excluded. (2) On such appeal being preferred, the Commis- sioner may order stay of further proceedings in the matter pending decision on the appeal. (3) The Commissioner shall decide the appeal after giving the parties an opportunity of being heard and, if necessary, after sending for the records of the case from the Collector and after making such enquiry as he thinks fit either personally or through the Collector. (4) The 2[Central Government] or the Financial Commisioner authorised by it in this behalf, may, at any time, for the purpose of satisfying itself or himself as to the legality or propriety of any order passed by any officer under this Act, call for and examine the records of any case pending before or disposed of by such officer and may, after giving the parties a reasonable opportunity of being heard, pass such order in reference thereto as may be deemed fit. (5) Except as provided in this Act no order made or action taken in exercise of any power conferred by this Act shall be called into question in any court or before any officer or authority.] 15. (1) No suit, prosecution or other legal proceed- Debar to suiFor ings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act. 1Substituted by Punjab Act No. 1 of 1960, section 12. 2Substituted for the words "State Goveemteot" by the Punjab Reorganiza• tion (Chandigarh) (Adaptation of Lawson State and Concurrent Subjects) Order, 1968. 456 UTILIZATION OF LANDS [1949 : East Pb. Act (2) NO suit or other legal proceedings shall lie against the 1[GovernmentJ for any damage caused by anythi which is, in good faith, done or intended to be done under Power of Govern

16. The 2[Central Government] may by notificati mmt o to make make 3rules for carrying out the provisions of this Act on rules.1Substituted for the word "Crown" by the Adaptation of Laws Order, 1950. e 2Substituted for the words "State Government" by thc Punjab Reorganisa. .on (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects Order 0968. 1 For rules, see Punjab Government Notification No. 176S-FP-50/786, 20th February, 1950.