

PUNJAB ABOLITION OF ALAMALIKIYAT AND TALUKDARI RIGHTS ACT, 1953

1953 : 1)b. Act IXJ ABOLITION OF MALIKIYAT 217 AND TALUKDARI RIGHTS THE PUNJAB ABOLITION OF ALAMALIKIYAT AND TALUKDARI RIGHTS ACT, 1953 TABLE OF CONTENTS SECTIONS. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12

13. Short title, extent and commencement. Definitions. Abolition of rights of ala maliks and vesting of full proprietary rights in adna maliks. Determination of compensation payable to ala maliks. Principles of compensation. Payment of compensation. Appeal, review and revision. Certain mortgages and charges not enforceable against land held by adna maliks. Act not to apply to evacuee property. Bar of jurisdiction. Bar to legal proceedings. Power to make rules. Repeal of President's Act IX of 1951. 1953 : Pb. Act IXJ ABOLITION OF ALA MALIKIYAT 219 AND TALUKDARI RIGHTS THE PUNJAB ABOLITION OF ALA MALIKIYAT AND TALUKDARI RIGHTS ACT, 1952. PUNJAB ACT No. IX 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in the Punjab Government Gazette (Extraordinary) of the 15th August, 1953]. 1 Year 1953 No. 3 Short title 4 Whether repealed or other- wise affected by legislation IX The Punjab Abolition Amended by Punjab Act No. 21 of Ala Malikiyat of 19612 and Talukdari Rights Act, 1952 Amended by the Punjab Reorganisa- tion (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968. 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 compen- sation to the superior proprietors whose rights are extinguished and for certain consequential and incidental matters. IT is hereby enacted as follows . Short title, extent (1) This Act Inay be called the Punjab Abolition and commence. ment. of Ala Malikiyat and Talukdari Rights Act, 1952. (2) 11 extends to the whole of the 3[Union territory Chandigarh]. (3) 11 shall come into force at once, Definitions

2. In (his Acl, unless the con(text otherwise re- quires—(a) "adna malik" Ineans in (he case of land in which the proprietary rights are divided between superior and inferior owners, the in- ferior owner ; IFor Statement of Objects and Reasons, see Pitnjab Government Gazette (Extraordinary), dated 29th Noveniber, 1952, page 1433 ; for proceedings in the Assembly, see Punjab Legislative Assembly Debates, 1952. 2For Sia tenient of Objects and Reasons, see Punjab Governmenl Gazette (ExlK10Jdintijy), 1961, page 290. 3Substituted for the words "State of Panjab" by the Punjab Reorganisa. lion (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Orders, Abolition Of rights of ala maliks and vesting of full pro• prietary rights in adna maliks. ABOLITION OF ALA MALIKIYAT [1953 : ,PI). Act AND TALUKDARI RIGHTS 220 (b) "ala nvalik" Incans, in (he case of land in which the proprietary rights are divided between superior and inferior owners, the superior owner and includes a (alukdar (c) "Collector" means (he Collector of the district in which the land, in respect of' which the rights of ala malik are abolished, is situated and includes any offcer not below the rank of an Assistant Collector of the First Grade specially empowered by the 1[Central Governmentl to perform the duties of a Collector under this Act (d) the expression '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 xvl of 1887) (e) the expression 'Financial Commissioner' and 'Commissioner' have the meanings respectively assigned to them under the Punjab Land Revenue Act, 1887 (Punjab Act XVII of 1887). 1887 3. Notwithstanding anything Io the contrary con- tained in any law, custom or usage for the time being in force, except as o(herwise provided in this Act— (a) all rights, title and interest (including the con- tingent 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 (o have been ex- tinguished as from 15th June, 1952, and full proprietary rights shall be deemed to have vested in the adna malik free from all encum- brances ; (b) the ala malik shall cease to have any right to collect or receive any rent or customary due in respect of such land ; provided that the ex- tinguishment or the right of the ala malik as aforesaid shall not affect his rights to receive compensation in accordance with this Act. 1Substituted for the words ' 'State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws On State and Concurrent Subjects) Order, 1968. 1953 : Pb. Act IX] ABOLITION OF ALA MALIKIYAT AND TALUKDARI RIGHTS 4. (1) Any ala Determination or (inguished under section 3 nway, berorc the 15th ofjune, payable 1953, apply to the Collector, in such Corm as may be pres- cribed, for the deterihination of (he amount or

compensation payable (or hilli Provided that the Collector may entertain the application after the said date if he is satisfied that (he 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 (he 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 (heir reversioners. (5) The amount of compensation determined under (his 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 (he share of (he 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. The amount of compensation payable under this of Act shall be eight times the amount of annual rent and other dues if any, payable to the adna malik, whether by him or by the Government. Provided that where the rent or other dues is or are paid wholly or partly in kind, the amount of such annual rent or other dues shall be calculated on the basis of the average of the price or the produce during a period of fifteen years commencing from the 1st day of June 1906. (1) The compensation awarded under this Act shall 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 arrear of land revenue. Appeal, review and 7. (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, of section 82 of the Punjab Tenancy Act, 1887 (Punjab Act of 1887). (3) 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 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 (a) when the appeal lies to the Commissioner Sixty days (b) when the appeal lies to the Financial Commissioner Ninety days (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)

8. Notwithstanding anything contained in any law for the time being in force, no claim or enforceable liability, whether under any decree or order of a civil court or otherwise, enforceable against an adna 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 adna malik in respect of such land. (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 Punjab Act No. 21 of 1961. 224 ABOLITION OF ALA MALI KIYAT (1953 : lib. I[Central Government] under the Displaced persons (Compensation and Rehabilitation) (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. 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. No prosecution, suit or other legal proceeding shall lie against the [Central 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. Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation Of Laws on State and Concurrent Subjects) Order, 1968. 1953 : Pb. Act IX Anor., TION or MALTRIYAT 225 AND TALUKDARI RIGHTS J 12. (1) The [Central Government] may, by notification in 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 or 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. The Punjab Abolition of Ala Malikiyat and Repeal of Presidential 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 Act as if this Act was in force on the day on which such thing was done or action taken. Substituted for the words 'State Government' by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.