

EAST PUNJAB UTILIZATION OF LANDS ACT, 1949

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16. ACT, 1949 TABLE OF CONTENTS Shon •title and extent. 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 (odder 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. instrument of lease not necessary. Appeal and Revision. Omitted. Debar to suits or legal proceedings. Power of Government to make rules. 1949 OAST Act 38] UTILIZATION OF LANDS 271 'THE EAST PUNJAB UTILIZATION OF LANDS ACT, 1949, EAST PUNJAB ACT No, 38 OF 1949. {Retrieved 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of November 26, 1949]. 1 Year 1949 2 38 3 Short title The East Punjab Utilization of Lands Act, 1949 4 Whether repealed or otherwise affected by legislation. Amended in part by the Adaptation of Laws order, 1950* Amended in part by the Adaptation of Laws (Third Amendment) Order, Amended in part by Punjab Act I of 1960 Amended in part by Punjab Act 32 of 1960 Amended by Punjab Act No 39 of 1956 Amended by Punjab Act No. 24 of 1956 Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab State Union, by Punjab Act No. 15 of 1956. For Statement of Objects and Reasons, see East Punjab Government Gazette (Extraordinary), 1949. page 130

2. For Statement of Objects and Reasons. see Punjab Government Gazette page 93. (This Act repealed Punjab Ordinance No, 15 of 1950)

4. For Statement of Objects and Reasons. see Punjab Government Gazette (Extraordinary), the 21st August, 1956, pages 1078-79

5. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary). dated the 21st May, 1957 page 680

6. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary). 1958. page 1487, 272 Year 1949 No. 38 UTILIZATION OF LANDS 3 Short title The East Punjab Utilization of Lands Act, 1949 [1949 : EAST PB. ACT 38 4 Whether repealed or otherwise affected by legislation. Amended by Punjab Act No. 10 of 1960 Amended by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968. Amended by Haryana Act I of 1970 Amended by Haryana Act 35 of 1970 Short title and extent. Definitions. East Punjab Act 36 of 1949. AN ACT TO PROVIDE FOR THE UTILIZATION OF LANDS IN HARYANA It is hereby enacted as follows :- (1) This Act may be called the East Punjab Utilization of Lands Act, 1949. (2) It extends to the whole of the [State] of Haryana]

2. In this Act, unless there is anything repugnant in the subject or context,—(a) "Allottee" has the meaning assigned to it under the East Punjab Displaced Persons (Land Resettlement) Act, 1949. (b) "Collector" means Collector of the district where the land is situated. For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), dated the 31st March, 1959, page 472

4. Substituted for the word "Punjab" by the Haryana Adaptation of Laws (State and Concurrent 1968, 5. Substituted for the word "Province" by the Adaptation of Laws Order. 1950

6. Sub-section (3) which read as follows •11 Shall remain in force (or two years from the date of its commencement" was omitted by Punjab Act 1 of 1951 section 2.. 1949 : h. ACT 381 UTILIZATION OF LANDS 273 (c) "Custodian" has the meaning assigned to it in the Administration of Evacuee Property Ordinance, 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 Custodian under any law other than this Act. (j) "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 leased by the Collector under the provisions of this Act. (i) "Urban land" means all land

included within the limits of a Corporation, Municipal Committee, Notified Area Committee, Town Area, Small Town Committee and Cantonment

3. Notwithstanding any law to the contrary. the 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 explanation to be satisfactory, he may take possession of the land forthwith for the purposes of this Act : 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 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 : L Sub-section (1) of section 3 substituted by Punjab ACL No. 39 Of 1956, section — Power to take possession of vacant any 'and. 274 UTILIZATION OF LANDS 11949 : EAST PB. ACT 38 Payment of compensation. Lease by Collector. Power of Collector to determine lease in certain cases. Provided that no notice shall be deemed to be invalid on the ground of any defect, vagueness or insufficiency 114. Where possession of any land has been taken under the last preceding section* compensation shall be paid in accordance with the provision of section 23 (1) of the Land Acquisition Act, 1894 (Act No. I of 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 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.] 316. (1) If a tenant commits a breach of any of the terms and conditions of his tenancy, the Collector shall have the power to determine the lease and take possession of the land after affording a reasonable opportunity to the tenant to show cause why his lease should not be determined and the possession of the land taken. (2) Where lease has been determined by the Collector under sub-section (1), the tenant shall not be entitled to any compensation. (3) The principles embodied in the various provisions of the Transfer of Property Act, 1882, shall not apply to any proceedings under this Act. (4) No civil or revenue court shall have jurisdiction to entertain any suit or proceedings in respect of the determination of lease or eviction of a tenant.] 1

3. Substituted for section 4. by the East Punjab Utilization of Lands (Amendment) 1953, section 2 (Punjab Act 32 of 1953). Substituted for the old provision by Punjab Act I of 1951, section 5, Substituted for section 6 by Haryana Act 3S 197 L. 1949 : EAST PB. Act 38] UTILIZATION OF LANDS 275 7. (1) Where any land taken possession of by the Collector under section 3, is on the expiry of the lease [* * *] 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 possession of the land shall be given, (2) The delivery of possession of 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 is 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

8. Where the tenant fails to grow food or fodder crops on the land leased to him, he shall besides the payment of rent fixed under section 5 be also liable to pay a penalty not exceeding twice such rent. 219

10. Arrears due under this Act from the owner or tenant shall be recoverable as arrears of land revenue

11. The Collector may take or cause to be taken such steps and use or cause to be used force as may in his opinion be reasonably necessary for securing compliance with any order made by him under this Act, 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. The words "or its earlier termination" omitted by Punjab Act 11 of 1951, section 7. 2, Section 9 omitted by Punjab Act 11 of 1951, section 8. Delivery of possession on termination of lease. Penalty for failure of the tenant to sow food or fodder crops. Sums due recoverable as arrears of land revenue. Power of collector to use force for securing compliance with his orders. Delegation of functions. 276 Instrument of lease not necessary. L. UTILIZATION OF LANDS 1949 : EAST P.B. ACT 38 13. Notwithstanding anything contained in any law for the time being in force, no instrument in writing to give effect to a lease by the said Collector under the Act shall require stamps, attestation or registration, Appeal and Revision. (1) Any person aggrieved by an order passed by the Collector may, within fifteen days from the date of such order, or such longer period as the Commissioner may allow, make a memorandum to be recorded in writing, prefer an appeal in writing to the Commissioner of Division in which the land is situated. Explanation :— In computing the period of fifteen days taken in obtaining a certified copy of the order appealed against shall be excluded. (2) On such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal. (3) The Commissioner shall give opportunity of being heard and, if necessary, after sending for the records of the case from the Collector and after making such arrangements as he thinks fit either personally or through the Collector, authorised by him in this behalf, may, at any time, for the purpose of the order passed by any officer under this Act, call upon and examine 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 in question by any officer or authority, in any court or tribunal. 214A. (1) (i) (ii) substituted by Punjab Act No. 11 of 1900, section 1-2. Previously sub-section (1) thereof was substituted by Punjab Act No. 39 of 1956, section 3. Section 17A which was previously inserted by Haryana Act of 1971, omitted by Haryana Act 35 of 1971, 15. (1) No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is, in good faith, done or intended to be done under this Act. (2) No suit or other legal proceedings shall lie against the Government for any damage caused by any thing which is, in good faith, done or intended to be done under this Act.

16. The State Government may by notification make rules for carrying out the provisions of this Act. 1949 : EAST P.B. ACT 38] 1. UTILIZATION OF LANDS 277 Debar suits or legal proceedings. Power of Government to make rules. Substituted for the word "Crown" by the Adaptation of Laws Order, 1950. Substituted for the word "Provincial" by Adaptation of Laws Order, 1950. For rules, see Punjab Government Notification No. 176b-FP-50f7S6T dated 20th February, 1950. HARYANA GOVT. GAZ. (EXTRA.), APR. 9, 2014 (CHTR. 19, 1936 SAKA) PART-I HARYANA GOVERNMENT LAW AND LEGISLATIVE Notification The 9th April, 2014 163 No. Leg. 21/2014.—The following Act of the Legislature of the State of Haryana received the Assent of the Governor of Haryana on the 22nd March, 2014, and is hereby published for general information (HARYANA ACT NO. 18 OF 2014) THE EAST PUNJAB UTILIZATION OF LANDS (HARYANA AMENDMENT) ACT, 2014 Act further to amend the East Punjab Utilization of Lands Act, 1949 in its application to the State of Haryana. Be it enacted by the Legislature of the State of Haryana in the Sixty-fifth Year of the Republic of India as follows : 1. (1) This Act may be called the East Punjab Utilization of Lands Short title and commencement. (Haryana Amendment) Act, 2014. (2) It shall be deemed to have come into force with effect from the 24th September, 1986

2. For section 5 of the East Punjab Utilization of Lands Act 1949 Amendment of (hereinafter called the principal Act), the following section shall be substituted section 5 Of namely : Punjab Act 38 of 1949. "5. Where the Collector has taken possession of any land under section 3, he may lease or renew the lease to any person on such terms and conditions, as he may deem fit, for the purpose of growing any type of crop : Provided that the Collector may renew the lease, which expired on or before the 24th September, 1986, and the lessee is in cultivating possession of the land belonging to State Government or Gram Panchayat, as the case may be : Provided further that the period of lease shall not be less than seven years and more than ninety-nine years in totality : 164 Amendment of section 8 of HARYANA GOVT. GAZ.

(EXTRA.), APR. 9, 2014 (CHTR. 19, 1936 SAKA) Provided further that the Collector shall take the use and occupation charges from lessee for the period from expiry of lease till its renewal. Explanation 1.— For the purposes of this section, the words "any person" shall mean a person himself who was granted lease by the Collector on or before the 24th September, 1986 under the provisions of this Act, or his legal heir. Explanation 11.— The cultivating possession of the lessee shall be ascertained on or before the 24th September, 1986."

3. In section 8 of the principal Act, for the words "food or fodder crops", the words "any type of crop" shall be substituted. Punjab Act 38 of 1949. Repeal and savings. 4. (1) The East Punjab Utilization of Lands (Haryana Amendment) Ordinance, 2013 (Haryana Ordinance No. 4 of 2013), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act. RAJ RAHUL GARG, Secretary to Government Haryana, Law and Legislative Department. Chd.

