

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The \_\_\_\_ July, 2019

No..... - The following Ordinance of Governor of Punjab, promulgated under clause (1) of Article 213 of the Constitution of India on the ..... July, 2019, is hereby published for general information: -

THE PUNJAB LAND REVENUE (AMENDMENT)

ORDINANCE, 2019

(Punjab Ordinance No. \_\_\_\_ of 2019)

AN

ORDINANCE TO

further amend the Punjab Land Revenue Act, 1887 (Act No. XVII of 1887), in its application to the State of Punjab.

Promulgated by the Governor of Punjab in the Seventieth Year of the Republic of India.

Whereas the Legislative Assembly of the State of Punjab is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Punjab is pleased to promulgate the following Ordinance, namely: -

1. **Short title and commencement.** (1) This Ordinance may be called Punjab Land Revenue (Amendment) Ordinance, 2019.

(2) It shall come into force at once.

2. **Omission of clause (c) of Section 13 of the Punjab Land Revenue Act, 1887 (Act No. XVII of 1887).** In the Punjab Land Revenue Act, 1887 (Act No. XVII of 1887) (hereinafter referred to as the principal Act), in its application to the State of Punjab, in Section 13, clause (c) shall be omitted.

3. **Omission of word "first" in proviso (i) of Section 13 of Act No. XVII of 1887.** In the principal Act, in proviso (i) of Section 13, the word "first" after the words, "confirmed on" and before the word, "appeal", shall be omitted.

4. **Substitution of provisions relating to remand in proviso (iii) of Section 13 of Act No. XVII of 1887.** In the principal Act, in proviso (iii) of Section 13 the words, "no authority, except the first appellate authority, shall remand the case to the lower authority to decide the case afresh;" shall be substituted with, "no order of remand shall be passed by the appellate authority except where it is established from the record that a necessary party was not duly served;"

5. **Omission of Note after proviso (iv) of Section 13 of Act No. XVII of 1887.** In the principal Act, the "Note" after proviso (iv) of Section 13 shall be omitted.

6. **Omission of Clause (c) of Section 14 of Act No. XVII of 1887.** In the principal Act, Clause (c) of Section 14 shall be omitted.

7. **Insertion of Section 15-A of Act No. XVII of 1887.** In the principal Act, after Section 15, the following Section 15-A shall be inserted: -

"15-A. Correction of judgments, decrees or orders. - Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Revenue-officer either of his own motion or on the application of any of the parties."

8. **Substitution of head note of Section 16 of Act No. XVII of 1887.** In the principal Act, the head note of Section 16 which is, "Power to call for, examine and revise proceedings of Revenue Officer. \_" shall be substituted with, "Revision: -"

9. **Omission of Clause (i) of Sub Section (1) and substitution of Sub Section (1) of Section 16 of Act No. XVII of 1887.** In the principal Act, Clause (i) of Sub Section (1) of Section 16 shall be omitted and the following Sub Section (1) shall be substituted: -

“(1) The Financial Commissioner, may at any time, on his own motion, or on an application made to him by any aggrieved person within ninety days of the passing of any order, call and examine the record of any case pending before, or disposed of by, any Revenue-officer, subordinate to him for the purpose of satisfying himself as to the legality or propriety of such order or proceedings and may pass such order in relation thereto as he may deem fit.

Provided that the person aggrieved by any order of which revision has been sought, shall state the illegality and impropriety of the order impugned.

Provided further, that the Financial Commissioner shall not pass an order reversing or modifying any proceedings or order of a subordinate Revenue-officer and affecting any question of rights between the parties, without giving them an opportunity of being heard.”

10. **Re-numbering of Clause (ii) of Section 16 (1) of Act No. XVII of 1887 as Sub Section (2); omission of word Commissioner and omission of comma.** In the principal Act, Clause (ii) of Sub Section (1) shall be numbered as Sub Section (2); the words, “Commissioner or” after the word, “A” and before the words, “Collector may call for the record” shall be omitted; the “,” after the words, “or disposed of by” and before the words “any Revenue-officer under his control” shall be omitted, and the “.” after the words, “under his control” shall be omitted and “,” shall be substituted.

11. **Re-numbering of Sub Section (2) of Section 16 of Act No. XVII of 1887 as Sub Section (3); substituting Financial Commissioner**

**for Commissioner and inserting an Explanation.** In the principal Act, Sub Section (2) shall be numbered as Sub Section (3) and the word, "Commissioner" at the end after the words, "for the orders of" shall be substituted with the words "Financial Commissioner" and the following Explanation shall be inserted: -

Explanation: The cases pending with the Collector on the date of commencement of this ordinance shall be reported to the Financial Commissioner for his orders.

11. **Substitution of Sub Section (4) and insertion of Sub Section (5) of Section 16 of Act No. XVII of 1887.** In the principal Act, after Sub Section (3) of Section 16, the following Sub Section (4) shall be substituted and Sub Section (5) shall be inserted:-

"(4) Notwithstanding anything contained in this section, the cases called for by the Commissioner under sub-section (1) as it stood prior to the commencement of the Punjab Land Revenue (Amendment) Ordinance, 2019 (Ordinance No.\_\_\_\_\_of 2019), shall be decided and disposed of by him as heretofore.

(5) Notwithstanding anything contained in the Punjab Land Revenue (Amendment) Act, 2011 (Punjab Act No. 15 of 2011) and the Punjab Land Revenue (Amendment) Act, 2012, (Punjab Act No. 5 of 2013), the revision applications pending before the Financial Commissioner shall be disposed of by him in accordance with the provisions contained herein."