

THE PUNJAB (WEFLARE AND SETTLEMENT OF LANDLESS, MARGINAL AND SMALL OCCUPANT FARMERS) ALLOTMENT OF STATE GOVERNMENT LAND BILL, 2020.

AIMS AND OBJECTS.

The State Government is owner of various parcels of land, which are in the occupation and possession of mostly marginal and small farmers. They have been in possession and cultivating such lands for many years and even generations. They have represented that their livelihood depend on these lands which are under their occupation. To evict them at this juncture may be unduly harsh but the Government interests also need to be protected against such occupation.

The extant Punjab Allotment of State Government Land Act, 2016 (Punjab Act No.54 of 2016) provides for no specific criteria for the allotment of such occupied lands. It has failed to fulfil its obligations and welfare measures by providing no specific conditions to whom the land is to be allotted.

Therefore, as a one-time welfare measure for settling the landless, marginal and small farmers, it has been resolved and decided to make allotment of occupied lands to landless, marginal and small farmers on the basis of a rational criteria by sale of the land at a predetermined price. This would ensure fair treatment for the occupants and a balance would be maintained for the Government to get its due revenue in respect of such occupation of land.

It is with the aforesaid avowed object and purpose of settling the landless, marginal and small farmers on these lands and for enabling them to keep intact their means of livelihood; besides, enabling and protecting the Government interests of getting reasonable price for its lands that the present Bill is being enacted as a welfare measure for the benefit and help of landless, marginal and small farmers.

THE PUNJAB (WEFLARE AND SETTLEMENT OF LANDLESS, MARGINAL AND SMALL OCCUPANT FARMERS) ALLOTMENT OF STATE GOVERNMENT LAND BILL, 2020.

(Bill No. _____ of 2020)

Dated: _____ .

A Bill

to provide as a welfare measure for allotment of land to landless marginal and small farmers who are in cultivating possession and occupation of Government lands for a period of more than twenty years and for protecting Government interests of getting reasonable price for its lands.

Be it enacted by the Legislature of the State of Punjab in the Seventieth year of the Republic of India, as follows: -

1. **Short title and commencement.** - (1) This Bill may be called the Punjab (Welfare of Landless, Marginal and Small occupant Farmers) Allotment of State Government Land Bill, 2020.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. **Definitions.** - In this Bill, unless the context otherwise requires: -

- (a) "Acre" means an area of land measuring 4840 square yards.
- (b) "Allotment Commissioner" means the Assistant Collector of the First Grade under the Punjab Land Revenue Act, 1887 (Punjab Act No. XVII of 1887) posted as Sub Divisional Magistrate in a Sub-Division;
- (c) "Allottee" means an occupant of land to whom land has been allotted by an order passed by the Allotment Commissioner but does not confer right of ownership.
- (d) "Appointed day" means the First of January, 2020.
- (e) "Chief Allotment Commissioner" means the District Collector or the Deputy Commissioner of the District;

- (f) "Cultivating Possession" means continuous cultivating possession for a period of twenty years or more as on the appointed day by a landless, marginal or small farmer or his predecessor on Government land established by entries in the revenue record;
- (g) "Financial Commissioner" means the Financial Commissioner Revenue in the Government of Punjab;
- (h) "Government" means the Government of Punjab in the Department of Revenue, Rehabilitation and Disaster Management;
- (i) "Land" means the agriculture land in rural area belonging to or vesting in the State Government of any department, but shall not include: -
- (i) evacuee land, governed by the Punjab Package Deal Properties (Disposal) Act, 1976;
 - (ii) nazool land as defined in Rule 2 (d) of the Nazool Lands (Transfer) Rules, 1956;
 - (iii) surplus area of land in excess of the permissible area declared under the Punjab Land Reforms Act, 1972 (Punjab Act No.10 of 1973);
- (j) "Landless, Marginal and Small Farmer" means a farmer who does not own, owns up to 2.5 acres and more than 2.5 acres and up to 5 acres of agriculture land respectively in the State of Punjab;
- (k) "Occupant" means a person including his predecessors in cultivating possession;
- (l) "Prescribed" means prescribed by Rules framed under this Act.

- (m) "Rural Area" means an area which is not part of urban area and is not within the limits of any municipal body or local self-government institution;
- (n) "Sub Divisional Magistrate" means the in-charge of revenue administration of a Sub Division in the District; and
- (o) "Tehsildar" means the Tehsildar of a Tehsil under the Punjab Land Revenue Act 1887 (Punjab Act No. XVII of 1887).

3. **Eligibility for allotment of land.** - (1) Any landless, marginal or small farmer in cultivating possession and occupation of land, shall be eligible for allotment of land not exceeding five acres in accordance with the provisions of this Act.

(2) An application for allotment of land under the provisions of this Act shall be made to the Allotment Commissioner in the manner prescribed.

4. **Price of land.** - The price payable by an eligible applicant for allotment of land shall be determined on the basis of the Collector rate fixed by the Collector for the area prevalent on the date of application and the rate of allotment shall be determined as follows: -

For Marginal and Small farmers of General Category:

(a) Up to 2.5 acres	Fifty per cent of the Collector rate.
(b) Above 2.5 acres and up to 5 acres	Sixty-five per cent of the Collector rate.

For Landless of both categories, and Members of Scheduled Castes category:

(a) Up to 2.5 acres	Thirty per cent of the Collector rate.
(b) Above 2.5 acres and up to 5 acres	Forty per cent of the Collector rate.

5. **Procedure for allotment.** - (1) On receipt of an application for allotment of land, the Allotment Commissioner shall call for the report and recommendations of the Tehsildar.

(2) The Allotment Commissioner in respect of land for which an application for allotment has been received shall serve a notice to the Secretary to Government of the department in which the land vests and in the manner as prescribed, for raising specific objections, if any, within sixty days of the date of notice.

(3) The Allotment Commissioner on receipt of the report under sub-section (1) and objections, if any, of the department under sub section (2) above and after conducting such inquiry as he deems fit, and hearing the applicant and the District head of the concerned Government Department in which the land vests, shall by order in writing by recording reasons determine whether the land is to be allotted and thereafter either allot the land by determining the amount payable in the manner prescribed or decline the allotment.

Provided that an occupant shall be ineligible for allotment of land, if, he is an allottee or vendee of land, the allotment or transfer of which has been cancelled on the ground of fraud or misrepresentation of facts or otherwise.

6. **Mode of payment.** - (1) The allottee shall within thirty days of the passing the order of allotment, deposit and pay twenty-five per cent of the total amount determined, failing which the allotment shall be cancelled.

Provided that in the event an allottee deposits the entire amount of the price determined within thirty days of the passing of the order of allotment of land, he shall be entitled for a discount of ten per cent.

(2) The balance amount payable after payment of the initial amount under sub-section (1) above, shall be paid and deposited by the allottee in six

equated interest fee installments within a period of three years from the date of allotment of land.

(3) In the event of failure to pay the due amount in terms of sub-section (2) above within thirty days, the allotment shall be deemed to be cancelled and possession of the allotted land shall be taken by the Tehsildar who shall dispose of the same in the manner prescribed.

7. Issuance of conveyance deed and conferment of ownership rights on the allottee. - (1)The Allotment Commissioner on receipt of

full and final amount of consideration, shall execute a conveyance deed conferring ownership rights of the allotted land in favour of the allottee.

(2) In the event of death of the allottee, his legal heirs shall be entered in his place.

(3) Mutation of ownership rights shall be entered and sanctioned in favour of the allottee on the basis of conveyance deed executed by the Allotment Commissioner in favour of the allottee.

8. Cancellation of allotment. - (1) The Allotment Commissioner except in case of deemed cancellation under sub-section (3) of section 6 of this Act, may after due enquiry and opportunity of hearing to an allottee cancel and rescind the allotment of land, if the allotment had been made on misrepresentation or fraud.

(2) The amount paid shall be forfeited to the Government in case of cancellation of allotment under sub- section (1) above.

9. Appeal. - An allottee or a department of the Government, in which the land vests, aggrieved by an order passed by the Allotment Commissioner affecting his or its rights may, within thirty days from the date of order, prefer an appeal to the Chief Allotment Commissioner in such form and manner, as may be prescribed.

Provided that the Chief Allotment Commissioner may entertain an appeal after the expiry of said thirty days, if he is satisfied that the

appellant was prevented by sufficient cause from filing the appeal in time and decide it within sixty days.

10. **Revision.** - The Government may at any time call for the record of any case under this Act pending before, or disposed of by the Allotment Commissioner or the Chief Allotment Commissioner and pass such order, consistent with the provisions of this Act and the rules framed thereunder, in relation thereto, as in its opinion the circumstances of the case require.

Provided that the Government shall not pass an order under this section reversing or modifying any proceedings or order of the Allotment Commissioner or the Chief Allotment Commissioner without giving the affected party an opportunity of being heard.

11. **Procedure.** - The procedure for conduct of proceedings under this Act shall be in the manner as prescribed.

12. **Finality of orders and Bar of jurisdiction of Civil Courts.** - Save as otherwise expressly provided, an order passed by the Allotment Commissioner, the Chief Allotment Commissioner or the Government under this Act, shall be final and the jurisdiction of the Civil Court to entertain any suit or proceedings in respect of any matter which the said authorities are empowered by or under this Act, shall be barred.

13. **Protection of action taken in good faith.** - No suit or other legal proceedings shall lie against the Government or any officer or authority functioning under this Act in respect of anything done or action taken or intended to be taken or done in good faith, in pursuance of this Act.

14. **Power of Government to make Rules.** - (1) The 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 powers, such rules may provide for all or any of the following matters under this Act, namely: -

- (a) the form for making an application by an eligible occupant of Land under this Act for allotment;
- (b) the method and procedure for the Tehsildar to conduct an inquiry for consideration of entitlement of an intended allottee for allotment of land under this Act, and for calculating and determining the price of the land;
- (c) the procedure for paying and depositing (after the payment of initial twenty-five per cent of the determined price for allotment of land) the six-monthly installments and the amount of each installment;
- (d) the procedure for refund of the amount paid for allotment in case of cancellation of allotment under Section 6 of this Act;
- (e) the procedure for disposing the land that is repossessed after failure on the part of the allottee to pay the determined amount or installments;
- (f) the procedure to be followed for the conduct of proceedings under this Act;

15. **Power to remove difficulties.** - (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, consistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the enforcement of this Act.

(2) Every order made under this Section shall, as soon as may be after it is made, be laid before the State Legislature.

16. **Period of applicability of this Act.** - This Act shall remain in force for a period of two years from the date of its publication under sub-section (2) of Section 1.

Provided that any proceedings initiated or pending under this Act at the expiry of two years from the date of publication of this Act shall continue in the same manner till its final completion as if this Act had not lapsed.

17. **Act to have overriding-effect.** – The provisions of this Act shall have overriding effect, notwithstanding anything contained in any judgment or decree of any court or anything inconsistent herein in any other Law, rule or policy for the time being in force.

18. **Repeal.** - The Punjab Allotment of State Government Land Act, 2016 (Punjab Act No.54 of 2016) shall stand repealed.

Notwithstanding such repeal: -

- (i) any order passed or anything done or any action taken in pursuance of any of the repealed Act shall be deemed to have been made, done or taken under the provision of the Act so repealed; and
- (ii) any proceeding pending under the provisions of the repealed Act shall continue in the same manner as if that Act had not been repealed.
