

DRAFT RULES

In exercise of the powers conferred by Section 12 of The Punjab Bhondedar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Act, 2019(Act No. _____ of 2019) the Governor of Punjab is pleased to make the following rules, namely :—

1. Title and commencement: (1) These Rules may be called The Punjab Bhondedar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Rules, 2019.

(2) These Rules shall come into force with effect from the date of their publication in the Official Gazette.

2. Definitions: (1) In these Rules, unless the context otherwise requires —

- a) “Act” means The Punjab Bhondedar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Act, 2019 (Act No. _____ of 2019)
- b) “Form” means the Forms appearing at the end of these Rules
- c) “Section” means Sections of the Act.

(2) Words and expressions used in these Rules and not defined herein but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Application to Collector [Section 4]: (1) A person belonging to specified categories may apply in Form 'A' to the Collector concerned for the conferment of proprietary rights over the land in his occupation.

(2) The application shall be accompanied with an amount calculated at the rate of Rupees Ten Thousand per acre of land, with proportionate reduction for a part of an acre, to be deposited in the relevant head of account in the Treasury.

Explanation: For the purpose of this Rule an acre means an area of land measuring 4840 square yards.

(3) A court fee of Rupees One hundred shall be paid for every application.

4. Procedure [Section 5]: (1) On receipt of an application, the Collector shall scrutinize the same to examine that:

- (i) it is in Form A,
 - (ii) the eligibility of the applicant for vesting of proprietary rights is *prima facie* established from the entries in the revenue record, and
 - (iii) the due amount has been deposited.
- (2) The Collector on being satisfied about the above parameters, shall issue notice to the land owner, and in the absence of such satisfaction shall reject the application.
 - (3) The Collector after hearing the land owner and satisfying himself, about the merits of the application, especially the factum of the applicant being the successor-in-interest of the original occupant belonging to a specified category and of his occupation over the land, shall pass an order extinguishing the rights of the land owner and conferring proprietary rights in the land upon the applicant, and issue a certificate in Form 'B' to this effect.
 - (4) The Collector during proceedings under Sub-Rule (3) above may call for any record that he considers necessary for adjudication of the case.
 - (5) The Collector shall while accepting or rejecting the application, record his reasons in support thereof.
 - (6) The Collector shall prepare the certificates in Form 'B', in quadruple, two copies of which shall be given to the applicant for registration under the Registration Act, 1908 (Act No. XVI of 1908), one maintained on the record of the case and one pasted in the register maintained for this purpose.
 - (7) The amount mentioned in the certificate shall be deemed to be the sale consideration for the purpose of registration.
 - (8) The amount deposited under Section 4 of the Act shall be retained by the Collector under Section 140 of the Punjab Land Revenue Act, 1887 (Act XVII of 1887).

5. **Payment of compensation [Section 6(2)]** : (1) A landowner whose rights, title or interests have been extinguished under Section 3 of the Act may apply in Form 'C' to the Collector concerned for payment of compensation.

- (2) The Collector upon being satisfied of the claim made in the application, shall order the release of compensation in favour of the land owner.
- (3) The Collector shall enter in the register maintained under Sub-Rule(6) of Rule 4, all particulars of the compensation paid, the amount refunded or the amount forfeited, as the case

may be.

6. Mode of service of notice [Section 5]: (1) A notice issued by a Collector to a land owner shall be served (i) personally on the person to whom it is addressed, or failing him (ii) his recognized agent or (iii) an adult member of his family usually residing with him.

(2) The notice may also be served by pasting a copy thereof at the usual or last known place of residence of the person to whom it is addressed.

(3) A notice may, if the Collector so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Chapter VI of the Indian Post Office Act, 1898 (Act VI of 1898), or sent through a reputed courier agency notified by the Government in this regard.

(4) When a notice is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Collector may presume that the notice was served at the time when receipt of its delivery is established.

Provided that in case of a letter sent through registered post, its delivery may be presumed after thirty days if it is not received back undelivered within this period.

(5) A notice may also be served on the person named therein by publication of the contents thereof in a daily Punjabi newspaper having wide circulation.

Provided that if the notice relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may in the first instance and if the Collector so directs, be served by delivery of a copy thereof to such of those persons as the Collector nominates in this behalf, and by publication of the contents thereof in a daily Punjabi newspaper having wide circulation, for the information of the other persons interested.

(6) The notice may also be served through Short Message Service (SMS)/Whatsapp, email, or through other electronic modes at the phone number or email id known, or made known, to the Collector.

Provided that if service is effected through any of the above modes, a printout of the summons shall be placed on the record.

(7) Any of the modes of service provided in Sub Rules (2), (3), (5) or (6) may be adopted by the Collector simultaneously in addition to the mode provided in Sub-Rule (1) of this Rule.

(8) An order passed by the Collector for service on any person, or any other document that

is part of proceedings under the Act, shall be served in the manner provided in this Rule for the service of a notice.

7. Appeal [Section 8]: (1) An appeal against the order of the Collector may be filed in person or through a duly authorized agent.

(2) A memorandum of appeal shall be accompanied by a copy of the order appealed against alongwith a Court fee of Rupees One Hundred.

(3) The appeal shall briefly indicate the grounds of appeal and shall not be argumentative but shall be confined to a simple and concise narrative of the facts material to the case.

XXXXXXXXXXXXXXXXXXXX

Form 'A'

[See Rule 3 (1)]

(Application from person of the specified categories)

To

The Collector

Sub Application for conferment of proprietary rights of land situated in Village _____, Hadbast No. _____ Tehsil _____ District _____

Sir/Madam,

1. That land measuring _____ comprised in Khasra Nos. _____ situated in village _____ is in occupation of the applicant/ his predecessor-in-interest as a Bhoneddar/ Butemar/ Dohlidar/ Insar Miadi/ Mukarraridar/ Mundhimar/ Panahi Qadeem/ Saunjidar/Taraddadkar (*please tick the relevant category, and strike out the others*) since the year _____ (Certified copies of the Jamabandis and Khasra Girdawari in support of this claim are attached).

2. That the applicant(s) is/are the successor-in- interest of the above person (documents in support of this are attached).

3. That the owner of the land in the year mentioned in para 1 above was Shri/Smt. _____ s/w/d of Shri _____ r/o Village _____, and now the following persons are the present owners of the land:-

<u>Name and parentage</u>	<u>Address</u>	<u>Contact details</u>
(i)		
(ii)		
(iii)		
...		
....		

4. That as per provisions of the Punjab Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Act, 2019, the applicant(s) fulfills/fulfill the conditions stipulated in the said Act and claim for the conferment of proprietary rights in respect of the land mentioned above.

5. That the applicant(s) has/have deposited the prescribed amount for the conferment of proprietary rights, that is Rs _____ at the rate of Rupees Ten Thousand per acre as fixed by the State Government. A copy of the receipt is attached.

6. That the proprietary rights of above said land may be conferred in the name of the applicant(s) in accordance with the provisions of the Act.

Place : _____

Submitted by

Date : _____

Sd/-

(Name, parentage and address of all the applicants)

VERIFICATION:

The applicant verifies that the contents of the above application from paras 1 to 6 thereof are true and correct to the knowledge of the applicant as also based on the official records. Nothing is false and nothing has been concealed.

Place : _____

Submitted by

Date : _____

Sd/-

(Name, parentage and address of all the applicants)

Form 'B'

[See Rule 4(3)]

(Certificate to be issued by the Collector)

It is certified that the proprietary rights under Section 6(1) of The Punjab Bhoodedar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Act, 2019, in respect of the land mentioned in the Schedule below have been conferred upon Sh./Smt. _____ s/d/w of _____ Resident of _____ free from all encumbrances.

The due amount of Rs. _____(figures and words) has been deposited by him/her.

Issued under my seal and signature today the____ day of _____(month) _____(year).

Collector
(Signature & Seal)

SCHEDULE

Khasra No. (s) with Area _____

Total Area _____

Village _____ **Hadbast No.** _____

Tehsil _____

District _____

Collector
(Signature and Seal)

Note:- The complete certificate must be typed and nothing shall be hand written.

Form 'C'

[See Rule 5(1)]

(Application from landowner)

To
The Collector,

Subject: Application for payment of compensation for land in village _____,
Hadbast No. _____ Tehsil _____ District _____.

Sir/Madam,

1. That the applicant (s) claims/claim due compensation for the land of which he/his predecessor (s)-in-interest was/were recorded as owner, that is, land measuring _____ comprised in Khasra No.(s) _____ in Village _____.
2. That the land was in the year _____ recorded in the ownership of _____ and the applicant(s) is/are his successors-in-interest. (Certified copies of documents in proof are attached)
3. That as per provisions of the Punjab Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Act, 2019, the rights, title and interests of the applicant(s) in the land have been extinguished vide order dated _____ of the Collector.
4. That copies of the above order and certificate issued in pursuance thereof are attached.
5. Hence the amount of compensation in respect of the land in question may be paid to applicant(s).

Submitted by

Sd/-

Place: _____

(Name, parentage and address of all the applicants)

Date: _____

VERIFICATION:

The applicant verifies that the contents of the above application from paras 1 to 5 thereof are true and correct to the knowledge of the applicant as also based on the official records. Nothing is false and nothing has been concealed.

Place : _____

Submitted by

Date : _____

Sd/-

(Name, parentage and address of all the applicants)