

East Punjab Holdings (Consolidation And Prevention Of Fragmentation) Rules, 1949

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East Punjab Holdings (Consolidation And Prevention Of Fragmentation) Rules, 1949

(1Vide P.G notification no. 10954-D-49/7351, dated 8th December, 1949).

1. Title :-

These rules may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules 1949.

2. Definitions :-

In these rules-

- (a) "Act" means the East Punjab Holdings (Consolidation and prevention of Fragmentation) Act 1948, and

(b) "Section" means a section of the said Act.

3. Mode Of Publication :-

Any matter required to be published or of which public notice is to be given, under the Act shall be published by exhibiting copies thereof, in the estate or estates concerned 2[and at a conspicuous place in the village or villages concerned as well as Panchayat Ghar of the Panchayat in which the village or villages lie] in Urdu Hindi, or 3[Punjabi], as may be deemed proper, and shall also so far as possible be announced in such estate or estate by beat of drum.

(2 Certain words inserted by GSR 11. dated 7th January, 1969.)

(3Substituted for the words Gurmukhi" by ibid.)

4. Preparation Of Scheme Of Consolidation :-

(4Substituted by P.G notification No. 6992-D (IX)- 60/5570, dated the 21st September, 1960).

After the notification and publication by the State Government of its intention to make a scheme for the Consolidation of Holdings under sub-section (1) of section 14, the Consolidation Officer shall visit each of the estates concerned after giving reasonable notice of his visit to the landowners and non-proprietors thereof and shall in consultation with the village committee constituted by him for the purposes put up a scheme for the consolidation of holdings. The total number of members of the said committee shall not be less than three and it shall include:-

(i) members of the Gram Panchayat, if any, constituted under the punjab Gram Panchayat Act; 1952 (No. IV of 1953) and representatives of landowners;

(ii) a representative each of Harijans and other non-proprietors if not already included in the Panchayat .

(iii) a representative each of the co-operative Farming Societies , if any.

5. Every Such Scheme Of Consolidation Shall Contain The Following Particulars :-

(i) a statement of classification of lands for the purpose of the

consolidation and exchange ratio for conversion of one class into another;

(ii) a statement of valuation of lands, wells, trees , etc., to be exchanged showing the compensation to be given or received by the holders concerned ;

(iii) a brief statement as to the action, if any, taken in pursuance of sections 17 and 18 of the act; and

(iv) Such other particulars as may be considered expedient by the Settlement Officer in this behalf.

6. Draft Scheme Of Consolidation To Be Explained To The Persons Affected Thereby :-

In addition to publication under the provision of rule 4 the draft scheme of Consolidation shall be read over and explained by the Consolidation Officer to the persons likely to be affected thereby, specially collected for the purposes. If any person desires to have a copy of the proposed consolidation scheme, it shall be supplied to him on payment of the following copying fee:-

(1Rule substituted by GSR, 183, dated 4th August, 1964.)

"one rupee for the first 200 words or less and fifty Paise for every additional 100 words or fraction thereof :

Provided that a copy of Consolidation scheme may be supplied on request to the Gram Panchayat concerned free of cost.].

7. Repartition :-

The Consolidation Officer shall after obtaining the advice of the landowners of the estate or estates concerned, carry out repartition in accordance with the scheme of consolidation of the holdings confirmed under section 20, and shall prepare the following repartition papers: -

(i) a map of the village showing all the existing field numbers, recognized roads and irrigation channels and areas assigned for the public purposes, such as burial grounds, disposal of animal carcasses, ponds or grazing areas, etc., with new field numbers super-imposed upon it in red lines or other markings ;

(ii) another similar village map exhibiting the position emerging as a result of repartition;

(iii) a statement showing the names of the owners of holdings, with the particulars of field numbers, shares, class of land, tenure, area,

assessment and encumbrances, if any, after getting the record of rights up to date .

(vi) a statement showing the names of owners with the particulars of all different rights possessed by each individually ;

(v) a statement showing the compensation payable by or to an owner in order to adjust differences in the value of land exchanged under section 15 of the Act or due to the existence of wells, trees, etc., under sub-section (4) of section 17 ;

(vi) a statement showing the names of occupants or holders to whom the new consolidation holdings are allotted with particulars of field number, shares, class of land , tenure area, assessment and encumbrances ; if any ; and

(vii) such other papers as may considered expedient by the Settlement Officer (Consolidation) in this behalf .

8. Repartition Paper To Be Explained To The Person Affected Thereby :-

The contents of the statements mentioned in items (iv) to (vii) of the preceding rule shall be read over and explained by the Consolidation Officer to the persons likely to be affected thereby specially collected for the purpose.

9. Redistribution Of Assessment :-

After repartition has been confirmed and appeal against it, if any has been finally decided, the Collector of district shall take necessary steps for the redistribution of the assessment of the estate concerned, in accordance with sub-section (2) of section 65 of the Punjab Land Revenue Act, 1887.

10. Eviction :-

The Consolidation Officer shall serve a notice on a person or persons liable to eviction under sub-section (2) of section 23 requiring him within fifteen days of the receipt of the notice to vacate the land. If such notice is not complied with within the time specified therein, the consolidation Officer may exercise the power of a Revenue Officer under the Punjab Land Revenue Act 1887, for the purposes and putting in physical possession of the holding the person entitled thereto.

11. Deposit Of Compensation :-

The amount of compensation payable by an owner; under section 15 of the act shall be deposited by him in the nearest Government treasury or sub-treasury and a copy of the receipt obtained by him in token of credit shall be produced by him before the Consolidation Officer

12. Transfer Of Encumbrance :-

In transferring a lease mortgage, debt, or other encumbrance under sub-section (I) of section 26, the Consolidation Officer shall-

- (i) if the new holding is of the same market value as the original one, transfer to the entire encumbrance attaching to the latter ;
- (ii) if the new holding is of a substantially greater market value than original one transfer to the former holding the encumbrance attaching to the latter, subject in the case of a lease, to the condition that the lessee shall pay to the owner, such reasonable rent in excess of the rent already payable under the lease as may be fixed by the Consolidation Officer and in the case of any other encumbrance , subject to such reasonable reduction in the area or in the rate of interest as may be the fixed by the Consolidation Officer, having regard to substantially better security provided by the owner of the new holding.

13. Putting The Encumbrancer In Possession :-

If the lessee, mortgage or other encumbrancer appears to the consolidation Officer to be entitled to possession of holding under section 26, the consolidation Officer, shall issue a notice to the owner to show cause within fifteen days of the receipt of the notice why the lessee, mortgagee or other encumbrancer, as the case may be, should not be put in possession of such holding. If the owner fails to show cause or if the Consolidation Officer is satisfied that the cause shown by the owner is not adequate, he shall put lessee, mortgagee or other encumbrancer as the case may be, into possession of the holding, and the record of rights in respect of the holding shall be corrected accordingly.

14. Assessment, Collection, Refund, Etc. Of Cost Of Consolidation :-

2[(i) The cost of consolidation of proceedings shall be assessed
3[village-wise] at Rs. 5 per acre or portion of an acre of land, other

than ghair mumkin land, if the wattbandi is carried out by the persons, whose holdings are affected and at RS. 7-8-0 per acre if the wattbandi is carried out by or on behalf of the Consolidation Officer, at the option or default of the persons whose holdings are affected.]

(1Substituted for the existing Rule 14, by Punjab Government notification No. 838-D-52/1757, dated 29th April /9th may, 1952).

(2Sub-rule (i) Substituted by Punjab Government notification No. 5146-D-(II)-58/1640, dated 10th December, 1958).

(3The word "village-wise" inserted by Punjab Government notification No. 2655-D(IXS-50/2284, dated the 2nd April, 1960).

(ii) The cost of Consolidation shall be payable by the persons, whose holdings are affected by the scheme of consolidation except that in the case of evacuee land, it shall be payable by an allottee in respect of land, which have been allotted to him on a quqsi permanent basis and the Custodian in the case of unallotted lands.

1[(iii) The cost of Consolidation shall be collected in two half- yearly installments along with the Land revenue demand for Kharif and Rabi harvests2[except when the Government direct otherwise by written order to collect this in more than two - half yearly installments in hard and deserving cases]. After a notification under section 14(1) of the Act has issued from whom the cost of consolidation is to be recovered. This list will be arranged Lambardar-wise].

(1Inserted by Punjab Government Notification No.4655-D-53/3703, dated the 6th May, 1953).

(2Inserted by Punjab Government Notification No. 10820-D-56/4053,dated 15th September, 1955).

(iv) All entries in the list mentioned in sub-rule (iii) above shall be checked by the Girdawar Kanungo and read over and explained to the persons, whose holdings are affected by the scheme of consolidation. The Assistance Consolidation Officer shall check the entries in the list and the list duly signed on every page by the Patwari, Ghirdawar Kanungo and the Assistance Consolidation Officer in token of its correctness shall be forwarded to the Consolidation Officer, who after countersigning it, shall return it to the Patwari after the Wasil Baqi Nawis has noted the Consolidated demand in a register 3[in such from as may be prescribed by

Government from time to time The Patwari shall copy out the list Lambardar-wise and deliver the relevant papers to the Lambardars concerned for collection.

(3Substituted by GSR 184,dated 6th May, 1963.)

(v) Before the second installment falls due the village Patwari, shall immediately, after the preparation of preliminary record of the village particularly the Naqsha Haqdarwar draw up the list of 2nd installment of cost of Consolidation incorporating the changes, if any, in the first list of the cost consolidation payable by the persons, whose holdings are affected by the scheme of Consolidation. This list shall also be prepared, checked and authenticated and disposed of as laid down in sub-rule (iv) above.

(vi) The excess cost of consolidation recovered from a person whose holdings are affected by the scheme of consolidation, shall be refunded under orders of the settlement officer to whom an application may be made for the purposes through the Patwari of the village; who shall forward it through the proper channel after verification and report. The refund however, shall be prepared in the office of the Settlement officer and sent to the applicant through the Gridawar Kanungo, who shall obtain a receipt for it and return it to the settlement Officer for record.

(vii) The demand on account of cost of the consolidation will be due as soon as the list is in the hands of the lambardars 1[* * * *] entrusted with the collection and must be paid into the treasury not latter than the dates given below:-

(1The words "or other persons" omitted by GSR 11, dated 7th January. 1969.)

Division Kharif Rabi date
date

2[*[Patiala] .. 30th January .. 30th June
Jullundur .. 1st February .. 15th July.

(2The words "Ambala and" omitted by GSR 11 dated 7th January. 1969.previously the words "and patiala" were added by GSR 183, dated 4th August, 1964.)

After the above dates process may be issued for recovery of arrears in the same way as for arrears of land revenue.

3[(viii) The allowance to the Lambardar collecting the cost of

consolidation shall be two percent of the amount collected. Unless otherwise expressly ordered by Government a Lambardar, while depositing the cost of consolidation into the treasury, shall be entitled to retain the allowance due to him and deposit the balance into the treasury. The allowance will be conditional on the demand being paid in full for each estate by the date fixed in sub-rule (vii) The Collector of the district may deduct any sum out of the allowance for delay in a payment of the demand into the treasury. In case full amount recovered is deposit in the treasury by the Lambardar, without retaining the allowance due to him the Collector of the district may refund such amount to the Lambardar as may be due to him. The Collector may also recover, as arrears of land revenue the amount of allowance withheld in excess, if any, by Lambardars entrusted with the Collection of the cost of consolidation while depositing it into the treasury without fulfilling conditions set out above; and].

(3Substituted by GSR 11, dated 7th January, 1969).

(ix) A monthly return 4[in such forms as may be prescribed by Government from time to time]. Shall be forwarded by the Collector to the Commissioner of the Division with the copy of it to the Director, Consolidation of Holdings, by the seventh of the month following that to which it relates. In this return shall be entered the demand for the harvest, arrears (if any) and payment received during the month.].

(4Substituted by GSR 184, dated 16th May, 1963).

15. Appointment Of Guardians To Minors :-

Where any of the landowners is a minor, the Consolidation Officer may after making such inquiries as may be necessary and by the an order in writing, appoint a suitable person whose interest is not adverse to that of the minor as a guardian ad item. Similar action may be taken in the case of widows, absentees, soldiers or others, if considered necessary.

16. Section 16 :-

(i) The area to be reserved for the common purposes of the extension for abadi of the proprietors and non-proprietors under section 18(c) - The area to be reserved for the common purposes of the extension for abadi of the proprietors and non-proprietors under section 18(c) of Act shall be reserved after scrutinizing the

demand of Proprietors desirous of building houses and of non-proprietors (including Scheduled castes, Sikh backward classes, artisans and labourers) depending on agrarian labour who are in need of a site for house. The land reserved for extension of abadi shall be divided into plots of suitable sizes. For the plots allotted to proprietors area of equal value shall be deducted from their holdings but in case of non-proprietors (including schedule castes. Sikh backward classes; artisans and labourers) depending on agrarian labour these shall be allotted without payment of compensation and they shall be deemed to be full owners of the plots allotted to them.].

(1Substituted by GSR 11, dated 7th January, 1969).

2[(ii) In an estate or estates where during Consolidation proceedings there is no Shamlat Deh land or such land is considered inadequate, land shall be reserved for the village Panchayat and for other common purposes, under section 18© of the Act, out of the common pool of the village 3[at the scale given in the schedule to these rules]. Proprietary rights in respect of land so reserved (except the area reserved for the extension of abadi of the proprietors and non-proprietors) shall vest in the proprietary body of estate or estates concerned and it shall be entered in the column of ownership of records rights as (Jumla Malkan wa Digar Haqdarana Arzi Hasab Rasad Raqba). The management of such land shall be done by the Panchayat of the estate or estates concerned on behalf of the village proprietary body and the Panchayat shall have the right to utilize the income derived from the land so reserved for the common needs and benefit of the estate or estates concerned.].

(2Exisisting rule 16 renumbered as sub-rule (I) of that rule and new sub-rule (ii) inserted by Punjab Government Notification No. 459-D-57/713, 9th April, 1957.)

(3Substituted by GSR 54, dated 3rd July, 1969).

17. From Of Application And Documents, Which Shall Company It :-

(1Substituted for 5" by GSR 74 , dated 22nd February. 1964).

Every application under section 42 shall be signed and verified by the applicant. Shall contain the following particulars and shall be accompanied by the certified copy each of the orders if any, passed under sub-section (2), (3) and (4) of section 21, a rough plan of

the path or paths, if any in dispute and a certified copy of the grounds of the last appeal, if any, filed under sub-section (3) or sub-section (4) of section 21:-

- (a) name of the authority to whom application is made ;
- (b) name and description of place of residence, Tehsil and district of the applicant;
- (c) names, description and addresses of the persons, who are likely to be affected, if the application is accepted;
- (d) name of the village, Tehsil and district in which the land which is subject-matter of the application is situated;
- (e) the date of publication of the repartition Sharjra under sub-section (1) of section 21 of the Act, if it is known to the applicant;
- (f) whether any objection was lodged with the Consolidation Officer;
- (g) whether any appeal was preferred under sub-section (3) and sub-section (4) of section 21 and if so with what result ;
- (h) Whether any application was previously filed under section 42 of the act and if so, with what result;
- (i) A statement of facts in concise form on which the party applying relies, and;
- (j) Relief prayed for.

18. Limitation For Application Under Section 42 :-

An application under section 42 shall be made within six months of the date of the order against which it is filed:

Provided that in computing the period of limitation the time spent in obtaining certified copies of the orders and the grounds of appeal, if any, filed under sub-section (3) or Sub-section (4) of section 21, required to accompany the application shall be excluded:

Provided further, that an application may be admitted after the period of limitation prescribed therefor if the applicant satisfies the authority competent to take action under section 42 that he had sufficient cause for not making the application within such period

19. Fees On Application :-

The following fees shall be payable in court-fee stamps in respect of applications under section 42: -

- (i) on the application ... Rs. 1[10]

(1Substituted foe5 by GSR, 74, dated 22nd February, 1964).

(ii) on the copy of the order against which application is made
...Re.1

(iii) on a certified copy of the grounds of last appeal, if any filed
under sub-section (3) or sub-section (4) of section 21 ...Re1

(iv) process fee ...Rs.2 up to four respondents and 50 naye Pasie.
For each additional respondent subject to maximum of Rs. 5].

2[Provided that the process fee shall not be payable unless the
application is admitted and the respondents are ordered to be
summoned.].

(2Proviso added by Punjab Government Notification No. 6744-4-
CHII-61/4884, dated the 6th September, 1961).