

PUNJAB VIDHAN SABHA

BILL NO. 24-PLA-2020

THE PUNJAB BHONDEDAR, BUTEMAR, DOHLIDAR, INSAR MIADI, MUKARRARIDAR, MUNDHIMAR, PANAHI QADEEM, SAUNJIDAR, OR TARADDADKAR (VESTING OF PROPRIETARY RIGHTS)

BILL, 2020

A

BILL

to vest proprietary rights in persons recorded as Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar, and to provide for payment of compensation to land owners and for other consequential and incidental matters.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Act, 2020.

Short title, commencement and application.

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

(3) This Act shall be applicable to occupiers of land who or their predecessors in interest have been recorded as Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar for a period of at least twenty years on the appointed day.

2. In this Act, unless the context otherwise requires:-

Definitions.

(a) "appointed day" means the day on which this Act comes into force;

(b) "Collector" means the Collector of the district appointed under The Punjab Land Revenue Act, 1887 and includes any officer not below the rank of an Assistant Collector of the First Grade specially empowered by the State Government to perform the duties of a Collector under this Act;

- (c) "Commissioner" means the Commissioner of the Division appointed under the Punjab Land Revenue Act, 1887;
- (d) "compensation" means the sum payable to the land owner, being the amount deposited under section 4 of this Act by a person of the specified categories;
- (e) "estate" means an estate as defined in clause (1) of section 3 of the Punjab Land Revenue Act, 1887;
- (f) "Financial Commissioner" means the Financial Commissioner and Administrative Secretary to Government of Punjab, Department of Revenue and Rehabilitation appointed under the Punjab Land Revenue Act, 1887;
- (g) "Government" means the Government of the State of Punjab;
- (h) "land" means land which is recorded in the revenue record of the estate in the name of a person belonging to the specified categories and includes the sites of buildings and other structure on such land; but does not include Shamlat or Panchayat land that vests in the Panchayat under Sub-Sections (1) or (2) of Section 4 of the Punjab Village Common Lands (Regulation) Act 1961;
- (i) "land owner" means a person or entity recorded as owner of the land and under whom a person belonging to specified categories is recorded as such and includes his predecessors and successors-in-interest;
- (j) "prescribed" means prescribed by Rules made under this Act;
- (k) "recorded" means recorded in the record of rights maintained under the Punjab Land Revenue Act, 1887; and
- (l) "specified categories" means persons recorded as Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar for a period of at least twenty years on the appointed day, and includes their predecessors and the successors-in-interest.

Vesting of land
in persons of
specified
categories.

3. (1) Notwithstanding anything to the contrary contained in any other law, custom, usage, contract or deed for the time being in force, and in accordance with the procedure under this Act and as prescribed, all rights,

title and interests of the landowner in such land shall be extinguished, and shall vest free from all encumbrances in the person belonging to specified categories who is in occupation of the land.

(2) No contract, claim or liability, against the land owner, under any decree or order of a civil court or otherwise, shall be enforceable against the land, which has vested in a person of a specified category.

(3) The land owner shall after the commencement of this Act not be entitled to receive any service in respect of such land that a person of the specified categories may have rendered.

4. A person belonging to the specified categories shall submit an application to the Collector in such form and manner, and accompanied by such amount as may be prescribed, for the conferment of proprietary rights of the land.

Form and manner of application and amount to be deposited with application.

5. On receipt of an application filed under Section 4, the Collector shall proceed in the manner as may be prescribed, and pass an order either accepting or rejecting the application:

Powers of the Collector.

Provided that no order accepting or rejecting an application shall be passed unless the land owner or a person belonging to the specified categories have been given reasonable opportunity of being heard in the matter.

6. (1) The Collector upon acceptance of the application shall pass an order conferring proprietary rights on the applicant, and all rights, title and interests of the land owner in such land shall thereupon stand extinguished.

Conferment of proprietary rights and payment of compensation.

(2) The Collector shall after the expiry of sixty days from the date of order conferring proprietary rights issue a certificate to this effect.

(3) Any land owner whose rights have been extinguished under this Act may, within two years from the day of the order extinguishing his rights, title and interests apply to the Collector, in such form and manner as may be prescribed, for the release of compensation payable to him:

Provided that the Collector may, within a period not exceeding five years from the date of his order, entertain an application after the expiry of the period of two years if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time and in case no such an application is received within five years, the amount deposited by a person of the specified category shall stand forfeited to the Government.

(4) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person are entitled to compensation, he shall apportion the amount thereof amongst such persons:

Provided that the findings, if any, of a Civil Court about the persons entitled to receive compensation shall be binding on the Collector.

(5) Where the compensation is payable to a minor, a person of unsound mind or to a person having a limited interest, the Collector may make such arrangements as may be equitable having regard to the interest of the minor, the person of unsound mind or the person concerned.

(6) The land which is subject to a mortgage at the time of payment of compensation shall pass unencumbered to the person in whom it is vested; and the mortgage debt shall be a charge on the compensation payable to the land owner.

(7) The Collector shall, in the absence of any such charge and subject to any order of any Revenue Officer or decree of a Court, pay the compensation to the landowner.

(8) In case there is such a charge, the Collector shall, subject to as aforesaid, apply in the discharge of such charge so much of the compensation as is required for the purpose and pay the balance, if any, to the landowner or retain the compensation pending decision of the Civil Court as to the person or persons entitled thereto, as the case may be.

Refund of compensation amount deposited.

7. In case an application filed under Section 5 is rejected by the Collector, the amount deposited as compensation by the applicant shall be refunded to him.

Appeal, review and revision.

8. The provisions of Sections 13, 14, 15, and 16 of the Punjab Land Revenue Act, 1887 shall apply, *mutatis mutandis*, to the proceedings under this Act.

Protection of acts done in good faith.

9. No prosecution, suit or other legal proceeding shall lie against the State Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

Bar of Civil Courts.

10. No Civil Court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Collector is empowered by this Act to determine, and no injunction shall be granted by any Court or other authority

in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

11. (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, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement 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.

12. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (i) the form and manner in which the application claiming the proprietary rights may be filed by a person of specified categories;
- (ii) the amount to be deposited along with such application, and the manner of retaining such amount by the Collector;
- (iii) the procedure to be followed by the Collector while deciding an application filed under Section 5;
- (iv) the form in which the certificate conferring proprietary rights is to be issued;
- (v) the form and manner in which an application for compensation may be filed by the landowner; and
- (vi) the manner in which appeals and revisions may be filed.

STATEMENT OF OBJECTS AND REASONS

A class of occupancy tenants has already been vested with proprietary rights. However, a certain category of tenants namely Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar was not vested with such rights. This Act is a measure of agrarian reform to grant proprietary rights to such class of tenants, and to provide for payment of compensation to the land owners whose rights in the land shall be extinguished. This measure will also promote investment in agriculture and boost its productivity.

The Punjab Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Bill, 2020 will be beneficial as above .

GURPREET SINGH, KANGAR
Revenue, Rehabilitation and Disaster
Management Minister, Punjab.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 12 of "The Punjab Bhoneddar, Butemar, Dohlidar, Insar Miadi, Mukarraridar, Mundhimar, Panahi Qadeem, Saunjidar, or Taraddadkar (Vesting of Proprietary Rights) Bill, 2020" empowers the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

CHANDIGARH
THE 18th OCTOBER, 2020

SHASHI LAKHANPAL MISHRA
SECRETARY.

N.B. - The above Bill was published in the Punjab Government Gazette (Extraordinary), dated the 18th October, 2020 under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly).