

## **Nazool Lands (Transfer) Rules, 1956**

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### **APPENDIX 1 :- ANNEXURE A**

## **Nazool Lands (Transfer) Rules, 1956**

### **1. Short Title :-**

These rules may be called the Nazool Lands (Transfer) Rules, 1956

### **2. Definitions :-**

In these rules - (a) Co-operative Society means a society formed for the purpose of Cooperative farming and registered under the Cooperative Societies Act, 1912 ( Central Act No. II of 1912), as in force in the State ;

(b) "family" means a male person and his dependants who live in one house and have a common mess ;

(c) "Landless family" means family not owning any agricultural land

other than the land used or meant to be used as a bara, compost pit or the site of a house ;

(d) "Nazool land" means : (i) The land situated beyond two miles of the Municipal limits, which has escheated to the State Government and has not already been appropriated by the State Government for any purpose.

(ii) such other land as the State Government may make available for being transferred under these rules ;

(e) "Unit of Nazool land" means: (i) where land belongs to one kind, three acres of irrigated land or six acres of unirrigated land or nine acres of banjar land;

(ii) where land belongs to more than one kind, the acreage calculated in above proportion.

### **3. Transfer Of Nazool Lands :-**

(a) In a village where Nazool land available is less than 10 acres and is being leased to members of Scheduled Castes, it may be allotted to the present lessees individually upto the limit of a unit of Nazool land (6 acres of unirrigated or 9 acres of Banjar Land) provided they do not own any land of their own. Those who own some land, they may be allowed such area as would make up the unit of Nazool land as defined in the rules, when added to their own land, and the rest may be allotted to others.

(b) In the villages where Nazool land available is 10 acres or more, the Scheduled Castes land owning Cooperative Societies may be formed by the heads of Scheduled Castes families in accordance with these rules and the Nazool land may be allotted to them. In a village where no Cooperative Societies of the members of the Scheduled Castes had been formed by the 16th May 1964, the land should be allotted to individual Schedule Caste members instead of Schedule Caste Cooperative Societies, according to these Rules. For this purpose, members of Scheduled Castes who are already cultivating such lands are to be preferred. In case there is more than one claimant for the same piece of land, the allotment will be made by drawing lots.

In the matter of allotment of Nazool land under sub-rules (a) and (b) above, the Ex-Servicemen Schedule Caste members shall be

given preference over other Schedule Castes including Schedule Castes Harijans cultivating Nazool land.

(c) Nazool land already under self cultivation of landless persons of Backward Classes may be allotted to them, like members of Scheduled Castes in the manner prescribed at (a) and (b) above.

(d) In the village where agricultural Nazool land has not been allotted and for which no eligible persons are available for allotment under Clauses (a), (b) or (c) above, should be sold in restricted auction, according to the procedure prescribed in Annexure A amongst the Scheduled Castes who are dependant on agriculture and do not own more than 10 acres of land. A member of the Scheduled Castes who owns less than 10 acres of land will be allowed to bid only to the extent that the land for which the bid is given, together with the land owned by him does not exceed 10 acres.

(e) A landless person dependant on agriculture who is a member of the Scheduled Caste and resides in a village in which the land offered for sale is situated shall once be permitted to participate in the auction. Provided that if after the proceedings of restricted auction sale as above more land is available for sale in the village, a landless dependant on agriculture who is a member of the Scheduled Castes and resides in the other village of the same Patwar Circle shall be permitted to participate in the auction of the land provided further, that if after the auction of the land as here-in-before laid down still more land is available for sale, a landless person dependant on agriculture who is a member of the Scheduled Castes and resides in other village of the same Kanungo circle shall be permitted to participate in the auction.

**3A.** Mortgaged Nazool Lands :-

In the case of Nazool lands mortgaged with possession the mortgagers rights be transferred to the Cooperative Society of Scheduled Castes, where the land is 10 acres or more and to the individual members of Scheduled Castes where it is less than 10 acres, in the manner prescribed in rule 3 (a) and (b) and the mortgagers should pay the entire mortgage amount which would be deemed as equal to the sale price of the land, in cases where mortgage money exceeds the price to be charged by Government

under rules. Where the mortgage amount is less than the price to be charged according to the rules, the difference between the two amounts should be paid to the Government and the mortgage money to the mortgagees.

**3B.** Auction Of Trees :-

The trees standing on the Nazool lands transferred under these rules should be sold by public auction by the Tehsildar concerned in consultation with the allottees concerned and the sale proceeds should be credited to the accounts of the allottees towards the payment of price of land to the Government. The trees standing on Nazool lands not yet allotted to anyone, should be sold by public auction by the Tehsildar concerned and the sale proceeds should be credited into the Government Treasury under the appropriate head of account.

**4.** Heads Of The Families To Form Cooperative Societies :-

(1) The heads of Scheduled Caste landless families in a village may form themselves into a cooperative society ;

Provided that the land owning head of a Scheduled caste family may also become a member on surrendering his land to the cooperative society on such terms and conditions as may be mutually agreed upon between him and the cooperative society.

(2) Where any dispute arises as to who is the head of a scheduled caste family, it shall be decided by the Collector of the District.

(3) Any person aggrieved by the decision of the Collector under sub rule (2) may, within fifteen days of the decision, appeal to the Commissioner, whose decision shall be final.

**5.** Transfer Of Nazool Land To Cooperative Societies :-

(1) As soon as a cooperative society has been formed in a village, the nazool land in that village shall be transferred to it ;

Provided that if units of nazool land in the village exceed the number of members of the cooperative Society only as many units of nazool land as there are members, shall be transferred to the cooperative society.

Provided further that when the excess is not more than two units of nazool land, the entire nazool land in the village shall be transferred to the cooperative society of the village.

(2) The nazool land which remains in excess under sub-rule (1) shall be transferred to the cooperative society or societies, of the nearest village or villages in which units of nazool land are less than the number of members.

#### **6. Reversion In The Event Of Dissolution :-**

If at any time, before the payment of the last instalment of price a cooperative society to which nazool land has been transferred is dissolved, the nazool land shall revert to the State Government on payment by the State Government of the amount already realized by it towards the price.

#### **7. Bar On Alienation :-**

No Cooperative Society or the individual member of Scheduled Castes, as the case may be, shall alienate or sell or mortgage the Nazool Land and such land shall go down only in inheritance<sup>4</sup>:

Provided that a Co-operative Society or a member of a Scheduled Castes to whom such land has been transferred under these rules may temporarily alienate such land in favour of the Punjab Scheduled Castes Land Development and Finance Corporation and Scheduled Banks for securing a loan with a view to improving this land provided the extent of area so alienated shall not exceed the proportion of the land for which price has been paid to the Government.

#### **8. Price :-**

The price to be paid by Co-operative society/individual allottee<sup>5</sup> for the Nazool land to be transferred to it, shall be:

(a) Where such land is assessed to land revenue, 90 times the land revenue (including rates and cesses) payable for such land ; or

(b) Where such land is not assessed to land revenue, 90 times the land revenue (including rates and cesses) payable for the lowest class of land in the village; or

(c) Rs 200/- per acre ;

whichever is less;

Provided that where ninety times the land revenue of the best quality of nazool land in a village exceeds two hundred rupees per acre, the price of other qualities of nazool lands in that village inferior to the best quality shall be reduced in the same proportion, below two hundred rupees, as the land revenue of such inferior land bears to the land revenue assessed on the best quality.

## **9. Instalments :-**

The price of the nazool land transferred under these rules shall be payable in twenty equal six monthly instalments. The first instalment shall be payable along with the land revenue falling due in respect of the nazool land next after its transfer, and thereafter each subsequent instalment shall be likewise payable with the land revenue.

### **9A. Recovery Of Installments :-**

(i) the arrears of instalments due under these rules shall be recoverable as arrears of land revenue.

(ii) In case a Cooperative Society/individual member consistently makes default in making payment of two instalments of price of nazool land, the Collector may review the case and cancel the allotment of land to the Co-operative Society / individual member whereupon the land shall revert to Government.

(iii) The co-operative society/individual member concerned may file an appeal to the Commissioner against the Collectors order within sixty days of the date of that order, and the Commissioners order passed in appeal shall be final.

## **10. Application For Transfer :-**

(1) A cooperative society/individual member eligible under these rules for obtaining nazool land shall apply, in form A appended to these rules, to the Collector of the District in which the Nazool land to be transferred is situated.

(2) On receipt of an application under sub-rule (1), the Collector

may make or cause to be made such inquiries as he may deem fit for the purpose of verifying the claim of the co-operative society/individual member.

(3) If the Collector is satisfied as to the genuineness of the claim of the cooperative Society/individual member, he shall take further steps for transferring the land in favour of the society / individual member in accordance with these rules.

(4) An order of transfer shall be issued by the Collector in favour of the Co-operative Society/individual member.

### **11. Certificate Of Transfer :-**

(1) As soon as the last instalment of price has been paid by the Cooperative Society/individual member in whose favour the transfer has been made under the rules, the Collector shall grant to it or to him under his signatures and seal a certificate of transfer in form B appended to these rules.

(1A) In respect of land which is sold in restricted auction vide rule 3 (d) and the sale has been confined by the authority competent to sanction sale, the District Collector shall put the person declared to be purchaser into possession of the property sold after payment of first instalment of the bid amount. The sale certificate conferring the proprietary rights in this case shall be issued on completion of the payment of all instalments and any other dues in respect of this land by the Collector under his signatures and seal in the form B-1 appended to these rules.

(2) A copy of the certificate of transfer duly signed by the Collector shall be retained on the file.

### **12. Records :-**

A duplicate record of all receipts of money and the details of the co-operative society/individual member from whom price is to be recovered and also of the instalments when they fall due shall be kept both in the Tehsil concerned and the Collectors office.

### **13. Registers :-**

A register of the Cooperative societies/individual member to

which/whom land is transferred under these rules and a register of such officers at such place or places shall be maintained in such form as the Financial Commissioner may direct.

#### **14. Appeal/Revision :-**

Save as otherwise provided in these Rules, an appeal shall be from an original order of Collector as follows, namely:

- (a) to the Commissioner when the order is made by a Collector;
- (b) to the Financial Commissioner, Revenue when the order is made by a Commissioner;

Provided that:

- (i) When the original order is confirmed on first appeal a further appeal shall not lie;
- (ii) When any such order is modified or reversed on appeal by the Commissioner, the order made by the Financial Commissioner, Revenue on further appeal, if any, to him shall be final;
- (iii) If no appeal lies to the Financial Commissioner, Revenue in any case, the party aggrieved by the order of the Commissioner may file the revision before the Financial Commissioner, Revenue whose order passed thereon shall be final.

#### **14A. Limitation For Appeal/Revision :-**

Save as otherwise provided in these Rules, the period of limitation for an appeal/revision under the foregoing Rule 14 shall run from the date of the order appealed against and shall be as follows that is to say :

- (a) When the appeal lies to the Commissioner sixty days;
- (b) When the appeal/revision lies to the Financial Commissioner - ninety days.

#### **15. Nazool Houses Or House Sites :-**

Nazool houses or sites shall be evaluated by the Deputy Commissioner on the basis of average market value in the locality and proposals submitted to Government for their disposal keeping in view the location of the house or the site, and the requirements of the various persons or institutions who could utilize the property.

APPENDIX 1

ANNEXURE A

PROCEDURE FOR SALE OF LAND THROUGH OPEN AUCTION

1. Approval of competent authority: When inferior evacuee land, evacuee agricultural land, Nazool and Provincial Government land are to be disposed of through open auction according to the conditions laid down in policy, approval of competent authority in each case as laid down in the Punjab Financial Rules, Vol. I, may please to be obtained before the sale is confirmed.

2. Procedure for sale through open auction: When it is decided to sell any piece of land through open auction, then the following directions should be followed :

(i) Fixation of Reserve Price : Every auction of the land under these instructions shall be subject to a reserve price fixed in respect of the land. In case of sale of inferior evacuee land, Nazool (escheated) land situated within the Municipal limits, and upto two miles beyond these limits and evacuee agricultural land situated within 5 miles of the Indo-Pak Border, a reserve price shall be fixed at the current market price to be determined after taking into account the average price of land of similar kind in the village or locality concerned during the last one year as per registered sale deeds, the location of the land and other relevant factors. Where adequate No. of transactions of land of the kind being sold had not taken place in the village/locality concerned during the last one year the average price of transactions for the previous year or for the neighboring village/locality may be taken into consideration, as may be considered to be appropriate in a particular case. When the reserve price works out to Rs. 10 lacs or below, it may be approved by the District ; Collector; or when it exceeds Rs. 10 lacs but is upto Rs. 50 lacs by the Divisional Commissioner and when it exceeds Rs. 50 lacs the Financial Commissioner, Revenue.

(ii) Reserve price for restricted auction : In case of sale of agricultural Nazool (escheated) land in rural areas which cannot be allotted and for which no eligible persons are available for its allotment under the Nazool Land (Transfer) Rules, 1956 and which have, therefore, to be sold in restricted auction as laid in paragraph 7 of this Department Memo under reference, the reserve price shall be 75 percent of the current market price to be determined in accordance with the procedure laid down in sub-paragraph (i) above.

(iii) Publicity : Vide publicity shall be given to the notice of intended sale through open auction at least 15 days before the proposed sale in the area not only by proclamation through beat of drum through the local Revenue officials but also through notice in two or three leading newspapers of the area. One copy of the notice shall be fixed at a conspicuous public place near the land to be auctioned.

(iv) Proclamation : The proclamation and notice of sale shall be issued in all the villages comprising the Kanungo circle or the city/town in which the land is situated. Every such notice shall state the date, time and place of proposed auction, the description of land to be sold, the terms and conditions of the sale and any other particulars which the Sub-Divisional Officer (C) considers material. The details of such lands shall be provided to the persons interested to give the bid, on demand.

(v) Sale not before 15 days of the notice : No sale shall take place until after the expiry of a period of 15 days from the date of publication of the notice.

(vi) ADC/ SDO( C ) to supervise the auction : The auction shall be supervised by an officer not lower than the rank of Additional Deputy Commissioner or the SDO(C) as may be decided by the District Collector, who before starting the auction of land, shall ensure that all the formalities of proper advertisement; fixation of reserve price of the land to be auctioned, etc., have been completed.

(vii) Withholding of sale : The officer who is supervising the auction, may withhold sale of any land if he finds that the auction held is not in the best interest of Government and also in the event of any dispute arising between bidders, after recording the reasons, in writing, which may not be made public.

(viii) Adjourning the sale : The Additional Deputy Commissioner or Sub Divisional Officer(C) as the case may be, if the situation so demands, for reasons to be recorded in writing may adjourn the sale to a specific date and an announcement about the next date of sale shall be made at the time of adjournment of the sale provided that where the sale is adjourned for a period exceeding 15 days, a fresh notice shall be given.

(ix) Deposit by the highest bidder : The person declared to be the highest bidder shall deposit with the officer conducting the sale on the spot, at the fall of hammer 25 percent of the total amount of the final bid, if the auction is open to all, and 5 percent of the bid if agricultural Nazool (escheated) land in rural areas is sold in restricted auction to the Scheduled Castes, or the evacuee agricultural land situated within 5 miles of the Indo-Pak Border is sold in an auction restricted to the Scheduled Castes, Rai Sikhs, Ex-Servicemen, small land owners and sitting tenants. In the case of default of such deposit, the bid will be treated may have been cancelled and the land may be sold again. The bids received after the fall of hammer should not be considered.

(x) Receipt of deposit : The officer, supervising the auction shall record the receipt of the deposit mentioned in (ix) above, on the auction bid statement and also give a receipt to the person tendering the amount. The amount may be paid either by cash or by bank draft or partly by cash and partly by bank draft on any scheduled bank.

(xi) Forfeiture of deposit in case of resiling : Where the highest bidder, whose bid is provisionally accepted, resiled from the bid before its final approval or rejection is communicated to him, the amount deposited by him under clause (ix) above shall be forfeited.

(xii) Time for approval of bid : No bid shall be approved until after the expiry of 15 days of the auction,

(xiii) Deposit of balance amount : As soon as the sale is confirmed or rejected by the competent authority mentioned in para 2 above, an intimation of the approval of the bid or its rejection shall be given to the highest bidder. The highest bidder whose bid is accepted (hereinafter referred to as the auction purchaser) shall deposit the balance amount of the bid money within 15 days from the receipt of the notice to him to this effect if the land is sold to him in an auction open to all. However, in case of agricultural Nazool (escheated) land in rural area sold to the Scheduled Castes in restricted auction, the price shall be payable in 20 equal six monthly instalments in accordance with the provisions of rule 9 and 9(A) of the

Nazool Land Transfer Rules, 1956, including the one already paid at the fall of the hammer. Similarly in the case of evacuee agricultural land situated within 5 miles of the Indo-Pak Border, the price shall be payable in 20 equal six monthly instalments including the one already paid at the fall of the hammer. The possession of the land purchased by an auction purchaser shall be handed over to him after the whole of the bid amount has been deposited by him in the Government Treasury if the land is sold to him in an open auction. In the case of agricultural nazool (escheated) land in rural areas and evacuee agricultural land situated within 5 miles of the Indo Pak Border, sold in restricted auction, it shall be handed over on confirmation of sale and after payment of first instalment.

(xiv) Cancellation of sale : If the auction purchaser in case of land, other than the agricultural Nazool (escheated) land in rural areas and evacuee agricultural land situated within 5 miles of the Indo Pak Border sold in restricted auction does not deposit the balance of the purchase money within 15 days of receipt of intimation regarding confirmation of the sale the Deputy Commissioner shall be competent to cancel the sale and forfeit the amount already paid after giving due notice to the defaulting person.

(xv) Penal interest : The auction purchaser in case of agricultural Nazool (escheated) land in rural areas or evacuee agricultural land situated within 5 miles of the Indo Pak Border sold in restricted auction shall pay normal interest at the rate of 10 percent on the instalments due. If he does not deposit the six monthly instalment on the due date, he shall be liable to pay a further amount of penal interest at the rate of 3-1/2 percent for the defaulted period and upon the defaulted amount upto the date he clears the arrears of such instalments, over and above ordinary rate of interest. If such auction purchaser fails to make the payment of such outstanding instalments, alongwith interest and the penal interest before the payment of seventh instalment becomes due, the Deputy Commissioner shall be competent to cancel the sale and forfeit the amount already paid after giving due notice to the defaulting person.

(xvi) Highest bid less than reserve price : In case the highest bid is less than the reserve price, the property must be withdrawn from the sale and if the officer incharge of the auction considers the reserve price excessive taking into account the market price, he should refer the matter to the District Collector or through him to the authority which fixed the reserve price as the case may be, who may then fix a lower reserve price, if considered necessary.

(xvii) Auction to be spread over : The auction in the District should be spread over a suitable period and care should be taken that as far as possible auction in rural areas takes place when harvesting or sowing seasons are over. The agricultural land should be sold in a reasonable number of plots.

(xviii) Auction of lands under lease : The lands and buildings given on temporary lease should be put to auction after the expiry of the current terms of the leases, if these are liable to auction under the above instructions.

3. Procedure for Appeal and Review: (i) Where any person is aggrieved by an order of the District Collector, he may prefer an appeal to the Commissioner of the Division within 30 days from the date of such orders. The orders of the Commissioner shall be final and binding and subject to no other appeal.

(ii) Any person aggrieved by an order of the Commissioner of the Division, except an order passed on appeal against the order of the Collector, may prefer an appeal to the Financial Commissioner (Revenue) within 30 days of the date of such order whose decision thereon shall be final.

(iii) Any person aggrieved by an order of the Financial Commissioner (Revenue) except an order passed on appeal may prefer an appeal to the State Government within 30 days of such order whose decision thereon shall be final.

(iv) The Commissioner, Financial Commissioner, Revenue or the State Government may entertain an appeal after the expiry of 30 days, if he/it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

(v) The provisions of section 15 of the Land Revenue Act, 1887 will apply in regard to review of orders by the Collector, Commissioner, Financial Commissioner, Revenue or the State Government.

4. Power to call to examine and revise proceedings of revenue officers : The Financial Commissioner, Revenue, the Commissioner or District Collector may call for the record of any case and pass such order as he may think fit. No order which adversely affects a person should however be passed whether on appeal, review or revision without giving him an opportunity of being heard.