

## **Pepsu Tenancy And Agricultural Lands Rules, 1958**

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## **Pepsu Tenancy And Agricultural Lands Rules, 1958**

### **PART 1 PRELIMINARY**

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

(1) These rules may be called the Pepsu Tenancy and Agricultural Lands Rules, 1958.

(2) They shall come into force at once.

2[Provided that rules 30, 31 and 31-A shall be deemed to have come into force on the 30th October, 1956.

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

In these rules, unless the context otherwise requires-

(a) Act means the Pepsu Tenancy and Agricultural Lands Act, 1955(Act No.13 of 1955)

(b) "Commission means the Pepsu Land Commission established under sub section (1) of section 32-P of the Act;

(c) "Form means a form appended to these rules;

(d) Schedule means a Schedule appended to these rules.

#### **3. Appointment, Power And Jurisdiction Of Prescribed Authorities :-**

(1) Every 4[Assistant Collector of the First Grade] shall, within his jurisdiction, be the prescribed authority for the purposes of any provision of the Act and shall exercise all the powers vested in the prescribed authority under any such provision.

Provided that for the purpose of 5[Chapter IV] of the Act, any person specially appointed by notification by the State Government from time to time for any area specified in such notification shall also be the prescribed authority for that area:

1Published, -vide Punjab Government notification No. 126-LR-57/1611, dated the 21st March, 1958, and repealed by Punjab Govt. Notification No. G.S.R.60, dated 4th July, 1973, which reads as under :-

"23. The Punjab Security of land Tenures Rules , 1953, the Punjab security of land Tenures Rules, 1956, and the Pepsu Tenancy and Agricultural Lands Rules, in so far as they are inconsistent with the provision of these Rules , shall stand repealed."

2 Proviso added by G.S.R. 76, dated 28th March, 1963.

3 Substituted by Punjab Government Notification No. 8624-AII-(II)-60/4252, dated the 16th December, 1960.

4 Substituted for the words "Tahsildar and a Naib-Tahsildar" by Punjab Government notification No. 6522-ARI-(II)-61/3200, dated the 19th September, 1961.

5 Substituted for the words "section 22" of Punjab Government notification No. 9524-ARI-(II)-60/4309, dated 26th December, 1960.

Provided further, that if the purpose of sub-section (2) of section 32-BB of the Act, the prescribed authority shall be-

(a) if the lands owned or held by a landowner or tenant are situated in Patwar Circles comprised in one district the Collector of that district, and

(b) if the lands owned or held by a landowner or tenant are situated in Patwar Circles comprised in more than one district, the Collector of the district in whose jurisdiction, the largest area of such lands is situate.

(2) Where there are more officers than one in any area, the Collector of the district shall have the power to distribute the work amongst them.

#### **4. Prescribed Relatives For Personal Cultivation :-**

For the purpose of sub clause (ii) of clause (g) of section 2 of the Act, the relatives prescribed shall be the landowners mother, father, wife, husband, son, grandson, daughter, grand-daughter, brother, nephew uncle, brother-in-law, maternal uncle, son of brother-in-law, or maternal uncle.

#### **5. Conversion Of Ordinary Acres Into Standard Acres :-**

An equivalent, in standard acres, of one ordinary acre of any class of land in any tehsil shall be determined by dividing by 100, the valuation shown in Schedule A for such class of land in the said tehsil.

1[Provided that the valuation shall be-

(a) in the case of Banjar Qadim land, one half of the value of the class previously described in the records and in the absence of any specific class being stated, one half of the value of the lowest barani land;

(b) in the case of Banjar, Jadid land, seven-eighth of the value of the relevant class of land as previously entered in the records or in the absence of specified class in the records, or the lowest barani land, and

(c) in the case of cultivated thur land subject to water-logging, one eighth of the value of the class of land shown in the records or in the absence of any class, of the lowest barani land]

Explanation- For the purpose of determining the ;class of any land, the entry in the latest jamabandi relating to such land shall be conclusive.

1Inserted by Punjab Government notification No. 8309-ARI-(II)-59/1565, dated the 14th April, 1959.

## **PART 2 RESERVATION OF LAND**

### **6. Intimation Of Reservation :-**

(1) The reservation of land under section 5 of the Act, shall be made by the landowner, in form I, Which shall, in duplicate, either be delivered by him personally or sent by registered post (acknowledgement due) to the Collector of the district in which his land is situate;

Provided that where the land of a landowner is situated in more than one district, the reservation may be intimated to any one of the Collectors in whose district the land is situate.

(2) The Collector shall issue a receipt to the landowner as soon as Form I in duplicate, is received by him.

(3) In every case of intimation, under the proviso to sub-rule (I), the Collector receiving the intimation shall inform the Collectors of other districts in which the land of the landowner is situated about the particulars of reservation.

## **7. Reservation By Widows, Minors, Etc :-**

(1) The reservation under section 5 of the Act may be made-

(a) in the case of a widow, by the widow or by any or all the collaterals of her husband.

(b) in the case of a minor, by the guardian;

(c) in the case of a member of the Armed Forces of the Union, by any person duly authorised by such member.

(2) Where under clause (a) of sub-rule (I) the reservation is made by the collaterals or by the widow as well as the collaterals and the Collector finds that there is a difference of opinion in respect of the nature of the area to be reserved, the Collector shall reserve such area as is acceptable to the majority.

Provided that if it is not possible to secure the agreement of the majority, the collector shall reserve such area to the extent of the permissible limit as he may think fit having regard to the interests of the persons interested in the reservation.

## **8. Procedure For Dealing With Reservation Forms :-**

The collector shall, after satisfying himself as to the correctness of the particulars mentioned in Form I, issue a notification in Form II and forward copies thereof to every Tehsildar concerned for affixing one copy at a conspicuous place in every estate in which the land is situate and for delivering another copy to the landowner either personally or by registered post.

Provided that the Tehsildar shall cause to be made in the Roznamancha of the Patwari concerned a copy of Form I and of the notification and the Patwari shall furnish copies of the same to the tenant or tenants concerned free of cost.

## **PART 3 PAYMENT OF RENT PURCHASE OF SITE OF DEWELLING-HOUSE, ETC. BY TENANTS**

### **9. Receipt For Rent :-**

The receipt for rent to be given to the tenant under section II(I) of the Act shall be in form III.

### **10. Notice For The Purchase Of Site Of A Dwelling House :-**

A tenant intending to purchase the site of a dwelling house under sub-section (I) of section 15 of the Act shall intimate his intention

to do so by a notice in writing delivered to the land-owner personally or through registered post(acknowledgement due).

### **11. Applications For Purchase Of Site :-**

An application under sub-section (4) of section 15 of the act shall be; made by a tenant in Form IV, which a period of three months of the date on which the period specified in sub-section (3) of section 15,expires.

### **12. Form Of Certificate And Fee Therefore :-**

The prescribed authority shall issue to the tenant a certificate required by sub-section (7) of section 15 of the Act in form V on a general stamp paper of the value of one rupee to be furnished by the tenant . A copy of such certificate shall be forwarded by the prescribed authority to the landowner and a copy thereof shall also be retained by that authority on record.

### **13. Period For Application To Make Improvement :-**

An application under sub-section (2) of section 16 of the Act shall be made by a tenant to the prescribed authority within a period of three months of the date on which the period specified in that section expires.

## **PART 4 ACQUISITION OF PROPRIETARY RIGHTS AND PAYMENT OF COMPENSATION THEREFOR BY TENANTS**

### **14. Application For Acquisition Of Proprietary Rights :-**

A tenant intending to acquire proprietary right under Chapter IV of the Act shall make an application in Form VI and such application shall be presented by him to the prescribed authority personally or through his recognised agent .

### **15. Form Of Certificate :-**

(1) A certificate to be given by the prescribed authority under sub section (3) of section 23 of the Act shall be in Form VI-A and shall be issued to the tenant on general stamp paper of the value of one rupee to be furnished by him.

(2) The prescribed authority shall prepare three extra copies of such certificate, one to be placed on the file, the second to be sent to the landowner, and the third to be sent to the Patwari concerned

who shall make mutation entries in accordance with the certificate which shall, for purposes of attestation of the mutation and charging of fees, be treated as if it were a decree of a revenue court.

**16. Declaration Under Section 24 Of The Act :-**

A declaration under sub-section (1) of section 24 of the Act shall be in Form VII and shall be presented by a tenant personally to the prescribed authority.

**17. Annual Installments For Payment Of Compensation :-**

(1) The compensation payable under section 26 of the Act shall, if it is not paid voluntarily by the tenant in lump-sum, be paid -

(a) where it does not exceed two hundred rupees in two annual instalments;

(b) where it exceeds two hundred rupees, but does not exceed five hundred rupees, in three annual instalments;

(c) where it exceeds five hundred rupees but does not exceed seven hundred and fifty rupees in four annual instalments;

(d) Where it exceeds Seven hundred and fifty rupees, but does not exceed one thousand rupees, in five annual instalments; and

(e) Where it exceeds one thousand rupees, in six annual instalments.

(2) Ordinarily all instalments referred to in sub-rule (1) shall be equal in amount up to a rupee the balance, if any, being payable with the last instalment.

**18. Contents Of Award :-**

(1) Every award of compensation made under Chapter IV of the Act shall contain the following particulars -

(a) Full description of the land;

(b) total amount of compensation payable;

(c) amount of each instalment fixed and the date by which it is to be paid;

(d) names of the persons entitled to receive compensation and the share due to each one of them;

(e) names of the tenants by whom compensation is payable with a description of the share payable by each ;

(f) full description of the shares of the tenants acquiring proprietary rights in the land.

(2) Every landowner and tenant interested in the award shall be furnished by the prescribed authority with a copy of the award free of cost.

**18A.** Section 18A :-

(1) An application by the landowner under sub-section (1) of section 29-A requiring the tenant to acquire proprietary rights in the land comprising his tenancy, shall be presented by him personally or through his recognised agent.

(2) The prescribed authority, on receipt of the application under sub rule (1), shall obtain such other particulars as it may deem fit for the proper disposal of the application from the tenant or such other source as it may deem fit.

**PART 5** RETURNS OF LAND IN EXCESS OF CEILING AND ACQUISITION AND DISPOSAL OF SURPLUS AREAS BY GOVERNMENT

**19.** Form Of Return To Be Furnished By Persons Having Land In Excess Of The Ceiling And Manner Of Furnishing Thereof :-

(1) Every land owner or tenant required to furnish a return under section 32-B of the Act shall furnish it, in duplicate, in Form VII-A or Form VII-B , as the case may be, to the Collector of the district in which his land is situate, personally or by registered post (acknowledgement due) :

Provided that where the land of any such land owner or tenant is situate in more than one district, the return shall be furnished to the Collector in whose district the largest area of the land mentioned there in is situate with additional copies thereof for the Collector of every other district in which the land of such landowner or tenant is situate.

(2) The Collector to whom the return in Form VII-A or Form VII-B is furnished shall issue a receipt to the person furnishing the return in the required number of copies is received by him.

(3) In every case falling under the proviso to sub-rule (1) the Collector receiving the return shall forward two copies thereof to the collector of every other district in which the land is situate.

**20.** Patwari To Assist Landowner Or Tenant In Filling Up



### **From Vii-A Or Vii-B :-**

(1)-A landowner or tenant may , on payment of a fee of one rupee require the Patwari concerned to fill up Form VII-A or FormVII-B as the case may be, for him;

1Rule 18-A inserted by G.S.R 76, dated 28th March,1963

Provided that where the land of a landowner or tenant is situated in more than one village, the Patwari of the village in which the largest area of the landowner or tenant is situated shall fill up the form and it shall be the duty of the landowner or tenant to intimate to the Patwari the name of the village in which the largest area of his land is situated and to produce to the Patwari attested copies of the entries of Jamabandis of other villages in which his land is situated.

(2) Where a Patwari fill up a form under sub-rule (1),he shall be responsible for the correctness of all entries taken from the revenue record in his possession and he shall also attach attested copies furnished to him by the landowner or tenant with the Form filled up by him.

(3) The Patwari shall furnish to the landowner or tenant a regular receipt of the fee charged by him for filling up the Form.

(4) After the Form has been filled up in accordance with the provisions of the preceding sub-rule, the Patwari shall hand it over to the landowner or tenant concerned for submission by him to the Collector as required by sub-rule (1) of rule 19.

### **21. Verification Of Particulars Given In Returns Referred To In Rule 19 :-**

On receipt of Form VII -A or VII-B, from the personconcerned, the Collector shall get the particulars given there in verified by the Tehsildar/Tehsildars of the Tehsil/Tehsils in which the person owns or holds land in tenancy or in any other capacity:

Provided that where any land is situate in another district, the verification shall be secured through the Collector of that district.

### **21A. Form, Etc., Of Declaration Under Section 32-Bb Of The Act :-**

(1) The declaration supported by an affidavit required to be furnished under section 32-BB of the Act, shall be furnished by a landowner in Forms VII-C and VII-E and by a tenant in Forms VII-D and VII-E either personally or by registered post

(acknowledgement due) to the Collector of the district in which his land is situated :

Provided that where the land of any such landowner or tenant is situated in more than one district, the declaration supported by an affidavit shall be furnished to the Collector , in whose district the largest area of land mentioned therein is situate.

(2) In addition to the Forms referred to in sub-rule (1) as many copies thereof as there are Patwari Circles in which the land is situate shall also be furnished by the landowner or tenant.

1 Instead by the Punjab Government notification No. 188-LR-II-58/3909, dated the 30th July, 1958.

(3) The Collector to whom the Forms mentioned in sub-rule (1) are furnished shall, as soon as the Forms in the required number of copies are received by him, issue the following receipt to the person furnishing the Forms:-

"Received copies each of Forms VII-C/ VIII-D /VII-E, prescribed in rule 21-A of the Pepsu Tenancy and Agricultural Lands Rules, 1958, from Shri . son of , land owner / tenant of village , tehsil and district

Collector,

Dated 195

Note - Strike off portion not required.

(4) In every case falling under the proviso to sub-rule (1), the Collector shall retain the original Forms with him and send the requisite number of copies thereof to the Collectors of the districts in which the land of the landowner or tenant, as the case may be, is situate.

**21B.** Collection Of Information Through Revenue Field Staff, Under Section 32-C Of The Act :-

(1) Where any person referred to in section 32-B of the Act fails to furnish the return prescribed under that section, the Collector shall cause the return to be filled up by the Patwari, in duplicate, in Form VII-F if such person is a landowner or in Form VII-G if such person is a tenant. The Patwari shall retain one copy of each return filled in by him and forward the other to Circle Kanungo.

(2) The Circle Kanungo shall, after personal examination, attest all entries made by the Patwari in Form VII-F or Form VII-G and forward it to the Tehsildar who shall verify it and forward it further to the Collector.

(3) Where, in the case of a landowner, additional copies of Forms VII-C and VII-E, and, in the case of a tenant, additional copies of Forms VII-D and VII-E, have been received by the Collector under sub-rule (4) of rule 21-A, the Collector shall, after holding such inquiry as he thinks fit, return them to the Collector from whom they were received along with Form VII-A or Form VII-F, in the case of a landowner and Form VII-B or VII-G, in the case of tenant, as the case may be].

## **22. Draft Statement :-**

(1) After satisfying himself as to the correctness of the particulars mentioned in 1[ Forms VII-A to VII-G as the case may be], the Collector shall prepare a Draft Statement ( mentioned in sub-section (1) of section 32-D of the Act), in Form VIII.

(2) A copy of the statement in Form VIII shall be forwarded immediately by the Collector to the landowner/tenant under cover of an endorsement prescribed in the Form and it shall be served upon the landowner / tenant as if it were a summons in the manner prescribed in section 90 of the Punjab Tenancy Act, 1887.