

GOVERNMENT OF PUNJAB

REVENUE, REHABILITATION AND DISASTER MANAGEMENT
DEPARTMENT, PUNJAB

MANUAL OF INSTRUCTIONS

(JAGIR, AGRARIAN REFORMS & CONSOLIDATION BRANCH)

(Consolidated upto 30th November, 2007)



2007

Romila Dubey, IAS
Financial Commissioner, Revenue, Punjab

Punjab Land Records Society

MANUAL OF INSTRUCTIONS

(JAGIR, AGRARIAN REFORMS & CONSOLIDATION BRANCH)

1st Edition



Consolidated Instructions regarding Muafi Land attached with the Religious Institutions of Dharam Arth (PEPSU) (Jagir Branch), Punjab Tenancy Act, 1887 (Agrarian Reforms Branch) and Bachat Land (Consolidation Branch) etc.
(Consolidated upto 30th November, 2007)

PREFACE

The Jagir, Agrarian Reforms and Consolidation Branch of Financial Commissioner's Secretariat have issued a number of Policy Instructions/Rules/Amendment of Acts from time to time relating to Muafi Land attached with the Religious Institutions of Dharam Arth (PEPSU) (Jagir Branch), Punjab Tenancy Act, 1887 (Agrarian Reforms Branch) and Bachat Land (Consolidation Branch) etc.

These Policy Instructions/ Rules/ Amendment of Acts have been consolidated in this booklet will be found useful by the officials dealing with such matters in the Department of Revenue and Rehabilitation. It may be added that this booklet is not a substitute for the relevant Rules/Act/Instructions and the original Rules/Act/Instructions may be referred to as the basic and authentic source of the contents of this booklet in accordance with reference given therein.

Romila Dubey, IAS
Financial Commissioner, Revenue,
Punjab.

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**INSTRUCTIONS /
NOTIFICATIONS
ISSUED BY
JAGIR BRANCH**

Immediate

Patiala,

23rd October, 1946

My dear Sardar Sahib,

I shall be grateful if you will kindly let me have immediately for His Highness Shri 108 Maharajadhiraj Mahendra Bahadur's gracious perusal a statement showing the powers exercised and functions performed by the Department in regard to the control of the Gurdwaras in the State. This statement should indicate who is the sanctioning authority in respect of the powers and whether any functions performed by the Deodhi Department are subject to previous sanction of Ijlas-i-Khas or not.

Please traet this as most urgent.

Yours sincerely,

Sd/-
(Jai Dev Singh)

Sardar Pritam Singh, Sher Gill
Sardar Sahib Deodhi Mualla,
Patiala.

**Copy of D.O.No. 1793, dated 26.10.46 addressed to Sodhi Sardar Jaidev Singh
Private Secretary to His Highness Shri 108 Maharajadhiraj Mahendra Bahadurji,
Patiala from file No. 7323 of 2002 of Patiala State Records.**

No. 1793

Patiala,
Dated 26.10.46

My dear Sodhi Sahib,

Please refer to your D.O. letter No. 1276/H dated 23.10.1946.

I am sending herewith the statement showing the powers exercised
and functions performed by Deodhi Mualla Department in regard to
the control of Gurdwaras, Deras and other Charitable Institutions in
the State.

Yours Sincerely,
Sd/-
Jaidev Singh Ji,
to His Highness
Maharajadhiraj Mahendra
Bahadurji, Patiala

**Powers exercised in regard to the
Control of Gurdawaras in the State.**

1. By virtue of the powers invested vide Farman - i - Shahi dated 18th April, 1921, (copy attached) Sardar Sahib Deodhi Mualla is competent to recommend appointments & dismissals of a Mahant or a Mohtimin of Religious institutions in the State. Thus the question of all Religious institutions belonging to different communities is kept by the Ruler in his own hands and the management of Religious Institutions is made through Sardar Sahib Deodhi Mualla, who carries out and conveys His Highness; Gracious Commands.
2. Vide Roznamcha Commands dated 10-7-2000, (copy attached) Sardar Sahib Deodhi Mualla, is further empowered by His Highness Shri 108 Maharajadhiraj Mahendra Bahadur Ji, that no Mahant, Mutwali or Pujari is competent in his own capacity, for leasing out lands and renting shops for any period what-so-ever without the sanction of Sardar Sahib Deodhi Mualla.
3. Where-ever the legal claimant or a suitable Mahant or Mohtimim is not found, the management of the place is taken under direct control of the Deodhi Mualla Department, through a Manager or the local Committee.

Proposals of the District Authorities are also considered while local Committees are appointed.

Functions

1. When-ever any Mohtmim is found to be a man of immoral character, uneducated, physically unfit to perform the legitimate duties, or any such sort of complaint, immediate temporary action is taken, and the facts are enquired into through Officers of this Department or through the District Authorities and necessary action is taken by this Department for permanent management on the basis of material thus supplied, which are submitted to His Highness for necessary commands.
2. The appointment of local Committees and Managers are also made after thorough enquiries by the Deodhi Department, where the management is found to be defective or no suitable man of the Bekh is found.
3. From the date of the issue of Farman - i - Shahi 1921, the appointment of all the Mohtmims of the Religious institutions which enjoy Muafi and Bhandan from the State are sanctioned by Ijlas-i-Khas on the recommendations of the Sardar Sahib Deodhi Mualla, and the Bandan to such Religious institution is provided in the Budget of Deodhi Mualla Department and is paid to the Mohtmim direct by the Treasury Offices on P.P.O. System.
4. On the sudden death of any Mahant of any important institution, this Department controls the management of the place till a capable man of the said Bhek is appointed as Mahant. Regard is also kept to the wishes of the people and the Bhek to which the institution belongs.
5. The most important function of this Department is to see if the terms of the Muafi are carried out rightly.
6. Repairs of the Religious institution where necessary.
7. When a Mahant is appointed, this Department honours the Mahant on behalf of His Highness Shri 108 Maharajadhiraj Mahendra Bahadur by sending Dastar Doshala if due according to sarishta.
8. The arrangement of all the festivals, Gurburbs and Diwans etc., in the institutions under the direct control of the Deodhi Departments.

9. If complaints are received regarding those institutions which do not enjoy Muafi or Bandhan from the State, then Deodhi Mualla Department takes necessary action in the matter in consultation with the District Authorities to safe-guard the sanctity of the Shrine.
10. It has become quite common now that some undesirable elements are backed up by the Revenue petty Officers infringing the 2nd clause of Farman-i-Shahi dated 18th April, 1921.

It is unfortunate that the Tehsildars and even District Nazims when pressed by this Department to set things right they rather on the contrary encourage such hostile elements to continue their nefarious activities. In number of cases it has been found that the officials as well as their subordinates in the Districts and Tehsils treat the gracious commands too lightly, with the result that the administration of cheritable institutions have gone from bad to worse. One of the chief factor from this attitude on the part of State Officials is that they think themselves as independent entities from the Ruler at whose pleasure they hold office.

This State of affairs has crept up only within the last few years although the position of Sardar Sahib Deodhi Mualla is the same towards the Religious institutions as that of Secretary Ijlas-i-Khas in the matter of conveying Gracious commands, which the latter obtains regarding the State Departments.

ਦਫਤਰ ਡਿਊਢੀ ਮੁਅੱਲਾ ਪਟਿਆਲਾ ।

ਨੰ.1455, DA

ਮਿਤੀ 1-7-03/17-10-46

ਮੁੱਤਲਕਾ ਪ੍ਰਬੰਧ ਧਰਮ ਅਸਥਾਨਾਂ ।

ਪ੍ਰਾਈਵੇਟ ਸੈਕਟਰੀ ਟੂ ਹਿਜ ਹਾਇਨੈਸ ਸ਼੍ਰੀ108
ਹਜੂਰ ਮਹਾਰਾਜਾਧੀਰਾਜ ਮੁਹਿੰਦਰ ਬਹਾਦਰ ਜੀ
ਪਟਿਆਲਾ ।

ਆਪ ਦੀ ਸੇਵਾ ਵਿਖੇ ਖੋਚਲ ਦਿਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਮਹਿਕਮਾ
ਹਜੂਰ ਦੇ ਰਾਂਹੀ ਧਰਮ ਅਸਥਾਨਾਂ ਦਾ ਪ੍ਰਬੰਧ ਬਰੂਏ ਹੁਕਮ ਫਰਮਾਨ ਸ਼ਾਹੀ ਮਿਤੀ 18
ਅਪ੍ਰੈਲ 1921 ਈਸਵੀ (ਜਿਸ ਦੀ ਕਾਪੀ ਨਾਲ ਸ਼ਾਮਲ ਹੈ) ਕੀਤਾ ਜਾਂਦਾ ਹੈ ।

ਧਰਮ ਅਸਥਾਨਾਂ ਦੇ ਕਿਸੇ ਮੋਹਤਮਿਮ ਦੇ ਮਰਨ ਜਾਂ ਉਸ ਦੇ
ਬਦਲਣ ਹੋਣ ਕਰਕੇ, ਜੋ ਮੋਹਤਮਿਮ ਦੀ ਕਾਇਮੀ ਤੱਕ ਇਸ ਮੋਹਕਮੇ ਵੱਲੋਂ ਇਸ
ਅਸਥਾਨ ਦਾ ਪ੍ਰਬੰਧ ਮੈਨੇਜਰ ਜਾਂ ਕਮੇਟੀ ਰਾਂਹੀ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ।

ਸਹੀ/-

ਸ੍ਰਦਾਰ ਸਾਹਿਬ ਡਿਊਢੀ ਮੁਅੱਲਾ,
ਪਟਿਆਲਾ ਐਚ.ਐਸ:29/6/3

Farman-I-Shahi dated 18th April, 1921 A.D.

From Ijlas-I-Khas

Sanctioned. And instructions be issued for future that unless and untill the appointment of any Mahant is approved by the Ijlas-I-Khas through the Deodhi Mualla no entry in the mutation of land or fresh old (Muafi) be made in favour of the Mahant who may be entitled to recieve from the Government any Dastar (Head gear) and Doshala (Robe of Honour) or any Bandhan (Fixed stipend) Muafi (Free hold) etc. and this may also be noted that all lands which relates to any Dera may not be considered as property of the Mahant and may not be entered in the official papers as property of the Mahant instead it is entered as the property of the Dera under the management of Mahant.

The Mahant would not be authorised to sell or mortgage the lands of the Dera. The Revenue Department be also intimated and this order be duly published in the gazette.

18.4.1921

Sd/- Daya Kishan Kaul
Prime Minister.

Sd/- Nihal Singh	Judicial Minister
Sd/- Raghunath Singh	Home Minister
Sd/- Gokal Chand	Foreign Minister
Sd/- Dalip Singh	Revenue Secretary
Sd/- Rala Singh	Chief Engg.

ਨਕਲ ਫਰਮਾਨ ਸ਼ਾਹੀ ਮਿਤੀ 18 ਅਪ੍ਰੈਲ 1921 ਈਸਵੀ:

ਅਜ਼ ਇਜਲਾਸ ਖਾਸ

ਮੰਨਜ਼ੂਰ ਹੈ। ਔਰ ਅੱਗੇ ਵਾਸਤੇ ਹਦਾਇਤ ਕੀਤੀ ਜਾਵੇ, ਕਿ ਜਦ ਤੀਕ ਕਿਸੇ ਮਹੰਤ ਦਾ ਤਕੱਰਰ ਮਾਰਫਤ ਡਿਊਢੀ ਮੁਅੱਲਾ, ਇਜਲਾਸ ਖਾਸ ਤੋਂ ਮੰਨਜ਼ੂਰ ਨਾ ਹੋ ਜਾਵੇ, ਤਦ ਤੀਕ ਕਿਸੇ ਮਹੰਤ ਦੇ ਨਾਮ ਜਿਸ ਨੂੰ ਸ਼੍ਰਕਾਰ ਵਾਲਾ ਸੇ ਦਸਤਾਰ ਦੋਸਾਲਾ ਜਾਂ ਕੋਈ ਧੀਮਾਨ ਯਾ ਮੁਆਫੀ ਆਦਿਕ ਮਿਲਣ ਦਾ ਅਧਿਕਾਰ ਹੈ, ਕੋਈ ਅਰਾਜੀ ਯਾ ਮੁਆਫੀ ਦਾਖਲ ਖਾਰਜ ਨ ਕੀਤੀ ਜਾਵੇ।

ਅਰ ਇਹ ਭੀ ਦਰਜ ਕੀਤਾ ਜਾਵੇ, ਕਿ ਜੋ ਅਰਾਜੀਅਤ ਕਿਸੀ ਡੇਰੇ ਦੇ ਮੁਤਅਲਕ ਹਨ, ਉਹ ਕਿਸੇ ਮਹੰਤ ਦੀ ਮਲਕੀਅਤ ਨਾ ਸਮਝੀ ਜਾਵੇ, ਨਾ ਕਾਗਜ਼ਾਤ ਸ਼੍ਰਕਾਰੀ ਵਿੱਚ ਮਹੰਤ ਦੀ ਮਲਕੀਅਤ ਦਰਜ ਕੀਤੀ ਜਾਵੇ, ਬਲਕਿ ਮਲਕੀਅਤ ਡੇਰਾ ਬਾਇਹਤਮਾਮ ਮਹੰਤ ਦਰਜ ਕੀਤੀਆਂ ਜਾਣ। ਮਹੰਤਾਨ ਨੂੰ ਡੇਰੇ ਦੀ ਆਰਜੀਅਤ ਹੈ ਅਰ ਰਹਿਨ ਕਰਨੇ ਦਾ ਅਖਤਿਆਰ ਨਹੀਂ ਹੋਗਾ।

ਮਹਿਕਮਾ ਰੈਵਨਿਊ ਵਿਚ ਭੀ ਇਸ ਦੀ ਇਤਲਾਹ ਦਿਤੀ ਜਾਵੇ ਅਰ ਗਜ਼ਟ ਵਿੱਚ ਵੀ ਇਹ ਹੁਕਮ ਸ਼ਾਯਾ ਕੀਤਾ ਜਾਵੇ ॥ ਮਿਤੀ 18-4-1921 ਈਸਵੀ

Sd/-Daya Kishan Kaul

Nihal Singh

Raghunath Singh

Gokal Chand

Dalip Singh

Rala Singh

ਉਤਾਰਾ ਸੁਧ ਹੈ

ਪ੍ਰਾਇਮ ਮਨਿਸਟਰ

ਜੇਡੀਸ਼ਲ ਮਨਿਸਟਰ

ਹੋਮ ਮਨਿਸਟਰ

ਫੋਰਨ ਮਨਿਸਟਰ

ਰੈਵਨਿਊ ਸੈਕਟਰੀ

ਚੀਫ ਇੰਜੀਨੀਅਰ

ਸਰਦਾਰ ਸਾਹਿਬ ਡਿਊਢੀ ਮੁਅੱਲਾ,
(ਐਲ.ਐਸ.ਸੰਧੂ)10/ਪਟਿਆਲਾ।

ਨਕਲ ਰੋਜਨਾਮਚਾ ਹੁਕਮ ਡਿਊਢੀ ਮੁਅਲਾ
ਮਿਤੀ 10 ਕਤਕ ਸੰਮਤ 2000
ਮੁਤਾਬਕ 26 ਅਕਤੂਬਰ, 1943 ਦਿਨ ਮੰਗਲਵਾਰ
ਮੋਤੀਬਾਗ ਪੈਲੇਸ, ਪਟਿਆਲਾ ।

ਪੈਰਾ ਨੰ.2 .

ਹੁਕਮ ਸ਼੍ਰੀ 108, ਹਜ਼ੂਰ ਮਹਾਰਾਜਾਧੀਰਾਜ ਮੁਹਿੰਦਰ ਬਹਾਦਰ
ਅੱਟਲ ਪ੍ਰਤਾਪੀ ਪਰਜਾ ਪਾਲਕ ਜੀ ਜਸ਼ਾਨੀ ਸ਼੍ਰਦਾਰ ਪ੍ਰੀਤਮਸਿੰਘ ਸ਼ੇਰਦਿਲ ਸਰਦਾਰ
ਸਾਹਿਬ ਡਿਊਢੀ ਮੁਅਲਾ ਅਤੇ ਕਰੋੜਾ ਸਾਹਿਬ ਰਣਵਾਸ ਮੁਬਾਰਕ ਕਿ ਹਜ਼ੂਰ ਮਾਬਦੋਲਤ
ਦੇ ਨੋਟਿਸ ਵਿੱਚ ਆਇਆ ਹੈ ਕਿ ਸ਼੍ਰੀ ਗੁਰਦੁਆਰਾ ਸਾਹਿਬਾਨ ਦੇ ਮੋਹਤਮਿਮ, ਡੇਰਿਆ
ਦੇ ਮਹੰਤ, ਮੰਦਰਾਂ ਦੇ ਪੁਜਾਰੀ, ਅਤੇ ਮਸਜਿਦਾਂ, ਖਾਨਕਾਹਾ ਅਥਵਾ ਤਕੀਆ ਦੇ ਮੁਤਵਲੀ
ਆਪਣੇ ਜ਼ਾਤੀ ਫਾਇਦੇ ਨੂੰ ਮੁੱਖ ਰੱਖਦਿਆ ਹੋਇਆ, ਧਰਮ ਅਸਥਾਨਾਂ ਦੀ ਜ਼ਮੀਨਾਂ
(ਸਕਨਈ ਅਥਵਾ ਜ਼ਰਈ) ਦੇ ਕਰਾਏ ਦੀ ਦੁਕਾਨਾਂ ਨੂੰ ਲੰਬੇ ਅਰਸੇ ਅਥਵਾ 10 ਸਾਲਾਂ ਤੋਂ
20 ਸਾਲਾਂ ਵਾਸਤੇ ਠੇਕੇ ਤੇ ਨਾਮ ਮਾਤਰ ਰਕਮ ਦੇ ਬਦਲੇ ਦੇ ਦੇਦੇ ਹਨ ਉਨਾਂ ਦਾ ਇਹ
ਵਤੀਰਾ ਧਾਰਮਕ ਅਸਥਾਨਾਂ ਦੀ ਉਨਤੀ ਵਿੱਚ ਰੁਕਾਵਟ ਪਾਉਂਦਾ ਹੈ, ਤੇ ਵਰਜਨੀਯ ਹੈ
। ਤਾਂਤੇ ਹਦਾਇਤ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਪਵਿਤਰ ਧਰਮ ਅਸਥਾਨਾਂ ਦੀ ਮਹਾਨਤਾ ਨੂੰ
ਦ੍ਰਿੜ੍ਹ ਕਰਨ ਲਈ ਤੇ ਉਸਦੀ ਉਨਤੀ ਲਈ (ੳ) ਜੋ ਜਮੀਨਾਂ ਤੇ ਦੁਕਾਨਾਂ ਆਦਿਕ 3
ਸਾਲ ਤੋਂ ਵਧੀਕ ਮੁਦਤ ਲਈ ਠੇਕੇ ਤੇ ਦਿਤੀਆਂ ਹੋਈਆਂ ਹਨ ਅਥਵਾ ਕਰਾਏ ਤੇ
ਚੜ੍ਹੀਆਂ ਹੋਈਆਂ ਹਨ, ਫੋਰਨ ਮੁਤਅਲਕਾ ਅਸਥਾਨ ਨੂੰ ਵਾਪਸ ਕੀਤੀਆਂ ਜਾਵੇ । (ਅ)
ਅਇੰਦਾ ਲਈ ਹਰ ਮੋਹਤਮਿਮ ਆਦਿਕ ਨੂੰ ਇਹ ਲਾਜ਼ਮੀ ਹੋਗਾ, ਕਿ ਜਮੀਨਾਂ ਨੂੰ ਠੇਕੇ
ਤੇ, ਅਤੇ ਦੁਕਾਨਾਂ ਨੂੰ ਕਰਾਏ ਤੇ ਚੜ੍ਹਾਉਣ ਸਬੰਧੀ ਭਾਵੇਂ ਉਹ ਕਿਸੇ ਮੁਦਤ ਲਈ ਭੀ
ਕਿਉ ਨਾਂ ਹੋਵੇ, ਪਹਿਲੋਂ ਸ਼੍ਰਦਾਰ ਸਾਹਿਬ ਡਿਊਢੀ ਮੁਅਲਾ ਦੀ ਪ੍ਰਵਾਨਗੀ ਲੈਣੀ ਚਾਹੀਦੀ
ਹੈ ॥

ਸਹੀ/- ਪ੍ਰੀਤਮ ਸਿੰਘ
ਸਰਦਾਰ ਸਾਹਿਬ ਡਿਊਢੀ ਮੁਅਲਾ

ਉਤਾਰਾ ਸੁਧ ਹੈ
ਸਰਦਾਰ ਸਾਹਿਬ ਡਿਊਢੀ ਮੁਅਲਾ
(ਐਲ.ਐਸ.ਸੰਧੂ) 10/7 ਪਟਿਆਲਾ ।

Roznamacha Declaration / Order "Deody Mualla"

Dated : 10 Katak Samvat 2000

i.e. 26 October, 1943

Day : Tuesday

Moti Bagh Palace, Patiala.

.....
Para No. 2 :

Declaration / order of Shri 108, Maharaja Dhiraj Mohinder Bahadur "Atal Partapi, Praja Palak" as stated by Sardar Pritam Singh Sher Gill, Sardar Sahib" Deody Mualla" & Karora Sahib Ranwas to the effect that" it has come to the notice of 'Hazoor Mahabadaulat that Mohtmim of Shri Gurudawara Sahiban, Mohants of deras, Pujaris of Temples, Mutwalies of 'Masjids & Khankhanas' keeping their own personal interests in mind are giving land (Residential & Agricultural) of the Religious Places on 'contract / lease' at a very small rates, for very very long period i.e. 10 years to 20 years. Their this attitude & act has become a big obstruction in the devleopment of these Religious Places and is very objectionable & condemnable. Hence a direction is hereby issued that so as to strengthen religious place 's values and respect and for their development (A). Lands and shops in this context which are on contract or rent, should immediately be taken/get back (B). - in future, it shall be compulsory for each Mohtmim shall obtain / get pre-sanction / permission, relating to giving of such lands on 'contracts / lease' or such shops on rent and as to the "Rate" from Sardar Sahib, "Deody Mualla".

True Copy :

Sardar Sahib 'Deody Mulla (Royal) :-

L.S. Sandhu - Patiala. 10/7

Pritam Singh

Sardar Sahib

DEODHI MUALLA DEPARTMENT PATIALA.
CIRCULAR

No. 11 dated 19.7.1949/

It has been noticed that in certain there is some misunderstanding regarding the working of the newly constituted Dharam Arth Board. In clarification of this office circular No. 2 dated 13.2.2006, it is hereby circulated for the information of all concerned that the Dharan Arth Board has been formed under Roznamcha Commands for controlling the property and Administration of the Gurdwara, Deras, and other religious institutions of Sikh Sampardais only, it has no control over the religious institutions of non sikh Sampardais.

Sd/- Pritam Singh
Sardar Sahib, Deodhi Mualla,
Patiala.

DEODHI MAULA DEPARTMENT PATIALA

CIRCULAR

No. dated 13.2.2006

This is for the information of all concerned that the Deodhi Maulla and Karor Departments have been amalgamated into one department viz Deodhi Maulla Department. As a sequel to this one section of the hitherto Deodhi Maulla comprising of Punjab Ragies, Granthies, Pujaries, Annual Holders, Rasdat and Dharam Chithies payable from the State Exchanger has been transferred to the Home Department Pepsu. For the control of another section i.e Management of Religious Institutions, such as Gurdwaras Deras Dharam Shalas etc. formerly managed by either Deodhi Maulla or Gurdwaras Interim Board, a Dharam Arth Board, consisting of the following members has been appointed under Roznamcha Commands.

Names of the members of Dharam Arth Board.

1. Sant Bhagwan Singh Reroo Sahib.
2. Sant Kehar Singh Ji Dhandesa Sahib
3. Sant Hari Kishan Singh Uggo (Sirmala)
4. Baba Sant Ram Ji Udasi Khudi
5. Sant Baba Prem Singh Ji Santroi (Refugees)
6. Sant Bahadur Sardar Gurdial Singh Harika
7. Sardar Bahadur Sardar Basheshar Singh
8. Jathedar Balwant Singh, Chanarthal
9. Jathedar Tara Singh Mustfabad (3.0.)
10. S. Kirpal Singh Bisimli
11. Sardar Bhag Singh Qatwali.
12. Sardar Kartar Singh Diwana Patiala.
13. Sardar Gurbaksh Singh Bazar, Patiala.
14. Sardar Gubaksh Singh Sibia, Sangrur
15. Sardar Nirbhai Singh Sangrur
16. Sardar Gurbachan Singh Diwan Ji, Nabha
17. Sardar Jathedar Bhagman Singh Taurra
18. Sardar Inder Singh Contractor, Kapurthala.
19. Sardar Pakhar Singh, Phagwara
20. Giani Gurdit Singh Malerkotla
21. Jathedar Nahar Singh Dansinghwala Faridkot

22. Jathedar Takht Shri Akal Takht Sahib
23. Jathedar Takht Shri Akal Sahib
24. Jathedar Takht Shri Akal Sahib
25. Jathedar or Representatives of Takht Shri Hazoor Sahib.

In further correspondence regarding the respective sections may be made, with the Home Department or the newly constituted Dharam Arth Board, as the case may be.

Sd/-
(Pritam Singh)
Sardar Sahib Deodhi Maulla,
Patiala.

GOVERNMENT OF PATIALA AND EAST PUNJAB STATES UNION.

LAW DEPARTMENT.

THE PEPSU CODE OF LAWS

Volume II

containing

the Patiala and PEPSU Ordinances, Text of Orders enforcing Central and Provincial Enactments Mutatis Mutandis, Regulations, Farmans-i-Shahi, Ijlas-i-Khas Orders and Notifications, etc. in force in PEPSU; and Chronoogical Tables with a General Index.

FIRST EDITION

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PATIALA

1951

Obtainable from the Manager, Bhupindra State Press, PATIALA.

PATIALA & EAST PUNJAB STATES UNION GENERAL PROVISIONS
(ADMINISTRATION) ORDINANCE, 2005 BK.

(Ordinance No. XVI of 2005 Bk.)

As amended by Pepsu Ordinance No. XVIII of 2006.

An Ordinance

to make provision relating to the administration of the Patiala and East Punjab States Union.

WHEREAS by a covenant entered into by the Rulers of the East Punjab States (herein after referred to as "the Covenant"). The Covenanting states agreed to unite and integrate their territories in one state to be called the Patiala and East Punjab States Union;

AND WHEREAS all right, authority and jurisdiction as well as all duties and obligations appertaining to the Government of the said States have vested in the Patiala and East Punjab States Union.

AND WHEREAS it is expedient to make provision for the administration under the Patiala and East Punjab States Union of the territories of the said States;

NOW THEREFORE, in exercise of the powers conferred by the proviso to Article X(2) of the Covenant, the Rajpramukh is pleased to make and promulgate the following Ordinance:-

**Short title, extent
and commencement.**

1. 1. This Ordinance may be called the Patiala and East Punjab States Union General Provisions (Administration) Ordinance, 2005.
2. 2. It shall extend to the whole of the Patiala and East Punjab States Union.
3. 3. It shall come into force on the date of its publication in the official Gazette.

Definitions.

2. In this Ordinance, Unless there is anything repugnant in the subject or context,-
 - (a) "appointed day" means the fifth day of Bhadon, 2005;
 - (b) "Covenanting State" means any of the Faridkot, Jind, Kalsia, Kapurthala, Melerkotla, Nabha, Nalagarh and Patiala States;
 - (c) "Government" means the Government of Patiala and East Punjab States Union;
 - (d) "Rajpramukh" means the Rajpramukh of Patiala and East Punjab States Union;
 - (e) ["State"] means the Patiala and East Punjab States, Union.

**Enforcement of Laws of Patiala State
in the State.**

3. (1) As from the appointed day, all laws and rules, regulations, bye-laws and notifications made there under, and all other provisions having the force of law, in Patiala State on the said day shall immediately before that day shall cease to have effect;

Provided that all suits, appeals, revisions, applications, reviews, executions and other proceedings, or any of them, whether civil or criminal or revenue pending in the courts and before authorities of any Convenanting State shall notwithstanding anything contained in this ordinance, be disposed of in accordance with the laws governing such proceedings in force in any such Convenanting State immediately before the appointed day.

(2) Notwithstanding anything contained in this Ordinance, any suit for which the period of limitation prescribed by the Bhupendra Oudh Sunai Act, 1969, is shorter than the period of limitation prescribed by any law in force in any convenanting state immediately before the appointed day, may be instituted.

- (a) within the period of limitation prescribed by the Bhupendra Oudh Sunai Act, 1969, or
- (b) within the period of one year after the appointed day, whichever expires later.

Provided that the period of limitation prescribed for such suit by any law in force in any convenanting State has not expired on the appointed day.

**Continuance of existing
appointments etc.**

4. Save as otherwise provided by any competent authority and subject to the provisions of section 3, all appointments made, courts constituted, powers and jurisdiction conferred on any court, officer or authority under any law, rule, regulation or order made by any competent authority of a Covenanting State prior to the commencement of this Ordinance, shall be deemed to have been made, constituted or conferred as the case may be, by a competent authority of the [State] and all officers, servants and authorities of any Covenanting State shall, unless otherwise directed by the Government, continue to exercise all powers and jurisdiction and discharge all functions and duties which they were exercising or discharging before the appointed day.

Adaptation of laws, etc.

5. (1) Except where the context otherwise requires, any reference in any law, order, rule, regulation, bye law, notification, Hidayat or Farman - i - Shahi referred to in section 3, and other instrument shall, where the reference is to the officers, authorities, documents or territories mentioned in column one of the following table, be construed as a reference to the officers, authorities, documents or territories respectively mentioned in the second column of the said table :-

TABLE

1.	Ruler, His Highness and the like	Raj Pramukh of the [State]
2.	Government of the State, Darbar or Ijlas-i-Khas	Government of the [State]
3.	Official Gazette, Government Gazette State Gazette and the like	Official Gazette of the [State]
4.	Patiala State	The [State]

(2) The Government may be order make provisions with a view to adapting all laws or other provisions having the force of law referred to in section 3 to the changes effected by or consequential on the establishment of the [State.]

(3) Any court or authority required or empowered to construe or enforce any law or other provision having the force of law or any instrument shall, notwithstanding that this section makes no provision or insufficient provision for the adaptation of such law or other provision having the force of law or such instrument to the changes effected by or consequential on the establishment of the [State] construe such law or provision having the force of law or instrument with all such adaptations as are necessary for the said purpose :

Provided that if any question arises regarding the adaptation with which such law or provisions having the force of law or instrument should be construed for the said purpose the question may be referred to the Government and the decision of the Government on any such reference shall be final.

Council of Ministers

6. There shall be a Council of Ministers for the [State] consisting of such number of Ministers as may be appointed under the covenant by the Raj Pramukh.

**Transaction of business by Council
notwithstanding the vacancies**

7. The Council of Ministers shall not be disqualified for the transaction of business by reason of any vacancy therein

**Advice tendered by Ministers
not to be inquired into.**

8. The question whether any and if so what advice was tendered by any Minister to the Raj Pramukh shall not be inquired into by any Court.

Salaries, etc. of Ministers.

9. The salaries allowances and other conditions of service of Ministers shall be such as may be fixed by the Rajpramukh.

Business of the Government

10. (1) All executive action of the Government shall be expressed to be taken in the name of the Rajpramukh.
- (2) Orders and other instruments made and executed in the name of the Rajpramukh or of the Government shall be authenticated by any Secretary, Additional Secretary, Joint Secretary, Deputy Secretary, Under Secretary or Assistant Secretary to the Government or by such other person or authority as may be appointed by the Rajpramukh or Government in this behalf, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Rajpramukh or the Government.
- (3) The Rajpramukh may make rules for the more convenient transaction of the business of the Government, and for the allocation among the Ministers of the said business.

Property & Contracts

11. (1) The executive authority of [the State] shall extend subject to any law for the time being in force in the [State]. To the grant, sale, disposition or mortgage of any property vested in the Rajpramukh for the purpose of the [State] and to the purchase or acquisition of property on behalf of the Rajpramukh for those purposes and to the making of contracts.
- (2) All property acquired for the purpose of the [State] shall vest in the Rajpramukh for those purposes.
- (3) All contracts made in exercise of the executive authority of the [State] shall be expressed to be made by Rajpramukh.
- (4) Neither the Rajpramukh shall be personally liable in respect of any contract made or executed for the purposes of this ordinance, nor shall any person making or executing any such contract on his behalf be personally liable in respect thereof.

Bar of certain suits and proceedings. Suits and proceedings against Governemnt.

12. The provisions of Articles XV and XVII of the Covenant relating to the bar of certain suits and proceedings shall have the force of law.
13. (1) The Government may sue or be sued by the name of the Government of the [State] or in such other manner as may be notification be directed by the Government.
- (2) If on the appointed day any legal proceedings are pending to which the Government of any covenanting State is a party, the Government of the [State] shall be deemed to be substituted for that Government.

Civil Services

14. (1) Subject to the provisions of sub-section (2), the Rajpramukh or any authority authorized in this behalf by the Rajpramukh, may -
- (a) Regulate the recruitment and conditions of service of persons appointed to public services, and to posts in connection with the affairs of the Government, or
- (b) make rules or regulations for the conduct of Government servants who are members of the public services or are holding posts in connection with the affairs of the Government, or for any other matter relating to them.
- (2) No person who is a member of a civil service of the [State] or holds any civil post in the [State] shall be dismissed from service or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken against him :
- Provided that this section shall not apply -
- (a) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge ; or
- (b) where an authority empowered to dismiss a person or reduce him in rank is satisfied for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

**Special provision for persons
serving under special contracts.**

15. Notwithstanding that a person holding a civil post under the [State] holds office during the Rajpramukh's pleasure or anything in section 14, any contract under which a person, not being a member of the services of the [State], is appointed to hold a civil post, may, if the Rajpramukh deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of the agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

Courts to take judicial notice of the Covenant repeals.

16. All courts of the [State] shall take judicial notice of the covenant.

17. The enactments specified in the Schedule are hereby repealed.

**THE SCHEDULE.
Enactments Repealed.
(Section 17).**

No.	Number of Ordinance	Title
1.	I to 2005	The Patiala and East Punjab States Union Administration Ordinance, 2005.
2.	III of 2005	The Patiala and East Punjab States Union Abolition of Internal Extradition Ordinance, 2005.
3.	V of 2005	The Patiala and East Punjab States Union (Appointments of Administrators Members of the Public Service Commission and Officers) Ordinance, 2005.
4.	XIII of 2005	The Patiala and East Punjab States Union Administration (Amendment) Ordinance, 2005.

GOVERNMENT OF THE PATIALA AND EAST PUNJAB STATES UNION
LAW DEPARTMENT

NOTIFICATION

No. Leg-2

Dated, Patiala the 2nd May, 1949.

The Covenant entered into by the Rulers of Faridkot, Jind, Kapurthala, Malerkotla, Nabha, Patiala, Kalsia and Nalagarh states for the formation of the May, 1948 and the Supplementary Covenant entered into by the Rulers of the said States dated the 9th April, 1949, are published below for general information :-

Sd/-

R. S. Randhawa,
Secretary to Government.

No. 2338

Dated, Patiala, the 2nd May, 1949.

Copy forwarded to the Chief Secretary to Government, Patiala and East States Union, for information with reference to his No. FPC. 86/05-P dated the 29th April, 1949.

Secretary to Government.

No. 2339

Dated, Patiala, the 2nd May, 1949.

Copy, along with one copy each of the Covenant and Supplementary Covenant, forwarded to the Manager, Bhupendra State Press, Patiala, for publication in the next issue of the official gazettee.

Secretary to Government

Appendix

THE COVENANT entered into by the Rulers of Faridkot, Jind, Kapurthala, Malerkotla, Nabha, Patiala, Kalsia and Nalagarh for the formation of

PATIALA AND EAST PUNJAB STATES UNION.

WE, the Rulers of Faridkot, Jind, Kapurthala, Malerkotla, Nabha, Patiala, Kalsia and Nalagarh.

BEING CONVINCED that the welfare of the people of this region can best be secured by the establishment of a State comprising the territories of our respective States, with a common Executive, Legislature and Judiciary ;

AND HAVING RESOLVED to entrust to a Constituent Assembly consisting of elected representatives of the people the drawing up of a democratic Constitution for the State within the framework of the Constitution of India, to which we have already acceded, and of this Covenant;

DO HEREBY, with the concurrence and guarantee of the Government of India, enter into the following covenant :-

ARTICLE I

In this Covenant :-

- (a) "Covenanting State" means any of the States mentioned in schedule I, the Ruler of which has, whether by himself or by a duly authorised representative, signed this Covenant;
- (b) "Covenanting Salute State" means any Covenanting State which is mentioned in Part A of Schedule I :
- (c) "Covenanting Non-Salute State" means any Covenanting State which is mentioned in Part B of Schedule I, and
- (d) unless there is anything repugnant in the subject or context, references to the Ruler of a State include any person or persons for the time being exercising the powers of the Ruler whether by reason of his minority or for any other reason.

ARTICLE II

The Covenanting States agree to unite and integrate their territories in one State with a common executive, legislature and judiciary, by the name of Patiala and East Punjab States Union hereinafter referred to as "the Union".

Provided that the Constituent Assembly of the Union formed under Article X of this Covenant may adopt such other name for the Union as it may deem appropriate.

ARTICLE III.

(1) There shall be a Council of Rulers consisting of the Rulers of the Covenanting Salutes States and one of the Ruler of the two Covenanting Non-Salute States, who shall alternately for a period of five years hold the seat assigned to them on this Council :

Provided that no Ruler who is less than 21 years of age shall be a member of the Council.

(2) The Council of Rulers shall exercise such function as are assigned to it by this Covenant, and such other functions, if any, as may be assigned to it by or under the constitution of the Union.

(3) The Council of Rulers shall elect at a meeting one member of the Council to be the President and another to be the Vice-President of the Council : and the President and the Vice-President so elected shall be the Raj Pramukh and the Up-Raj Pramukh respectively of the Union :

Provided that the Ruler of Patiala shall not take part in the voting for the election of the Vice-President.

(4) For the purposes of the elections referred to in the proceeding paragraph, every member shall have such number of votes as is equal to the number of lakhs in the population of his State as ascertained at the last proceeding census (any fraction more than half a lakh being reckoned as one lakh and any other fraction being ignored), provided that every member shall have at least one vote.

(5) A Ruler elected as the President or as the Vice-President of the Council shall be entitled to hold office as such President or Vice President, as the case may be, for a term of five years from the date on which he enters upon the duties of that office.

(6) Notwithstanding anything contained in the preceding paragraphs of this Article, the present Rulers of Patiala and Kapurthala shall respectively be the first President, and Vice-President of the Council of Rulers, and shall enter upon the duties of their respective offices on the 15th July, 1948, and the said President and the Vice-President shall be entitled to hold office during their life-time.

ARTICLE IV

(1) In order that may be enabled to discharged conveniently and with dignity the duties of their respective offices, the Raj Premukh and the Up-Raj Pramukh shall be paid from the revenues of the Union such consolidated annual allowances as the Government of India may prescribe.

(2) If the Raj Pramukh is, by reason of absence or illness or for any other reason, unable to perform the duties of his office, those duties shall, untill he has resumed them, be performed by the Up-Raj Pramukh. During such period the Up-Raj Pramukh shall be entitled to the same allowance and other amenities as the Raj Premukh.

∴

ARTICLE V

(1) There shall be a Council of Ministers to aid and advise the Raj Prakukh in the exercise of his functions except those under Article VII.

(2) The Ministers shall be chosen by, and shall hold office during the pleasure of the Raj Pramukh.

ARTICLE VI

(1) The Ruler of each Covenanting State shall, as soon as may be practicable, and in any event not later than the 20th of August, 1948, make over the administration of his State to the Raj Pramukh ; and there upon :-

- (a) all rights, authority and jurisdiction belonging to the Ruler which appertain, or are incidental to the Government of the Covenanting State shall vest in the Union and shall here after be exercisable only as provided by this Covenant or by the Constitution to be framed thereunder :
- (b) all duties and obligations of the Ruler pertaining or incidental to the Government of the Covenanting State shall devolve on the Union and shall be discharged by it :
- (c) all the assets and liabilities of the Covenanting State shall be the assets and liability of the Union, and
- (d) the military forces, if any, of the Covenanting State shall become the military forces of the Union ;

ARTICLE VII.

- (1) Subject to any directions or instructions that may from time to time be given by the Government of India in this behalf, the authority to raise, maintain and administer the military forces of the Union shall vest exclusively in the Raj Pramukh.
- (2) Nothing in the preceding paragraph of this Article shall be deemed to prevent the Raj Pramukh from consulting the Council of Ministers in regard to any of the matters mentioned there in.

ARTICLE VIII.

The Raj Pramukh shall, as soon as practicable and in any event not later than the 30th of August 1948 execute on behalf of the Union an Instrument of Accession in accordance with the provisions of section 6 of the Government of India Act, 1935, and in place of the Instruments of Accession of the Several Covenantee States; and he shall by such Instrument accept as matters with respect to which the Dominion Legislature may make laws for the union all the matters mentioned in List I and List III of the seven Schedule to the said Act, except the entries in List I relating to any tax or duty.

ARTICLE IX

Subject to the provisions of this Covenant and of the Constitution to be framed thereunder the executive authority of the Union shall be exercised by the Raj Pramukh either directly or through officers subordinate to him, but the Raj Pramukh may from time to time consult the Up Raj Pramukh in important matters connected with the administration of the Union. Nothing in this Article shall prevent any competent legislature of the Union from conferring functions upon subordinate authorities be deemed to transfer to the Raj Pramukh and functions conferred by any existing law or any court Judge, officer, or local or other authority in a Covenantee State.

ARTICLE X

- (1) There shall be formed, as soon as may be practicable a constituent Assembly in the manner indicated in Scheduled II : and it shall be the duty of that Assembly to frame a constitution of a unitary type for the Union within the framework of this Covenant and the Constitution of India, and providing for a Government responsible to the Legislature.

(2) Until a Legislature elected in accordance with the terms of the Constitution framed by it comes into being, the Constituent Assembly as Constituted in the manner indicated in Schedule II shall function as the interim Legislature of the Union.

Provided that until a Constitution framed by the Constituent Assembly comes into operation after receiving the assent of the Raj Pramukh, the Raj Pramukh shall have power to make and promulgate ordinances for the peace and good Government of the Union or any part thereof, and any Ordinance so made shall for the space of not more than six months from its promulgation have the like force of law as an Act passed by the Constituent Assembly : but any such ordinance may be controlled or superseded by any such Act.

ARTICLE XI

(1) The Ruler of each covenanting State shall be entitled to receive annually of the revenues from Union for his privy purse the amount specified against that Government in Schedule I.

Provided that if the sum specified in the Schedule in respect of the Ruler of Patiala exceeds Rupees Ten Lakhs (Rs. 10,00,000), it shall be payable only to the present Ruler of Patiala and not to his successors for whom provision will be made subsequently.

(2) The said amount is intended to cover all the expenses of the Ruler and his family including expenses of his residences, marriages and other ceremonies, etc., and shall subject to the provisions of paragraph (1) neither be increased nor reduced for any reason whatsoever.

(3) The Raj Pramukh shall cause the said amount to be paid to the Ruler in four equal instalments at the beginning of each quarter in advance.

(4) The said amount shall be free of all taxes, whether imposed by the Government of the Union or by the Government of India.

ARTICLE XII.

(1) The Ruler of each Covenanting State shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State Properties) belonging to him on the date of his making over the administration of that State to the Raj Pramukh.

(2) He shall furnish to the Raj Pramukh before the 20th day of September, 1948, an inventory of all the immovable properties, securities and cash balances held by him as such private property.

(3) If any dispute arises as to whether any item of property is the private property of the Ruler or State property, it shall be referred to such person as the Government of India may nominate in consultation with the Raj Pramukh and the decision of that person shall be final and binding on all parties concerned.

Provided that no such dispute shall be so referable after the 31st day of December, 1948.

ARTICLE XIII.

The Ruler of each Covenanting State, as also the members of his family, shall be entitled to all the personal privileges, dignities and titles enjoyed by them, whether within or outside the territories of the State immediately before the 15th day of August, 1947.

ARTICLE XIV.

(1) The succession, according to law and custom, to the Gaddi of each Covenanting State, and to the personal rights, privileges, dignities and titles of the Ruler thereof, is hereby guaranteed.

(2) Every question of disputed succession in regard to a Covenanting State which arises after the inauguration of the Union shall be decided by the Council of Rulers after referring it to a bench consisting of all the available Judges of the High Court of the Union and in accordance with the opinion given by such bench.

ARTICLE XV.

No enquiry shall be made by or under the authority of the Union, and no proceedings shall lie in any court in the Union against the Ruler of any Covenanting State, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

ARTICLE XVI

(1) The Union hereby guarantees either the continuance in service of the permanent members of the public services of each of the Covenantee States on conditions which will be not less advantageous than those on which they were serving on the 1st of February 1948 or the payment of reasonable compensation or retirement on proportionate pension.

(2) The Union further guarantees the continuance of pensions and leave salaries sanctioned by competent authorities in any of the Covenantee States to members of the public services of that State who have retired, or proceeded on leave preparatory to retirement, and the compassionate allowances granted to dependents of deceased members of those services, before the date on which the administration of that State is handed over to the Raj Pramukh.

ARTICLE XVII.

Except with the previous sanction of the Raj Pramukh, no proceedings, civil or criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of any Covenantee State before the date on which the administration thereof is made over to the Raj Pramukh.

SCHEDULE I

COVENANTING STATES AND PRIVY PURSE AMOUNTS.

<i>PART A</i>	<i>Salute States.</i>
Faridkot	Rs. 3,81,400
Jind	Rs. 3,28,100
Kaputhala	Rs. 2,70,000
Malerkotla	Rs. 1,10,000
Nabha	Rs. 4,10,000
Patiala	Rs. 17,00,000
<i>PART B</i>	<i>Non-Salute States</i>
Kalsia	Rs. 65,000 (for life time of present Ruler. Rs. 60,000 for successors.)
Nalagarh	Rs. 60,000 (for life time of present Ruler and Rs. 45,000 for successors.)

SCHEDULE II.
Provisions relating to the Constituent Assembly of the Patiala and
East Punjab States Union.

1. The Constituent Assembly shall consist of representatives of the people of the Union on the basis of one representative for approximately one lakh of the population;

Provided that the people of each Covenanting State shall, irrespective of their number, be entitled to elect at least one representative.

2. The Constituent Assembly shall be constituted in such manner as the Raj Pramukh may, in consultation with the Government of India, prescribe.

3. The Constituent Assembly may co-opt experts and advisers to assist the Assembly in the task of constitution making. An expert or adviser so co-opted shall speak and otherwise take part in the proceedings of the Assembly or any Committee of the Assembly of which he may be so named a member but shall not be entitled to vote.

In confirmation of the above Covenant we append our signatures, on behalf of ourselves, our heirs and successors.

Sd/-

Rulers of the Covenanting States.

The Government of India hereby concur in the above Covenant and guarantee all its provisions. In confirmation whereof Mr. Vapal Panguuni Menon, Secretary to the Government of India in the Ministry of States, appends his signature on behalf and with the authority of the Government of India.

Sd/-

V. P. MENON,
Secretary to the Government of India,
Ministry of States,

SUPPLEMENTARY COVENANT

Entered into by the Rulers of the States forming the Patiala and East Punjab States Union.

WHEREAS by Covenant entered on the 5th May, 1948, with the concurrence of the Government of India (hereinafter referred to as "the Original Covenant"). WE the Rulers of Patiala, Kapurthala, Jind, Nabha, Faridkot, Kalsia, Malerkotla and Nalagarh have agreed to unite and integrate the territories of the said States in one Union by the name of the Patiala and East Punjab States Union :

AND WHEREAS We are satisfied that it is necessary to modify two of the provisions of the Original Covenant:

WE DO HEREBY, with the concurrence of the Government of India, enter into the following Supplementary Covenant :-

ARTICLE I

In the proviso to paragraph (2) of Article X of the Original Covenant, the words "for the space of not more than six months from its promulgation" shall be omitted, and after the words "any such Act the words and if promulgated after the first meeting of the Constituent Assembly, shall not be in force for more than six months from its promulgation" shall be added.

ARTICLE II

In the proviso to paragraph (2) of Article XII of the Original Covenant for the word and figures "31st December, 1948" the word and figures "30th June, 1949" shall be substituted and shall be deemed always to have been substituted.

ARTICLE III

The Original Covenant, as amended by this Covenant, shall in all other respects remain in full force and effect.

In confirmation of the above Covenant we append our signature on behalf of ourselves, our heirs and successors.

Maharaja of Patiala.

Maharaja of Kapurthala.

Maharaja of Jind.

Nawab of Malerkotla.

Raja of Nalagarh.

Raja of Faridkot.

Maharaja of Nabha.

Raja of Kalsia.

The Government of India hereby concur in the above Covenant. In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States, appends his signautre on behalf and with the authority of the Government of India.

Dated the 9th April, 1949

Sd/- V.P. Menon
Advisor to the Government of India,
Ministry of States.

Punjab Government Gazette

Published by Authority

CHANDIGARH, FRIDAY, OCTOBER 12, 1956

PART IV

PUBLICATIONS OF ACTS, BILLS, ORDINANCES ETC. AND RULES
THEREUNDER

(RECEIVED ASSENT ON 31ST AUGUST, 1956)

THE STATES REORGANISATION ACT, 1956 (37 OF 1956)

AN

ACT

PROVIDE FOR THE REORGANISATION OF THE States of India and
for matters connected therewith.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:-

PART-I

PRELIMINARY

1. This Act may be called the State Reorganisation Act, 1956.

Definitions....

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

(a) **"appointed day"** means the 1st day of November, 1950;

(b) **"Article"** means an article of the Constitution;

(c) **"assembly constituency", "council constituency"** and **"parliamentary constituency"** have the same meanings as in the Representation of the People Act,

(d) **"corresponding new State"** means. In relation to the existing State of Bombay, Madhya Pradesh, Mysore, Punjab or Rajasthan, the new State with the same name; and in relation to the existing State of Travancore-Cochin, the new State of Kerala;

(e) **"corresponding State"** means, in relation to the new State of Bombay, Madhya Pradesh, Mysore, Punjab or Rajasthan, the existing State with the same name, and in relation to the new State with the same name, and in relation to the new State of Kerala, the existing State of Travancore- Cochin;

- (f) **"Election Commission"** means the Election Commission appointed by the President under article 324;
- (g) **"existing State"** means a State specified in the First Schedule to the Constitution at the commencement of this Act;
- (h) **"law"** includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the territory of India;
- (i) **"new State"** means a Part A State formed by the provisions of Part II;
- (j) **"notified order"** means an order published in the Official Gazette;
- (k) **"population ratio"**, in relation to the successor State of and existing State, means such ratio as the Central Government may by notified order specify to be the ratio in which the population of that existing State as ascertained at the last census is distributed territorially among the several successor States by virtue of the provisions of Part II;
- (l) **"prescribed"** means prescribed by rules made under this Act;
- (m) **"principal successor State"** means—
 - (i) in relation to the existing State of Bombay, Madhya Pradesh, Madras or Rajasthan, the State with the same name; and
 - (ii) in relation to the existing State of Hyderabad, Madhya Bharat and Travancore-Cochin, the States of Andhra Pradesh, Madhya Pradesh and Kerla, respectively;
- (n) **"sitting member"** in relation to either House of Parliament or of the Legislature of a State means a person who, immediately before the appointed day is a member of that House,
- (o) **"successor State"**, in relation to an existing State means any State to which the whole or any party of the territories of that existing State is transferred by the provisions of Part II, and includes in relation to the existing State of Madras, also that State as territorially altered by the said provisions and the Union;

- (p) **“transferred territory”** means any territory transferred from an existing State to another existing State or to a new State by the provisions of Part II;
- (q) **“treasury”** includes a sub-treasury; and
- (r) Any reference to a district, taluk, tehsil or other territorial division of a State shall be construed as a reference to the area comprised within that territorial division on the 1st day of July, 1956.

Formation of a new Punjab State 11. As from the appointed day, there shall be formed a new Part-A State to be known as the State of Punjab comprising the following territories, namely:-

- (a) the territories of the existing State of Punjab; and
- (b) the territories of the existing State of Patiala and East Punjab States Union;

and thereupon the said territories shall cease to form part of the said existing States of Punjab and Patiala and East Punjab States Union, respectively.

GOVERNMENT OF PATIALA & EAST PUNJAB

STATES UNION

FINANCE DEPARTMENT

THE PEPSU SERVICES REGULATIONS

VOLUME I

Rules Regulating to Pay Allowances and Pension

First Edition

(Revision)

1952

COMPULSORY RETIREMENT

9.1. (I) Every Government servant shall on attaining the age of 55 years retire on such pension as may be admissible to him under the rules for the time being in force :

Provided that the Government may without giving any reason retire any Government servant on pension after such Government servant has completed a qualifying service of 25 years.

- (ii) No extension of service shall be given to any Government servant after he has reached the age of 55 years but the Government may re-employ any retired Government servant (except a Government servant retired under the proviso to clause (i) on contract basis if in the opinion of the Government it is necessary to do so in the public interest.
- (iii) The previous concurrence of the Finance Department shall be necessary to the re-employment of any person under clause (ii) and the re-employment shall not be for more than one year at any one time, but may in the aggregate extend to five years.
- (iv) Notwithstanding anything in clause (i) a Government servant who completes qualifying service of 30 years shall be entitled to claim retirement.

NOTE :- The right under the proviso to clause (i) will not be exercised except when is in the public interest to dispense with further services of an officer.

9.2 The following classes of Government servants are exempt from the operation of the above Article.

- (i) Mistrikhana staff under Secretary Rikanjat.
- (ii) Pandits and Gianies.
- (iii) Granthies.

9.3 Government servants holding non-pensionable posts may, after attaining the age of 55 years, be retained in service by the competent authority concerned as long as they are found fit.

**Extract of provisions of Paras of standing order No. 7
of the F.C.R.**

- i. **Para 14** - The succession is not hereditary and the terms of the muafi indicate clearly who the successor or successors must be.
 - ii. **Para - 15** - The Deputy Commissioner may sanction the succession of heirs in accordance with the terms of the grant.
 - iii. **Para - 23** - Paragraphs 176 to 182 of the Land Administration Manual explains the circumstances under which land revenue assignments are to be resumed. Special attention is invited to the provisions regarding assignments for the support of religious institutions, and to the breach of conditions of loyalty and good conduct.
 - iv. **Para - 24** - Financial Commissioner Revenue has powers to resume any grant of the annual value of Rs. 50/- and less at any time if he is of the opinion that the conditions of which the grant was made are not substantially fulfilled. The proposal for resumption of any grant of which the annual value exceeds Rs. 50/- is to be submitted through the FCR for orders of the Government.
-

Financial Commissioner's Standing Orders No. 7

Succession

14. Questions regarding succession. Paragraph 171 of the Land Administration Manual.

Questions of succession do not as a rule cause much trouble. The terms of the grant usually indicate clearly who the successor or successors must be. Consequently whenever a question of succession arises, the Deputy Commissioner should not depend upon the reports of the subordinates but must personally satisfy himself of the terms of the grant before orders are passed.

15. Power of sanction. Deputy Commissioner to sanction succession to assignments. Rule 6 of the Punjab Pension and Revenue Assignment Rules, 1937.

Deputy Commissioners may sanction the succession of heirs in accordance with the terms of the grant, to assignments (a) of the land revenue of specified fractinal parts of one or more estates, (b) of the land revenue of plots of land forming part of an estate, and (c) in the Ferozepore, Ludhiana, Ambala and Karnal districts to *pattidari* or horseman's shares and in the Jullundhur *doab* to similar shares in conquest *jagirs*.

16. Sanction to succession to assignment of entire estates. Rule 5 of the Punjab Pension and Revenue Assignment Rules, 1937.

Commissioners may sanction the succession of heirs, in accordance with the terms of the grant to assignments of the land revenue of one or more entire estates.

17. Grants held during the pleasure of Government. Punjab Government letter No. 680-R., dated 26th February, 1935.

In the case of assignments of land revenue released during the pleasure of Government the Financial Commissioner is empowered to sanction the succession of heirs to grants of the annual value of Rs. 50 or less. In cases of succession to grants the annual value of which exceeds Rs. 50, proposals should be submitted through the Financial Commissioner for the orders of Government.

18. Interpretation of the term "succession to heirs male". Paragraph 158 of the Land Administration Manual.

The conventional expression "succession to heirs male" when used in the original order conveying sanction to a grant, means that the grant descends to a single heir, unless a different rule of succession is specially prescribed. For the purposes of this ruling the term "heir male" may be taken to be the equivalent of "male issue".

Rule 8 of the Punjab Pension and Revenue Assignment Rules, 1937. This ruling applies only to assignments of land revenue granted in perpetuity after the 25th November, 1859. In the absence of any provision to the contrary in the grant such assignments descend integrally to a single heir, whose right does not become complete until his succession has been confirmed by the local Government. This confirmation may, if cause should arise, be withheld.

19. Succession in case of small grants for service to be performed. Paragraph 159 of the Land Administration Manual. Petty grants of an annual value not exceeding Rs. 20 for service to be rendered to village communities, should not be split up but should be held from generation to generation by one individual only, who should ordinarily be the eldest heir of the deceased incumbent. If there are good reasons, however, the local authorities should arrange to supersede him provided this is agreed to by those interested in the service to be rendered.

Existing joint holders should not be disturbed but advantage should be taken of future successions to get rid of the joint enjoyment.

20. **Rules 9 of the Punjab Pension and Revenue Assignment Rules, 1937. Succession to small grants assigned to several persons for their lives.** Petty grants of an annual value not exceeding Rs. 20 when assigned to two or more individuals collectively for a single generation only without it being specified that the share of each individual is to lapse on his death, will descend without diminution to the survivors of the original assignees and it is only on the death of the last survivor that the whole will lapse.

21. **Paragraph 175 of the Land Administration Manual. Succession to grants for religious institutions.** It is not part of a Collector's duty to settle succession to endowments for the support of religious institutions. It is the policy of Government as laid down in Act XX of 1863 to abstain from interference in the management of religious institutions..... If the succession is contested, the Collector should either pay the revenue to the claimant who is actually in possession or suspend payment altogether till the dispute is settled. He should adopt the latter course when litigation is protracted, and it is clear that funds intended for religious or charitable purposes are being diverted into the pockets of lawyers.

22. **Succession to Military jagirs, special jagirs and jagirs governed by the provisions of the Punjab Jagir Act, 1941.** For succession to military jagirs, special jagirs and jagirs governed by the provisions of the Punjab Jagirs Act, 1941, see paragraphs 2, 3, and 4 respectively above.

Resumption and forfeiture

23. Paragraphs 176 to 182 of the Land Administration Manual, which should be consulted, explain the circumstances under which land revenue assignments are to be resumed. Special attention is invited to the provisions regarding assignments for the support of religious institutions and to breaches of the condition of loyalty and good conduct.

24. (a) The Financial Commissioner has power to resume any grant of the annual value of Rs. 50 and under at any time if he is of opinion that the conditions, on which the grant was made are not substantially fulfilled.

(b) If it is proposed to resume any grant of which the annual value exceeds Rs. 50 the case should be submitted through the Financial Commissioner for the orders of the Punjab Government.

Orders relating to lapses of assignments

25. The Collector is competent to enforce the lapse of term-expired assignments, to arrange for the assignment of the land and to determine the amount to be treated as khalsa in future. His discretion to resume, of his own authority, assignments of which the term has expired is, however, not unfettered. In certain cases of assignments for a life or lives, the original order of release provides for reconsideration on the grant falling in. Grants on account of services rendered in 1848 or during the Mutiny, originally made for a term, may not be resumed without reference to the Financial Commissioner. The reasons for showing liberality in such cases are explained in paragraph 187 of the Land Administration Manual. It must be remembered that special liberality has been enjoying for grants to religious and charitable institutions (paragraph 191 of the Land Administration Manual). When a grant made for the support for a religious institution has been confirmed for the life of the incumbent and would lapse on death, the Collector may, on his death, refrain from giving effect to the lapse, and report the case for final orders, and shall adopt this course if he considers that the institution is valued by the people, and the resumption would cause dissatisfaction. When it appears to the Collector to be undesirable to enforce lapses, a recommendation for the reconsideration of the original order should be made.

44. Punjab Government resolution no. 488, dated 4th October, 1884, as amended by Punjab Government no. 28, dated 11th March, 1899. Form of proposal for continuance or resumption of assignments or pension. A proposal for the continuance or resumption of an assignment or political pension should be made in the following form :-

Register of revenue-free grants in the		tehsil,		district.
1	2	3		4
Number of village	Number of village with <i>hadbast</i> number	NAME, FATHER'S NAME, AGE, CASTE AND RESIDENCE, OP		Area of land, number of wells, etc.
		The last holder	The proposed grantee.	

5	6	7	8	9	10
Annual value of grant.	Terms of release under existing orders.	Previous history of grant with reference to orders sanctioning it and note of existing shares.	Opinion of investigating officer.	Opinion of Commissioners	Opinion of orders of Financial Commissioner.

NOTE - In Column 3, where the existing grantee has succeeded, by virtue of being chela of the former holder enter instead "son of _____" "chela of _____". The age of proposed grantee must be carefully ascertained.

In column 7 state whether the pension or jagir is in lieu of an older one; and, if so, give the date of the letter. The extent and value of any other grants enjoyed by the same individual or institution with the nature of any orders issued in regard to them in detailing shares, the relationship of the parties should be indicated.

In columns 7 and 8 nothing should be omitted which will enable the superior authorities at once to form an opinion on the merits of the case. If under the existing rules the case requires the orders of Government craze the words "or orders" in column 10 and add a column headed "Order of the Punjab Government."

45. Information to be given in the case of proposals made to continue part of a life jagir or political pension, or to grant pensions to the families of deceased jagirdars. Punjab Government resolution No. 488, dated 4th October, 1884, as amended by Punjab Government no. 28, dated 11th March, 1899. In the case of proposals made to continue part of a life jagir or political pension or to grant pensions to the families of deceased jagirdars, this form should be accompanied by a pedigree table of the family, and the following questions should be answered :-

- (1) What heirs or other relatives who depended upon him for support have been left by the deceased grantee or pensioner ?
- (2) What are the means of each one of these persons ?
- (3) Are any of them, by reason of tender years, sex or any infirmity, unable to earn their livelihood ?
- (4) Had the deceased any special claim on Government for good services rendered which still calls for recognition ? If so, by what precedent is any proposed for the continuance of any portion of the emolument supported ?
- (5) Is the land owned or cultivated by the muafider ?
- (6) With effect from what date is sanction solicited ?

46. **Circular no. 25 of 1879. All grants held by same person to be considered simultaneously.** In order to ensure uniformity in the treatment of proposals for the continuance of muafi grants held by individuals or institutions in separate villages or plots, in the same or in different districts, Government have ordered that such cases may be considered together. For obtaining the requisite clue to the sanction of the various grants, the claimants should be carefully questioned, and, if grants are held in other districts or divisions, the reporting officer should refer to the officers concerned before the proposals are submitted to the Financial Commissioner's office. The following procedure should be adopted :-

- I. Where the deceased held jagirs and mafis in more than one district, and the heirs have their principal residence in one of the said districts, the Deputy Commissioner of the district where the heirs are residing should report to Government after communicating with the other Deputy Commissioner or Deputy Commissioners concerned.
- II. Where the deceased held assignments in more than one district, and the heirs have their principal residence in none of those districts, but the deceased had his principal residence in one those districts, the Deputy Commissioner of the deceased district should report consulting the other Deputy Commissioner concerned.

- III. Where the deceased held assignments only in one district, and the heirs have their principal residence in another district, the Deputy Commissioner of the deceased's district should report after consulting the Deputy Commissioner of the latter district.
- IV. Where the deceased held assignments in more than one district, and neither the deceased nor the heirs had or have a principal place of residence in any of those districts, the Deputy Commissioner of the district of the largest assignment should report after consulting the other Deputy Commissioners concerned.
- V. When inquiring into the succession to any assignment of land revenue, or into the claim or relatives of deceased assignees of land revenue to a pension or other provision, the investigating officer should inquire whether the deceased held assignment in districts other than that in which the investigation is held.

PUNJAB LAND ADMINISTRATION MANUAL

COMPILED BY

SIR JAMES McC. DOUIE, K.C.S.I., I.C.S.

(Reprinted in 1972)

CHANDIGARH

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1972.

Extract of provisions of the Punjab Land Adminsitration Manual

- a) "Para 164- Alienation of relations or strangers should not be recognized or recorded.
- b) Para - 165 - Jagirdars and Muafidars have no power of sale, mortgage, gift or sub lease of revenue assignments except under special circumstances, which must be proved.
- c) Para - 166 - If the mangaer mortgaged the income on account of his private debts, then the conditions of the muafi are broken.
- d) Para - 167 - Grants to institutions are not liable for the personal debts of the manager.
- e) Para - 176 - Muafi can be resumed when the conditions of the muafinama are broken.
- f) Para - 177 - The muafis are liable to be resumed if the income of the muafi is misused and the property is not properly maintained. The misuse of property for other purposes would also invite resumption.
- g) Para - 178 - The grants are, by their terms, expressly conditional on loyalty and good conduct. The grant is held on the above conditions during the plesure of the Government.
- h) Para - 179- Misbehviour on the part of Mohatmims would justify resumption of the muafis."

PUNJAB LAND ADMINISTRATION MANUAL
ASSIGNMENT OF LAND REVENUE

172 Registration of heirs to jagirs. Every shareholder in a Cis-Sub Jagir is required to report the birth of a son within a week of its occurrence in order that the necessary entry may be made in the general logical tree investigation, public or private, shared be instituted into the truth of relationship of the child to his reputed father, when there are Kinsmen in line of succession to the jagir, unless they have moved in the matter in the own interest. If there are no such kinsmen it may become necessary to my some private enquiry, but only if rumours of fraud have reached the earn the Collector. If private enquiry seems needul, the Collector must obtain sanction of the Commissioner before making it, and report the result for ders. Alleged posthumous births will usually require verification, especial if the Collector has received no notice that the widow declares herself to pregnant such declarations are often not tobe trusted and enquiry to be fectual must be made before the birth takes place or is according to widow's statement, due. In such cases it may be advisable with Commissioner's sanction to arrange. If possible, for the service of a petent lady doctor for the personal examination of the widow.

173. Succession to small grants for service. The rule limiting the sucession to a single heir in the case of small grants for service to be performed has already been noticed (paragraph 159).

174. Succession to small grants assigned to several persons for institutions. When the revenue of a plot has been assigned to two or more individuals collectivley without specifying that the share of each shall lapse on his death, the survivors of the original assignees are entitled to the whole assignment, and on the death of the last of them the whole will lapse. This rule only refers to petty grants.

175. Succession to grants for religious institutions. The cases of sucession which cause most difficulty are those relating to endowments for the support of religious institutions. Unfortunately the death of the head of a monastery or of the guardian of a tomb or shrine is often followed by a dispute among his disciples as to who shall occupy the vacant seat. It is no part of a Collector's duty to settle such matters. It is the policy of Government, as laid down in Act XX of 1863, to abstain from interference in the management of religious institutions, and five years before that Act was passed the same principle was clearly stated in Chief Commissioner's ciruclar No. 23, dated 25th August, 1858. If the succession is contested the Collector should either pay the revenue to the claimant who is actualy in possession, or suspend payment altogether till the dispute is settled. He should adopt the latter course when litigation is protracted, and it is clear that funds intended for religious or charitable purposes are being diverted into the pockets of lawyers.

176. Resumption for breach of conditions. An assignment may be resumed when the conditions attached to it are broken. These conditions may be either expressed or implied.

177. Breach in case of assignments for support of religious insitutions. Fishing enquiries as to the disposal of the income of grants made by the support of religious or charitable institutions are unwise. But if the building is falling into ruins or has been deserted, or if the endowment is clearly being misapplied, interference is necessary. It is equally so if the Indian is notoriously a man of bad character, and complaints reach the collector's ears that a house of prayer has become a den of thieves or gamblers, or that respectable women can no longer visit it for purposes of worship. A time can be set within which the persons interested in the institution must arrange for the repair of the building or the remedy of the abuses which have infected its management, fallling which resumption will be proposed.

178. The condition of loyalty and good conduct. Many grants are by ther terms expressly conditional on loyalty and good conduct. The form of a sanad sanctioned for perpetual assignments in 1870 declares that the grant is held on the above conditions during the pleasure of Government. This as an experssion of the policy of Government announced to the grantees then they received their sanads is important. But, in deciding what the terms of old grants are, it is necessary to look to the original order of release rather than to the wording of a general form of sanad presdribed many years later.

179. Every assignment really liable to forfeiture for flagrant misconduct. But, whether the original grant stipulates for good conduct on the part of the grantee or not, Govenment is justified in holding that there is a point in the case of every assignment at which the misbehaviour of the assignee will justify an order of forfeiture. What that point is must depend largely on the history of the grant. Considering the origin, for example, of many of the Jagirs in the Cis-Sutlej and Delhi territories, it would be wrong to mete out the same measure to them as to assignments which have sprung simply from the bounty of the British Government.

180. Assignment forfeited if grantee is guilty of treason or of a capital offence. The title of any person to hold or to inherit a jagir or a share in a jagir is forfeited when he is convicted of a crime involving a death sentence. If he is in possession, the jagir will lapse entirely. If his interest in the jagir is contingent, it will cease as regards himself, but survive as regards his children or other heirs. The Government of India ruled in 1856 that the share which the criminal would in ordinary course have inherited should be confiscated entirely when the jagirdar, whose heir he was, died but the court of Directors refused to accept a ruling which involved the doctrine of corruption of food.

They remarked.

“Forfeiture of the whole property of a convicted felon is one of the punishments prescribed by law, and for this there may be sufficient reason. notwithstanding the hardship which results to his innocent offspring. But in the present case you have pronounced a prospective confiscation of landed rights which have never vested in the offenders, but which would have legally descended to them on the death of their father who still survives, thus adopting the principle of corruption of blood, known to the ancient law of this country, but long stigmatized by the best authorities, and condemned by the opinion of the present age. We cannot sanction this principle, and we direct that the children of Nihal succeed to their fathers share on the death of their grandfather in the same manner as if their father had died in the course of nautre.”

A grant is also forfeited by the commission of any act of treason or disloyalty.

181. Ruling of Punjab Government in 1883. In 1883 the cases of two shares in trans-Sutlej conquest jagirs, who had been convicted respectively of attempted burglary and of receiving stolen property, were brought to the notice of Government. It was then ruled that “when the deed of grant contains nothing which reserves to Government the power of resumption, (perpetual) grants can only become liable to forfeiture for treason, or when the holder commits an offence for which under the ordinary law the court could pass a sentence of forfeiture of all the property of the offender.”

182. Later attitude of Punjab Government. It is very doubtful whether this doctrine, which treats a right to a share of revenue due to the State as and standing on the same footing as private property, would now be accepted. It is inconsistent with the view of the nature of assignments in the Punjab which was put before the Government of India in 1898. In a recent case belonging to the Peshawar district a perpetuity jagir was, on the death of the holder converted with the sanction of the Government of India into a perpetual cash pension of much smaller amount because of the failure of the deceased jagirdar to show active loyalty, or to treat the local representatives of Government with proper respect. In recommending this action Sir Mack worth Young remarked that he supported it “not so much because the grants was originally one of Rs. 1,000 and was increased subject to Government service as well as good conduct, though this might..... perhaps be argued,

but on the broad ground that every assignment of land revenue is held on the understanding that the assignee maintains a loyal attitude towards the Government, and failing this is liable to have his grant confiscated." A few years ago a jagirdar belonging to one of the leading families in the Punjab was warned that "Jagirs are granted for public objects and that with respect to the condition attached to his grant circumstances might arise in which Government might be compelled reluctantly to resume it. In that case the sanad stated that the grant was conditional on good conduct and loyal service.

183. Lapses in favour of jagirdars. In some cases the benefit of a lapse accrues to a jagirdar and not to Government. The circumstances under which this takes place are described in paragraphs 23-25 of Financial Commissioner's Standing Order No. 7.

184. Settlement made in some cases with ex-maufidars or their heirs. When an assignment lapses the person entered in the record of right as landowner usually becomes responsible for the payment of the land revenue to Government. In technical phrase "the settlement is made with him." But it may be found that the connection of the late maufidar with the land really amounted to a proprietary or sub-proprietary or sub-proprietary tenure, and in that case he or his heir is entitled to claim the settlement. This subject, which in practice is a somewhat difficult one, is dealt with in paragraphs 182-185 of the Settlement Manual.

185. Treatment of assignments at settlement. When a general re-assessment of a district takes place it is the business of the Settlement Officer to examine and attest all existing assignments of land revenue. Some remarks on the subject will be found in paragraphs 568-575 of the Settlement Manual.

186. Duties of Collector in connection with assignments. The main duties of the Collector of a district in connection with revenue-free grants are :-

- (1) as regards term-expired grants to see that lapses are enforced without delay, or a recommendation made for a reconsideration of the original order, should resumption appear undesirable.
- (2) as regards other assignments.
 - (a) on the death of the existing holder to pass order promptly about the succession.
 - (b) to satisfy himself that the conditions of the grant are substantially fulfilled by the assignee.

The discretion of the Collector to resume of his own authority assignments of which the term has expired is not unfettered. In a few cases he has been forbidden to do so, and as regards others lines of policy have been laid down to which he must conform. These duties are discharged by the Collector even when the district is under settlement, but all cases should be reported to him for orders by the Settlement Officer, to whom also the orders should be communicated in order that proper effect may be given to them in the records, and that the Settlement Officer may be able to carry out the duty imposed on him by paragraphs 568 et seq. of the Settlement Manual.

187. **Grants for service in 1848 and during the Mutiny.** Grants on account of services rendered in 1848 or during the mutiny originally made for a term may not be resumed without reference to the Financial Commissioner. There are strong reasons for showing liberality in such cases, which are well explained in the following remarks by Sir James Lyall :-

4. In certain cases which came before him as Financial Commissioner Sir James Lyall recorded an opinion that it was good policy to maintain in perpetuity grants for services rendered at the mutiny, on the ground that such grants remain as evidence of the result of loyalty and have a considerable political effect. To these views Sir James Lyall still adheres, and is strongly of opinion that in the case of the small jagir or mafi grants, which were made to the best of the Sikh and Punjabi Muhammadan Native Officers in 1859 and 1860 in recognition of their having obeyed our call and joined our standard at a critical time and distinguished themselves as soldiers, it would generally be good policy and well worth the money to continue the grant or part of it to a selected heir, provided that the family has continued to show itself loyal and well disposed and ready to do service. The money value of these grants is small, but the value put on them is great, as in this country of peasant proprietors they give the family which holds them a high social status in the eyes of the rural populations, and mark it out for recognition by the officers of Government. It is these land holding families, better off though they be than the mass of the peasantry but still only what may be termed yeomen proprietors, which furnish the man who are the flower of the present cavalry and infantry of the Indian Army, and who make the best Native Officers. They have some ancestral military traditions and feelings of gentility, and also a certain small amount of capital. They serve more for the love of the thing than for profit, and eventually retire and live on their lands. It is in Sir James Lyall's opinion a great object to keep alive the spirit which induces men of this class to serve in our Army, and which might die out any day. The continuance of small grants in their villages to the heirs of the men who joined our standard in 1857 and then much distinguished themselves will be one way of keeping alive this spirit and of encouraging future generations to follow the example if similar critical times ever occur again."

SETTELEMENT MANUAL

179. Policy adopted as to the assessment of jagir estates and other revenue free holdings :-

Under native rule, where rent and revenue are almost synonymous terms, a revenue assignment conveyed to the grantee the right to take from the cultivators all that a landowner would now realize. The principle was gradually established that the limitation by the British Government of its claim on the produce and the communication of this claim into a cash demand in khalsa villages involved similar action in jagir estates. The 43rd paragraph of the despatch constituting the Board of Administration provided that, in order to prevent jagirdars or other revenue free holders from deriving more from the land than would be taken by the Government whose place they occupied, each village or tract which constituted a separate revenue-free tenure should be assessed. Accordingly the Board of Administration issued orders that, when any of the districts annexed in 1849 came under regular settlement, the revenue payable by all the jagir estates included in it should be determined by the Settlement Officers. Shortly before this the Settlement Officers in the Cis-Sutlej States had been directed to bring all assigned, villages, under assessment. Hitherto only those jagir estates had been assessed in which a settlement was asked for either by the jagirdar or by the landowners. For one reason or another these orders were not fully carried out, and they did not really apply to the petty grants, the fields included in which were treated as *minhai*, i.e. excluded from the assessable area. In the early days of our rule landowners were very sceptical as to the benefits of a cash assessment, and sometimes preferred to give the jagirdar, his dues in the way to which they had always been accustomed, and in a few instances, where the regular settlement broke down and had to be revised, our officers shrank from further reducing the income of assignees already affected by the change from grain to cash collections, and gave the proprietors of jagir estates the option of continuing to pay the excessive revenue assessed or resuming grain payments. To make a cash assessment of the small plots held by Brahmans and village servants and

ments and made them almost valueless to the grantees. The Financial Commissioner's Book Circular LIII of 1860 brought together the instructions issued from time to time as to assignees of land-revenue. It is there laid down that any exception from the rule that all revenue free holdings should be assessed, must be supported by special orders of the Financial Commissioner. Where both parties the proprietors and the Government assignees were satisfied, absolute compliance with the terms of settlement had not been enforced, but in case of dispute the courts must enforce compliance with them and, when once introduced, they could not afterwards be departed from.

179-A. **Existing practice** - Section 48(3) of the Land Revenue Act (XVII of 1887) provides that "land may be assessed to land-revenue notwithstanding that revenue, by reason of its having been assigned, released, compounded for, or redeemed, is not payable to the Government," and it is the general policy of the administration to make no distinction in this respect between jagir and khalsa land. As the revenue must, in the absence of a special order of the Local Government to the contrary passed under section 48(2) of the Act, be assessed in money (see the 5th of the Assessment Instructions of 1893 in Appendix I), it is the duty of a Settlement Officer either to determine a cash demand for assigned estates and holdings where grain collections have hitherto prevailed, or, if he thinks that the existing system should be continued, to apply for sanction to the adoption of this course. Even where the assignee is also land-owner, the revenue must be assessed in order that the cesses may be calculated in the usual way.

180. **Assignee's connection with the land sometimes amounted to a Proprietary status** - While it was the general policy to treat jagirdars and mafidars merely as standing in the place of Government, it was hard to deny that their connection with the land had in many cases grown into something much stronger. An assignee under the Sikh Government constantly interfered freely in the management of the lands included in his grant, especially as regards the waste, sinking wells, locating new cultivators and planting gardens. In this respect he merely claimed the same powers as the kardars exercised in khalsa estates, but with this difference that, as he hoped by one means or another to make his assignment a permanent one, he was prepared sometimes to spend his own money on the improvement of the property. In the case of small m'afi plots the assignee often cultivated himself or arranged for the cultivation. From this state of things difficult questions as to the ownership of assigned lands arose in our early settlements, and it was felt that in some cases the assignee had a claim either to the rights of a full proprietor or of a talukdar. The disposition to recognize such claims was somewhat strengthened by the change of feeling produced by the events of 1857, to which allusion has been made in paragraph 118*. When an assignee was recognized as owner of a m'afi plot, his proprietary right was usually confined to the land actually in his possession. He was a malik kabza merely, with no title to a share in the profits of the village common land. The superior title of the original owners of the estate was sometimes recognized by the imposition of a small proprietary fee or malikana, in which case the m'afidar combined the tenures of malik kabza with that of an inferior proprietor (malik adna) or became an occupancy tenant.

181. **Settlement with assignees or with their heirs** - The question of the status to be assigned to an assignee was of course closely connected with that of his right to claim a settlement when his grant was resumed. His admission to one involved the idea that he possessed a proprietary title of some kind. In Book Circular LIII of 1860 the following rules on the subject were laid down, and these were reproduced with some alterations in the rules issued under the 1st Land Revenue Act (XXXIII of 1871).*

“The ex-m’afidars or heirs of deceased m’afidars are only entitled to demand the privilege of a sub-lease supposing-

- (i) they reside in the village and own or cultivate the land,
- (ii) they have planted gardens, or have tombs, temples, or buildings on the land,
- (iii) they have sunk wells and improved the land,
- (iv) they can show some particular cause connecting them with the land. It is obvious that the great majority of m’afidars cannot urge these claims. In cases of peculiar hardship the Deputy Commissioner may recommend that the settlement be made with the ex-m’afidars.

“If their claim be admitted they are entitled to a sub-lease on half assets, but they will pay their assessment through the lambardars..... Of the assessment thus calculated, 10 per cent, is deducted and left at the disposal of the lambardars to cover pachotra, patwari’s fees, road fund, school fund, malba, and chaukidari, the expenses of management and village cesses; but, if the m’afidars was in the habit of paying malikana, the sublessees will pay it still. The sub-lessees will have power to locate cultivators, but they are liable to be ousted from the lease at once as an intermediate tenure, should they fail to pay on demand to the lambardars the assessment and the 10 per cent, and malikana (where this last is proved to be demandable) at any time within one month before the instalments of the Government revenue fall due.”

Provision was also made for the settlement of lapsed grants with the heirs of the late assigness at half the usual rates of assessment if the Deputy Commissioner considered the case one of hardship proprietary or occupancy rights remaining undisturbed.”

182. **Existing rule on the subject** - When the late assignee is not recorded in the record of rights as owner of the land of which the revenue has been resumed, the Collector must nevertheless consider whether his occupation or enjoyment of the land has been, as a matter of fact, such as to entitle him or his heir to be made liable for the land revenue, and, if so, he must make him or his heir liable for the same for the term of the settlement.

183. **Instructions issued with reference to the rule** - The following instructions have been issued with reference to the last section :-

“When an *ex-m’afidar* or the heir of a *m’afidar* claims to become responsible for the payment of the revenue of a lapsed assignment, the Collector will enquire whether the history and circumstances of the holding lead to the conclusion that the *m’afidars* have actually held and enjoyed an interest in the land equivalent to a proprietary or sub proprietary tenure, and entitling the claimant to a settlement under section 61 of Act XVII of 1887. The mere fact that another person or the village community is shown as owner in the record-of-rights must not be taken as justifying the summary rejection of the claim. It throws the burden of proof on the petitioner; from whom the Collector will require satisfactory evidence before holding that he is entitled to a settlement. It must be remembered that if it is often difficult to decide from some of the older settlement records whether or not a *m’afidar* was admitted to be the owner of his *mafi* plot. His name was usually shown in the ownership column with the title of *m’afidar*. Sometimes a note was added that he was owner as well as assignee, or that another person was owner. The tendency in later settlements has been to assume that the *m’afidar* had no proprietary title, and to record his fields as common land of the village, if no individual proprietor appeared to have any special connection with them. When a settlement is claimed, a careful inquiry must, therefore, be made. The manner in which the grant was originally acquired, and the questions whether at that time the land was waste or under cultivation and whether the *m’afidars* have cultivated themselves or arranged for the cultivation, putting in an ejecting tenants at pleasure, are of great importance. Although possession for three generations does not entitle the heir of a *m’afidar* to settlement if another person really has exclusive ownership of the land, length of possession may be a weighty element in the consideration. If it is proved that the *m’afidars* have tombs, temples, or buildings on the land, or that they have planted gardens, sunk wells, or effected other improvements, due weight must be given to these facts. The mere fact that a *m’afidar* always realized his dues by a share of the produce as a landlord would have done, does not prove that he was owner. In our earliest settlements *m’afi* plots were excluded from assessment and the assignee was frequently allowed to realize *as before the old hakimi hissa in grain*, and, notwithstanding that a cash assessment may afterwards have been fixed at re-settlement in pursuance of standing orders or to facilitate the calculation of the amount of local rate, the former arrangements as between the assignee and the cultivator were often continued without dispute. On the other hand, the fact that the *m’afidar* paid a small proprietary fee or *malikana* in grain or cash to the village community or some individual member of it, must not be taken as conclusive proof that he had no kind of inferior proprietary title (*malkiyat adna*). His heir will still be liable to

pay malikana though a settlement is made with him. When such a settlement is made in future the assignee's heir will be responsible for all local rates and cesses in addition to the revenue imposed on the land. Settlements at favourable rates should be rarely adopted, and, when adopted, they should be distinctly noted and the reasons for them explained in the half-yearly statement of lapsed and resumed assignments. Such favourable assessments will hold good for the life or lives of the persons with whom they are made. The principle laid down in paragraphs 174 of the Land Administration Manual will apply. Should a general revision of the assessment of a district take place during the life or lives of such persons, the land will be re-assessed in the usual manner, and the settlement will be made at the same proportionate rate on the new assessment. In dealing with cases of the nature above described, it cannot be too clearly kept in view that the status of the assignee as such is distinct from any status to which he may be entitled as propreitor, sub-proprietor, mukarraridar, or tenant with right of occupancy. The latter status is not like the former, excluded from the operation of the civil courts, and, in cases of dispute in regard to such matters, the ultimate resort to the courts is always available. But the revenue officer who is charged with the duty of settling lapsed revenue assignments should not refer the parties to the court before taking action under the rules for assessment of such assignments and section 61 of the Land Revenue Act. He should make the settlement with the village propreitary body, the owner in severalty or the assignee or his heirs, in accordance with the principle laid down above, and his action will have same validity and finality as that of an officer charged with a general assessment of the land-revenue acting under section 50 and 61 of the Act. Mutation of names may follow subject to the provisions of Section 37 of the Act, or a civil suit determining the proprietary status of the parties may possibly involve the necessity of a reconsideration of the settlement of the resumed assignment, but the claim of any person to be liable for an assessment of land-revenue is by section 158, clause (viii) of the Act, excluded from the cognizance of the civil courts, and the revenue officer's decision in regard to this matter will, therefore, not be liable to be disputed in the court".

184. **Rights acquired by lessees :-** The rights acquired by the lessees of Government waste lands, who have fulfilled the terms of their leases have differed greatly at different times. They must be decided with reference to the stipulations on the subject embodied in the deeds of lease, the provisions of the rules in force when they were made, and where the intention, of the rules is obscure, by the interpretation put upon them by the orders of Government. The matter is dealt with at greater length in the Land Administration Manual, Appendix III.

185. **Native Governments claimed large rights over waste :-** We have seen that native Governments claimed large rights over the waste, whether it was included in the somewhat uncertain boundaries of villages or consisted, as in the Western Punjab, of vast tracts of land covered with scanty grass and scrub jangal over which certain clans or families asserted a loose sort of dominion. In the hills the Raja possessed a definite and exclusive proprietorship in the forests and waste lands, and any rights over them enjoyed by his subjects were merely rights of user. The tendency of the British administration has been to withdraw from all interference with the management of the waste, where any community could assert any and further in some cases to transmute what were nothing more than rights of user into rights of ownership.

186. **Three ways of dealing with waste :-** 1. To include all of it in the boundaries of estates - Without entering into details it may be said that Government has dealt with the waste in one of three ways. Where the village system was strong, the limits within which the cattle of each community grazed were known. It was the policy of Government to define these limits exactly so as to prevent disputes between adjoining estates which often ended in riot and bloodshed, and to treat all unoccupied waste included within the boundary of each estate as the common property of its owners. This was the plan generally carried out in the Eastern and Central Punjab. Even where the cultivated areas was only a small part of the total area of the village, there was no thought of claiming the excessive waste as the property of the State. Even areas to which no private title could be established, such as the lands of deserted villages, were often resorted to by the former occupants where they could be traced. In the early days when the part of the country referred to above was put under settlement, and for many years afterwards, it was the prevailing opinion that property in land was the last thing Government should seek to acquire or retain.

Most Immediate

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE
(JAGIR SECTION)

To

All the Deputy Commissioners in the State.
Memo. No. 11/39/82-J-II-Rev./17114
Chandigarh, dated 13.12.82

Subject : Instruction regarding the land attached to the religious institutions owned and controlled by the State Government.

You are aware that the religious institutions owned and controlled by the Government as well as the Deras / Thakerdwaras / Smadhs etc. to whom the muafis on different terms and conditions had been granted, are situated mostly in District Patiala, Sangrur Bhatinda and Kapurthala. It has come to the notice to the Government that the land attached to such religious institutions falls almost in all Districts and the Pujaris / Mohatmims of these institutions are indulging in illegal disposal of land attached to the institutions in violation of "SHAHI FARMAN" and the terms and conditions, on which the muafis were granted to those institutions.

2. In order to stop this practice, you are advised to take necessary steps to ensure proper management of land and property attached to such religious institutions / deras and issue instructions to the Sub-Registrars / Joint - Registrars not to allow registration of sale / lease or property transactions of such lands or properties and send the compliance report to this Department within a fortnight positively.

Sd/-
Deputy Secretary to Govt.
Punjab, Revenue Deptt.

Endst. No. 11/39/82-J II-Rev/ I 17115

Chandigarh, dated 13.12.82

A copy is forwarded to all the Commissioners of the Divisions in the State for information.

Sd/-
Deputy Secretary to Govt.
Punjab, Revenue Deptt.

Government of Punjab
Department of Revenue
(Jagir Section)

To

All the Deputy Commissioners
in the State.

Memo No. 11/28/82/J-II-Rev./7265
Chandigarh, dated the 3.5.83

Subject :- Management of Dera Dumb Wala at Patiala Instructions regarding the properties attached to the Deras etc.

Ref :- In continuation of this Deptt. Memo No. 11/39/82/J-II-Rev/17114, dated 13.12.82.

It is clarified that Govt. has no intention of interfering with Deras etc. and their Mohatmims or Mohants. It may, however, be ensured that :-

- (a) Properties of such institutions are not alienated in any manner ;
- (b) Income from the property etc. of such institutions is accounted for, and
- (c) Mohatmims etc. of such Deras are appointed in the customary way with the approval of the Govt.

2. These instructions may be complied with meticulously, in future.

Sd/-
Deputy Secretary to Govt., Punjab,
Revenue Deptt.

Endst. No. 11/28/82-J-II-Rev/7266

Chandigarh, dated the 3.5.83

A copy is forwarded to all the Commissioners of Divisions in the State in continuation of this Deptt. Endst. No. 11/39/82-J-II-Rev/17115, dated 13.12.1982 for information and necessary action.

Sd/-
Deputy Secretary to Govt., Punjab,
Revenue Deptt.

**Government of Punjab
Department of Revenue
(Jagir Branch)**

To

The Deputy Commissioner
Patiala.

Memo No. 4/26/82.J.II-Rev/9540
Chandigarh, dated 17.6.1983.

Subject :- Management of Deras.

Reference :- Your Communication noted in the margin.

Attention is invited to this Department Memo No. 11/28/82.J.II-Rev./1265, dated 3.5.1983 wherein you have been asked interalia, to ensure that Mohatimims act of such deras are appointed in the customary way with the approval of the Government. The requisite proposal made under the relevant provisions of S.O. 7 be sent to Government through the Commissioner, Patiala Division. Till the appointment of regular Mohatmims, minimum staff to run these institutions be appointed on daily wages and the expenditure be incurred be met from the P.L.A. of these institutions. If necessary, P.L.A. of one or two institutions only may be opened if it is found that the sufficient funds are available with such institution(s) to meet such expenditure.

Sd/-

Deputy Secretary to Govt., Punjab,
Revenue Department.

Endst. No. 4/26/82.J.II-Rev./9541

Chandigarh, dated the 17/06/83

A copy is forwarded to the Commissioner, Patiala Division Patiala for information.

Sd/-

Deputy Secretary to Govt. Punjab,
Revenue Department

Margin

D.O.No. 337/DAC,
dated 16.2.1983

**GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE
(JAGIR SECTION)**

To

All the Deputy Commissioners
in the State.

Memo No. 11/39/82-J-II/Rev/11968
Chandigarh, dated 7.8.1987

Subject : Instructions regarding the land attached to the religious institutions owned and controlled by the State Government.

It has come to the notice of the Government that properties attached to religious institutions are being disposed of by the Mohatmims/Mahants of these institutions. In this way these persons are indulging in illegal disposal of properties attached to the institutions, in violation of "SHAHI FARMAN" and terms and conditions, on which muafis were granted to these institutions.

2. In order to check this mal-practice, you are requested to issue instructions on the following guidelines for strict compliance:-

- (1) All the Sub Registrar and Joint Sub Registrar of your district be instructed not to allow any lease/sale deed in respect of properties attached to Religious Institutions.
- (2) If any person intends to purchase such land, then he will do it at his own risk and the Government will not be responsible for the consequential loss sustained by such purchasers.
- (3) This should be announced on the beat of drum publically so that the common man comes to know about the restriction and does not indulge in illegal purchase of land attached to the religious institutions.

3. Receipt of these instructions may please be acknowledged.

Sd/-
(Amrik Singh)

Joint Secretary to Government,
Punjab , Revenue (A) Department.

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE
(JAGIR BRANCH)

To,

1. All the Commissioners,
in the Divisions.
2. All the Deputy Commissioners
in the State, except Deputy Commissioner,
Bhatinda.

Memo No. 11/39/82/J-II/Rev/1568
Chandigarh, dated the 31.1.92

Subject:- Instructions regarding the land attached to the religious institutions owned and controlled by the State Government.

Please refer to the instructions issued vide Punjab Government Memo. No. 11/39/82/J-II/Rev/11968, dated 7.8.1987 addressed to all the Deputy Commissioners in the State (copy enclosed) for ready reference, on the subject cited.

2. It has been observed that these instructions are not being complied with meticulously as a result of which certain lease/sale deeds have been executed in respect of properties attached to the Dharamarth Religious Institutions.

3. Deputy Commissioner, Bhatinda has sought clarification of the interpretation of these instructions. He has stated that the instructions given in Sub-para (1) of the memo referred to above are contradictory to the instructions given in Sub-para (2) of the said letter because sub-para (1) prohibited registration of lease/sale deed in respect of properties attached to the religious institutions while the instructions given in sub-para (2) of the letter *ibid* permit, such execution and as such are self-contradictory. In this regard, it is hereby clarified that the instructions already issued are very clear wherein all the Sub-Registrars and Joint Registrars have been directed not to execute any lease/sale deed in respect of the properties attached to the religious institutions owned and controlled by the States Government. The instructions given in Sub-para (2) and (3) are for information of the general public. These are not self-contradictory as has been observed by Deputy Commissioner, Bhatinda. These are reiterated as under :-

- (i) All the Sub-Registrars and Joint Sub-Registrars of your district be instructed not to allow any lease/sale deed in respect of properties attached to Religious Institutions. If any Sub-Registrar/Joint Registrar violates these instructions, disciplinary action will be taken against him. Such cases be brought to the notice of Government.
- (ii) Entry should also be made in the remarks column of jamabandi that Dharamarth land/property cannot be transferred and alienated in the light of Farman - i - Shahi.

- (iii) If any person purchases such land, then he will do it his own risk and the Government will not be responsible for the consequential loss sustained by such purchasers. This should be announced publically so that the common man comes to know about the restriction and does not indulge in illegal purchase of land attached to the religious institutions.

Sd/-
Deputy Secretary to Govt. Pb
Revenue Department

A copy is forwarded to the Additional Secretary (K) to Govt. of Punjab, Revenue Department (in Revenue Estt. II Branch) and Additional Secretary (S) to Govt. of Punjab, Revenue Department (in Revenue Estt. I Branch) for information and necessary action.

Sd/-
Deputy Secretary to Govt. Pb.
Revenue Department.

- (1) Additional Secretary (K) to Govt., Punjab
Revenue Department
(in Revenue Estt. II Branch)
- (2) Additional Secretary (S) to Govt. Punjab, Revenue Department,
(in Revenue Estt. I Branch)

U.O.No. 11/39/82/J-II/Rev/1569
Endst. No. 11/39/82/J-II/Rev/1570

Chd, dt. the 31-1-92
Chd, dt. the 31-1-92

A copy is forwarded to the Deputy Commissioner, Bhatinda with reference to his memo No. 1945/H.R.C., dated 27.9.91 for information and necessary action.

2. With the issuance of this circular letter, the matter stands clarified that Sub-Registrars / Joint Registrars have been banned to execute any registry in the case of any lease / sale deed in-respect of properties attached to the Dharamarth Religious Institutions, and the instructions given in Sub-para (2) & (3) above are not contradictory in any way. These are for favour of information of general public so that they may not indulge in any illegal purchase of such properties.

3. The properties of "Shromani Gurudwara Parbandhak Committee" are not under the purview of Dharamarth Organisation of Revenue Department.

Sd/-
Deputy Secretary to Govt. Punjab,
Revenue Department.

MOST IMMEDIATE

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE
(JAGIR BRANCH)

To

All the Deputy Commissioners
in the State of Punjab

Memo No. 4/16/97-J-II/2113
Chandigarh, dated the 30th May, 1997

Subject : Instructions regarding the land attached to religious institutions owned and controlled by State Government.

Please refer to the instructions issued vide Punjab Government Memo No. 11/39/82-J-II/Rev./17114, dated 13.12.82, No. 11968, dated 7.8.87 and No. 1568, dated 31.1.92 addressed to all Deputy Commissioners in the State on the subject cited above.

2. It has been observed that these instructions are not being complied with meticulously. In a separate case ROR No. 522 of 1988-89 the Financial Commissioner Revenue has made the following observations:-

“ I am constrained to make some observations about the way in which the lands belonging to religious places and Deras are being grabbed by influential people. What is happening in Punjab is that long standing entries in jamabandis are being changed by revenue officials in connivance with influential people to alienate land belonging to religious places or panchayats. The Circle Revenue Officers are wilfully flouting the provisions of para 7.30 of Land Record Manual. Old entries in jamabandis cannot be changed by incompetent entries made by revenue officers. They are making misuse of the mechanism of Fard Badar..... no self-respecting revenue officials will make amendments in old jamabandis by way of simple Fard Badar when there is either no order from the Civil Court or a clerical mistake is not made out. I am of the opinion that the Fard Badar procedure should only be followed either by specific order of the Civil Court or by the orders of no less an authority than Divisional Commissioner. In all such cases orders of Divisional Commissioner should be obtained through Sub Divisional Magistrates and Deputy Commissioners. Only this way this misuse of Fard Badar procedure will be avoided. Any entries made by the revenue officials in lax manner should be viewed seriously and Government should come down with a heavy hand on such officials”.

3. You are, therefore, requested to order all the revenue officials under your control on this subject and ask them to follow the guidelines laid down by the Financial Commissioner Revenue in his order. Any laxity should be and will be viewed seriously.

4. Receipt of these instructions may please to acknowledged.

Sd/-

Under Secretary to Govt. Punjab,
Revenue Department.

Endst. No. 4/16/97-J-II/2114

Chandigarh, dated the 30th May, 1997

Copy forwarded to all District Revenue Officers in the State for information and necessary compliance of above mentioned instructions.

Sd/-

Under Secretary to Govt. Punjab,
Revenue Department.

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE
(JAGIR BRANCH)

To

Deputy Commissioners,
Patiala, Kapurthala, Fatehgarh Sahib,
Sangrur, Bhatinda & Mansa.

Memo No. 4/42/98-J-II/2217
Chandigarh, dated the 29.10.98

Subject :- Management of properties of Deras and other religious institutions of erst while PEPSU State.

There are reports that the Mahants / Mohatmims of Deras / religious Institutions are selling / leasing properties including lands given in Muafi to such institutions.

2. In this connection, copies of Farman-e-shahi dated 18.4.1921 and Roznamcha order dated 26.10.1943 are enclosed for further guidance. These orders were applicable to the erstwhile Patiala State and subsequently as per Para No. 3 of Ordinance No. XVI of 2005 BK, as amended by PEPSU Ordinance No. XVIII of 2006, all laws and Rules and Notifications having the force of law in Patiala State were made applicable mutatis mutandis in the territories of the New State i.e. PEPSU and continued to be applicable after merger of PEPSU with Punjab w.e.f 1.1.1956.

3. You are requested to keep the aforementioned orders in view in the matter of management and control of Deras, religious institutions and properties in the erstwhile PEPSU areas.

4. A list of properties including lands / shops under management of Deras and other such religious Institutions in your districts may be prepared immediately and a copy of this list may be sent to the Government.

Sd/-

Under Secretary to Govt. Punjab
Department of Revenue

Endst. No. 4/42/98-JII/2218

Chandigarh, dated the 29-10-98

A copy is forwarded to all the Deputy Commissioners (Except Patiala, Kapurthala, Fatehgarh Sahib, Sangrur, Bhatinda and Mansa). They are requested to supply copies of orders if any, governing, control, management and appointment of Mohatmims of Deras and religious Institutions in their districts.

Sd/-

Under Secretary to Govt. Punjab
Department of Revenue

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE AND REHABILITATION
(JAGIR BARNCH)

To

All the Commissioners of Divisions and
Deputy Commissioners
in the State of Punjab

Memo No. 4/69/93-J-III/170
Chandigarh, dated the : - 24-01-2000

Subject :- Declaring of posts of Granthies as pensionable.

The Governor of Punjab is pleased to declare as pensionable the posts of Granthies held by those incumbents, who were appointed by the Punjab Government on or after 01-11-1956. such Granthies shall be treated as Class - IV employees and shall retire from Service on attaining the age of 60 years.

2. This issues with the concurrence of Finance Department conveyed vide their I.D. No. 17/78/98-3FP-6/2542, dated 10-11-1999 and the concurrence of Personnel Department conveyed vide their I. D. No. 14/86/99-4PP-3/3673, dated 19-01-2000.

Please acknowledge receipt.

Sd/-

Deputy Secretary Revenue

Endst. No. 4/69/93-J-III/171 Chandigarh, dated the :- 24-01-2000

A copy is forwarded to the Accountant General (A&E) Accountant General (Audit), Punjab for information and necessary action.

Sd/-

Deputy Secretary Revenue

A copy is forwarded to the Department of Finance & Department of Personnel for information with reference to their communication noted above.

Sd/-

Deputy Secretary Revenue

To

1. Department of Finance, Punjab.
2. Department of Personnel, Punjab.

Endst. No. 4/69/93-J-III/172 Chandigarh, dated the 24-01-2000

PUNJAB GOVT GAZ. (EXTRA), JUNE 13, 2000
(JYST 23, 1922 SAKA)

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE AND REHABILITATION
(JAGIR BRANCH)

Notification

The 13th June, 2000

No. S.O.44/P.A.31/73/S.2/2000 - In supersession of all the previous notifications issued in this behalf and in pursuance of the provisions of clause (a) of section 2 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (Punjab Act 31 of 1973), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to appoint all Sub Divisional Magistrates in the State of Punjab as Collectors for performing the functions of the Collector under the aforesaid Act within their respective jurisdiction.

SHYAMA MANN.
Financial Commissioner Revenue
and Secretary to Government of Punjab,
Department of Revenue and Rehabilitation.

PUNJAB GOVT GAZ., (EXTRA) JUNE 13, 2000
(JYST 23, 1922 SAKA)

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE AND REHABILITATION
(JAGIR BRANCH)

Notification

The 13th June, 2000

No. S.O. 45/P.A.31/73/S.2/2000 - In pursuance of the provisions of clause (aa) of section 2 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (Punjab Act 31 of 1973), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to appoint all the **(Deputy Commissioners in the State of Punjab as Commissioners)** for performing the functions of Commissioner under the aforesaid Act within the local limits of their jurisdiction except in case where the Deputy Commissioner has made order as Collector under the said Act before the publication of this notification, in that case appeal shall lie to the Commissioner.

SHYAMA MANN,
Financial Commissioner Revenue and
Secretary to Government of Punjab
Department of Revenue and Rehabilitation

Government of Punjab
Department of Revenue
(Jagir Branch)

To

Sh. Jasbir Singh Bir, IAS
Deputy Commissioner,
Patiala

Memo No. 4/12/96-J-2/1004
Chandigarh, dated the 18-5-2001

Sub : Constitution of the Advisory Managing Committee of the temples of Sh. Kali Devi Ji and Shri Raj Rajeshwari Ji, Patiala.

Kindly refer to your Memo No. 464/DAS, dated 9/8/98 and your Memo No. 741/DAS, dated 21/12/99 on the subject cited.

2. The matter regarding constitution of Advisory Managing Committee and enhancement of financial powers is under consideration of the Government. You are kindly requested to supply the information mentioned in the following paragraphs to this office.

1) **Constitution of Advisory Committee**

The Advisory Committee was last constituted on 20/12/94 for two years and its term came to an end on 20/12/96. Thereafter it has not been constituted. A proposal from your office was received on 16/3/98 suggesting names of 9 non-official members. After about one month, on 2/4/98 you proposed replacement of 3 more members. Vide another letter dated 9/11/98 you suggested change of 1 member. However, the bio-data of Sh. Narbda Parashad, who was proposed as Member on 9/11/98 has not been sent to this office. It appears that Deputy Commissioner, Patiala has been suggesting frequent changes in the proposed list. It is, therefore, requested that you may kindly send fresh proposed for constitution of Advisory Committee and the biodata of all the members proposed should also be sent.

2) **Enhancement of Financial Powers**

Your office vide letter No. 562, dated 11/8/95 had proposed the enhancement in the financial powers as follows :-

S.No.	Financial Powers	Capital Works		Other Expenses	
		Current	Amended	Current	Amended
1	Financial Commissioner Revenue	Full powers	Full powers	Full powes	Full powers
2.	Commissioner, Patiala	1,00,000/-	5,00,000/-	10,000/- salary Dhupdeep	1,50,000/- Salary Dhupdeep
3.	Managing Committee	50,000/- in every case	2,50,000/- in every case	5,000/- per month	1,00,000/- per month
4.	Chairman	10,000/- in every case	1,00,000/- in every case	1000/- per month	50,000/- per month (Except salary)
5.	Secretary	500/- in every case	5000/- in every case	100/- per month	1000/- per month

Kindly confirm whether these financial powers would be adequate or you suggest some change.

3. It is not clear whether there is only one temple or there are two separate temples of Shri Kali Devi Ji and Shri Raj Rajeshwari Devi Ji. Kindly intimate whether there is only one Advisory Committee for these two temples and whether there are two separate accounts for these two temples. Also supply the following information for these two temples:-

- (i) Income expenditure statement for the last two years.
- (ii) The present amount lying deposited in the Banks.

4. It is requested that this information may be supplied through dealing hand who is well conversant with all the facts of this case in the office of the undersigned at 11.00 AM on 25/5/01.

Sd/-

Secretary Revenue Punjab.

ਵਿਸ਼ਾ:- ਪੰਜਾਬ ਪਬਲਿਕ ਪ੍ਰੀਮਿਸਜ਼ ਐਂਡ ਲੈਂਡ (ਇਵੀਕਸ਼ਨ ਐਂਡ ਰੈਂਟ ਰਿਕਵਰੀ) ਐਕਟ, 1973 ਅਧੀਨ
ਜ਼ਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰਾਂ ਨੂੰ ਕੁਲੈਕਟਰ ਦੀਆਂ ਪਾਵਰਾਂ ਦੇਣ ਬਾਰੇ।

ਮੇਰੇ ਪਿਆਰੇ

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਮੇਰੇ ਅ.ਸ.ਪ.ਨੰ.11/48/2001-ਜ-1/135, ਮਿਤੀ 18.1.2002 ਵੱਲ ਧਿਆਨ
ਦੇਣ ਦੀ ਖੋਚਲ ਕੀਤੀ ਜਾਵੇ।

2. ਪੰਜਾਬ ਪਬਲਿਕ ਪ੍ਰੀਮਿਸਜ਼ ਐਂਡ ਲੈਂਡ (ਇਵੀਕਸ਼ਨ ਐਂਡ ਰੈਂਟ ਰਿਕਵਰੀ) ਐਕਟ, 1973 ਅਧੀਨ ਜ਼ਿਲਾ
ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰਾਂ ਨੂੰ ਕੁਲੈਕਟਰ ਦੀਆਂ ਪਾਵਰਾਂ ਦੇਣ ਸਬੰਧੀ ਮਾਮਲਾ ਮਾਨਯੋਗ ਰਾਜ ਮੰਤਰੀ, ਮਾਲ ਅਤੇ
ਪੁਨਰਵਾਸ ਵਿਭਾਗ ਜੀ ਦੀ ਪ੍ਰਧਾਨਗੀ ਹੇਠ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰਾਂ ਅਤੇ ਹੋਰ ਉੱਚ ਅਧਿਕਾਰੀਆਂ ਨਾਲ ਮਿਤੀ 13.5.2002 ਨੂੰ
ਹੋਈ ਮੀਟਿੰਗ ਵਿੱਚ ਵਿਚਾਰਿਆ ਗਿਆ। ਇਸ ਮਾਮਲੇ ਤੇ ਗੁਰੂ ਨਾਲ ਵਿਚਾਰ ਕਰਨ ਉਪਰੰਤ ਇਹ ਫੈਸਲਾ ਲਿਆ ਗਿਆ ਹੈ
ਕਿ ਪੇਂਡੂ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਵਿਭਾਗ ਨਾਲ ਪੰਜਾਬ ਪਬਲਿਕ ਪ੍ਰੀਮਿਸਜ਼ ਐਂਡ ਲੈਂਡ (ਇਵੀਕਸ਼ਨ ਐਂਡ ਰੈਂਟ ਰਿਕਵਰੀ)
ਐਕਟ, 1973 ਅਧੀਨ ਲੰਬਿਤ ਕੇਸ, ਜਿੰਨ੍ਹਾਂ ਦੀ ਸਾਰੇ ਰਾਜ ਵਿੱਚ ਕੁੱਲ ਗਿਣਤੀ 437 ਹੈ, ਜੋ ਕਿ ਨਾਂਹ ਦੇ ਬਰਾਬਰ ਹੈ, ਦਾ
ਨਿਪਟਾਰਾ ਜਲਦੀ ਕੀਤਾ ਜਾਵੇ। ਸਬੰਧਤ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰਾਂ ਨੇ ਇਹ ਯਕੀਨ ਦਵਾਇਆ ਕਿ ਉਹ ਆਪਣੇ ਜ਼ਿਲਿਆਂ ਨਾਲ
ਸਬੰਧਤ ਕੇਸਾਂ ਨੂੰ ਪਹਿਲ ਦੇ ਆਧਾਰ ਤੇ ਵੇਖਣਗੇ ਅਤੇ ਉਨ੍ਹਾਂ ਦਾ ਨਿਪਟਾਰਾ ਛੇਤੀ ਕਰਾਕੇ ਸਰਕਾਰ ਨੂੰ ਸੂਚਿਤ ਕਰਨਗੇ।

3. ਉਪਰ ਦੱਸੀ ਸਥਿਤੀ ਨੂੰ ਮੁੱਖ ਰੱਖਦੇ ਹੋਏ ਜ਼ਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰਾਂ ਨੂੰ ਪੰਜਾਬ ਪਬਲਿਕ
ਪ੍ਰੀਮਿਸਜ਼ ਐਂਡ ਲੈਂਡ (ਇਵੀਕਸ਼ਨ ਐਂਡ ਰੈਂਟ ਰਿਕਵਰੀ) ਐਕਟ, 1973 ਅਧੀਨ ਕੁਲੈਕਟਰ ਦੀਆਂ ਪਾਵਰਾਂ ਦੇਣ ਲਈ
ਕੋਈ ਉਚਿਤਤਾ ਨਜ਼ਰ ਨਹੀਂ ਆਉਂਦੀ।

ਸ਼ੁਭ ਇਛਾਵਾਂ ਸੰਗ

ਹਿੱਤੂ

ਸਹੀ/-

(ਭਗਤ ਸਿੰਘ)

ਸ਼੍ਰੀ ਪੀ.ਰਾਮ.ਆਈ.ਏ.ਐਸ,
ਵਿੱਤੀ ਕਮਿਸ਼ਨਰ ਅਤੇ ਸਕੱਤਰ,
ਪੰਜਾਬ ਸਰਕਾਰ, ਪੇਂਡੂ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਵਿਭਾਗ, ਚੰਡੀਗੜ੍ਹ।

DEPARTMENT OF REVENUE & REHABILITATION

Proceedings of the Meeting held at 10.00 A.M. on 22.5.2003 under the Chairmanship of Hon'ble Chief Minister, Punjab regarding Dera / Muafi lands - alienation of lands by Mahants and problems regarding their management.

The following were present :-

1. S. Amarjit Singh Samra, MOSRR.
2. Sh. Bhagat Singh, FCR.
3. Sh. Bidhi Chand Thakur, SSR.
4. Sh. M. R. Aggarwal, L.R.
5. Sh. K. K. Garg, Addl. Advocate General
6. Sh. Tejvir Singh, D. C. Patiala
7. Sh. Sarvjit Singh, D. C. Sangrur.
8. Sh. Rakesh Kumar Verma, D.C. Kapurthala
9. Sh. V. K. Bhalla, Addl. Secretary Home
10. Mrs. Agya Rajinder Singh, OSD (Litigation).

FCR explained the background as given in the agenda notes regarding Muafi lands attached with religious institutions by the erstwhile Rulers in Patiala and later in Pepsu. These endowments were contingent upon condition mentioned in the Muafinama or Sanad Muafi. Besides Royal proclamations were issued from time to time regarding governance and alienation of Muafi lands and appointment of Mahants / Mohatmims of the Deras. Since the Rulers had absolute authority and control over all lands; violations of conditions of Muafinamas or of Royal Commands were practically non-existent. Besides land being cheap, misuse was rare. However, after enforcement of the Constitution and merger of Pepsu in the Punjab State, followed by constant increase in land prices, violations of Muafinamas and Royal orders (now orders of the State Government) became quite common. Royal proclamation of 18.4.1921 of State of Patiala (which became applicable in Pepsu after merger of Patiala and in State of Punjab after merger of Pepsu) categorically provided that land will be entered in the name of a dera only after appointment of the Mahant / Mohatmim was approved in 'Ijlas-e-Khas' (Now State Government) and further, that Mahant/Mohatmim is a mere manager / care - taker of the Dera. Similarly Royal Command of 26th October, 1943 directed immediate restoration of all muafi lands leased-out for more than three years and made prior approval of 'Sardar Sahib Deodhi Mualla' compulsory for any lease whatsoever. Besides, there are guidelines in Punjab Land Administration Manual, Land Settlement Manual and FC's Standing Order No. 7

regarding administration of the Muafis and resumption thereof in the event of violation of muafinama or of Government orders. However, in practice, the Mohatmims identified themselves with the deras and alienated muafi lands through sale, mortgage and long leases tantamounting to sale. Government actions and directions for checking misuse of the muafi lands were challenged in Courts. A number of adverse judgments were received like Powers of 'Deodhi Mualla' had not been conferred on any officer and so State officials had no competence to approve appointment of Mohatmims, DC could not regulate or monitor conduct of a Mohatmim of a non-Sikh institution or functioning of the institution as Dharam Arth Board had authority over institutions of Sikh Samparda only. Since the matter has become highly controversial, it is necessary to pronounce State Policy as per Royal proclamations and Government guidelines or to frame legislation based on the same.

2. The Deputy Commissioners stated that the public at large was not satisfied with functioning of most of the deras, the manner in which mohatmims misused the properties of the religious institutions, and income from the properties as well as offerings made by the devotees. Some people complained about leniency of officials towards erring Mahants / Mohatmims and indicated their intention to file Public Interest Litigation in the matter. Deputy Commissioners requested for framing an enactment at the earliest to retrieve precious lands under illegal / unauthorised possession and to control further misuse.

3. L.R., Punjab and Addl. Advocate General, Punjab generally agreed with the views expressed by FCR and the Deputy Commissioners. Sh. Garg, however, suggested that in the proposed legislation, Deputy Commissioners should be given powers of 'Deodhi Mualla' in order to have effective control regarding administration of Muafi lands. It should also be provided that institutions of Non-Sikh Samparda will also function under direction and control of 'Deodhi Mualla' in regard to Muafi lands. FCR stated that Deodhi Mualla was a department in the State of Patiala and later in PEPSU. Besides, Muafi lands are located in more than one district and conditions of Muafinama are also different for different Deras. It would, therefore, be just appropriate that authority of Deodhi Mualla is vested in the Government (Revenue Department, which has been assigned the subject in the Punjab Allocation of Rules of Business) and powers of Sardar Sahib Deodi Mualla conferred on FCR, the Chief Functionary of the Department. Necessary delegation could be made in favour of specific Deputy Commissioner or any other officer, when required. He also clarified that Dharam Arth Board constituted vide Circular dated 13.2.2006 (AD) included a number of officials and religious leaders and did not give any over-riding powers to the Deputy Commissioner. Authority and control vis-a-vis Deras / Muafi lands was being exercised by the Deputy Commissioner as Chief District Functionary of the Ruler and later State Government for which the source and the power emanated from Royal proclamations, conditions of Muafinama and government guidelines.

4. Hon'ble Chief Minister regretted that lands allotted to religious bodies by the Rulers for noble purposes and public welfare had not been put to uses envisaged in the Muafinamas, Royal Commands and Government guidelines. He desired that action to frame the legislation may be initiated at the earliest. Further that in the meantime, case may be processed to issue a circular in modification / continuation of the earlier circular No. 11 dated 19.7.1949/2006 (AD) to the effect that institutions of Non Sikh Samparda will also function under control of Deodhi Muallas in respect of Muafi lands.

**GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE
(JAGIR BRANCH)**

ORDER

It has been decided by the State Govt. that powers of Sardar Sahib, Deodhi Mualla shall be exercised by the Financial Commissioner Revenue in respect of matters listed at Serial No. 10 in the subjects assigned to the Revenue Deptt. in Punjab Govt. Allocation of Business Rules, 1994.

2. It has been further decided that Sardar Sahib, Deodhi Mualla i.e. Financial Commissioner Revenue shall exercise control over management of religious institutions such as Deras, Thakur Dawaras, Shiv Dawalas, Dharamshalas etc. of Non-Sikh Samparda as is to be exercised by the Dharamarth Board qua religious institutions etc. of Sikh Samparda. Circular No. 2 dated 30.6.2006 (B.K.) issued by Sardar Sahib Deodhi Mualla may accordingly be deemed to have been modified wherever necessary.

Chandigarh dated the
14th January, 2004.

No. 4/3/94-J-II/65

Sd/-
Gurbinder Chahal,
Financial Commissioner Revenue, Punjab

Chandigarh, dated the 14th January, 2004.

A copy is forwarded for information and necessary action to :-

1. All the Commissioners of Divisions in the State; and
2. All the Deputy Commissioners in the State.

Sd/-
Under Secretary to the Govt. of Punjab,
Department of Revenue (E).

Proceedings of the meeting held at 11.30 A.M. on 10-2-2004 under the Chairmanship of Smt. Gurbinder Chahal, IAS Financial Commissioner Revenue, Punjab regarding problems of religious institutions and also regarding transfer of Samadhs of Ex-Rulers to their descendants in the State.

The following officers were present in the meeting :-

1. Smt. Agya Rajinder Singh, IAS (Retd.)
O.S.D. (litigation)
2. Sh. S. K. Ahluwalia, IAS,
Deputy Commissioner, Fatehgarh Sahib
3. Sh. Tejveer Singh, IAS.
Deputy Commissioner, Patiala
4. Sh. Hussan Lal, IAS,
Deputy Commissioner, Faridkot
5. Sh. G. S. Bhatti, PCS,
Additional Deputy Commissioner, Kapurthala.
6. Sh. Surjit Singh, PCS
Additional Deputy Commissioner, Ropar
7. Sh. N. S. Walia, PCS,
Additional Deputy Commissioner, Sangrur
8. Sh. U. S. Brar, PCS,
Additional Deputy Commissioner, Bathinda
9. Sh. Neeraj Kumar,
District Revenue Officer, Mansa
10. Sh. Darshan Singh Mohi,
Under Secretary Revenue (E)
11. Sh. N. S. Sangha
Monitoring and Evaluation Officer
12. Sh. Narsi Dass, Suprintendent,
Jagir Branch

Discussion was held on the items circulated earlier and regarding transfer of Shashi Samadhas to descendants of the erstwhile rulers. Following decisions were taken :-

1. **Appointment of Mohitmim of the Deras of the Dharamarth Institutions.**

F.C.R. observed vesting of powers of Sardar Sahib Deodhi Mualla in F.C.R., vide order dated 14.1.2004 issued vide Endorsement No. 4/3/94-J-II/65 dated 14.1.2004 of the Govt. removes the legal lacunae pointed out by courts in a no. of cases pertaining to administration of Muafi lands. She desired that cases pending with D.C.'s in respect of Muafi lands requiring approval of or advice of Sardar Sahib Deodhi Mualla be referred to Govt.

2. **Mutations of lands of the Dharamarth Institutions on the names of the Deras.**

D. C. Patiala who has maximum number of deras in his District stated that in most of the cases Muafi lands stand recorded in name of Mahants / Mohtamims instead of the Deras. Treating these lands as their personal property, they keep on alienating the same at will without seeking approval of the Govt. or even D. C. In the event of death of a Mohatmim, ownership is transferred to his legal heir and in this way all Muafi lands are getting out of the control and ownership of the Deras. Hence the purpose for which Muafis were given to the Deras stands frustrated. F.C.R. stated that Royal Proclamation categorically ordained that lands shall be recorded in name of the Deras, that Mahant is a mere care taker and so there should be no question of Muafi lands being shown in name of the Mahants or Mohatmims. Even in case of leases, FCR observed, when term of lease expires land should be shown under cultivation of the Dera concerned and not the lessee.

3. **The lease of muafi lands should not be allowed beyond three years.**

As per the provisions of Roznamcha command dated 26.10.1943 muaffi land given on lease for more than 3 years by the Mohtmims were to be restored to the Deras and future lease were to be made only with prior approval of Sardar Sahib Deodhi Mohalla. There was no provision or scope of allowing leases beyond three years muchless perpetual leases. On expiry of the lease, the land should be shown in possession of the Dera and not the previous lessee. F.C.R. desired that field staff should be suitably advised to keep in view this position while sanctioning mutations or at the time of inspection of Girdawari.

4. **Sale and mortgage of muaffi lands should not be permitted in violation of the terms of 'muafinama' by the Mohtmims etc.**

The Deputy Commissioner, Patiala and Additional Deputy Commissioner, Kapurthala expressed views that the muafi lands are illegally being sold by the Mahants / Mohatmims of the Deras in violation of the provisions of the Shahi-i-Farman. The Financial Commissioner, Revenue informed that the illegal sale / mortgage of the muaffi lands is not allowed. The muafi land is in the name of Deras and the Mohatmims have no power to sell / mortgage the muafi land in violation of Muafinamas / Shahi-e-Farman. In case of any violation, the provision of the Land Administration Mannual can be evoked for resumption of the muafi land.

5. **In case of violation of terms of the grant as enshrined in the 'muafinama' contravention of Royal Commands, or non compliance with Govt. guidelines, muafi should liable to be resumed :**

The Financial Commissioner, Revenue desired to intimate the district wise detail regarding the muafi lands in respective districts. The Deputy Commissioners were directed to send the status report of each Dera in their District within two months.

6. **Transfer of Samadhs of Ex-Rulers to their descendents**

The matter was discussed at length. General consensus was that the Smadhs of Ex-Rulers may not be transferred to the descendents of the Ex-Rulers rather these be retained as State property. These could however be handed over for maintenance to a suitable body with some government presence so that these could be properly maintained and funds got provided. With proper maintenance and upkeep these could become tourist spots and could bring earning which could be spent for maintenance. F.C.R. desired that Deputy Commissioners may send their proposals in this regard.

The meeting ended with thanks to the chair.

INSTRUCTIONS /
NOTIFICATIONS
ISSUED BY
AGRARIAN
REFORMS BRANCH

ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ ਵਿਭਾਗ
(ਭੂਮੀ ਸੁਧਾਰ ਸ਼ਾਖਾ)

ਸੇਵਾ ਵਿਖੇ

ਰਾਜ ਦੇ ਸਮੂਹ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ।

ਮੀਮੋ ਨੰ: 6/1/92-ਮਾਲ-ਭਸ(4)/3856
ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 23-9-94

ਵਿਸ਼ਾ:-

ਪੰਜਾਬ ਟੈਨੈਨਸੀ ਐਕਟ 1887 ਤਹਿਤ ਬਣਾਏ ਗਏ ਪੰਜਾਬ ਪਟੀਸ਼ਨ ਰਾਈਟਰਜ਼
(ਰੈਵਿਨਿਊ) ਰੂਲਜ਼, 1982 -ਹਦਾਇਤਾਂ ਜਾਰੀ ਕਰਨ ਸਬੰਧੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਦਰਸਾਏ ਗਏ ਨਿਯਮਾਂ ਦੇ ਨਿਯਮ ਨੰ: 7, ਜਿਸ ਦਾ ਸਬੰਧ ਅਰਜੀ ਨਵੀਸਾਂ ਨੂੰ ਲਾਈਸੈਂਸ ਜਾਰੀ ਕਰਨ ਲਈ ਯੋਗਤਾਵਾਂ ਨਾਲ ਹੈ, ਬਾਰੇ ਸਰਕਾਰ ਨੇ ਗੁਰੂ ਨਾਲ ਵਿਚਾਰ ਕੀਤਾ ਹੈ ਅਤੇ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਲਾਈਸੈਂਸ ਜਾਰੀ ਕਰਨ ਤੋਂ ਪਹਿਲਾਂ ਸਬੰਧਤ ਵਿਅਕਤੀ ਨੂੰ 10 ਦਿਨਾਂ ਦੀ ਅਰਜੀ ਨਵੀਸ ਦੀ ਸਿਖਲਾਈ ਦਿੱਤੀ ਜਾਵੇ। ਇਸ ਮੰਤਵ ਲਈ ਸਾਲ ਦੀ ਪਹਿਲੀ ਜਨਵਰੀ ਤੋਂ 30 ਜੂਨ ਤੱਕ ਨਵੇਂ ਲਾਈਸੈਂਸਾਂ ਲਈ ਪ੍ਰਾਪਤ ਹੋਏ ਬਿਨੈ -ਪੱਤਰਾਂ ਵਿਚੋਂ ਜਿਹੜੇ ਵਿਅਕਤੀ ਲਾਈਸੈਂਸ ਲਈ ਯੋਗ ਸਮਝੇ ਜਾਣ, ਉਨ੍ਹਾਂ ਨੂੰ ਲਾਈਸੈਂਸ ਦੇਣ ਤੋਂ ਪਹਿਲਾਂ ਜੁਲਾਈ ਦੇ ਮਹੀਨੇ ਵਿੱਚ 10 ਦਿਨਾਂ ਦੀ ਟ੍ਰੇਨਿੰਗ ਦਿੱਤੀ ਜਾਵੇ। ਇਹ ਸਿਖਲਾਈ ਯੋਗ ਅਧਿਕਾਰੀਆਂ, ਰਿਟਾਇਰਡ ਅਫਸਰਾਂ ਅਤੇ ਅਰਜੀ ਨਵੀਸਾਂ ਦੀ ਸਹਾਇਤਾ ਨਾਲ ਦਿੱਤੀ ਜਾਵੇ। ਇਸੇ ਤਰ੍ਹਾਂ ਜਿਹੜੇ ਬਿਨੈ -ਪੱਤਰ 1 ਜੂਨ ਤੋਂ 31 ਦਸੰਬਰ ਤੱਕ ਪ੍ਰਾਪਤ ਹੋਣ, ਉਨ੍ਹਾਂ ਵਿਚੋਂ ਲਾਈਸੈਂਸ ਲਈ ਯੋਗ ਸਮਝੇ ਜਾਣ ਵਾਲੇ ਵਿਅਕਤੀਆਂ ਨੂੰ ਸਿਖਲਾਈ ਜਨਵਰੀ ਦੇ ਮਹੀਨੇ ਵਿੱਚ ਦਿੱਤੀ ਜਾਵੇ।

2. ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇਨ-ਬਿਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।

ਵਧੀਕ ਸਕੱਤਰ ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ (ਮ) ਵਿਭਾਗ ।

ਪਿੱਠ ਐਕਟ ਨੰ: 6/1/92-ਮਾਲ -ਭਸ(4)/3857 ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 23-9-94

ਇੱਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ :

1. ਰਾਜ ਦੇ ਸਮੂਹ ਮੰਡਲਾਂ ਦੇ ਕਮਿਸ਼ਨਰ।
2. ਡਾਇਰੈਕਟਰ, ਭੋ ਰਿਕਾਰਡ, ਪੰਜਾਬ, ਜਲੰਧਰ ।
3. ਰਾਜ ਦੇ ਸਮੂਹ ਉਪ ਮੰਡਲ ਅਫਸਰ (ਮ) ਕਮ ਕੁਲੈਕਟਰ ਆਗਰੇਰੀਅਨ, ਪੰਜਾਬ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਵਧੀਕ ਸਕੱਤਰ ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ (ਮ) ਵਿਭਾਗ ।

ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ ਵਿਭਾਗ
(ਭੂਮੀ ਸੁਧਾਰ ਸ਼ਾਖਾ)

ਸੇਵਾ ਵਿਖੇ

ਰਾਜ ਦੇ ਸਮੂਹ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ।
ਮੀਮੋ ਨੰ: 6/1/92-ਮਾਲ-ਭਸ (4)/3858

ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 23-9-94

ਵਿਸ਼ਾ:- ਪੰਜਾਬ ਟੈਨੈਨਸੀ ਐਕਟ 1887 ਤਹਿਤ ਬਣਾਏ ਗਏ ਪੰਜਾਬ ਪਟੀਸ਼ਨ ਰਾਈਟਰਜ਼
(ਰੈਵਿਨਿਊ) ਰੂਲਜ਼, 1982 -ਹਦਾਇਤਾਂ ਜਾਰੀ ਕਰਨ ਸਬੰਧੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ 'ਤੇ ਦਰਸਾਏ ਗਏ ਨਿਯਮਾਂ ਦੇ ਨਿਯਮ ਨੰ: 16, ਜਿਸ ਦਾ ਸਬੰਧ ਲਾਈਸੈਂਸ
ਅਰਜੀ ਨਵੀਸਾਂ ਰਾਹੀਂ ਅਰਜੀਆਂ ਲਿਖਣ ਦੇ ਤਰੀਕੇ ਨਾਲ ਹੈ, ਬਾਰੇ ਸਰਕਾਰ ਨੇ ਗੁਰੂ ਨਾਲ ਵਿਚਾਰ ਕੀਤਾ ਹੈ ਅਤੇ
ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਅਰਜੀ ਨਵੀਸ ਅਰਜੀਆਂ ਲਿਖਣ ਲਈ ਪੰਜਾਬੀ ਭਾਸ਼ਾ ਦੀ ਵਰਤੋਂ ਕਰਨ ਤਾਂ ਜੋ ਉਹ ਆਮ
ਵਿਅਕਤੀ ਦੀ ਸਮਝ ਵਿੱਚ ਆ ਜਾਣ ।

2. ਇਸ ਲਈ ਆਪ ਜੀ ਨੂੰ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਸ ਬਾਰੇ ਆਪਣੇ ਜ਼ਿਲ੍ਹੇ ਦੇ ਸਾਰੇ ਅਰਜੀ
ਨਵੀਸਾਂ ਨੂੰ ਸੂਚਿਤ ਕੀਤਾ ਜਾਵੇ ਅਤੇ ਸਰਕਾਰ ਨੂੰ ਰਿਪੋਰਟ ਭੇਜੀ ਜਾਵੇ।

3. ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।

ਵਧੀਕ ਸਕੱਤਰ ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ (ਮ) ਵਿਭਾਗ ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: 6/1/92-ਮਾਲ -ਭਸ(4)/3859 ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 23-9-94

ਇੱਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ :

1. ਰਾਜ ਦੇ ਸਮੂਹ ਮੰਡਲਾਂ ਦੇ ਕਮਿਸ਼ਨਰ।
2. ਡਾਇਰੈਕਟਰ, ਭੋ ਰਿਕਾਰਡ, ਪੰਜਾਬ, ਜਲੰਧਰ ।
3. ਰਾਜ ਦੇ ਸਮੂਹ ਉਪ ਮੰਡਲ ਅਫਸਰ (ਮ) ਕਮ ਕਲੈਕਟਰ ਆਗਰੇਰੀਅਨ, ਪੰਜਾਬ ਨੂੰ ਸੂਚਨਾ ਅਤੇ
ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਵਧੀਕ ਸਕੱਤਰ ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ(ਮ)ਵਿਭਾਗ ।

ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ ਵਿਭਾਗ
(ਭੂਮੀ ਸੁਧਾਰ ਸ਼ਾਖਾ)

ਸੇਵਾ ਵਿਖੇ

ਰਾਜ ਦੇ ਸਮੂਹ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ।
ਮੀਮੋ ਨੰ: 6/1/92-ਮਾਲ-ਭਸ (4)/3860
ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 23-9-94

ਵਿਸ਼ਾ:-

ਪੰਜਾਬ ਟੈਨੈਨਸੀ ਐਕਟ 1887 ਤਹਿਤ ਬਣਾਏ ਗਏ ਪੰਜਾਬ ਪਟੀਸ਼ਨ ਰਾਈਟਰਜ਼
(ਰੈਵਿਨਿਊ) ਰੂਲਜ਼, 1982 -ਹਦਾਇਤਾਂ ਜਾਰੀ ਕਰਨ ਸਬੰਧੀ ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਦਰਸਾਏ ਗਏ ਨਿਯਮਾਂ ਦੇ ਨਿਯਮ ਨੰ: 20, ਜਿਸ ਦਾ ਸਬੰਧ ਲਾਈਸੈਂਸ
ਅਰਜੀ ਨਵੀਸਾਂ ਦੁਆਰਾ ਅਰਜੀਆਂ ਤੇ ਹਸਤਾਖਰ ਕਰਨ, ਮੋਹਰ ਲਾਉਣ ਅਤੇ ਆਪਣੇ ਰਜਿਸਟਰ ਦਾ ਨੰਬਰ ਪਿੱਠ
ਅੰਕਿਤ ਕਰਨ ਨਾਲ ਹੈ, ਬਾਰੇ ਸਰਕਾਰ ਨੇ ਗੁਰੂ ਨਾਲ ਵਿਚਾਰ ਕੀਤਾ ਹੈ ਅਤੇ ਫੈਸਲਾ ਕੀਤਾ ਹੈ ਕਿ ਹਰ ਅਰਜੀ ਨਵੀਸ
ਦੁਆਰਾ ਫਾਰਮ ਈ ਵਿੱਚ ਬਣਾਏ ਗਏ ਰਜਿਸਟਰਾਂ ਦੀ ਸਬੰਧਤ ਤਹਿਸੀਲਦਾਰ ਰਾਹੀਂ ਹਰ ਮਹੀਨੇ ਨਿਯਮਤ ਤੌਰ /ਢੰਗ
ਨਾਲ ਚੈਕਿੰਗ ਕੀਤੀ ਜਾਵੇ।

2. ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।

ਵਧੀਕ ਸਕੱਤਰ ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ (ਮ) ਵਿਭਾਗ ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: 6/1/92-ਮਾਲ -ਭਸ(4)/3851ਤ ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 23-9-94

/ ਇੱਕ ਉਤਾਰਾ ਹੇਠ ਲਿਖਿਆਂ ਨੂੰ :

1. ਰਾਜ ਦੇ ਸਮੂਹ ਮੰਡਲਾਂ ਦੇ ਕਮਿਸ਼ਨਰ।
2. ਡਾਇਰੈਕਟਰ, ਭੋ ਰਿਕਾਰਡ, ਪੰਜਾਬ, ਜਲੰਧਰ ।
3. ਰਾਜ ਦੇ ਸਮੂਹ ਉਪ ਮੰਡਲ ਅਫਸਰ (ਮ) ਕਮ ਕੁਲੈਕਟਰ ਆਗਰੇਰੀਅਨ, ਪੰਜਾਬ ਨੂੰ ਸੂਚਨਾ ਅਤੇ

ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਲਈ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਵਧੀਕ ਸਕੱਤਰ ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ (ਮ) ਵਿਭਾਗ ।

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE AND REHABILITATION
(AGRARIAN REFORMS BRANCH)

Notification

The 2nd April, 1996

No. G. S. R. 33/P.A. 16/1887/S. 106A / Amd. (1)96-With reference to Government of Punjab, Department of Revenue and Rehabilitation (Agrarian Reforms Branch), Notification No. G.S.R. 24/P. A. 16/1887/S.106-A/Amd./95, dated the 11th May, 1995, and in exercise of the powers conferred by section 106-A of the Punjab Tenancy Act, 1887 (Punjab Act No. XVI of 1887), and all other powers enabling him in this behalf, the Financial Commissioner, Revenue, Punjab is pleased to amend the Punjab Petition Writers (Revenue) Rules, 1982 namely :-

RULES

1. These rules may be called the Punjab Petition Writers (Revenue) (First Amendment) Rules, 1955.
2. In the Punjab Petition Writers (Revenue) Rules, 1982, in rule 12, for sub-rule(3), the following sub-rule shall be substituted, namely.
3. If the application for renewals is not made within a period of three months from the date of expiry of the licence, a penalty of rupees two for each month or part thereof, shall be charged."

C. D. CHEEMA,

Financial Commissioner, Revenue and
Secretary to Department of Punjab,
Department of Revenue and
Rehabilitation.

PUNJAB GOVT. GAZ. (EXTRA), JULY 10, 1998
(ASAR 19, 1920 SAKA)

GOVERNMENT OF PUNJAB

DEPARTMENT OF REVENUE AND REHABILITATION
(AGRARIAN REFORMS BRANCH)

Notification

The 3rd July, 1998

No. GSR 51/P.A. 16/1887/S. 106-A/Amd. (2)98. - With reference to the Government of Punjab, Department of Revenue and Rehabilitation (Agrarian Reforms Branch), Notification No. GSR-37/P.A. 16/1887/S. 106-A/Amd./98, dated the 4th May, 1998, and in exercise of the powers conferred by section 106-A of the Punjab Tenancy Act, 1887 (Punjab Act XVI of 1887), and all other powers enabling him in this behalf the Financial Commissioner, Revenue, Punjab is pleased to take the following rules further to amend the Punjab Petition Writers (Revenue) Rules, 1982, namely :-

RULES

1. These rules may be called the Punjab Petition Writers (Revenue) (First Amendment) Rules, 1998.
2. In the Punjab Petition Writers (Revenue) Rules, 1982, for the existing Schedule, the following Schedule shall be substituted, namely :-

“SCHEDULE”

(See Rule 25)

Sr. No.	Name of document	Sale of Fee
CATEGORY I		Rs.
1.	Application for copy	... 2.00
2.	Copy of Plaint	... 2.00
3.	Application for delivery of possession and restoration	... 2.00
4.	Application for revision of fine	... 2.00
5.	Application for lambardari	... 2.00
6.	Application for publicity	... 2.00
7.	Application for Chaukidari	... 2.00
8.	Affidavit	... 2.00

PUNJAB GOVT. GAZ. (EXTRA.), JULY 10, 1998
(ASAR. 19, 1920 SAKA)

Sr. No.	Name of document	Sale of Fee
		Rs.
9.	Fard, Talbana and Warrant	... 2.00
10.	Index of documents	... 2.00
11.	Form of address of plaintiff / defendant or respondent	... 2.00
12.	List of witnesses	... 2.00
13.	Receipt of cash and property	... 2.00
14.	Copy of complaint	... 2.00
15.	Receipt of possession of immoveable property	... 2.00
16.	Application for permission to dispose of immovable property of minor	... 2.00
17.	Process fee	... 2.00
CATEGORY II		
18.	Application for production of witnesses	...5.00
19.	Application for stay of execution proceedings	...5.00
20.	Application for grant of temporary injunction	...5.00
21.	Application for grant of succession certificate of probate or letter of administration	...5.00
22.	Application for execution of decree	...5.00
23.	Application for final decree	...5.00
24.	Application for amendment of decree	...5.00
25.	Application under the Insolvency Act	...5.00
26.	Application for setting aside ex parte proceedings	...5.00
27.	Notice	...5.00
28.	Reply of notice	...5.00
29.	Deed of compromise	...5.00
30.	Power of Attorney	...5.00

PUNJAB GOVT. GAZ. (EXTRA), JULY 10, 1998
(ASAR, 19, 1920 SAKA)

Sr. No.	Nature of document	Scale of fee
		Rs.
31.	Application for restoration of suit or appeal dismissed in default	...5.00
32.	Objection petition under Order XXI rule 58 C.P.C.	...5.00
33.	Application under Order XXI Rule 66 C.P.C.	...5.00
34.	Application for stay of proceedings for realisation of fine.	...5.00
35.	Application under Indian Lunacy Act, with copies	...5.00
36.	Security Bond	...5.00
37.	Personal Bond	...5.00
38.	Application for demarcation	...5.00
39.	Application for correction of khasra girdawari	...5.00
40.	Notice for ejectment.	...5.00
41.	Application for redemption	...5.00
42.	Application for proclamation	...5.00
43.	Application for recovery of rent (Form M)	Under the Punjab Security of Land Tenures Rules, 1956.
44.	Notice for deposit of rent (Form N)	
45.	Notice to landowner to accept the rent (form R)	
		...5.00
CATEGORY III		
46.	Written statement or replication	...10.00
47.	Application for eviction of fixation of fair rent	...10.00
48.	Application for transfer of case	...10.00
49.	List of reliacne	...10.00
50.	Complaint	...10.00

PUNJAB GOVT. GAZ. (EXTRA), JULY 10, 1998
(ASAR, 19, 1920 SAKA)

Sr. No.	Nature of document	Scale of fee Rs.
51.	Revision petition	...10.00
52.	Review petition	...10.00
53.	Application for permissin to sue or appeal in forma pauperis, with list of property	...10.00
54.	Application under Hindu Marriage Act or Special Marraige Act with copies	...10.00
55.	Appeal (Revenue)	...10.00
56.	Deed of Agreement	...10.00
57.	Application for deposit of rent	...10.00
CATEGORY IV		
58.	Suit application / plaint	...15.00
59.	Partition suit	...15.00
60.	Application for purchase of land (Form Q)	Under the Punjab security of Land Tenures Rules 1956
61.	Application for ejectment, (Form L)	
62.	Application for dispossession of tenant by small landowner (Form K-1)	
63.	Suit for recoery of rent	...15.00
CATEGORY V		
64.	Miscellaneous application not included in the foregoing items	 5.00

K. S. JANJUA,
Financial Commissioner, Revenue and
Secretary to Government of Punjab,
Department of Revenue and Rehabilitation

19815LR(P)-Govt. Press, U.T., Chd.

Punjab Government Gazette

Published by Authority

No. 26] CHANDIGARH, FRIDAY, JUNE 26.1987
(ASADHA 5, 1909 SAKA)

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Part II	Ordinances	
	Nil	
Part III	Delegated Legislation	
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2.	Notification No. S. O. 21/C.A.16/1887/ S. 105/87, dated the 16th June, 1987, con- ferring upon the Commissioner (Appeals), Patiala Division, the power of Commissioner exercisable under sections 80 and 82 of the Punjab Tenancy Act, 1887 etc.	309
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Price : 90 Paise

(iii)

GOVERNMENT OF PUNJAB

DEPARTMENT OF REVENUE AND REHABILITATION

(AGRARIAN REFORMS BRANCH)

Notification

The 16th June, 1987

No. S.O. 20/Pepsu Act 13/55/S.32-D/87 - In pursuance of the provisions of sub-section (3) of section 32 D of the Pepsu Tenancy and Agricultural Lands Act, 1955 (Pepsu Act No. 13 of 1955), the President of India is pleased to authorise the Commissioner (Appeals), Patiala Division, for the purpose of that sub-section in respect of the areas of the erstwhile State of Pepsu falling within Patiala Division.

TEJENDRA KHANNA,
Financial Commissioner, Revenue and
Secretary to Government of Punjab,
Department of Revenue and Rehabilitation

GOVERNMENT OF PUNJAB

DEPARTMENT OF REVENUE AND REHABILITATION

(AGRARIAN REFORMS BRANCH)

Notification

The 16th June, 1987

No. S.O. 21/C.A.16/1887/s.105/87 - In exercise of the powers conferred by clause (a) of sub-section (1) of section 105 of the Punjab Tenancy Act, 1887 (Act XVI of 1887), and all other powers enabling him in this behalf, the President of India is pleased to confer upon the Commissioner (Appeals), Patiala Division, the powers of Commissioner exercisable under sections 80 and 82 of the said Act, read with section 24 of Punjab Security of Land Tenures Act, 1953 and section 18 of the Punjab Land Reforms Act, 1953 and section 18 of the Punjab Land Reforms Act, 1972, within the local limits of Patiala Division.

TEJENDRA KHANNA,
Financial Commissioner, Revenue and
Secretary to Government of Punjab,
Department of Revenue and Rehabilitation No.

THE PUNJAB SECURITY OF LAND TENURES
(AMENDMENT) ACT, 1997

(Punjab Act No. 6 of 1998)

[Received the assent of the Governor of Punjab on the 27th January, 1998, and was first published for general information in Punjab Government Gazette (Extraordinary), Legislative Supplement dated the 29th January, 1998].

AN Act further to amend the Punjab Security of Land Tenures Act, 1953.

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

- | | | |
|----|---|--|
| 1. | (1) This Act may be called the Punjab Security of Land Tenures (Amendment) Act, 1997. | Short title and commencement. |
| | (2) It shall come into force at once. | |
| 2. | In the Punjab Security of Land Tenures Act, 1953 (hereinafter referred to as the Principal Act), in Section 2, after clause (8), the following clause shall be inserted, namely -

“(8-A) “Non-Resident Indian” means a person of Indian origin who is either permanently or temporarily settled outside India, in either case :-
(a) for or on taking up employment outside India ; or
(b) for carrying on a business or vocation outside India ; or
(c) for any other purpose, in such circumstances as would indicate his intention to stay outside India for an uncertain period.” | Amendment of Section 2 of Punjab Act 10 of 1953. |
| 3. | In the Principal Act, in Section 9, in sub-section (I), for the words “no land-owner”, the words “no land owner other than a land owner who is a member of the Armed Forces of the Union or a Non-Resident Indian” shall be substituted. | Amendments of Section 9 of Punjab Act 10 of 1953. |
| 4. | In the Principal Act, in Section 9-A, in the third proviso, after the words “a member of the Armed Forces of the Union”, the words “or a Non Resident Indian” shall be inserted. | Amendment of Section 9-A of Punjab Act 10 of 1953. |

5. In the Principal Act, after Section 9-A, the following section shall be inserted, namely :-

one time
concessiion, “9-B The concession given under sections 9 and 9-A to the land owner who is a Non-Resident Indian shall be one time concession and shall be available only in respect of the land acquired or held by him before the commencement of the Punjab Security of Land Tenures (Amendment) Act, 1997.”

Insertion of new
section 9-B in
Punjab Act 10 of
1953

i) For statements of objects and Reasons, See Punjab Government Gazette (Extraordinary) dated the 18th December, 1997, Page 2835.

Price Rs. 0.85

THE PEPSU TENANCY AND AGRICULTURAL
LANDS (AMENDMENT) ACT, 1997

(PUNJAB ACT NO. 5 OF 1998)

[Received the assent of the Governor of Punjab on the 27th January, 1998, and was published for general information in Punjab Government Gazette (Extraordinary), Legislative Supplement dated the 29th January, 1998.]

AN Act further to amend the Pepsu Tenancy and Agricultural Lands Act, 1955.

Be it enacted by the Legislature of the State of Punjab in the Forty eighth Year of the Republic of India, as follows :-

- | | | |
|---|--|--|
| 1. | (i) This Act may be called the Pepsu Tenancy and Agricultural Lands (Amendment) Act, 1977; | Short title and commencement. |
| | (ii) It shall come into force at once. | |
| 2. | In the Pepsu Tenancy and Agricultural Lands (Amendment) Act, 1955 (hereinafter referred to as the Principal Act), in section 2, after clause (f), the following clause shall be inserted, namely :- | Amendment of section 2 of Pepsu Act 13 of 1955. |
| <p>“(ff) “Non-Resident Indian” means a person of Indian origin who is either permanently or temporarily settled outside India, in either case -</p> <ul style="list-style-type: none">(a) for or on taking up employment outside India ; or(b) for carrying on a business of vocation outside India; or(c) for any other purpose, in such circumstances as would indicate his intention to stay outside India for an uncertain period.” | | |
| 3. | In the Principal Act, in section 7, in sub-section (1) for the words “No tenancy”, the Words “No tenancy other than a tenancy of the land owner who is a member of the Armed Forces of the Union or a Non-Resident Indian” shall be substituted. | Amendment of section 7 of Pepsu Act 13 of 1955. |
| 4. | In the Principal Act, in section 7-A, in sub-section (1), in the Proviso, for the words “member of the Armed Forces of the Union” the words “member of the Armed Forces of the Union or a Non-Resident Indian” shall be substituted. | Amendment of section 7A of Pepsu Act 13 of 1955. |

5. In the Principal Act, after section 7-A, the following section shall be inserted, namely :-

Insertion of
new section
7-B in Pepsu Act
13 of 1955.

one time “7-B The concession given under section 7 and 7-A to the land owner who is a Non-Resident Indian shall be one time and shall be available only in respect of the land acquired or held by him before the commencement of the Pepsu Tenancy and Agricultural Lands (Amendment) Act, 1997.”

Amendment of
section 32-J of
Pepsu Act 13
of 1955.

6. In the Principal Act, in section 32-J, in sub-section (3), in clause (a) after the words “member of the Armed Forces of the Union”, the words “and Non-Resident Indian” shall be inserted.

i) For statements of objects and Reasons, See Punjab Government Gazette (Extraordinary) dated the 18th December, 1997, Page 2839.

Price Rs. 0.85

Punjab Government Gazette
EXTRAORDINARY
Published by Authority

CHANDIGARH, WEDNESDAY, FEBRUARY 15, 2006 (MAGHA 26, 1927 SAKA)

DEPARTMENT OF REVENUE AND REHABILITATION
(AGRARIAN REFORMS BRANCH)

Notification

The 14th February, 2006

No. 1/3/2000-AR-V/1550 - To review the revenue laws of The State and suggest measures for smartening the revenue administration, the Governor of Punjab is pleased to constitute a Commission known as Punjab Revenue Commission.

2. FUNCTION AND SCOPE OF REFERENCE OF THE COMMISSION :

The term of reference of the Commission shall be as follows :-

- (a) To review the archaic revenue laws of the State as shown in Annexure I as per priority indicated therein and make recommendation for amending / repealing the same and suggest other measures for smartening the revenue administration.
- (b) In addition to above, the Commission would also examine the following aspects :-
 - (i) to ascertain if any provision of the existing law as detailed in the Acts mentioned at Annexure-I is inconsistent with the Constitution of India and to suggest the necessary alteration and modification.;
 - (ii) the ambiguities in the existing laws brought to light by conflicting decision of the Supreme Court and the High Court or otherwise; and also to suggest the omission of unnecessary and obsolete laws ;
 - (iii) to make suggestions for simplification of procedure in the revenue courts;
 - (iv) to suggest ways and means for improving administration of justice in the Department of Revenue.
- (c) The Commission will further look into the aspects of the :-
 - (i) number of levels of appeals as prescribed in the various Acts/Laws;
 - (ii) the time limit to be observed for disposal of the appeals under various laws.
- (d) The Commission shall have the access to the data being maintained by the Department of Revenue and Rehabilitation or Director, Land Records, Punjab.

Price Rs. 2.70 Paise

- (e) The Commission may associate any of the functionaries of the Department of Revenue and Rehabilitation including the office of the Deputy Commissioner's as well as their Subordinates.
- (f) The Commission may visit the other States in order to see the implementation actually being made for the laws recommended for the formulation by it.
- (g) The Acts administered by the Revenue and Rehabilitation which are being reviewed by the Punjab State Law Commission shall be taken out of the purview of the Punjab State Law Commission. However, the material available with the Punjab State Law Commission may be used for harmonious and comprehensive examination by the Punjab Revenue Commission.

3. HEADQUARTERS :

The Commission would occupy suitable office accommodation as per usual norms of the State Government at a place easily accessible to the Department of Revenue and Rehabilitation and shall have its headquarters at Chandigarh or S.A.S. Nagar (Mohali).

4. SUBMISSION OF REPORT :

The Commission shall submit its report to the Government within two years from the date of its Notification.

K. K. BHATNAGAR,
Financial Commissioner Revenue and
Secretary to Government of Punjab,
Department of Revenue and
Rehabilitation.

ANNEXURE - I

PRIORITY - I

- 1. The Punjab Land Revenue Act, 1887;
- 2. The Punjab Tenancy Act, 1887;
- 3. The Punjab Security of Land Tenures Act, 1953;
- 4. The Pepsu Tenancy and Agricultural Land Act, 1955;
- 5. The Punjab Land Reforms Act, 1972;
- 6. The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948;
- 7. The East Punjab Utilisation of Land Act, 1949;
- 8. The Land Acquisition Act, 1894;

PRIORITY - II

1. The Punjab Redemption of Mortgage Act, 1913;
2. The Punjab Restitution of Mortgage Act, 1938;
3. The Punjab Resumption of Jagirs Act, 1957;
4. The Punjab Package Deal Properties (Disposal) Act, 1976;
5. The Court Fees Act, 1899;
6. The Indian Stamp Act, 1908;
7. The Registration Act, 1908;
8. The Punjab Public Premises Land Eviction and Rent Recovery Act, 1973;

PRIORITY - III

1. The Bhoodan Yajna Act, 1955;
2. The Punjab Copying Fees Act, 1936;
3. The Punjab Commercial Crops Cess Act, 1974;

7420 CS (P) Govt. Press, U.T. Chd.

Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, TUESDAY, MARCH 28, 2006 (CHAITRA 7, 1928 SAKA)

DEPARTMENT OF REVENUE AND REHABILITATION

(AGRARIAN REFORMS BRANCH)

Notification

The 27th March, 2006

No. 1/3/2000-AR-V/2995 - The Governor of Punjab is pleased to appoint Shri S. S. Dawra, I.A.S, (Retd.), H. No. 770, Sector 22-A, Chandigarh as Chairman of the Punjab Revenue Commission constituted, - vide this Department Notification No. 1/3/2000-AR-V/1550, dated 14th February, 2006.

2. His appointment would be for a period of two years from the date of assumes the charge. The other terms and condition shall be specified in due course.

K. K. BHATNAGAR,
Financial Commissioner and
Secretary to Government, Punjab,
Department of Revenue and
Rehabilitation.

7647 CS(P) Govt. Press U.T. Chd.

PUNJAB GOVT GAZ. (EXTRA.), NOV. 17, 2006
(KRTK 26, 1928 SAKA)

GOVERNMENT OF PUNJAB
DEPARTMENT OF REVENUE AND REHABILITATION
(AGRARAIAN REFORMS BRANCH)

Notification

The 16th November, 2006

No. S.O. 49/P.A..16/1887/S. 105/2006.-In exercise of the powers conferred by section 105 of the Punjab Tenancy Act, 1887 (Punjab Act No. 16 of 1887), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to confer the powers of the Assitant Collector Ist Grade upon officers as given under column No. 2 of the Table, to decide the suits of Non-Resident Indians under sub-section (3) of section 77 of the said Act in respect of the areas as given under column No. 3 of theTable, namely :-

TABLE

Serial No.	Description of the Officer	Area of disposal of Cases
1	2	3
1	District Revenue Officer, Jalandhar	Jalandhar, Amritsar, Kapurthala, Ludhiana and Tarn Taran.
2	District Revenue Officer, Hoshiarpur	Hoshiarpur, Gurdaspur
3	District Revenue Officer, Moga	Moga, Mukatsar, Faridkot, Bhatinda, Mansa, Sangrur and Ferozepur.
4	District Revenue Officer, Nawanshahar	Nawan Shahar, Ropar, Patiala, Fatehgarh Sahib and S.A.S. Nagar

K. K. BHATNAGAR,
Financial Commissioner, Revenue and
Secretary to Government of Punjab,
Department of Revenue and Rehabilitation.

8599 LR (P) Govt. Press U.T. Chd.

INSTRUCTIONS /
NOTIFICATIONS
ISSUED BY
CONSOLIDATION
BRANCH

ਪੰਜਾਬ ਸਰਕਾਰ
ਮਾਲ ਅਤੇ ਪੁਨਰਵਾਸ ਵਿਭਾਗ
(ਮੁਰੱਬਾਬੰਦੀ ਸ਼ਾਖਾ)

ਸੇਵਾ ਵਿਖੇ

1. ਡਾਇਰੈਕਟਰ, ਭੋਂ ਰਿਕਾਰਡ, ਪੰਜਾਬ, ਜਲੰਧਰ।
2. ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਦੇ ਕਮਿਸ਼ਨਰ ।
3. ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਦੇ ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ।
4. ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਦੇ ਉਪ ਮੰਡਲ ਮੈਜਿਸਟ੍ਰੇਟ।
5. ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਦੇ ਜ਼ਿਲ੍ਹਾ ਮਾਲ ਅਫਸਰ।
6. ਸਮੂਹ ਪੰਜਾਬ ਰਾਜ ਦੇ ਤਹਿਸੀਲਦਾਰ।

ਮੀਮੋ ਨੰ:17/19/2002-ਮਬ.5/6161

ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ 9-8-2007

ਵਿਸ਼ਾ:- ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ (ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) 1948 ਵਿੱਚ ਸੋਧ।

ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ(ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) ਐਕਟ,1948 ਵਿੱਚ ਧਾਰਾ 42-A ਸ਼ਾਮਲ ਕਰਕੇ ਸੋਧ ਕਰਨ ਲਈ ਮਿਤੀ 22.5.2007 ਨੂੰ ਆਰਡੀਨੈਂਸ ਜਾਰੀ ਕੀਤਾ ਗਿਆ ਸੀ ਜਿਸਦਾ ਪੰਜਾਬੀ ਅਨੁਵਾਦ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

42-A ਇਸ ਐਕਟ ਵਿੱਚ ਜਾਂ ਹੋਰ ਕੋਈ ਵੀ ਕਾਨੂੰਨ ਜੋ ਕਿ ਇਸ ਸਮੇਂ ਲਾਗੂ ਹੋਵੇ ਜਾਂ ਕਿਸੇ ਫੈਸਲੇ, ਹੁਕਮ/ਡਿਕਰੀ ਜਾਂ ਕਿਸੇ ਅਦਾਲਤ ਦੇ ਫੈਸਲੇ ਜਾਂ ਕਿਸੇ ਅਫਸਰ ਜਾਂ ਅਥਾਰਟੀ ਦੇ ਹੁਕਮ ਦੇ ਬਾਵਜੂਦ ਵੀ ਸਾਂਝੇ ਮੰਤਵਾਂ ਲਈ ਭਾਵੇਂ ਉਹ ਚੱਕਬੰਦੀ ਸਕੀਮ ਵਿੱਚ ਦਰ ਹਨ ਜਾਂ ਨਹੀਂ, ਰਾਖਵੀਂ ਰੱਖੀ ਗਈ ਜ਼ਮੀਨ ਪਿੰਡ ਦੇ ਮਾਲਕਾਂ ਵਿੱਚ ਨਹੀਂ ਵੰਡੀ ਜਾਵੇਗੀ ਅਤੇ ਇਹ ਸਾਂਝੇ ਮੰਤਵਾਂ ਲਈ ਵਰਤੀ ਜਾਵੇਗੀ ਅਤੇ ਵਰਤੀ ਜਾਂਦੀ ਰਹੇਗੀ।”

ਇਹ ਆਰਡੀਨੈਂਸ ਐਕਟ ਵਿੱਚ ਤਬਦੀਲ ਕੀਤਾ ਜਾ ਚੁੱਕਾ ਹੈ ਅਤੇ ਇਸ ਤਰ੍ਹਾਂ ਇਹ ਕਾਨੂੰਨ ਬਣ ਚੁੱਕਾ ਹੈ।

2. ਮਾਲ ਵਿਭਾਗ ਦੇ ਸਾਰੇ ਮਾਲ ਅਫਸਰਾਂ ਅਤੇ ਹੋਰ ਕਰਮਚਾਰੀਆਂ ਵਲੋਂ ਇਸ ਸੋਧੇ ਹੋਏ ਕਾਨੂੰਨ ਦੀ ਪਾਲਣਾ ਕਰਨੀ ਬਣਦੀ ਹੈ। ਇਸ ਕਾਨੂੰਨ ਦੀ ਪਾਲਣਾ ਵਜੋਂ ਉਹਨਾਂ ਵਲੋਂ ਹੇਠ ਲਿਖੀ ਕਾਰਵਾਈ ਕਰਨੀ ਲੋੜੀਂਦੀ ਹੈ:-

ੳ) ਕੋਈ ਵੀ ਖੇਵਟ ਜਿਸ ਦੀ ਮਲਕੀਅਤ ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ (ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) ਰੂਲਜ਼, 1949 ਦੀ ਧਾਰਾ 16(ii) ਤਹਿਤ ਦਰ ਕੀਤੀ ਗਈ ਹੈ, ਕਿਸੇ ਵਿਅਕਤੀ ਦੇ ਨਾਮ ਸਾਂਝੇ ਤੌਰ ਤੇ ਜਾਂ ਵੱਖਰੇ ਤੌਰ ਤੇ ਦਰ /ਤਬਦੀਲ ਨਹੀਂ ਕੀਤੀ ਜਾ ਸਕਦੀ ਭਾਵੇਂ ਕਿ ਕਿਸੇ ਅਦਾਲਤ ਜਾਂ ਮਾਲ ਅਫਸਰ ਜਾਂ ਕਿਸੇ ਹੋਰ ਅਧਿਕਾਰੀ ਵਲੋਂ ਹੁਕਮ ਕਿਉਂ ਨਾ ਕੀਤੇ ਗਏ ਹੋਣ।

ਅ) ਆਪ ਇਹ ਯਕੀਨੀ ਬਣਾਉ ਕਿ ਜੋ ਜ਼ਮੀਨ ਜੁਮਲਾ ਮਾਲਕਾਨ ਜਾਂ ਮੁਸਤਰਕਾ ਮਾਲਕਾਨ ਦੇ ਨਾਂ ਤੇ ਦਰਜ ਹੈ ਉਹ ਇਸੇ ਤਰ੍ਹਾਂ ਦਰਜ ਰਹੇਗੀ ਅਤੇ ਉਹ ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ (ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) ਐਕਟ, 1948 ਦੀ ਧਾਰਾ 23-A ਅਨੁਸਾਰ ਗ੍ਰਾਮ ਪੰਚਾਇਤ ਜਾਂ ਰਾਜ ਸਰਕਾਰ ਦੇ ਕੰਟਰੋਲ ਅਤੇ ਪ੍ਰਬੰਧ ਹੇਠ ਸਾਂਝੇ ਮੰਤਵਾਂ ਲਈ ਵਰਤੀ ਜਾਂਦੀ ਰਹੇਗੀ।

ੲ) ਇਸ ਤਰ੍ਹਾਂ ਜੇਕਰ ਕੋਈ ਇਤਕਾਲ ਦਰਜ ਹੋ ਚੁੱਕਾ ਹੈ ਜਾਂ ਹੁਣ ਕੀਤੀ ਗਈ ਸੋਧ ਅਨੁਸਾਰ ਜਾਂ ਕਿਸੇ ਅਦਾਲਤ ਜਾਂ ਅਧਿਕਾਰੀ ਜਾਂ ਅਫਸਰ ਵਲੋਂ ਕੀਤੇ ਕਿਸੇ ਹੁਕਮ ਕਾਰਨ ਦਰਜ ਕਰਨਾ ਜ਼ਰੂਰੀ ਹੈ ਅਤੇ ਮਾਲ ਅਧਿਕਾਰੀ ਪਾਸ ਫੈਸਲੇ ਲਈ ਪੇਸ਼ ਹੁੰਦਾ ਹੈ ਤਾਂ ਇਸਦਾ ਫੈਸਲਾ ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ (ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) ਐਕਟ, 1948 ਦੀ ਧਾਰਾ 42-A ਅਨੁਸਾਰ ਕੀਤਾ ਜਾਵੇਗਾ। ਦੂਸਰੇ ਸ਼ਬਦਾਂ ਵਿਚ ਧਾਰਾ 42-A ਦਾ ਅਸਰ ਬਾਕੀ ਸਾਰੇ ਕਾਨੂੰਨਾਂ, ਸਾਰੀਆਂ ਅਦਾਲਤਾਂ ਅਤੇ ਅਧਿਕਾਰੀਆਂ ਵਲੋਂ ਦਿਤੇ ਗਏ ਹੁਕਮਾਂ ਤੋਂ ਉਪਰ ਰਹੇਗਾ।

2. ਇਹ ਵੀ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਕੋਈ ਵੀ ਜ਼ਮੀਨ ਜੋ ਕਿ ਸਾਂਝੇ ਮੰਤਵਾਂ ਲਈ ਰੱਖੀ ਗਈ ਸੀ, ਭਾਵੇਂ ਅਜਿਹੇ ਮੰਤਵ ਦਾ ਜਿਕਰ ਉਸ ਪਿੰਡ ਦੀ ਚੱਕਬੰਦੀ ਸਕੀਮ ਵਿੱਚ ਕੀਤਾ ਗਿਆ ਸੀ ਜਾਂ ਨਹੀਂ, ਕਿਸੇ ਦੇ ਨਾਂ ਤੇ ਤਬਦੀਲ ਨਹੀਂ ਕੀਤੀ ਜਾਵੇਗੀ ਅਤੇ ਨਾ ਹੀ ਇਹ ਜ਼ਮੀਨ ਮਾਲਕਾਂ ਵਿੱਚ ਵਿਅਕਤੀਗਤ ਦੇ ਤੌਰ ਤੇ ਵੰਡੀ ਜਾਵੇਗੀ ਅਤੇ ਇਹ ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ (ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) ਰੂਲਜ਼, 1949 ਦੀ ਧਾਰਾ 16 (ii) ਅਨੁਸਾਰ ਜੁਮਲਾ ਮਾਲਕਾਨ ਵਾ ਦੀਗਾਰ ਹੱਕਦਾਰਨ ਅਰਾਜੀ ਹਸਬ ਹਸਦ ਦੇ ਨਾਂ ਤੇ ਦਰਜ

ਰਹੇਗੀ। ਰੂਲ 16 (ii) ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਹੈ:-

"XXX

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16(ii) Proprietary rights in respect of land so reserved (except the area reserved for the extension of abadi or proprietors and non-proprietors) shall vest in proprietary body of the estate or estates concerned and it shall be entered in the column of ownership of record of rights as (Jumla Malkan Wa Digar Haqdaran Arazi Hasab Rasad). 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 the benefits of the estate or estates concerned."

3. ਅੱਗੇ ਹੋਰ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਕਿਸੇ ਵੀ ਅਦਾਲਤ ਦੇ ਫੈਸਲੇ ਜਾਂ ਕਿਸੇ ਅਧਿਕਾਰੀ ਜਾਂ ਕਿਸੇ ਅਫਸਰ ਦੇ ਹੁਕਮ ਨੂੰ ਲਾਗੂ ਨਹੀਂ ਨਹੀਂ ਕੀਤਾ ਜਾਵੇਗਾ ਜੇਕਰ ਇਹ ਕਿਸੇ ਤਰ੍ਹਾਂ ਪੂਰਬੀ ਪੰਜਾਬ ਜੋਤਾਂ (ਚੱਕਬੰਦੀ ਅਤੇ ਜੋਤਾਂ ਦੇ ਟੁਕੜੇ ਹੋਣ ਤੇ ਰੋਕ) ਐਕਟ 1948 ਦੀ ਧਾਰਾ 42-A ਦੇ ਖਿਲਾਫ ਹੋਵੇਗਾ ਜਾਂ ਇਹ ਜੁਮਲਾ ਮਾਲਕਾਨ ਜਾਂ ਮੁਸਤਰਕਾ ਮਾਲਕਾਨ ਦੇ ਨਾਂ ਤੇ ਦਰਜ ਜ਼ਮੀਨ ਨੂੰ ਵੰਡਣ ਜਾਂ ਪ੍ਰਭਾਵਤ ਕਰਨ ਬਾਰੇ ਹੋਵੇਗਾ।

4. ਇਸ ਪੱਤਰ ਦੀ ਪਹੁੰਚ ਰਸੀਦ ਭੇਜੀ ਜਾਵੇ ਅਤੇ ਇਸ ਨਾਲ ਨੱਥੀ ਨੋਟੀਫਿਕੇਸ਼ਨ ਦਾ ਆਪਣੇ ਅਧੀਨ ਕੰਮ ਕਰਦੇ ਪਟਵਾਰੀਆਂ ਦੇ ਰੋਜਨਾਮਚੇ ਵਿੱਚ ਇੰਦਰਾਜ਼ ਕੀਤਾ ਜਾਵੇ।

ਅਧੀਨ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ,

ਮਾਲ ਵਿਭਾਗ।

ਪਿੱਠ ਅੰਕਣ ਨੰ: 17/19/2002-ਮਬ.5/

ਚੰਡੀਗੜ੍ਹ, ਮਿਤੀ

ਇਸਦਾ ਇਕ ਉਤਾਰਾ ਡਾਇਰੈਕਟਰ, ਪੇਂਡੂ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਵਿਭਾਗ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਲੋੜੀਂਦੀ ਕਾਰਵਾਈ ਹਿਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਅਧੀਨ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ,

ਮਾਲ ਵਿਭਾਗ।

Government of Punjab
Department of Revenue & Rehabilitation
(Consolidation Branch)

To

1. The Director, Land Records, Punjab, Jalandhar.
2. All the Commissioners in the State of Punjab.
3. All the Deputy Commissioners in the State of Punjab.
4. All the Sub Divisional Magistrates in the State of Punjab.
5. All the District Revenue Officers in the State of Punjab.
6. All the Tehsildars in the State of Punjab.

Memo No. 17/19/2002 C.H-5/6161
Chandigarh, dated the 09.08.2007

Subject: - Amendment in the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

—

An Ordinance was issued on 22.5.07 by which an amendment to the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 was made by inserting Section 42-A as follows:-

42-A "Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgement, decree, order or decision of any court, or any authority or any officer, the land reserved for common purposes whether specified in the consolidation scheme or non, shall not be partitioned amongst the proprietors of the village, and it shall be utilized and continue to be utilized for common purposes."

This Ordinance has been converted into an Act and thus it has become law.

2. All the Revenue Officers and other officials of the Revenue Department are required to follow the law as amended. In compliance with this law

they are required to take following actions:-

- a) No Khewat in which the ownership has been recorded in accordance with Rule 16 (ii) of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949 can be recorded/converted/transferred to the name of any individual, jointly or separately even if there is an order of any Court or Authority or any Revenue Officer or any other officer passed under any law.
- b) You are to ensure that the land recorded in the name of Jumla Malkan or Mushtarka Malkan shall continue to be recorded as such and will be used for common purposes under the control and management of Gram Panchayat or the State Government in accordance with section 23-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.
- c) In case any mutation has been entered or is required to be entered on the basis of this amendment or any order of any court or authority and is presented for the decision of the Revenue Officer, it shall be decided, in accordance with section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act 1948. In other words Section 42-A shall have an overriding effect over all other laws and all orders of any court and any officer.

2. It is also clarified that no land which had been kept for common purposes whether such purpose was specified or not in the Consolidation Scheme of that village, shall be transferred to any other name and shall not be partitioned amongst individual land owners and shall continue to be recorded in the name of Jumla Malkan Wa Digar Haqdaran Arazi Hassab Rasad in accordance with Rule 16 (ii) of East Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949. It reads as :-

16 (ii) “XXX

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Proprietary rights in respect of land so reserved (except the area reserved for the extension of abadi or proprietors and non-proprietors) shall vest in proprietary body of the estate or estates concerned and it shall be entered in the column of ownership of record of rights as (Jumla Malkan Wa Digar Haqdaran Arazi Hassab Rasad). 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 the benefits of the estate or estates concerned.

3. It is further clarified that no order or judgement passed by any Court or Officer or any other Authority shall be implemented if it is in any way contrary to the Section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 or affects/leads to partitioning of the land recorded as Mushtarka Malkan or Jumla Malkan.

4. Receipt of this letter should be acknowledged and copies of the attached notification should be recorded in the Roznamchas of all the Patwaris working under your control.

Under Secretary to Govt. Punjab.
Revenue Department

Endst.No.17/19/2002-CH.V/

Chandigarh, dated the

A copy is forwarded to the Director, Rural Development and Panchayat Department for information & necessary action.

Under Secretary to Govt. Punjab.
Revenue Department

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 23rd July, 2007

No. 9-Leg./2007. - The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 19th July, 2007, and is hereby published for general information :-

THE EAST PUNJAB HOLDINGS (CONSOLIDATION AND PREVENTION
OF FRAGMENTATION) ACT, 2007
(PUNJAB ACT NO. 6 OF 2007)

AN

ACT

further to amend the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

Whereas, consolidation of holdings was almost completed in the State of Punjab in the year of 1980 under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter called the Act of 1948);

Whereas, under section 18 of the Act of 1948, some lands were assigned or reserved for common purposes as defined in clause (bb) of section 2 of the Act of 1948;

Whereas, in terms of the provisions of rule 16 of the Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949, framed under the Act of 1948, such lands vest in the village proprietary body and have been entered in the column of ownership of Record of Rights as "Jumla Malkan Wa Digar Hawdaran Arazi Hasab Rasab Raqba";

Whereas, according to the provisions of section 23-A of the Act of 1948, the management and control of such lands, commonly known as "Jumla Malkan or Mushtarqa Malkan", vest in the village Panchayat and the State Government;

Whereas, the State Government or the village Panchayat, as the case may be is entitled to appropriate the income accruing therefrom for the benefit of the village community;

Whereas, the land assigned or reserved for the common purposes, vest in the village proprietary body for meeting the common needs of the villagers for their common benefits including development, welfare schemes and projects like focal points, grain markets, allotment of plot for residential purposes to the members of Scheduled Castes, Anganwari Centres and Earthen Dams, which could not be visualized earlier while enumerating the common purposes or framing the schemes;

Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, MONDAY, JULY 23, 2007

(SRAVANA 1, 1929 SAKA)

LEGISLATIVE SUPPLEMENT

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	Nil	
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	Nil	

PUNJAB GOVT GAZ. (EXTRA), JULY 23, 2007
(SRVN. 1, 1929 SAKA)

Whereas, consequent upon the devolution of more powers to the Panchayats, in view of the Constitution (Seventy-third Amendment) Act, 1992, there will be further demand for new projects for the development of villages, which can be met only by utilizing the land assigned or reserved for common purposes ;

Whereas, it is not in public interest to partition or apportion the land assigned or reserved for common purposes amongst the Khewatdars or individual landowners, therefore, such land shall continue to be recorded in the Record of Right in the column of ownership as "Jumla Malkan Wa Digar Hawdaran Arazi Hasab Rasab Raqba";

And whereas, in these circumstances, it is expedient to amend the Act of 1948 as under, in public interest and in the interest of village community.

Be it enacted by the Legislature of the State of Punjab in the Fifty eighty Year of the Republic of India as follows :-

Short title and commencement	1.	(i) This Act may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, after section 42, the following section shall be inserted, namely ; (ii) It shall come into force at once.
Insertion of new section 42-A in Punjab Act 50 of 1948.	2.	In the East Punjab Holdings (Consolidation and Prevention of Framentation Act 1948, after section 42, the following section shall be inserted, namely:-

"42-A. Notwithstanding anything contained in this Act or in any Prohibition to other law for the time being in force, or in any partition the judgement, decree, order or decision of any land reserved court, or any authority, or any officer, the land for common reserved for common purposes whether purpoes. specified in the consolidation scheme or not, shall not be partitioned amongst the proprietors of the village, and it shall be utilized and continue to be utilized for common purposes."

Repeal and
saving.

3. (1) The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Amendment Ordinance, 2007 (Punjab Ordinance No. 3 of 2007), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

MOHINDER PAL

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs,

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This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

