

PUNJAB LAND ACQUISITION RULES, 1983

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PUNJAB LAND ACQUISITION RULES, 1983

TEXT

[23rd May, 2011]

1. (1) These rules may be called the Punjab Land Acquisition Rules, 1983
- (2) They shall come into force at once
2. (1) In these rules unless the context otherwise requires-----
 - (i) "Act" means the Land Acquisition Act 1894 (1 of 1894);
 - (ii) "Government" means the Government of the Punjab;
 - (iii) "Acquiring Agency" means the Department, the local authority or the Company for which land is being acquired under the Act.
2. The words and expression used but not defined in these rules shall have the same meaning as are respectively assigned to them in the Act.
3. The acquiring agency shall submit an application to the Collector of the District concerned in the prescribed form for the acquisition of land under the Act given full justification of the public purpose involved and the minimum area required by it with full details of all other area owned by it in same locality.
4. On receipt of the application under rule (3) the Collector of the district shall examine its feasibility taking into consideration the genuineness of the public purpose involved, the minimum requirements of the acquiring agency and suitability of the area proposed for requisition keeping in view its alternate uses if any.
5. Where after the examination of feasibility under Rule 4, the Collector of district, is of the view that the land be acquired for the acquiring agency, he shall issue a notification, under section 4 of the Act stating clearly the name of the revenue state/village or locality, tehsil, board details of the dimensions and boundaries of square or rectangles field numbers and the approximate area to be acquired.
6. After the issue of a Notification under Section 4 the Collector shall take immediate necessary step to have the area surveyed and submit his report to the Commissioner not later than sixty days from the date of publication of the Notification under section 4.
7. Where the land is to be acquired for a public purpose the Commissioner shall issue a Notification under section 5 of the Act not later than one year from the date of the publication of the Notification under section 4 if no Notification is issued under section 5 within the period specified in this rule, the Commissioner shall immediately report the matter to the Board of Revenue, for extension in time and the Board of Revenue may, in its discretion, extend the time for the issue of a Notification under Section 5, which shall not be more than sixty days if the Board of Revenue declines to grant the extension applied for or if the Commissioner fails to issue a Notification under section 5 within the extended period, the acquisition proceedings shall be deemed to have come to an end. However any time spent in the prosecution of a judicial remedy shall stand excluded from the period of litigation.
 - 7-A. (1) After the publication of notification under section 5, the commissioner shall within six months issue declaration under section 6, of the Act, and if no notification is issued within the said prescribed date, the acquisition proceeding shall be deemed to have

come to an end. Provided the Board of Revenue may, in its discretion, extend the time for the issuance of notification under section 6 which shall not be more than sixty days. Any time spent in the prosecution of judicial remedy shall stand excluded from the period of litigation.

(2) After the publication of declaration under section 6 of the Act, the Land Acquisition Collector shall announce the award within a period of six months, failing which the entire responsibility towards the payments of 8% compound interest shall fall on the officers / official found guilty for inordinate delay.

8. Where the land is to be acquired for Company the Commissioner immediately on receipt of the survey report of the Collector under Rule 4, forward the same to the Board of Revenue under section 5 within a period of one year from the date of the Notification under section 4, the acquisition proceedings shall be deemed to have come to an end.

9. Every objection received by the Collector under section 5-A of the Act, shall be disposed of by Collector with the least Possible delay and his report under sub-section (2) thereof or recommendations under sub-section (3), as the case may be shall be forwarded to the Commissioner within a period of ninety days from the date of publication of the Notification under section 5. The decision of Commissioner on these objections shall be announced by him within a period of three months from the date of receipt of the report or the recommendations of the Collector, as the case may be. If the report of the Collector or his recommendations, as the case may be, are not forwarded to the Commissioner, or if the decision of the Commissioners is not announced within the period specified in this rule, the objection shall be deemed to have been carried and the acquisition proceeding shall come to an end.

10. (1) The Commissioner of the Division while issuing a Notification under section 5 or 17 of the Act shall ensure that:-

- (i) Full description of the village, Tehsil and district, square and rectangle, field numbers and area of the land is mentioned in the Notification;
- (ii) A note is given at the bottom of the Notification to exclude waqf, state and evacuee lands, tombs, graveyards and places of religious character;
- (iii) The Collector of the district has carefully and prudently calculated the estimated price of the land sought to be acquired keeping in view:-
 - (a) the factors laid down in sections 23 and 24 of the Act;
 - (b) the classification of the land to be acquired and its location; and
 - (c) the average market price of similar kind of land similarly located, on the basis of the price prevalent during the period of twelve months preceding the date of publication of Notification under section 4;
- (iv) The Collector of the district has placed funds, equivalent to the estimated cost assessed by him under sub-rules (iii) at the disposal of the Land Acquisition Collector and has deposited the same in Treasury under the head Revenue Deposit as security for payment of compensation: and
- (v) In the case of a Company, it has been ascertained by inquiry as required under Section 5-A of the Act that the area sought to be

acquired is not excessive and is reasonable and the excess area, if any, is deleted while issuing a declaration under section 6 of the Act.

(2) Where the Company makes an urgent request for invoking the provisions of section 17 of the Act for the acquisition of land, the Commissioner shall deputed an officer shall hold an inquiry and make specific recommendations regarding the matters mentioned in section 4 of the Act. Particularly about the aspect that the area proposed to be acquired is reasonable for the purpose and is not excessive. This report along with other justification, if any given by the Collector of the district or the Industries Department of Government or the Company, shall be carefully considered before deciding whether the provisions of Section 17 are attracted in the case or not.

(3) No land lying near a town, meant for fodder cultivation or for orchards or otherwise culturable shall be notified for acquisition for the establishment of any industries. For the location of industries units all concerned Departments of Government including Health, Industries and Agriculture shall be consulted to ensure that no hazards to public health or agriculture economy would be involved, in case of such an acquisition..

11. While forwarding the draft notification under section 5 or 17 of the Act to the Commissioner, the Collector of the district shall keep in view the considerations mentioned in rule 10 and append the following certificates documents/information with the case:--

- (i) A certificate to the effect that estimated cost as worked out under sub-rule (iii) of rule 10 has been physically placed at the disposal of the Land Acquisition Collector and deposited in the Treasury under the Head "Revenue Deposit" as security for payment of compensation.
- (ii) A recommendation to the effect that the area sought to be acquired is not excessive and is reasonable for the purpose of declaration under section 6 or for taking possession under section 17 of the Act.
- (iii) A certificate to the effect that any State or waqf or evacuee land, tomb, graveyard or place of religious character has not been included in the draft notification.
- (iv) A certificate to the effect that endeavors to obtain land through private negotiations have been unsuccessful or has been considered inexpedient.
- (v) Site plan of the land involved.
- (vi) The classification of the land, i.e. whether ghair mumkin or banjar, culturable or under cultivation, whether irrigated or not and its distance from the main road and town to enable the Commissioner to form an opinion whether it would be proper to acquire it or whether the possibility of acquiring some other less valuable land should be explored to minimize loss to the agricultural economy.

12. The estimated cost of the land worked out under sub-rule (ii) of rule 10 shall be approved by the following: -

- (i) upto Rs.5 lacs, by the Collector;
- (ii) upto Rs.10 lacs by the Commissioner; and
- (iii) above Rs.10 lacs, by the Board of Revenue.

13. The Collector or the Commissioner, as the case may be shall not deliver possession of land sought to be acquired by any Department or agency concerned unless sufficient funds for the payment of compensation are placed at the disposal of the Collector in advance.

14. (1) Where any land has been acquired for any Department of the Government or a local authority for a public purpose and it is proposed to abandon the same, it shall be handed over to the Collector who shall be responsible for the disposal of the same in accordance with the order of Government.

(2) The disposal of land under sub-rule (1) shall be made by Government in its discretion, and its possession restored to the persons from whom it was acquired or to their heirs as under: -

- (i) Free of cost to the original owners or their heirs, if compensation for the acquisition of land has not been paid.
- (ii) On refunding the amount paid as compensation less than 15 percent granted for compulsory acquisition, if the original landowners or their heirs have already received cash compensation in respect of their land. The price may be lowered, if necessary, on account of deterioration, or enhanced in the rare case of land having been improved by the use to which Government has put it.

(3) Where the original land-owners or their heirs were provided ultimate land in lieu of their acquired land, such land shall not be restored to them, but shall be utilized or disposed of by the Board of Revenue in accordance with the policy of the Government regarding disposal and alienation of lands.

15 (1) Where any land has been acquired for a company, it shall not be sold or otherwise disposed of except with the prior and express approval of Government.

(2) If the Company for which any land has been acquired makes an application to Government under sub-rule (1) for permission to sell or otherwise dispose of the acquired land of any part thereof, and in case the required permission is declined, then the following procedure shall be followed: -

- (i) In a case where compensation to the original owners or their, heirs has not been paid the land shall be resumed and restored to the original owners or their heirs.
- (ii) In a case where compensation has been paid fully or partly, the land shall be resumed and offered for sale to the original landowners or their heirs, in lieu of reimbursement of the amounts of compensation with interest at the Government rate prevalent during the period the land remained out of their possession.
- (iii) If the original landowners or their heirs have been provided alternate land in lieu of their acquired land, or if the original owners or their heirs are not prepared to accept their restoration of land clause (ii), the land shall be resumed in lieu of reimbursement of the amount of compensation with interest at the Government rate prevalent during the period the land remained in possession of the company. The land shall just be utilized and disposed of by the Board of Revenue in accordance with the policy of the Government regarding disposal of lands.

- (iv) In a case where any improvement has been made or any structure has been raised by the company on the land proposed to be disposed of, the permission to sell land may be granted by Government subject to the condition that the difference in the market value of the land at the time of the sale and the amount of the acquisition shall be payable to the original landowners or their heirs.

16 Where the land is used for a proposed other than the one for which it was got acquired, by the acquiring agency, the same shall be resumed immediately by Government without compensation and the acquiring agency shall also be liable to a penalty which may extend to Rs,50,000,.00 depending upon the nature of each case.