

PUNJAB VIDHAN SABHA
BILL NO. 28-PLA-2020
THE PUNJAB LAND REVENUE (AMENDMENT)
BILL, 2020

(Bill as passed by the Punjab Vidhan Sabha)
The following Bill was passed by the Punjab Vidhan Sabha:-

A

BILL

further to amend the Punjab Land Revenue Act, 1887.

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

1. (1) This Act may be called the Punjab Land Revenue (Amendment) Act, 2020. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Land Revenue Act, 1887 (hereinafter referred to as the principal Act), for section 13, the following section shall be substituted, namely:- Substitution of section 13 of Punjab Act XVII of 1887.

“13.(1) Save as otherwise provided by this Act, an appeal shall lie from an original or appellate order of a Revenue Officer as follows, namely:-

Appeals.

 - (a) to the Collector when the order is made by an Assistant Collector of either grade;
 - (b) to the Commissioner when the order is made by a Collector;
 - (c) to the Financial Commissioner when the original order made by a Collector is reversed by the Commissioner in appeal:

Provided that –

 - (i) when an original order is confirmed on appeal, a further appeal shall not lie;
 - (ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Commissioner on further appeal, if any, to him shall be final;
 - (iii) no order of remand shall be passed by the appellate authority except where it is established from the record that a necessary party was not duly served;

- (iv) no appeal shall lie against any interim order passed by a Revenue Officer under this Act;

Explanation.-An order passed under sub-section (1) of section 116 and section 117 shall not be an interim order;

- (v) in partition proceedings, the Revenue Officer shall not proceed further in case an appeal has been filed against an order passed under sub-section (1) of section 116 or section 117 or section 118.

(2) Notwithstanding anything contained in this section, the appeals pending before the Financial Commissioner under sub-section (1) prior to the commencement of the Punjab Land Revenue (Amendment) Act, 2020, shall be decided and disposed of as heretofore."

Amendment of section 14 of Punjab Act XVII of 1887.

3. In the principal Act, in section 14, after clause (c), the following proviso shall be inserted, namely :-

" Provided that -

- (i) the period of limitation for an appeal against the order passed by the Assistant Collector under sub-section (1) of section 116 or section 117 shall be fifteen days before the Collector and thirty days before the Commissioner; and
- (ii) an appeal shall be decided by the appellate authority within sixty days from the date the respondent puts in appearance after notice or is proceeded against ex parte."

Insertion of new section 15-A in Punjab Act XVII of 1887.

4. In the principal Act, after section 15, the following section shall be inserted, namely:-

"15-A. Clerical or arithmetical error in an order may, at any time be corrected by the Revenue Officer who passed the order or by this successor either of his own motion or on the application of any party, and an intimation of such correction shall be made to the parties free of any charges and also to the concerned Revenue Officer for its implementation."

5. In the principal Act, for section 16, the following section shall be substituted, namely:-

Substitution of
section 16 of
Punjab Act XVII
of 1887.

“16. (1) The Financial Commissioner, may at any time, on his own motion, or on an application made to him by any aggrieved person within ninety days of the passing of any order, call and examine the record of any case pending before, or disposed of by any Revenue Officer, subordinate to him for the purpose of satisfying himself as to the legality or propriety of such order or proceedings and may pass such order in relation thereto as he may deem fit.

(2) No revision shall lie against an order in respect of which an appeal is maintainable.

(3) A person aggrieved by any order of which revision has been sought, shall state the illegality and impropriety of the order impugned:

Provided that: -

- (i) the Financial Commissioner shall not pass an order reversing or modifying any proceedings or order of a subordinate Revenue Officer and affecting any question of rights between the parties, without giving them an opportunity of being heard;
- (ii) except against an order under section 118 passed in appeal, or against issuance of instrument of partition under section 121, no application for revision shall lie against an order relating to partition proceedings under Chapter IX;

Explanation.- If a revision petition has been filed against an order under section 118 passed in appeal, no such petition shall lie against an instrument of partition issued under section 121;

- (iii) the period of limitation for filing a revision petition against an order under section 118 passed in appeal, or against issuance of instrument of partition under section 121 with respect to partition of land shall be sixty days from the date of order; and

- (iv) such revision shall be decided within one hundred and twenty

days from the date the respondent puts in an appearance after notice or is proceeded against *ex parte*.

(4) Notwithstanding anything contained in this section, the cases called for by the Commissioner under sub-section (1) prior to the commencement of the Punjab Land Revenue (Amendment) Act, 2020, shall be decided and disposed of by the Revenue Officer as heretofore.

(5) Notwithstanding anything contained in the Punjab Land Revenue (Amendment) Act, 2011 (Punjab Act No. 15 of 2011) and the Punjab Land Revenue (Amendment) Act, 2012 (Punjab Act No. 5 of 2013), the revision applications pending before the Financial Commissioner shall be disposed of by him in accordance with the provisions contained herein.”

Amendment of
section 20 of
Punjab Act XVII
of 1887.

6. In the principal Act, in section 20, for sub-sections (2), (3), (4), (5) and (6), the following sub-sections shall be substituted, namely:-

“(2) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by affixing a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that person does not reside in the district in which the Revenue Officer exercises his jurisdiction and the case to which the summons relates has reference to land in that district, then by affixing a copy of the summons on some conspicuous place in or near the estate wherein the land is situate.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue Officer so directs, be served by delivery of a copy thereof to such of those persons as the Revenue Officer nominates in this behalf and by publication of the contents thereof in a daily Punjabi newspaper having wide circulation for the information of the other persons interested.

(4) The summons may also be served through Short Message Service (SMS) or Whatsapp, email, or through other electronic mode at the phone number or email id, as may be approved by the State Government which shall be available or otherwise known, or made known, to the Revenue Officer:

Provided that if service is effected through any of the above modes, a printout of the communication shall be placed on the record and the applicant or the appellant, as the case may be, shall provide proof to the satisfaction of the Revenue Officer of the genuineness of the phone number or email id being that of the recipient.

Explanation. - An affidavit filed by the applicant shall be sufficient proof regarding the genuineness of the phone number or email id to which the communication is sent as being that of the recipient.

(5) A summons may, if the Revenue Officer so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Chapter VI of the Indian Post Office Act, 1898 (Central Act VI of 1898), or sent through a reputed courier agency notified by the Government in this regard.

(6) When a summons is so forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Revenue Officer may presume that the summons was served at the time when receipt of its delivery is furnished:

Provided that in case of a letter sent through registered post, its delivery may be presumed after thirty days if it is not received back undelivered within this period.

(7) A summons may also be served on the person named therein by publication of the contents thereof in a daily Punjabi newspaper having wide circulation, as may be approved by the State Government.

(8) A summons may also be served by uploading it on such website as may be notified.

(9) Any of the modes of service provided in sub-sections (2), (3), (4), (5), (7) or (8) may be adopted simultaneously in addition to the mode provided in sub-section (1)."

- Substitution of section 21 of Punjab Act XVII of 1887.
7. In the principal Act, for section 21, the following section shall be substituted, namely:-
- “21. A notice, order or publication or copy of any such document, issued by a Revenue Officer for son shall be served in the manner provided in section for the service of a copy thereof. summons.”
- Omission of section 22 of Punjab Act XVII of 1887.
8. In the principal Act, section 22 shall be omitted.
- Substitution of section 110 of Punjab Act XVII of 1887.
9. In the principal Act, for section 110, the following section shall be substituted, namely:-
- “110. A partition of land, either under this Chapter or otherwise, shall not, without the express consent of the Financial Commissioner, affect the joint liability of the land or of the land owners thereof for the revenue payable in respect of the land, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties to the partition.”
- Substitution of section 111 of Punjab Act XVII of 1887.
10. In the principal Act, for section 111, the following section shall be substituted, namely:-
- “111. (1) Any joint owner of land, may apply to a Revenue Officer for partition of his share in the land, if,-
- (a) on the date of application, the share as owner is recorded under Chapter IV as belonging to him; or
- (b) his right to share as owner has been established by a decree which is still subsisting at that date.
- (2) The applicant shall with his application for partition, file as many copies of the application as the number of respondents.”
- Substitution of section 112 of Punjab Act XVII of 1887.
11. In the principal Act, in section 112,-
- (i) in clause (2), after sub-clause (a), the following sub-clause shall be inserted, namely:-
- “(aa) any common path, common water course or such like place,

used for common purpose;” and

(ii) clauses (3) and (4) shall be omitted.

12. In the principal Act, for section 113, the following section shall be substituted, namely:-

Substitution of section 113 of Punjab Act XVII of 1887.

“113. (1) The Revenue Officer, on receiving the application under section 111, shall, if it is in order and not open to objection on the face of it, fix a day for the hearing thereof, and—
Notice of the application and addition of parties for partition.

- (a) cause a notice of the application on the day so fixed to be served on the respondent and on such of the recorded co-sharers, as have not joined in the application to submit their replies specifying therein if any of them desires partition of his share and if he so desires add him as an applicant; and
- (b) if he thinks fit, cause a notice to be served on any other person whom he may deem to be directly or indirectly interested in the application.

(2) The reply to the application for partition shall be filed by the respondent within thirty days of his appearance in response to the notice issued under clauses (a) or (b) of sub-section (1).

(3) A party that has been proceeded against ex parte may join the proceedings of the case from the stage at which it is pending on the date he joins.”

13. In the principal Act, for sections 114 and 115, the following sections shall be substituted, namely:-

Substitution of sections 114 & 115 of Punjab Act XVII of 1887.

“114. The Revenue Officer after examining such of the co-sharers and other persons, as may be present on that day, may, if he is of the opinion that there is good and sufficient cause, why partition should be absolutely disallowed, refuse the application, recording the grounds of his refusal.
Absolute disallowance of partition.

115. (1) Before proceeding to adjudicate the partition amongst the parties, the Assistant Collector shall make an effort in the first instance, through conciliation and mediation. Partition through conciliation and mediation. Centre in the District or to a panel of three respectable persons out of whom one each shall be nominated by the applicants and the respondents respectively and the third shall be nominated by the Assistant Collector:

Provided that where parties agree for mediation then proceedings in pursuance thereof shall be concluded by the mediators within thirty days of entering the reference and such period may with the mutual consent of the parties be extended by another fifteen days.

(2) In case the parties do not agree for mediation or in the event of failure to resolve the matter by mediation and conciliation, the Assistant Collector shall record a finding to this effect and proceed to continue with the partition amongst the parties.

(3) The Collector or the Commissioner before whom the matter is taken up or is pending, after satisfying himself of there being a likelihood for an agreement on the partition amongst the parties by mediation and conciliation may in the manner as provided for in sub-section (1) refer the matter for mediation, which shall be decided in the same manner:

Provided that in case the matter is referred to a panel, the third mediator shall be nominated by the Collector or the Commissioner, as the case may be.

(4) In the event of failure to resolve the dispute by conciliation and mediation within thirty days, the Collector or the Commissioner who made the reference, shall record a finding to this effect and proceed to decide the matter amongst the parties.

(5) A Revenue Officer may accept, modify or reject the settlement reached at in the mediation, recording his reasons for doing so in his decision in respect of the matter which was referred for mediation and conciliation."

14. In the principal Act, section 115-A, shall be omitted.

Omission of section 115-A of Punjab Act XVII of 1887.

15. In the principal Act, for sections 116, 117 and 118, the following sections shall be substituted, namely:-

Substitution of sections 116, 117 & 118 of Punjab Act XVII of 1887.

"116. (1) The Revenue Officer, on the application not being refused or the conciliation not being successful and upon a question of title being raised, shall by recording reasons within thirty days decide whether such question is involved between the applicant and the respondent.

Procedure on admission of application and disposal of question as to title.

(2) In case a question of title is involved between the applicant and the respondent, the Revenue Officer shall decline to grant the application for partition until the question has been determined by a court of competent jurisdiction and if no such question is involved, he shall proceed with the partition.

117. The Revenue Officer after making such enquiry including that of visiting the spot, wherever necessary, and taking into account relevant factors such as possession of parties on the land, its location and quality, finalize the mode of partition specifying therein the property to be divided.

Mode of making the partition specifying the property to be divided.

"118. (1) The Revenue Officer shall allot specific portions of the land to the applicant in accordance with the mode of partition.

Land to be allotted to the applicant and others.

(2) After an order has been passed under sub section (1), the Revenue Officer shall proceed to prepare the instrument of partition under section 121 irrespective of any party withdrawing from the proceedings.

Explanation.- Non-appearance of any party shall be construed as his withdrawing from the proceedings."

16. In the principal Act, in section 120,-

Amendment of section 120 of Punjab Act XVII of 1887.

(i) after sub-section (1), the following Explanation shall be inserted, namely:-

"Explanation.- In case the area of land under tenancy is reduced as a result of partition, the rent payable by the tenant shall be proportionately decreased."; and

(ii) sub-section (3) shall be omitted.

Substitution of section 121 of Punjab Act XVII of 1887.

17. In the principal Act, for section 121, the following section shall be substituted, namely:-

"121. (1) When a partition is completed, the Revenue Officer shall cause an instrument of partition to be prepared at the expiry of sixty days from the order passed under section 118 and it shall take effect after thirty days of its first copy being issued.

Explanation.- A partition shall be taken to be complete on an order passed under section 118.

(2) An instrument of partition shall be amended or modified in the event of an order passed under section 118 is set aside, modified or reversed in appeal, review or revision."

Substitution of section 122 of Punjab Act XVII of 1887.

18. In the principal Act, for section 122, the following section shall be substituted, namely:-

"122. An owner to whom any land is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and their legal representatives, and a Revenue Officer shall, on application made to him for the purpose by any such owner at any time within three years from the date of instrument of partition under the last foregoing section, give effect to that instrument so far as it concerns the applicant as if it were a decree for immovable property."

Omission of section 125 of Punjab Act XVII of 1887.

19. In the principal Act, section 125 shall be omitted.

Amendment of section 153 of Punjab Act XVII of 1887.

20. In the principal Act, in section 153, for the words, sign and figures "the Indian Limitation Act, 1908", the words, sign, brackets and figures "the Limitation Act, 1963 (Central Act 36 of 1963)" shall be substituted.

CHANDIGARH:
THE 27TH OCTOBER, 2020

SHASHI LAKHANPAL MISHRA,
SECRETARY.