



**GOVERNMENT OF THE PUNJAB
COLONIES DEPARTMENT**

13th September 2019

NOTIFICATION

No.2107-2019/754-CL(I). In exercise of the powers conferred under section 10 of the Colonization of Government Lands (Punjab) Act, 1912 (*V of 1912*), Governor of the Punjab is pleased to issue the following Statements of the Conditions for grant of proprietary rights in State land leased out under different temporary cultivation lease schemes promulgated from time to time in the Province of the Punjab with immediate effect:

1. General.- (1) The Government has decided to grant proprietary rights in State land to those lessees who are cultivating it under a Temporary Cultivation Lease Scheme for at least five years continuously regardless of the original terms and conditions for the lease and fulfill the conditions mentioned herein, provided that no lessee shall be entitled as a matter of right to purchase of proprietary rights.

(2) All grants under these Statements of the Conditions shall be subject to the provisions of the Act and to:

- (a) the General Colony Conditions of 1938 published vide Punjab Government Notification No.5792-C, dated 29.06.1938 and Notification No.2664-C, dated 22.09.1944;
- (b) the Statements of the Conditions as appearing hereinafter; and
- (c) Such instructions as may be issued by the Government for carrying out the purposes of this Notification.

2. Definitions.- For the purpose of these Statements of the Conditions, unless there is anything repugnant in the subject or context:

- (a) "Act" means the Colonization of Government Lands (Punjab) Act, 1912 (*V of 1912*);
- (b) "Board of Revenue" means the Board of Revenue established under the Punjab Board of Revenue Act, 1957 (*XI of 1957*);
- (c) "Collector" means the Collector of District;
- (d) "family" means the lessee, his parent, minor children, husband and wife or wives;
- (e) "Government" means Government of the Punjab;
- (f) "grant" includes any grant made in respect of any land of which these Statements of the Conditions applied;
- (g) "grantee" means the person to whom the land has been granted under these Statements of the Conditions and includes the successor-in-interest and the permitted assignee of the grantee but shall not include any holder of

power of attorney on behalf of such grantee or successor-in-interest or assignee; and

- (h) "lessee" means a person holding lease under an approved temporary lease scheme of Colonies Department and shall not include any holder of power of attorney on behalf of the original lessee.

3. Exceptions and reservations.- The following categories of the State land shall be excluded from every grant of proprietary rights to be conferred under the following conditions:

- (a) land already reserved under any other scheme including permanent grants or schemes and service grants;
- (b) reserved charagah or charagah baqaya in colony chaks;
- (c) lands lying inside municipal limits and within prohibited zone which shall be upto:
 - (i) Metropolitan or Municipal Corporation 20-KM
 - (ii) Municipal Committees 10-KM
 - (iii) Town Committees 06-KM
 - (iv) Railway Station 02-KM
 - (v) Motorway 02-KM
- (d) in case of Cantonment Board contiguous to a local council, the limits or prohibited zone shall tally with the limits prescribed for the local council to which it is adjacent;
- (e) the existing limits of prohibited zones shall remain applicable even if the status or nomenclature of the local bodies is changed;
- (f) land transferred to other departments of the Punjab Government or Federal Government;
- (g) all rivers and streams with their beds and banks;
- (h) all water courses and drains or channels, and all existing or proposed public thoroughfares and existing graveyards;
- (i) the prohibited zone nearest to the leased State land, shall be applicable for grant of proprietary rights irrespective of the district boundaries;
- (j) only those lessees shall be eligible who obtained lease of State land under the Temporary Cultivation Lease Scheme falling outside prohibited zone; and
- (k) the limits of prohibited zone at the time of filing of applications, within stipulated period as mentioned in these terms and conditions, shall be applicable.

4. Eligibility.- No person shall be eligible to grant of proprietary rights unless:

- (a) he is regular *bona fide* existing lease holder of State land excluding the lands mentioned above in para 3;

- (b) he has been in continuous cultivating possession of the said State land since before Kharif, 2013 and has paid Government dues; and
- (c) the lessee shall pay the arrears of rent for un-extended period w.e.f. 30.06.2016 to filing of application for exercising option with annual increase at the rate of ten percent (10%) before exercising of option.

5. Ineligibility.- No person shall be granted proprietary rights in the leased State land if:

- (a) he does not himself cultivate State land leased out to him, provided that in case of widow or minor orphan or a physically disable person or those more than sixty years of age, cultivation through their son, guardian, real brother, father or in their absence grandson or son in law shall be considered as self-cultivation;
- (b) he had not maintained cultivation over at least fifty percent (50%) of the total leased out land since Kharif, 2013 and has not brought at least eighty percent (80%) of the leased out area under plough before actual conferment of proprietary rights;
- (c) he or any member of his family has already obtained a grant of State land under these Statement of the Conditions or under any other scheme or conditions issued by the Government; and
- (d) the persons recorded as sub-tenants or sub-lessees of leases under any Temporary Cultivation Lease Scheme.

6. Extent and size of grant.- The grant of proprietary rights of State land shall be to the following extent:

- (a) in the case of landless, upto 100-kanals;
- (b) in the case of landowning lessee who is declared eligible for the grant under a Temporary Cultivation Lease Scheme, upto 100-kanals including his owned land, provided that the allottee undertakes to surrender his rights over excess proprietary land or State land in favour of the State before the last date for exercise of option; and
- (c) in a case where the area is held on lease jointly by different persons or families with different parentage as one joint tenancy, each family or individual shall not be given a separate grant and they shall be jointly granted proprietary rights to the extent of 100-kanals.

7. Exercise of option.- The exercise of option shall be as under:

- (a) a lessee, who is eligible for the grant of proprietary rights under these Statements of the Conditions, shall exercise his option by 31.03.2020, in writing, for acquisition of

proprietary rights in State land under his cultivating possession;

- (b) the option shall be communicated in writing to the Assistant Commissioner of the Sub-Division concerned who shall issue an acknowledgement or receipt to the applicant and enter the particulars of such application in a register to be maintained for the purpose, properly page numbered and authenticated by the Assistant Commissioner concerned;
- (c) the Assistant Commissioner after the last date of filing of option to purchase proprietary rights shall send a copy of the register containing record of the aforementioned applications within fifteen days duly verified and certified by him to the extent that such number of options are filed, to the District Collector;
- (d) the District Collector through the Commissioner shall refer the list duly verified and certified by him to the Colonies Department, Board of Revenue, Punjab within next fifteen days; and
- (e) a lessee who is eligible for grant of proprietary rights but fails to exercise option on or before the date prescribed for the purpose shall not be eligible to claim proprietary rights under Temporary Cultivation Lease Scheme and shall be ejected after expiry of lease period.

8. Disclosure of previous grants.- A lessee while exercising his option shall be bound to disclose on oath that he or any member of his family has or has not previously received any grant under these Statements of the Conditions or any other scheme of the Government.

9. Determination and declaration of eligibility.- The eligibility shall be determined and declared as under:

- (a) on receipt of option, Assistant Commissioner concerned shall immediately proceed to examine the claim of the lessee in the light of the information furnished by him and determine his eligibility after consulting the revenue record and make recommendations accordingly within a period of six months to the District Collector;
- (b) in case, the allottee is considered to be ineligible by the Assistant Commissioner concerned, personal hearing shall be provided to the applicant before making final recommendations in this regard;
- (c) if the allottee is considered to be eligible for grant of proprietary rights, the Assistant Commissioner shall provide the Produce Index Units of the land applied for, it shall be reported to the District Collector for conferment of the proprietary rights;

- (d) the District Collector on receipt of recommendations of eligibility for grant of proprietary rights, may within a period of six months decide the grant;
- (e) in case, the grant is allowed, a declaration of eligibility of the lessee for the grant of proprietary rights to the extent of his entitlement shall be issued; and
- (f) an opportunity of hearing shall be provided to the applicant before rejection of his case for grant of proprietary rights and such rejection shall be communicated, in writing, to him at the address given by him.

10. Price of land.- The grant of proprietary rights shall be subject to payment of price of land at the rate of rupees five thousand (Rs. 5,000) per Produce Index Unit calculated afresh based on current data as per existing classification of the land.

11. Mode of payment of price.- (1) The grant of proprietary rights shall be subject to the payment of price of land either on lump sum or in six equal half-yearly installments from the date of determination of eligibility for grant of proprietary rights.

(2) The installments shall be payable on or before the 1st July and the 31st December, every year.

(3) In case of installments, mark up on unpaid balance amount shall become payable at the rate of 10.25% per annum, to be reckoned from the date when the second installment is due.

(4) In case of default of payment of an installment, additional mark up at the rate of 13.5% shall be charged on the amount overdue for the period of default over and above the amount of usual mark up.

12. Deed of conveyance.- (1) After a grantee has paid the full price of the land and fulfilled all the terms and conditions of the grant to the satisfaction of the District Collector, he shall be eligible to have a deed of conveyance executed in his favour on the prescribed form conferring full proprietary rights.

(2) The deed shall be executed and registered at the cost of the grantees.

13. Succession.- In the event of death of the grantee before the payment of the entire price of State land granted under these Statements of the Conditions, the grant shall be inheritable under section 19-A of the Act. The heir or heirs so appointed shall be deemed to be grantees under these Statements of the Conditions and shall be liable to pay the outstanding dues as calculated separately or jointly by the District Collector.

14. Alienation of rights.- No grantee shall alienate by sale, exchange, mortgage, gift, will or otherwise, the whole or any part of his grant, before or during the period of five years after the date of execution of deed of conveyance, without approval of the Colonies Department, Board of Revenue, Punjab.

15. Use of the land granted.- The land granted under these Statements of the Conditions shall be used for the sole purpose of agriculture.

16. Exchange.- No exchange of the land so granted shall be allowed with any other State land under any circumstances.

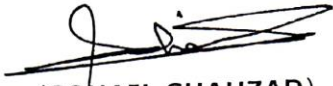
17. Resumption.- The resumption shall be made on the following grounds:

- (a) if two consecutive installments are defaulted, the installments already paid shall be confiscated in favour of the State;
- (b) if any grantee fails to perform or commits breach of any of the terms and conditions of his grant, the District Collector may proceed against him under section 24 of the Act;
- (c) any lessee who has given false information regarding his eligibility to purchase proprietary rights under these Statements of the Conditions, shall be deemed to have committed a breach of the conditions;
- (d) if at any time, it is found that any grantee has acquired proprietary rights in State land by means of fraud or misrepresentation of facts or was not eligible to acquire such rights for any reason, the deed of conveyance shall be liable to cancellation under section 30(2) of the Act after affording such grantee an opportunity of being heard by the Board of Revenue, Punjab under the Act; and
- (e) in the event of resumption of State land, all sums or installments paid towards the price of State land shall stand forfeited to the Government.

18. Disposal of resumed land.- The District Collector shall resume or cause to be resumed State land on breach of the Statements of the Conditions and such land shall be deemed to be "*Baqaya Sarkar*".

19. Compensation.- In case of resumption of the land, the grantee shall not be entitled to any compensation for any improvement made or for uncut and un-gathered crops standing on such land, if not removed within a period of two months of such resumption with the permission of the District Collector.

BY THE ORDER OF THE GOVERNOR OF THE PUNJAB


(SOHAIL SHAHZAD)
MEMBER/ SECRETARY
GOVERNMENT OF THE PUNJAB
COLONIES DEPARTMENT

A copy is forwarded to:

- i) All Commissioners of Divisions, in the Punjab.
- ii) All District Collectors/ Deputy Commissioners, in the Punjab.
- iii) Managing Director, Cholistan Development Authority, Bahawalpur.
- iv) All Assistant Commissioners, in the Punjab.
- v) Superintendent, Government Printing Press with the request to print 65-copies of Gazette Notifications and forward to the Board of Revenue, Punjab.