

168

THE NAZOO LANDS (TRANSFER) RULES, 1956

1. **Short title:** These rules may be called the Nazool Lands (Transfer) Rules, 1956

2. **Definitions:** In these rules - (a) Co-operative Society means a society formed for the purpose of Cooperative farming and registered under the Cooperative Societies Act, 1912 (Central Act No. II of 1912), as in force in the State :

(b) "*family*" means a male person and his dependants who live in one house and have a common mess :

(c) "*Landless family*" means family not owning any agricultural land other than the land used or meant to be used as a bara, compost pit or the site of a house :

(d) "*Nazool land*" means : (i) The land situated beyond two miles of the Municipal limits, which has escheated to the State Government and has not already been appropriated by the State Government for any purpose.

(ii) such other land as the State Government may make available for being transferred under these rules :

(e) "*Unit of Nazool land*" means: (i) where land belongs to one kind, three acres of irrigated land or six acres of unirrigated land or nine acres of banjar land:

(ii) where land belongs to more than one kind, the acreage calculated in above proportion.

3. **Transfer of Nazool lands:** (a) In a village where Nazool land available is less than 10 acres and is being leased to members of Scheduled Castes, it may be allotted to the present lessees individually upto the limit of a unit of Nazool land (6 acres of unirrigated or 9 acres of Banjar Land) provided they do not own any land of their own. Those who own some land, they may be allowed such area as would make up the unit of Nazool land as defined in the rules, when added to their own land, and the rest may be allotted to others.

(b) In the villages where Nazool land available is 10 acres or more, the Scheduled Castes land owning Cooperative Societies may be formed by the heads of

scheduled Castes families in accordance with these rules and the Nazool land may be allotted to them. In a village where no Cooperative Societies of the members of the Scheduled Castes had been formed by the 16th May 1964, the land should be allotted to ~~village~~ **schedule** Caste members instead of Schedule Caste Cooperative Societies according to these Rules. For this purpose, members of Scheduled Castes who are already cultivating such lands are to be preferred. In case there is more than one claimant for the same piece of land, the allotment will be made by drawing lots.

In the matter of allotment of Nazool land under sub-rules (a) and (b) above, the Ex-Servicemen Schedule Caste members shall be given preference over other Schedule Castes including Schedule Castes Harijans cultivating Nazool land.

(c) Nazool land already under self cultivation of landless persons of Backward Classes may be allotted to them, like members of Scheduled Castes in the manner prescribed at (a) and (b) above.

(d) In the village where agricultural Nazool land has not been allotted and for which no eligible persons are available for allotment under ~~Clauses~~ (a), (b) or (c) above, should be sold in restricted auction, according to the procedure prescribed in Annexure 'A' amongst the Scheduled Castes who are dependant on agriculture and do not own more than 10 acres of land. A member of the Scheduled Castes who owns less than 10 acres of land will be allowed to bid only to the extent that the land for which the bid is given, together with the land owned by him does not exceed 10 acres.

(e) A landless person dependant on agriculture who is a member of the Scheduled Caste and resides in a village in which the land offered for sale is situated shall once be permitted to participate in the auction. Provided that if after the proceedings of restricted auction sale as above more land is available for sale in the village, a landless dependant on agriculture who is a member of the Scheduled Castes and resides in the other village of the same Patwar Circle shall be permitted to participate in the auction of the land provided further, that if after the auction of the land as here-in-before laid down still more land is available for sale, a landless person dependant on agriculture who is a

Member of the Scheduled Castes and resides in other village of the same Kanungo circle shall be permitted to participate in the auction.

3A Mortgaged Nazool lands: - In the case of Nazool lands mortgaged with possession the mortgagers rights be transferred to the Cooperative Society of Scheduled Castes, where the land is 10 acres or more and to the individual members of Scheduled Castes where it is less than 10 acres, in the manner prescribed in rule 3 (a) and (b) and the mortgagers should pay the entire mortgage amount which would be deemed as equal to the sale price of the land, in cases where mortgage money exceeds the price to be charged by Government under rules. Where the mortgage amount is less than the price to be charged according to the rules, the difference between the two amounts should be paid to the Government and the mortgage money to the mortgagees.

3B² Auction of trees : The trees standing on the Nazool lands transferred under these rules should be sold by public auction by the Tehsildar concerned in consultation with the allottees concerned and the sale proceeds should be credited to the accounts of the allottees towards the payment of price of land to the Government. The trees standing on Nazool lands not yet allotted to anyone, should be sold by public auction by the Tehsildar concerned and the sale proceeds should be credited into the Government Treasury under the appropriate head of account.

4. Heads of the families to form cooperative societies : (1) The heads of Scheduled Caste landless families in a village may form themselves into a cooperative society.

Provided that the land owning head of a Scheduled caste family may also become a member on surrendering his land to the cooperative society on such terms and conditions as may be mutually agreed upon between him and the cooperative society.

(2) Where any dispute arises as to who is the head of a scheduled caste family, it shall be decided by the Collector of the District.

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(3) Any person aggrieved by the decision of the Collector under sub rule (2) may, within **fifteen days** of the decision, appeal to the Commissioner, whose decision shall be final.

5. **Transfer of Nazool land to Cooperative Societies:** -(1) As soon as a cooperative society has been formed in a village, the nazool land in that village shall be transferred to it:

Provided that if units of nazool land in the village exceed the number of members of the cooperative Society only as many units of nazool land as there are members, shall be transferred to the cooperative society.

Provided further that when the excess is not more than two units of nazool land, the entire nazool land in the village shall be transferred to the cooperative society of the village.

(2) The nazool land which remains in excess under sub-rule (1) shall be transferred to the cooperative society or societies, of the nearest village or villages in which units of nazool land are less than the number of members.

6. **Reversion in the event of dissolution:** If at any time, before the payment of the last instalment of price a cooperative society to which nazool land has been transferred is dissolved, the nazool land shall revert to the State Government on payment by the State Government of the amount already realized by it towards the price.

7. **Bar on alienation :** No Cooperative Society or the individual member of Scheduled Castes, as the case may be, shall alienate or sell or mortgage the Nazool Land and such land shall go down only in inheritance⁴:

Provided that a Co-operative Society or a member of a Scheduled Castes to whom such land has been transferred under these rules may temporarily alienate such land in favour of the Punjab Scheduled Castes Land Development and Finance Corporation and Scheduled Banks for securing a loan with a view to improving this land provided the

172

Percent of area so alienated shall not exceed the proportion of the land for which price has been paid to the Government.

8. **Price :** The price to be paid by Co-operative society/individual allottee^s for the Nazool land to be transferred to it, shall be:

- (a) Where such land is assessed to land revenue, 90 times the land revenue (including rates and cesses) payable for such land ; or
 - (b) Where such land is not assessed to land revenue, 90 times the land revenue (including rates and cesses) payable for the lowest class of land in the village; or
 - (c) Rs 200/- per acre ;
- whichever is less.

Provided that where ninety times the land revenue of the best quality of nazool land in a village exceeds two hundred rupees per acre, the price of other qualities of nazool lands in that village inferior to the best quality shall be reduced in the same proportion, below two hundred rupees, as the land revenue of such inferior land bears to the land revenue assessed on the best quality.

9. **Instalments:** The price of the nazool land transferred under these rules shall be payable in twenty equal six monthly instalments. The first instalment shall be payable along with the land revenue falling due in respect of the nazool land next after its transfer, and thereafter each subsequent instalment shall be likewise payable with the land revenue.

9-A⁶. **Recovery of Installments:** (i) the arrears of instalments due under these rules shall be recoverable as arrears of land revenue.

(ii) In case a Cooperative Society/individual member consistently makes default in making payment of two instalments of price of nazool land, the Collector may review the case and cancel the allotment of land to the Co-operative Society / individual member whereupon the land shall revert to Government.

(iii) The co-operative society/individual member concerned may file an appeal to the Commissioner against the Collector's order within sixty days of the date of that order, and the Commissioner's order passed in appeal shall be final.

10. Application for transfer : (1) A cooperative society/individual member eligible under these rules for obtaining nazool land shall apply, in form 'A' appended to these rules, to the Collector of the District in which the Nazool land to be transferred is situated.

(2) On receipt of an application ~~under sub-rule (1)~~, the Collector may make or cause to be made such inquiries as he may ~~deem fit~~ for the purpose of verifying the claim of the co-operative society/individual member.

(3) If the Collector is satisfied as to the genuineness of the claim of the cooperative Society/individual member, he shall take further steps for transferring the land in favour of the society / individual member in accordance with these rules.

(4) An order of transfer shall be issued by the Collector in favour of the Co-operative Society/individual member.

11. Certificate of transfer : (1) As soon as the last instalment of price has been paid by the Cooperative Society/individual member in whose favour the transfer has been made under the rules, the Collector shall grant to it or to him under his signatures and seal a certificate of transfer in form 'B' appended to these rules.

(1-A)⁷ In respect of land which is sold in restricted auction vide rule 3 (d) and the sale has been confined by the authority competent to sanction sale, the District Collector shall put the person declared to be purchaser into possession of the property sold after

174

ment of first instalment of the bid amount. The sale certificate conferring the proprietary rights in this case shall be issued on completion of the payment of all instalments and any other dues in respect of this land by the Collector under his signatures and seal in the form 'B-1' appended to these rules.

(2) A copy of the certificate of transfer duly signed by the Collector shall be retained on the file.

12. **Records** : A duplicate record of all receipts of money and the details of the co-operative society/individual member from whom price is to be recovered and also of the instalments when they fall due shall be kept both in the Tehsil concerned and the Collector's office.

13. **Registers** : A register of the Cooperative societies/individual member to which whom land is transferred under these rules and a register of such officers at such place or places shall be maintained in such form as the Financial Commissioner may direct.

14. **Appeal/Revision**: Save as otherwise provided in these Rules, an appeal shall be from an original order of Collector as follows, namely:

- (a) to the Commissioner when the order is made by a Collector;
- (b) to the Financial Commissioner, Revenue when the order is made by a Commissioner:

Provided that:

- (i) When the original order is confirmed on first appeal a further appeal shall not lie.

