

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 09.8.2007

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 you 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 XXXX XXXXX

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.

Sd/

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.

Sd/

Under Secretary to Govt. Punjab.
Revenue Department

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Under Secretary to Govt. Punjab.
Revenue Department

Endst.No.17/19/2002-CH.V/ 6162

Chandigarh, dated the 09.7.2007.

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Sd/

Under Secretary to Govt. Punjab.
Revenue Department