

THE PUNJAB LAND UTILIZATION AUTHORITY ORDINANCE, 1981
(Pb Ord. VI of 1981)

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^{1[1]}THE PUNJAB LAND UTILIZATION AUTHORITY ORDINANCE, 1981
(Pb Ord. VI of 1981)

[25 April 1981]

An Ordinance to provide for the establishment of a Land Utilization Authority in the Province of the
Punjab

Preamble.— WHEREAS it is expedient to establish a Land Utilization Authority for the purpose of taking over temporarily the control and management of certain cultivable waste land in the Province, surveying and assessing its potential and preparing schemes and projects for its proper utilization, executing or arranging the execution of approved projects and monitoring their effective implementation to achieve the objective ^{2[2]}[and also to motivate land owners to develop their culturable waste land, inter alia, by providing credit facilities to them].

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order 1 of 1977), the Governor of the Punjab is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.— (1) This Ordinance may be called the Punjab Land Utilization Authority Ordinance, 1981.
 - (2) It extends to the whole of the Province of the Punjab.
 - (3) It shall come into force at once.

^{1[1]}This Ordinance was promulgated by the Governor of the Punjab on 22nd April, 1981; and, published in the Punjab Gazette, (Extraordinary), dated 25th April, 1981, pages 301-A to 301-K.

^{2[2]}Added by the Punjab Land Utilization Authority (Amendment) Ordinance, 1983 (XXI of 1983).

2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context—

- (a) ‘Authority’ means the Punjab Land Utilization Authority established under the Ordinance;
- (b) ‘Board’ means the Board constituted under the Ordinance;
- (c) ‘Chairman’ means the Chairman of the Board and includes any person for the time being discharging the functions of the Chairman;
- (d) ‘Director-General’ means the Director-General of the Authority and includes any person for the time being discharging the functions of the Director-General;
- (e) ‘employee’ means an employee of the Authority;
- (f) ‘Government’ means Government of the Punjab;
- (g) ‘member’ means member of the Board and includes its Chairman;
- (h) ‘officer’ means an officer of the Authority other than the Chairman or the member;
- (i) ‘prescribed’ means prescribed by rules framed under the Ordinance;
- (j) ‘regulations’ means regulations made under the Ordinance;
- (k) ‘rules’ means rules framed under the Ordinance; and
- (l) ‘specified’ means specified by an order of Government.

3. Establishment of the Authority.— (1) Government may, by notification, establish an authority to be called the Punjab Land Utilization Authority.

(2) The Authority shall be a body corporate having perpetual succession and a common seal with powers, subject to the provisions of the Ordinance, to acquire, hold and dispose of property, both movable and immovable, and may, by the said name, sue and be sued.

(3) The head office of the Authority shall be at Lahore.

4. Board.— (1) The administration and management of the Authority and its affairs shall vest in the Board which may exercise all the powers and perform all the functions of the Authority under the Ordinance.

(2) The Board shall consist of the following members:-

^{3[3]}[(i) Minister for Agriculture Punjab who shall also be the Chairman of the Board];

^{4[4]}[(i-a) Chairman, Planning and Development Board, Government of the Punjab];

- (ii) Member (Revenue), Board of Revenue, Punjab;
- (iii) Secretary to Government of the Punjab, Finance Department;
- (iv) Secretary to Government of the Punjab, Agriculture Department;
- (v) Secretary to Government of the Punjab, Irrigation Department;
- (vi) Secretary to Government of the Punjab Communications and Works Department;
- (vii) Secretary to Government of the Punjab, Forestry and Wild Life Department;
- (viii) Secretary to Government of the Punjab, Co-operative Department;
- (ix) Secretary to Government of the Punjab, Livestock, Dairy Development and Fisheries Department;
- (x) Member (Power) or the General Manager (Distribution) Power Wing, WAPDA, if permitted by the Federal Government;
- (xi) Army Member Border Area Committee as constituted under the West Pakistan Border Area Regulation, 1959 (MLR 9 of 1959);
- (xii) Director-General of the Authority who shall also be the Secretary of the Board; and
- (xiii) four non-official members to be nominated by Government from the farming community and members of the local councils constituted under the Punjab Local Government Ordinance, 1979 (VI of 1979).

(3) Government may, by notification, increase, decrease or alter the membership of the Board.

(4) A member, other than an ex-officio member, shall hold office for a period of two years:

^{3[3]}Substituted by the Punjab Land Utilization Authority (Amendment) Ordinance, 1982 (IX of 1982).

^{4[4]}Inserted *ibid*.

Provided that Government may remove any non-official member before the expiry of his term without assigning any reason.

(5) Government may suspend the execution of any resolution, decision or order of the Board which, in the opinion of Government, contravenes any provision of the Ordinance or the rules or regulations framed thereunder, or is not in conformity with any direction given by Government, and may prohibit the doing of any act which is to be done or is being done in pursuance of the said resolution, decision or order, or if the act has been accomplished, order its rectification in such manner as Government may direct.

5. Meetings of the Board.— (1) The meetings of the Board shall be held at such time and place as may be determined by the Chairman of the Board.

(2) At least one meeting shall be held during each quarter of the year.

(3) The quorum for transaction of business at a meeting of the Board shall be seven:

Provided that the meeting of the Board to approve the budget of the Authority shall not take place in the absence of the Finance Secretary.

(4) All decisions at a meeting of the Board shall be taken by majority of votes of the members present and in the event of equality of votes, the Chairman shall have a casting vote.

(5) The meetings of the Board shall be presided over by the Chairman and in his absence by a member as may be nominated by him from amongst the members.

(6) No act or proceeding of the Board shall be invalid merely by reason of a vacancy in, or defect in the constitution of the Board.

(7) The minutes of every meeting of the Board shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the person presiding over the meeting and shall be open to inspection by any member.

(8) The Director-General shall circulate to all members a copy of the minutes of every meeting.

6. Delegation of powers.— The Board may, by general or special order, and subject to such conditions as may be specified in such order, delegate any of its powers, duties or functions under the Ordinance or the rules and the regulations made thereunder, to a member, officer or employee of the Authority.

7. Powers and functions of the Authority.— (1) Subject to the provisions of the Ordinance, the Authority may take such measures and exercise such powers as it considers necessary or expedient, undertake works, incur expenditure, procure equipment or material required for its use, enter into contracts and do all other acts and things necessary for carrying out the purposes of the Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, the Authority shall subject to such terms and conditions and in such manner and to such extent as may be prescribed, have the power—

(a) to take over, for a limited period not exceeding ten years, the control and management of uncultivated State land not covered by any scheme, or the land of any person, including that of a charitable trust, a corporate body, a local authority, who, despite notice, ^{5[5]}[fails to cultivate and/or develop it to the satisfaction of the Authority within such period as may be laid down by the Authority] and also to take over in the same manner any piece of cultivated land which happens to fall within a compact block of uncultivated land taken over by the Authority for the purpose of its development, cultivation or proper utilization;

(b) to take over in the same manner and for the same purpose the uncultivated land of any person who volunteers to hand over the control and management of his land to the Authority;

^{6[6]}[(bb) to motivate land-owners to develop their culturable waste land, inter alia, by providing credit facilities to them];

^{5[5]}Substituted by the Punjab Land Utilization Authority (Amendment) Ordinance, 1983 (XXI of 1983).

^{6[6]}Added *ibid*.

- (c) to undertake survey, planning and preparation of development projects or schemes for the land taken over by the Authority;
- (d) to undertake or arrange the implementation of the projects or schemes for the improvement, development, cultivation or proper utilization of such land, including soil and water conservation measures, installation of tube-wells, levelling and cultivation of such land;
- (e) to enter into contracts with any person with a view to subletting the execution of any development project, programme or scheme for undertaking survey and feasibility studies;
- (f) to hand over the management of the State land developed by the Authority to any person for crop production, orchard raising, afforestation, range development and improvement, dairy and livestock farms on such terms and conditions as may be specified by Government;
- (g) to monitor the progress of implementation of the approved schemes; and
- (h) to incur necessary expenditure under an approved project and to recover the cost of development from the beneficiaries.

8. Preparation of schemes and approval thereof by Government.— (1) Whenever it comes to the notice of the Authority that any land in the province is lying waste for more than two consecutive years but is capable of being developed or brought under cultivation, it may frame a scheme providing for all or any of the matters which the Authority is competent to undertake.

(2) A scheme prepared by the Authority under sub-section (1) shall be submitted to Government for its approval and Government may approve the scheme with such modifications and subject to such conditions as it deems necessary.

(3) If the land in question is State land, the Authority may, proceed with the implementation of the scheme as soon as the approval of Government is communicated to it.

(4) If the land in question is proprietary, the Authority shall, on receipt of the approval of Government, follow the procedure laid down in sections 9, 10, 11, 12, 13 and 14 of the Ordinance.

(5) If the land comprising a scheme is partly State land and partly proprietary, the Authority may, if feasible, proceed with the implementation of that part of the scheme which pertains to State land pending completion of proceedings under sections 9, 10, 11, 12, 13 and 14 of the Ordinance in respect of that part of the land which is proprietary.

(6) On the completion of the proceedings in respect of proprietary land under sections 9, 10, 11, 12, 13 and 14 of the Ordinance, the Authority may proceed to implement the scheme.

(7) Any scheme prepared under the Ordinance may, at any time, be amended or modified by the Authority and if the scheme has already been approved the amended or modified scheme shall be submitted to Government for its approval and Government may approve the same with such modification and subject to such conditions as it deems necessary.

9. Preliminary notice by the Authority.— (1) When a scheme for the development or cultivation of a culturable waste land has been approved by Government under section 8, and the whole or part of the land comprising the scheme is proprietary, the Authority may, by order in writing, direct that the proprietary land shall be brought under cultivation ^{7[7]}[within such period as may be fixed by the Authority] from the date of the order.

(2) An order passed by the Authority under sub-section (1) shall specify the village in which the land is situated, its approximate area and field number, its boundaries and such other particulars as the Authority deems necessary.

(3) An order passed under sub-section (1) shall be served on all persons shown in the revenue record as owners, occupiers, tenants, mortgagees and such other persons as are known or believed to have any interest in such land.

(4) The service of order on the persons mentioned in sub-section (3) shall be made in any one or more of the following modes:-

- (a) by delivery of a copy of the order;

^{7[7]}Substituted by the Punjab Land Utilization Authority (Amendment) Ordinance, 1983 (XXI of 1983).

- (b) by registered-post at the last known address; and
- (c) such other manner as the Authority deems fit.

10. Publication of preliminary notification regarding proprietary land.— If the land in respect of which an order has been passed under section 9 is not brought under cultivation within ^{8[8]}[the period fixed by the Authority], the Authority may, by notification in the official Gazette, declare that the land is likely to be taken over by the Authority for a specified period, for cultivation or development, according to the provisions of the Ordinance. The notification shall give such particulars of the land as are mentioned in the order passed under section 9 and shall state that any person having any interest in the land may, within ^{9[9]}[fifteen days] of the issue of the notification, make an objection in writing to the Authority.

11. Objector to be heard.— The Authority shall give the objector an opportunity of being heard either in person or through an authorized agent.

12. Declaration that land is required for cultivation or development.— (1) After considering the objection, if any, and examining the record, if the Authority is of the opinion that any particular land should be taken over for cultivation or development for such period not exceeding ten years from the date of taking possession of the land, as may be specified, it shall make a declaration to that effect.

(2) The declaration shall be published in the official Gazette and it shall give the particulars mentioned in sub-section (2) of section 9, and where a plan of the land has been made, shall state the place where such plan may be inspected.

13. Authority to take possession of the land.— Whenever a declaration under section 12 has been made in respect of any land, the Authority shall direct the Collector to take possession of the land for purposes of the Ordinance, and deliver the same to the Authority and the Collector shall comply with such order.

14. Land to be marked out, measured and planned.— After taking possession of the land under section 13, the Authority shall cause the land to be marked out, if it has not already been done, and measured, and if no plan of land has been made, to prepare a plan of the same.

^{10[10]}[14-A. Credit facilities to land-owners.— (1) Notwithstanding anything to the contrary contained in this Ordinance and subject to such rules as may be framed for the purpose, the Authority may grant loans to such land owners as may be prepared to undertake the development of their culturable waste land for bringing the same under cultivation or for the improvement of such land.

(2) For the purpose of this provision, “improvement” means any work which adds to the letting value of land and includes the following:-

- (a) the installation of tube-wells or the construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;
- (b) the preparation of land for irrigation;
- (c) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, or land used for agricultural purposes or waste land which is culturable;
- (d) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;
- (e) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; and
- (f) such other works as the Government may, from time to time, by Notification in the official Gazette, declare to be improvements for the purposes of this Ordinance.

^{8[8]}*Ibid.*

^{9[9]}Substituted by the Punjab Land Utilization Authority (Amendment) Ordinance, 1983 (XXI of 1983).

^{10[10]}Added *ibid.*

(3) Nothing herein contained shall prevent the Authority from advancing loans through Co-operative Societies registered under the Co-operative Societies Act, 1925.

14-B. Recovery of loans.— (1) Subject to such rules as may be made under section 14-A, all loans granted under the Ordinance, all interest, if any, chargeable thereon, and costs, if any, incurred in making the same, shall, when they become due, be recoverable by the Authority or any person designated by it, in all or any of the following modes, namely:-

- (a) from the borrower—as if they were arrears of land revenue due from him;
- (b) from his surety (if any)—as if they were arrears of land revenue due from him;
- (c) out of the land for the benefit of which the loan has been granted—as if they were arrears of land revenue due in respect of that land;
- (d) out of the property comprised in the collateral security (if any)—according to the procedure for the realization of land revenue by the sale of immovable property other than the land on which that revenue is due:

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrowers, and of mortgagees of, or persons having charges on, that interest, and where the loan is granted under section 14-A with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) When any sum due on account of any such loan, interest or costs is paid to the Authority by a surety or an owner of property comprised in any collateral security, or is recovered under subsection (1) by the Authority from a surety or out of any such property, the Authority shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by subsection (1).

(3) It shall be in the discretion of the Authority acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it].

15. Director-General.— (1) There shall be appointed by Government a Director-General of the Authority who shall exercise such executive powers and perform such functions and duties as may be assigned to him by the Board.

- (2) The Director-General shall—
 - (a) be a whole-time officer of the Authority;
 - (b) hold office for such term as may be provided in the contract of employment;
 - (c) be entitled to receive such salary and allowance as may be specified:

Provided that the Director-General shall notwithstanding the expiration of his term, continue to hold office for a further period of three months or till his successor enters upon his office, whichever is earlier.

(3) Nothing contained in sub-section (2) shall preclude Government from re-appointing the Director-General, with his consent, to hold that office for such further period as may be specified.

(4) The Director-General may, at any time before the expiry of his term, resign his office by writing under his hand addressed to Government with three months' notice or on payment of three months' salary in lieu thereof.

(5) Notwithstanding anything contained in sub-sections (2) and (3) or in the contract of employment, Government may remove the Director-General from office without assigning any reason by giving him three months' notice or on payment of three months' salary in lieu thereof.

(6) The Director-General shall, at the time of assumption of charge of his office, make a declaration to Government in the manner specified, of all immovable and movable properties exceeding in value of rupees twenty-five thousand, including shares, certificates, securities, insurance policies and jewellery, belonging to him or held by him and shall obtain prior permission of Government before acquiring or disposing of any property exceeding the said value.

16. Employees of the Authority.— (1) The Authority may employ such officers and other employees as it considers necessary for the efficient performance of its functions on such terms and conditions as may be prescribed:

Provided that the Authority shall not be precluded from making any appointment on contract basis on such terms and conditions as it may deem fit.

(2) The Authority may employ such officers and other employees as may be placed at its disposal by Government on such terms and conditions as may be specified by Government.

17. Fund.— (1) There shall be a fund of the Authority to be known as the Punjab Land Utilization Authority Fund.

(2) The fund shall consist of—

(a) grants made by Government;

(b) loans obtained from Government;

(c) loans obtained from the State Bank and Scheduled banks by the Authority with the special or general approval of Government;

(d) foreign aid and loans obtained through Government;

(e) recoveries and income of the Authority; and

(f) all other sums received by the Authority.

(3) The fund shall be maintained and invested in such manner as may be prescribed.

(4) The fund shall be utilized to meet the expenses of the Authority for carrying out its functions under the Ordinance.

18. Budget and Audit.— (1) The Authority shall, before the commencement of each financial year, prepare a statement of the estimated receipts and expenditure of the Authority for the next financial year and forward the same to Government which may approve it with or without any modification.

(2) The Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts including the balance sheet in accordance with such general directions as may be issued, and in such form as may be specified by Government in consultation with the Comptroller and Auditor-General of Pakistan, hereinafter in this section referred to as the Auditor-General.

(3) The Auditor-General shall audit or cause to be audited the accounts of the Authority at least once in every financial year.

(4) The Authority shall produce all accounts, books and connected documents and furnish such explanations and information as the Auditor-General or any officer authorised by him in this behalf may require at the time of audit.

(5) A statement of audited accounts referred to in sub-section (2) shall be furnished to Government by the Authority as soon as possible after the end of each financial year.

19. Reports to be furnished to Government.— The Authority shall furnish to Government as soon as possible after the close of each financial year, an audited statement, in the prescribed form, of its assets and liabilities, together with a profit and loss account for the year and a full report on the working of the Authority during that year including a report of all undertakings and transactions as they stand at the close of that year.

20. Submission of returns, statements, etc., to Government.— Government may require the Authority to furnish to it—

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Authority;

(b) a report on any matter;

(c) a copy of any document in its charge;

(d) a copy of any or all the papers laid before the Board;

and the Authority shall comply with such requirement within such time as may be specified by Government.

21. Director-General or any other officer or employee to be a Revenue Officer.— The Director-General or any other officer or employee of the Authority or any other person authorized by the Authority in this behalf, shall be deemed to be and may exercise the powers of a Revenue Officer

under section 30 and 134 of the Punjab Land Revenue Act, 1967 (West Pakistan Act XVII of 1967) for the purposes of discharging functions under the Ordinance.

22. Members, officers and other employees of the Authority to be public servants.— The members, officers and other employees of the Authority shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code 1860 (XLV of 1860).

23. Indemnity.— No suit or legal proceeding shall lie against Government, the Authority, the member, officer or employee of the Authority for anything done or intended to be done in good faith, under the Ordinance or any rules or regulation made thereunder.

24. Power to make rules.— (1) Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Ordinance.

(2) Without prejudice to the generality of the foregoing provision, such rules may provide for—

- (a) surveying, preparation and implementation of projects;
- (b) method of ensuring continuous evaluation by the Authority of its schemes and projects;
- ^{11[11]}[(bb) the manner in which credit facilities are to be provided by the Authority to land owners].
- (c) the manner and qualifications for employment and terms and conditions of service of the officers and other employees of the Authority;
- (d) the manner and the form in which the annual budget statement of the Authority shall be submitted to Government each year;
- (e) the manner in which the fund of the Authority shall be operated and expended;
- (f) the custody of the fund and property of the Authority;
- (g) the manner and form in which the accounts of the Authority shall be kept; and
- (h) oath of fidelity and secrecy.

25. Power to make regulations.— The Authority may, with the previous approval of Government, make regulations for matters, not prescribed for in the rules, for which provision is necessary or expedient for carrying out the purposes of the Ordinance.

^{11[11]}Added by the Punjab Land Utilization Authority (Amendment) Ordinance, 1983 (XXI of 1983).