

THE PUNJAB LAND PRESERVATION ACT, 1900

(Punjab Act II of 1900)

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^{1[1]}THE PUNJAB LAND PRESERVATION ACT, 1900

^{2[2]}(Punjab Act II of 1900)

[10 October 1900]

An Act to provide for the better preservation and protection of certain portions of the territories of
^{3[3]}*[the Punjab]* ^{4[4]}*[* * *].*

^{5[5]}*[* * * * * * * * * * * * *]*

PRELIMINARY

1. Short title and commencement.— (1) This Act may be called the Punjab Land Preservation ^{6[6]}*[* * *]* Act, 1900.

^{7[7]}(2) It shall extend to the whole of the Province of ^{8[8]}*[the Punjab]* except the Tribal Areas^{9[9]}.

^{10[10]}(3) It shall come into force at once.

2. Definitions.— In this Act unless a different intention appears from the subject or context,—

- (a) the expression “land” means land within any ^{11[11]}*[* * *]* area preserved and protected or otherwise dealt within manner in this Act provided, and includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

^{1[1]}For Statement of Objects and Reasons, see *Punjab Gazette*, 1899, Part V-A, page 13; for Report of the Select Committee, see *ibid.*, 1900, Part V page 1; for Proceedings in Council, see *ibid.*, 1899, Part VI, page 14 and *ibid.*, 1900, Part VI, page 12.

^{2[2]}This Act received the assent of Lieutenant-Governor of the Punjab on 28th August 1900; that of the Governor-General on 10th October 1900; and was published in the *Punjab Gazette* on 10th October 1900.

^{3[3]}Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974).

^{4[4]}The words “situate within or adjacent to Siwalik mountain range” omitted by the Punjab Land Preservation (Chos) (Amendment) Act, 1942 (XI of 1942), section 2.

^{5[5]}The Preamble omitted, *ibid.*, section 3.

^{6[6]}The brackets and the word “(Chos)” omitted by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 2(a).

^{7[7]}Substituted by the Punjab Land Preservation (West Pakistan Amendment) Ordinance, 1963 (VI of 1963), for sub-section (2) which was originally inserted by the Punjab Land Preservation (Chos) (Amendment) Act, 1942 (XI of 1942) and previously amended by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944) and the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955).

^{8[8]}Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974).

^{9[9]}This Act had also been extended to Dera Ghazi Khan Excluded Area by the Punjab Land Preservation (West Pakistan Extension to Dera Ghazi Khan Excluded Area) Regulation, 1959 (I of 1959), section 2.

^{10[10]}The original sub-section (2) re-numbered as sub-section (3), by the Punjab Land Preservation (Chos) (Amendment) Act, 1942 (XI of 1942), section 4(a).

^{11[11]}The word “local” omitted by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 3(a).

- ¹²^[12][(b) The expression “nalah” means a stream or torrent flowing through or from any mountain range within the ¹³^[13][Province].
- (c) the expressions “tree”, “timber”, “forest-produce” and “cattle” respectively, shall have the meanings severally assigned thereto in Section 2 of the ¹⁴^[14][* * *] Forest Act ¹⁵^[15][1927];
- (d) the expression “person interested” includes all persons claiming any interest in compensation to be made on account of any measures taken under this Act; ¹⁶^[16][* * *]
- (e) the expression “¹⁷^[17][District Officer (Revenue)]” includes any officer or officers at any time specially appointed by the ¹⁸^[18][Provincial Government] to perform the functions of a ¹⁹^[19][District Officer (Revenue)] under this Act;
- ²⁰^[20][(f) the expression “rightholder” includes—
- (i) persons not being tenants or mortgagees having rights to or in land; and
 - (ii) persons having rights of collection of forest produce or of grazing or pasture; and
- (g) the expression “erosion” includes the removal or displacement of earth, soil, stones or other materials by the action of wind or water].

NOTIFICATION AND REGULATION OF AREAS

²¹^[21]**[3. Notification of areas.**— Whenever it appears to the Provincial Government that it is desirable to provide for the conservation of sub-soil water or the prevention of erosion in any area subject to erosion or likely to become liable to erosion, such Government may by notification make a direction accordingly].

4. Power to regulate, restrict or prohibit, by *general or special* order, within notified areas, certain matters.— In respect of areas notified under section 3 generally or the whole or any part of any such area, the ²²^[22][Provincial Government] may, by general or special order temporarily ²³^[23][* * *] regulate, restrict or prohibit—

- (a) the clearing or breaking up or cultivating of land not ordinarily under cultivation prior to the publication of the notification under section 3;

¹²^[12]Substituted for the original clause (b) by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

¹³^[13]Substituted for the words “Punjab” by the Punjab Land Preservation (West Pakistan Amendment) Ordinance, 1963 (VI of 1963), section 4.

¹⁴^[14]The word “Indian” omitted by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

¹⁵^[15]Substituted for the figures “1878” by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 3 (b).

¹⁶^[16]The word “and” omitted *ibid.*, section 3 (c).

¹⁷^[17]Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

¹⁸^[18]Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

¹⁹^[19]Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

²⁰^[20]Added by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 3(d).

²¹^[21]Substituted for the original section 3 by the Punjab Land Preservation (Chos) (Amendment) Act, 1942 (XI of 1942), section 5.

²²^[22]Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

²³^[23]The words “or permanently” omitted by the Punjab Land Preservation (Chos) Amendment Act, 1926 (VII of 1926).

- (b) the quarrying of stone or the burning of lime at places where such stone or lime had not ordinarily been so quarried or burnt prior to the publication of the notification under section 3;
- (c) the cutting of trees or timber, or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this sub-section of any forest-produce other than grass, save for *bonafide* domestic or agricultural purposes ^{24[24]}[of rightholder in such area];
- (d) the setting on fire of trees, timber or forest produce;
- (e) the admission, herding, pasturing or retention of sheep, ^{25[25]}[goats or camels];
- (f) the examination of forest-produce passing out of any such area; and
- (g) the granting of permits to the inhabitants of towns and villages situate within the limits or in the vicinity of any such area, to take any tree, timber or forest produce for their own use therefrom, or to pasture sheep, ^{26[26]}[goats or camels] or to cultivate or erect buildings therein and the production and return of such permits by such persons.

^{27[27]}**5. Power, in certain cases to regulate, restrict or prohibit, by special order within notified areas, certain further matters.**— In respect of any specified village or villages, or part or parts thereof, comprised within the limits of any area notified under section 3, the ^{28[28]}[Provincial Government] may, by special order, temporarily ^{29[29]}[* * *] regulate, restrict or prohibit—

- (a) the cultivating of any land ordinarily under cultivation prior to the publication of the notification under section 3.
- (b) the quarrying of any stone or the burning of any lime at places where such stone or lime had ordinarily been so quarried or burnt prior to the publication of the notification under section 3;
- (c) the cutting of trees or timber or the collection or removal or subjection to any manufacturing process, otherwise than as described in clause (b) of this sub-section of any forest-produce ^{30[30]}[for any purposes]; and
- (d) the admission, herding, pasturing or retention of cattle generally other than sheep, ^{31[31]}[goats and camels] or of any class or description of such cattle.

^{32[32]}**[5-A. Power to require execution of works and taking of measures.**— In respect of areas notified under section 3 generally or the whole or any part of any such area, the Provincial Government may, by general or special order, direct—

- (a) the levelling, terracing, drainage and embanking of fields;
- (b) the construction of earth-works in fields and ravines;
- (c) the provision of drains for storm water;
- (d) the protection of land against the action of wind or water;
- (e) the training of streams; and

^{24[24]}Added by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 4.

^{25[25]}Substituted *ibid.*, for the words, “or goats”.

^{26[26]}*Ibid.*

^{27[27]}For notification *see* Punjab Local Rules and Orders.

^{28[28]}Substituted for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

^{29[29]}The words “or permanently” were omitted by the Punjab Land Preservation (Chos) Amendment Act, 1926 (VII of 1926), section 3.

^{30[30]}Substituted for the words “for *bona fide* domestic or agricultural purposes”, by the Punjab Land Preservation (Chos) (Amendment) Act, 1905 (IV of 1905).

^{31[31]}Substituted for the words “and goats”, by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 5.

^{32[32]}Inserted *ibid.*, section 6.

- (f) the execution of such other works and the carrying out of such other measures as may, in the opinion of the Provincial Government, be necessary for carrying out the purposes of this Act].

6. Necessity for regulation, restriction or prohibition to be recited in the order under section 4 or 5.— Every order made under ³³[³³section 4, 5 or 5-A] shall be published in the ³⁴[³⁴*Official Gazette*] and shall set forth that the ³⁵[³⁵Provincial Government] is satisfied, after due inquiry, that regulations, restrictions, ³⁶[³⁶prohibitions or directions] contained in the order are necessary for the purpose of giving effect to the provisions of this Act.

7. Publication of order. Proclamation of regulations, restrictions, and prohibitions and admission of claims for compensation for rights which are restricted or extinguished.— (1) When, in respect of any ³⁷[³⁷* * *] area, a notification has been published under section 3, and

- (a) upon such publication any general order, made under section 4 ³⁸[³⁸or section 5-A] becomes applicable to such area, or

(b) any special order under ³⁹[³⁹sections 4, 5 or 5-A] is made in respect of such area, the ⁴⁰[⁴⁰District Officer (Revenue)] shall cause public notice of the provisions of such general or special order to be given, and if the provisions of any such order restrict or ⁴¹[⁴¹prohibit the exercise of] any existing rights, shall also publish in the language of the country and in every town and village the boundaries of which include any portion of the area within or over which the ⁴²[⁴²exercise of any such rights is so restricted or prohibited] a proclamation stating the regulations, restrictions and prohibitions which have been imposed, by any such order, within the limits of such area or in any part or parts thereof; fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any compensation in respect of any right so restricted or prohibited, within such period either to present to such officer a written notice specifying, or to appear before him and state, the nature and extent of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

(2) Any claim not preferred within the time fixed in the proclamation made under sub-section (1), shall be rejected:

Provided that, with the previous sanction of the ⁴³[⁴³Executive District Officer (Revenue)], the ⁴⁴[⁴⁴District Officer (Revenue)] may admit any such claim as if it had been made within such period.

⁴⁵[⁴⁵7-A. ⁴⁶[⁴⁶⁴⁷[⁴⁷District Officer (Revenue)]’s powers regarding execution of works or taking of measures].— (1) When an order has been issued under section 5-A, the ⁴⁸[⁴⁸District Officer

³³[³³]Substituted *ibid.*, for the words and figures “section 4 or section 5”, section 7.

³⁴[³⁴]Substituted for the word “Gazette”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

³⁵[³⁵]Substituted *ibid.*, for the words “Local Government”.

³⁶[³⁶]Substituted for the words “or prohibitions”, by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 7.

³⁷[³⁷]The word “local” omitted by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 8.

³⁸[³⁸]Inserted *ibid.*

³⁹[³⁹]Substituted *ibid.*, for the words and figures “section 4 or section 5”.

⁴⁰[⁴⁰]Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁴¹[⁴¹]Substituted, for the word “extinguish”, by the Punjab Land Preservation (Chos) Amendment Act, 1926 (VII of 1926), section 4.

⁴²[⁴²]Substituted *ibid.*, for the words “any such rights are so restricted or extinguished”.

⁴³[⁴³]Substituted for the word “Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁴⁴[⁴⁴]Substituted *ibid.*, for the words “Deputy Commissioner”.

(Revenue)] may, by notice, require the owner or occupier of the land to execute such works or take such measures as may be specified in the notice.

(2) Every such notice shall state the time within which the works are to be executed or measures are to be taken.

(3) A person aggrieved by an order contained in such a notice as aforesaid may, within thirty days from the service of such notice or within such longer period as the ⁴⁹[⁴⁹] [District Officer (Revenue)] may allow in this behalf, serve a notice of his objections on the ⁵⁰[⁵⁰] [District Officer (Revenue)] in such manner as may be provided by the rules made under this Act.

(4) If and in so far as an objection under this section is based on the ground of some informality, defect or error in or in connection with the notice, the ⁵¹[⁵¹] [District Officer (Revenue)] shall dismiss the objection, if he is satisfied that the informality, defect or error was not a material one.

(5) If the objection is brought on all or any of the following grounds, that is to say:-

- (a) that the notice might lawfully have been served on the occupier of the land in question instead of on the owner, or on the owner instead of on the occupier, and that it would have been equitable for it to have been so served;
- (b) that some other person, being the owner, occupancy tenant, mortgagee with possession or lessee or farm holder or possessing some other right in or over the land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required;
- (c) where the work or measure is work or measure for the common benefit of the land in question and other land, that some other person being the owner or occupier of land to be benefited, ought to contribute towards the expenses of executing any works or taking any measures required;

the objector shall serve a copy of his notice of objection on each other person referred to, and on the hearing of the objection the ⁵²[⁵²] [District Officer (Revenue)] may make such order as he thinks fit with respect to the person by whom any work is to be executed or measure is to be taken and the contribution to be made by any other person towards the cost of the work or measure, or as to the proportions in which any expenses which may become recoverable by the ⁵³[⁵³] [District Officer (Revenue)] under sub-section (6) are to be borne by the objector and such other person:

Provided that no such order shall be made unless the person who is likely to be affected thereby has been given a reasonable opportunity of being heard.

In exercising his power under this sub-section the ⁵⁴[⁵⁴] [District Officer (Revenue)] shall have regard—

- (a) as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy and to the nature of the works and measures required; and
- (b) in any case to the degree of benefit to be derived by the different persons concerned.

⁴⁵[⁴⁵] Inserted by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 9.

⁴⁶[⁴⁶] Added by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

⁴⁷[⁴⁷] Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁴⁸[⁴⁸] *Ibid.*

⁴⁹[⁴⁹] *Ibid.*

⁵⁰[⁵⁰] *Ibid.*

⁵¹[⁵¹] *Ibid.*

⁵²[⁵²] Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵³[⁵³] *Ibid.*

⁵⁴[⁵⁴] *Ibid.*

(6) Notwithstanding anything to the contrary in any law for the time being in force, no person required by a notice or an order under this section to execute any work or to take any measure shall be required to obtain the consent of any other person before complying with such notice or order.

(7) Subject to such right of objection as aforesaid and the right of appeal under section 18, if the person required by the notice to execute works or to take measures fails to execute the works or to take the measures indicated within the time thereby limited, the ^{55[55]}[District Officer (Revenue)] may himself or by an agent execute the works or take the measures and recover from that person the expenses reasonably incurred by him in so doing:

- (1) provided that it shall not be necessary for the ^{56[56]}[District Officer (Revenue)] to wait for the decision of any objection other than an objection under clause (a) of sub-section (5), or an appeal against any decision on such objection, before taking action under this sub-section:
- (2) provided further that the maximum amount that shall be recoverable in respect of any land in regard to which the work has been executed or the measure taken shall not exceed—
 - (a) where the work is required to be executed or the measure to be taken by the owner, ten times the land revenue assessed on all the lands owned by him in the ^{57[57]}[Province]; and
 - (b) where the work is required to be executed by the occupier, ten times the land revenue assessed on all the lands occupied by him in the state in which such land is situated.

(8) If the cost of any work executed or any measure taken by any person remains unpaid by the person from whom it is due after the date specified in a notice issued in this behalf by the ^{58[58]}[District Officer (Revenue)] or such other date as is fixed by him, such cost shall be recoverable as an arrear of land revenue and a certificate issued by the ^{59[59]}[District Officer (Revenue)] in this behalf shall be final and conclusive evidence of the sum so recoverable and the person liable for the same.

(9) Every order issued under this section shall be published in such manner as may be prescribed in the rules made under this Act, and upon such publication every person affected thereby shall, unless the contrary be proved, be deemed to have had due notice thereof.

(10) The ^{60[60]}[District Officer (Revenue)] may by general or special order authorise any revenue officer subordinate to him to enquire into any objection that may be brought under this section:

Provided that no final order on any such objection shall be passed except by the ^{61[61]}[District Officer (Revenue)] himself.

(11) In making an order on objections brought under this section, the ^{62[62]}[District Officer (Revenue)] shall be guided by such rules, if any, as the Provincial Government may make in this behalf.

(12) For the purposes of this section, the expression “estate” shall have the meaning assigned thereto in the Punjab Land Revenue Act, ^{63[63]}[1967 (XVII of 1967)].]

^{55[55]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{56[56]}*Ibid.*

^{57[57]}Substituted, for the word “Punjab”, by the Punjab Land Preservation (West Pakistan Amendment) Ordinance, 1963 (VI of 1963), section 5.

^{58[58]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{59[59]}*Ibid.*

^{60[60]}*Ibid.*

^{61[61]}*Ibid.*

^{62[62]}*Ibid.*

^{63[63]}*Ibid.*, for the figures “1887”.

CONTROL OVER THE BEDS OF ⁶⁴[NALAHS]

8. Action when Provincial Government considers it desirable to take measures to regulate the beds of ⁶⁵[Nalah] vesting of such beds in ⁶⁶[Provincial Government].— (1) Whenever it appears to the ⁶⁷[Provincial Government] that it is desirable that measures should be taken in the bed of any ⁶⁸[nalah] for the purpose of—

- (a) regulating the flow of water within and preventing the widening or extension of such bed, or of
- (b) reclaiming or protecting any land situate within the limits of such bed;

such Government, may, either proceed at once in manner in sub-section (2) provided, or, in the first instance, by notification specifying nature and extent of the measures to be taken and the locality in and the time within which such measures are to be so taken, require all persons possessing proprietary or occupancy rights in land situate in such locality to themselves carry out the measures specified in such notification accordingly.

(2) If the whole or any part of the bed of any ⁶⁹[nalah] be unclaimed, or, if, in the opinion of the ⁷⁰[Provincial Government], the measures deemed necessary under sub-section (1) are of such a character, in regard to extent and cost, that the interference of the ⁷¹[Provincial Government] is absolutely necessary, or in the event of the owner or occupier of any portion of the bed of any ⁷²[nalah] failing, to comply with the requirements of any notification issued under sub-section (1), such Government may, by notification declare that the whole or any part of the area comprised within the limits of the bed of any ⁷³[nalah] shall ⁷⁴[vest in Provincial Government] ⁷⁵[* * *] for such period and subject to such conditions (if any) as may be specified in the notification:

Provided that no such declaration shall be made in respect of or shall affect any land included within the limits of the bed of any such ⁷⁶[nalah] which, at the date of the publication of the notification making such declaration, is cultivated or culturable, or yield any produce of substantial value.

(3) When the owners or occupiers of such locality are unable to agree among themselves regarding the carrying out of such measures, the decision of those paying the larger amount of land-revenue shall be held to be binding on all.

⁶⁴[64] Substituted for the word “Chos” by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

⁶⁵[65] *Ibid.*

⁶⁶[66] Substituted, for the words “His Majesty”, by the West Pakistan Laws (Adaptation) Order 1964, section 2, (1) Schedule Part II.

⁶⁷[67] Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁶⁸[68] Substituted for the word “Chos” by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

⁶⁹[69] *Ibid.*

⁷⁰[70] Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

⁷¹[71] *Ibid.*

⁷²[72] Substituted by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955).

⁷³[73] *Ibid.*

⁷⁴[74] Substituted, for the words “Vest in His Majesty for the purposes of the Province”, by the West Pakistan Laws Adaptation Order, 1964, section 2(1) Schedule, which were previously substituted, for the words “Vest in the Government”, by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), Schedule VI.

⁷⁵[75] The words “either absolutely and in perpetuity or” omitted by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926), section 2.

⁷⁶[76] Substituted by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955).

(4) The ^{77[77]}[Provincial Government] may, from time to time, by like notification, extend the period during which any such area shall remain vested in ^{78[78]}[the Provincial Government].

9. Effect of notification to suspend or extinguish private rights in the area notified under section 8.— Upon the making of any declaration under sub-section (2) of section 8, all private rights of whatever kind existing in or relating to any land comprised within the area specified in the notification containing such declaration at the time of the publication thereof, shall ^{79[79]}[be suspended for the period specified in the declaration and for such further period (if any) to which such period may at any time be extended]:

Provided that, as far as circumstances admit, such rights of way and water shall be reserved, in respect of every such area, as may be necessary to meet the reasonable requirements and convenience of the person (if any) who, at the time of the making of such declaration, possessed any such rights over such area.

10. Power of ^{80[80]}[District Officer (Revenue)] to delimit the bed and to decide what constitutes such bed. Power to take possession of bed when vested in ^{81[81]}[the Provincial Government].— (1) The ^{82[82]}[District Officer (Revenue)] shall, for the purposes of every notification issued under sub-section (2) of section 8, fix the limits of the area comprised within the bed of the ^{83[83]}[*nalah*] to which such notification is to apply.

(2) Upon the publication of a notification containing any declaration under sub-section (2) of section 8, it shall be lawful for the ^{84[84]}[District Officer (Revenue)] to—

- (a) take possession of the area specified in such declaration;
- (b) eject all persons therefrom; and to
- (c) deal with such area, while it remains vested in ^{85[85]}[Provincial Government], as if it were the absolute property of ^{86[86]}[Provincial Government].

11. Bar of compensation for acts done under section 8, 9 or 10.— No person shall be entitled to any compensation for anything at any time done, in good faith, in exercise of any power conferred by section 8, section 9 or section 10.

^{77[77]}Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

^{78[78]}Substituted, for the words “His Majesty”, by the West Pakistan Laws (Adaptation) Order 1964, section 2, (1) Schedule Part II.

^{79[79]}Substituted by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926), section 3, for the following clauses:-

- “(a) if no period is specified in such declaration—cease and determine absolutely;
- (b) if any period is specified in such declaration—be suspended for such period and for such further period (if any) to which such period may at any time be extended”.

^{80[80]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{81[81]}Substituted, for the words “His Majesty”, by the West Pakistan Laws (Adaptation) Order 1964, section 2, (1) Schedule Part II.

^{82[82]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{83[83]}Substituted, for the word “Chos”, by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Sch I, Part II.

^{84[84]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{85[85]}Substituted, for the words “His Majesty”, by the West Pakistan Laws (Adaptation) Order 1964, section 2, (1) Schedule Part II.

^{86[86]}*Ibid.*

12. [Condition as to sale of land acquired under the Act and obligation of Local Government to keep account of moneys expended on such land].— Repealed by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926)section 4.

POWER TO ENTER UPON AND DELIMIT NOTIFIED AREAS AND BEDS

13. Power to enter upon, survey and demarcate ^{87[87]}[* * *] **areas notified under section 3 or section 8.**— It shall be lawful for the ^{88[88]}[District Officer (Revenue)] and for his subordinate officers, servants, care-takers and workmen, from time to time, as occasion may require,—

- (a) to enter upon, and survey any land comprised within any ^{89[89]}[* * *] area in regard to which any notification, has been issued under section 3 or section 8 ^{90[90]}[or in regard to which a notification is proposed to be issued under section 5-A];
- (b) to erect bench-marks on and to delimit and demarcate the boundaries of any such ^{91[91]}[* * *] area; and
- (c) to do all other acts and things which may be necessary in order adequately to preserve or protect any land or to give effect to all or any of the provisions of this Act:

Provided that reasonable compensation, to be assessed and determined in the manner in this Act provided, shall be made in respect of any damage or injury caused to the property or rights of any person in carrying out any operations under the provisions of this section, but no such compensation shall be payable in respect of anything done under the said provisions within the limits of any ^{92[92]}[* * *] area notified under section 8.

INQUIRY INTO CLAIMS AND AWARD OF COMPENSATION

14. Inquiries into claims and awards thereupon.— (1) The ^{93[93]}[District Officer (Revenue)] shall—

- (a) fix a date for inquiring into all claims made under section 7 ^{94[94]}[* * *] and may in his discretion, from time to time adjourn the inquiry to a date to be fixed by him;
- (b) record in writing all statements made under section 7;
- (c) inquire into all claims duly preferred under section 7 ^{95[95]}[* * *] and
- (d) make and award upon each such claim, setting out therein the nature and extent of the rights claimed, the person or persons making such claim, the extent (if any) to which, and the person, or persons in whose favour, the right claimed is established, the extent to which it is

^{87[87]}The word, “Local”, omitted by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

^{88[88]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{89[89]}The word “Local” omitted by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 10.

^{90[90]}Added *ibid*.

^{91[91]}The word “Local” omitted *ibid.*, section 10.

^{92[92]}*Ibid*.

^{93[93]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{94[94]}The words “or section 12” omitted by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926), section 5.

^{95[95]}*Ibid*.

to be restricted or ^{96[96]}[prohibited] and the nature and amount of the compensation (if any), awarded.

(2) For the purposes of every such inquiry the ^{97[97]}[District Officer (Revenue)] may exercise all or any of the powers of a Civil Court in the trial of suits under the ^{98[98]}Code of Civil Procedure.

(3) The ^{99[99]}[District Officer (Revenue)] shall announce his award to such persons interested, or their representatives, as are present, and shall record the acceptance of those who accept it. To such as are not present, the ^{100[100]}[District Officer (Revenue)] shall cause immediate notice of his award to be given.

15. Method of awarding compensation and effect of such award.—(1) In determining the amount of compensation the ^{101[101]}[District Officer (Revenue)] shall be guided, so far as may be, by the provisions of sections 23 and 24 of the Land Acquisition Act, 1894^{102[102]}, and as to matters which cannot be dealt with under those provisions, by what is just and reasonable in the circumstances of each case.

(2) The ^{103[103]}[District Officer (Revenue)] may, with the sanction of the ^{104[104]}[Provincial Government] and the consent of the person entitled, instead of money award compensation in land or by reduction in revenue or in any other form.

(3) If, in any case, the exercise of any right is prohibited for a time only, compensation shall be awarded only in respect of the period during which the exercise of such right is so prohibited.

(4) ^{105[105]}[* * * * *]

PROCEDURE, RECORDS AND APPEAL

16. Record of rights in respect of notified area.—(1) For every area, notified under section 3 or section 8, the ^{106[106]}[District Officer (Revenue)] shall prepare a record setting forth the nature, description, local situation and extent of all rights mentioned in section 4 and section 5—

- (a) existing within such area at the time of the publication of the notification relating thereto under section 3 or section 8; and

^{96[96]}Substituted by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926), for the word “extinguished”.

^{97[97]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{98[98]}XIV of 1882, subsequently replaced by the Code of Civil Procedure, 1908 (Act V of 1908).

^{99[99]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{100[100]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{101[101]}*Ibid.*

^{102[102]}I of 1894.

^{103[103]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{104[104]}Substituted, for the words “Local Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

^{105[105]}Repealed by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926), section 6.

^{106[106]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

(b) regulated, restricted, or ^{107[107]}[* * *] ^{108[108]}[prohibited] by any order under section 4 or section 5.

(2) When any award is made under section 14, its effect upon any right shall also be recorded therein.

17. Mode of proclaiming notifications and of serving notices, orders and processes, issued under the Act.— (1) Upon the publication of a notification issued under any of the provisions of this Act, the ^{109[109]}[District Officer (Revenue)] shall cause public notice of the substance thereof to be given at convenient places in the locality to which such notification relates.

^{110[110]}(2) The procedure prescribed for the service of summons, notice, order or proclamation under the law relating to land revenue for the time being in force, shall be followed, as far as may be, in proceedings under this Act].

18. Appeal, review and revision.— Every order passed and every award made by a ^{111[111]}[District Officer (Revenue)] under this Act, shall, for the purposes of appeal, review and revision, respectively, be deemed to be the order of a Collector within the meaning of sections ^{112[112]}[161, 162, 163 and 164] of the Punjab Land Revenue Act, ^{113[113]}[1967 (XVII of 1967]; ^{114[114]}[^{115[115]}[* * *], or any other law relating to land revenue for the time being in force, as the case may be]:

Provided that nothing in this Act contained shall be deemed to exclude the jurisdiction of any Civil Court to decide any dispute arising between the persons interested in any compensation awarded as to the apportionment or distribution thereof amongst such persons or any of them.

PENALTIES, BAR OF SUITS AND RULES

19. Penalty for offences.— Any person who, within the limits of any ^{116[116]}[* * *] area notified under section 3, commits any breach of any regulation made, ^{117[117]}[restriction or prohibition imposed, order passed or requisition made under sections 4, 5, 5-A, or 7-A] shall be punished with imprisonment for a term which may extend to one month, or with a fine which may extend to one hundred rupees, or with both.

20. Application of provisions of ^{118[118]}[Act XVI of 1927].— ^{119[119]}[The provisions of sections 52, 54, 55, 56, 57, 58, 59, 60, 61, 62, 64 (excluding the last sentence), 66, 67, 68 and 73 of the ^{120[120]}[* * *] Forest

^{107[107]}The word “suspended” omitted by the Punjab Land Preservation (Chos) Second Amendment Act, 1926 (VIII of 1926), section 7.

^{108[108]}Substituted *ibid.*, for the word “extinguished”.

^{109[109]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{110[110]}Substituted, for the original sub-section (2), by the Punjab Land Preservation (West Pakistan Amendment) Ordinance, 1963 (VI of 1963), section 6.

^{111[111]}Substituted for the words “Deputy Commissioner” by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{112[112]}Substituted *ibid.*, for the figures “13, 14, 15 and 16”.

^{113[113]}*Ibid.*, for the figures “1887”.

^{114[114]}Inserted by the Punjab Land Preservation (West Pakistan Amendment) Ordinance, 1963 (VI of 1963), section 7.

^{115[115]}The words “or the corresponding provisions of the Sind Land Revenue Code, 1879” deleted by the Punjab Land Preservation (Amendment) Ordinance, 2001 (XLVIII of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

^{116[116]}The word “Local” omitted by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 11.

^{117[117]}Substituted *ibid.*, for the words and figures “ of restriction of prohibition imposed under section 4 or section 5”.

^{118[118]}Substituted by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), for the words and figures “Act VII of 1878”.

Act, 1927^{121[121]}], shall, so far as applicable, be read as part of this Act, and for the purposes of those provisions, every offence punishable under section 19 shall be deemed to be a “forest offence” and every officer employed in the management of any area notified under section 3 or section 8, as care-taker or otherwise, shall be deemed to be a forest officer.

21. Bar of suits.— No suit shall lie against the ^{122[122]}[Provincial Government] for any thing done under this Act, and no suit shall lie against any public servant for anything done, or purporting to have been done, by him, in good faith, under this Act.

22. Power to make rules.— (1) The ^{123[123]}[Provincial Government] may make rules, consistent with this Act,—

- (a) regulating the procedure to be observed in any inquiry or proceeding under this Act; and
 - (b) generally for the purpose of carrying into effect all or any of the provisions of this Act.
- (2) All rules made under this section shall be published in the ^{124[124]}[Official Gazette].

^{119[119]}Substituted, for the words, figures and brackets “The provisions of sections 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63 (excluding the last sentence), 64, 65, 66, 67 and 72 of Indian Forest Act, 1878”, by the Punjab Land Preservation (Chos) (Amendment) Act, 1944 (IV of 1944), section 12.

^{120[120]}The word “Indian” omitted by the Punjab Laws (Adaptation, Revision and Repeal) Act, 1954 (XV of 1955), section 2, Schedule I, Part II.

^{121[121]}XVI of 1927.

^{122[122]}Substituted, for the words “Crown”, by the West Pakistan Laws (Adaptation) Order 1964, section 2 (1) Schedule Part II which was previously substituted, for the words “the Secretary of State for India in Council, or the Government”, by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937.

^{123[123]}Substituted by the Government of India (Adaptation of Indian Laws) Order, 1937 as amended by the Government of India (Adaptation of Indian Laws) Supplementary Order, 1937, for the words “Local Government”.

^{124[124]}Substituted *ibid.*, for the word “Gazette”.