

A
BILL

further to amend the Punjab Land Revenue Act, 1967.

Preamble.— Whereas it is expedient further to amend the Punjab Land Revenue Act, 1967 (*XVII of 1967*) for purposes hereinafter appearing;

It is enacted as follows:

1. Short title and commencement.— (1) This Act may be cited as the Punjab Land Revenue (Amendment) Act 2012.

(2) It shall come into force at once.

2. Insertion of section 135-A in Act XVII of 1967.— In the Punjab Land Revenue Act, 1967 (*XVII of 1967*), hereinafter referred to as the said Act, after section 135, the following section 135-A shall be inserted:

“135-A. Partition in case of inheritance.— (1) Notwithstanding anything contained in section 135, immediately after the inheritance mutation has been sanctioned and without any application, the Revenue Officer shall serve notice on all joint land-owners of the holding to submit, within thirty days, a scheme of private partition agreed to by all the joint land-owners.

(2) If the scheme of private partition under subsection (1) is submitted, the Revenue officer shall affirm the scheme in accordance with the provisions of section 147.

(3) Notwithstanding anything contained in this Act, a scheme for private partition between all the joint land-owners may include site of a town or village.

(4) If the scheme under subsection (1) is not filed within the stipulated time, the Revenue officer shall immediately commence proceedings for the partition of the joint holding.”

3. Amendment in section 136 of Act XVII of 1967.— In the said Act, in section 136, for the word and figures “section 135”, the words and figures “sections 135 and 135-A” shall be substituted.

4. Amendment in section 137 of Act XVII of 1967.— In the said Act, in section 137, the commas, words, figures and brackets “, and not against the provisions of the West Pakistan Land Reforms Regulation, 1959 (Martial Law Regulation No. 64),” shall be omitted.

5. Omission of section 139 of Act XVII of 1967.— In the said Act, section 139 shall be omitted.

6. Amendment in section 140 of Act XVII of 1967.— In the said Act, in section 140, for the words, figures and commas “If the Revenue officer does not reject the application under section 139, he shall ascertain the questions, if any, in dispute between any of the persons interested”, the words “The Revenue officer shall ascertain the questions, if any, in dispute between any of the persons interested in the partition of the holding” shall be substituted.

7. Amendment in section 141 of Act XVII of 1967.— In the said Act, in section 141, for subsections (1) to (4), the following shall be substituted:

“(1) If a question of title in the holding is raised in the partition proceedings, the Revenue Officer shall inquire into the substance of such question.

(2) If as a result of the inquiry, the Revenue Officer is of the opinion that the question of title raised in a partition proceedings:

(a) is well founded, he may, for reasons to be recorded, require a party specified by him to file a suit in the competent court,

within such period not exceeding thirty days from the date of his order, for obtaining a decision regarding the question; or

(b) is not well founded, he shall proceed with the partition of the holding.

(3) In case the suit is filed under subsection (2), the Revenue Officer shall suspend further action on the partition proceedings till the decision of the suit and submission before him the order or decree of the Court.

(4) In case the suit is not filed within the specified period, the Revenue Officer shall proceed to decide the question of title and on that basis, the partition of the holding.”

8. Insertion of section 142-A of Act XVII of 1967.- In the said Act, after section 142, the following section 142-A shall be inserted:

“142-A. Time limit for decision of partition cases.-(1) The Revenue Officer shall decide the case of partition within a period of one hundred and eighty days from the date of application for partition or from the date of sanctioning of the mutation of inheritance:

(2) The period mentioned in subsection (1), for purposes of the partition proceedings pending on the commencement of the Punjab Land Revenue (Amendment) Act 2012, shall be reckoned from the date of such commencement.

(3) If the Revenue Officer, for reasons beyond his control, is unable to decide the case of partition within the time stipulated in subsection (1), he shall submit the case, with reasons, to the District Collector, fifteen days prior the expiry of that period, for extension of the period.

(4) The District Collector may, in an exceptional case and for reasons to be recorded, grant one time extension of time for decision of a partition case for a period not exceeding sixty days subject to such conditions as he deems appropriate to impose for expeditious disposal of the case.

(5) In case the Revenue Officer is required to decide the question of title in the partition proceedings under subsection (5) of section 141, an additional period of one hundred and eighty days shall be deemed to have been added to the period mentioned in subsection (1).

(6) If the Revenue Officer fails to decide a partition case within the period specified in this section or contravenes any condition imposed by the District Collector, he shall be liable to disciplinary action in accordance with law.”

STATEMENT OF OBJECTS AND REASONS

It has been observed that co-owners in possession of joint holdings do not pay due share in profit of joint holdings to other co-owners who are out of possession. The weaker co-owners especially females who want to get their shares partitioned face lengthy litigation under the existing procedure of partition provided in the Punjab Land Revenue Act, 1967. Joint-holdings are also the root cause of many problems between the co-owners. The Government, on 8.3.2012, announced the Punjab Women Empowerment Package 2012 and promised to bring legal reforms, inter alia, making it mandatory for the Revenue Officers forthwith to commence proceedings for partition of land upon sanctioning of inheritance mutation and without application from any of the parties. The proposed amendments provide a comprehensive mechanism for expeditious disposal of partition cases by the Revenue Officers. Hence this Bill.

MINISTER INCHARGE

