

PUNJAB VILLAGE COMMON LANDS (REGULATION) ACT, 1961

1961 Pb. Act 18] PUNJAB COMMON LAND' (REGULATION) FUN-TAE VILLAGE CONMON 2. 3. 4. 5, 6. 7

8. ACY, 1961. OP SEC. motiS. Short title, extent and commencement. Defi.niãons. Lar.f_ls to Which this Act applies. Vesüing of rlght5 in panchayais and noü-propcictnts, Regulation of af lands veaked or to have been vested • in panchaysts. Appeal- Power tu put panchayats in pmseE'ion Lif lands vested or deemed to have been vealed in Saving of existiug pcsession. Utilisation of ineomc. Ber of IDA. Power af col.lQ&r to canetE or very etc., of lendi vested Panchayat*. Sa3es of land in Shamilat deh Eo be pre-eni>lible.

12. Rent af shsrnilAt Isod.s to be recuvcratlle 8S erree.rs of land revenueur 10. DE juti&diction of Clyngouts, 24. Indemnity. 14A. Saving. Power 10 make rules. Id. Repeal and saving. 1961 : Pb. Act 18:' PLTN.FAE LI. AGE 109 PUNJAB VILLAGE COMMON LANDS (REGULATION) ACT, Ign. 1961). [Received the anent of the Ppesident oi India on tie 22nd Aprit, 1961, (tad. fit&t pubtishea for general information. in. Punjab Government Gazette (Ext.ruardi•uury), Supplement: ai the 4th Moy, 1961]. IS swt Commrn Land* (k"ELL- A.ct_ Whetl•u:• by leisIB1x•n b' Panjab '3 if by rhe Pl.ål;8b rc.'laandi&fh) Slate a -LI I SubjklS) Or ACT to consolidate and amend t.h2 regulating the rights 5hQrnilat dch. atzd abadi deh- BE it enacted by the Legislature of the State of Punjab in the Twelfth Year of the Republic of India as follows . 1. (1) Thig may be called the Panjab Village Short till•. extent. Comman Lands {Regulation) Act, 1961. • ment, (2) It etxends to the whole of the '[Union Terri. tory of Chandigarh). It. shall come into foree At once. IFOT Statememt and Rca30t•131 SN PWL.iul.J 2FOI' SIA1eEuenl up see CazeLte Lraordinan,r), ;lFnc Objecls NeozOnz, see Punjab CäzeUe tie "State Punjab" by Reorgssli.ssq]un (Chandigarh) .h'dapt*t'on Law: Subircr.a) CEderr 1215B. C Ove cn.ment Govcnunetll Pumiab Slate 110 FU.'(.JAB VILLAGE COMMON {1961 (RF.atn,A'fION) Ge.BcGL,i.Oä... 2, In this Act, unless tho context requires,— Fb Act 18 otherwise (a) "Collector" means the Collector of the district in which the is situated and includes an offcer, not below the rank of an Assistant Collector tf the Grader ap*31nt.ed by the I [Central Government] to perform the functions of a Conector under this Act (b) "displaced persons" means a person defined as such in the East Punjab Displaced Per- sons (Land Reset.tlement» Act. 194\$* or the Patiala and East Punjab States Union Dis- placed Per»ns (Land Resettlement) Ordi- nance. 2006 Eke; ' 'hilly area" means the Mani Maira block of Union Territory Gf Chandigarh]; (c) "house" courtyard whether includes a walkd or not; (d) "inhabitant of a means a person, whether a proprietor or a nan- proprietor, who ordinarily resides the village Provided that ternpnrary absence or absence in refation to employment elsewhere shan not affect his residence in (he village (e) "panchayat" means a panchayat or continued under the Punjab Gram Pan- cheyät Act, 1952, the Pepsu Panchayat Raj Aet, 2008 Bk., and includes a munieioal committee of a municipality of third clas deelarad as such bv ger.lion 10 of tha Pepsu Municipal (Amcfidment) 1956 : (D "prescribed" means prescribed by rtl!ee made under thig Act ; the war- us "State Gü9emment" bv 'bid aSubstituue•d bv ibid. 1961 Pb. Act nrtUKE VILLAGE COMMON (EIEGVLätrow) (g) 'sharnilat deh' includes— 111 (1) lands described in the revenue reeord\$ as sharnilüt. deh excluding abadi deh (2) sham flat tikkas ; (3) land\$ described in the revenue records as shamilat taram patties, pannas and tholas and used according to revenue for the benefit of the village community or a part thereof or for com- mon purposes of the village , (4) lands used or reserved for the benefit of village cornm&nity including streets lanes, playgrounds, schools. drinking wells, or ponds within abadi deh or gorah deh ; and (5) lands in any village desetibed as banjar qadim and used for common purposes of the village aecording to revenue records . Provided that shamälat deh at least to the extebt of twenty-live per cent.um of the total area of the village does not exist in tbe village but does not include land (i) becomes has become shami}at deli due to river action ar has been reserved as sharnilat in villages subject to river action except shamjlat deh entered as pasture, pond or playRround in the revenue records Gi) has been *Ilotäed on quasi-permanent basis to a displaced person ; (iii) has been parttioned and brought under cultivation by individual landholders before the 26th January, 1950 ; PUNJAB COMMON 11961 : Pb Act 18 LANDS having been acquired before the 28th January. 1950, by a person by pur- chase or in exchange for proprietary land from a co-sbat•er in the shamilat dch is so recorded in the jamabandi or is supported by valid deed is described in the revenue records as shamilal, tara(, pattis, pan nas and thole arid mt used according to reve- nue reeords for the benefit of the village eemmunty ot a part thereof for common

[illegible]

may be prescribed. (3) The State Government or any officer authorised by it in this behalf may from time to time, view to ensuring compliance with the provision of the second proviso to subsection (1) or such other issue to any Panchayat such directions as may be deemed necessary. 116 THE PUNJAB VILLAGE COMMON LANDS (REGULATION) ACT, 1961 (4) Nothing contained in the third proviso to sub-section (1) and in sub-section (2) and the provisions of the Act shall apply to the hilly area. 6. (1) If any person is aggrieved by an act or decision of a Panchayat under section 5, within thirty days from the date of such act or decision, he may appeal to the Collector who may confirm, reverse or modify the act or decision, or make such other order as he thinks fit: and the Collector shall have power to (2) The appellate order of the Collector shall be final. (1) An Assistant Collector of the first grade having jurisdiction in the village shall on an application made to him by a Panchayat, after making such investigation as he may think fit and in accordance with such procedure as may be prescribed, put the Panchayat in possession of the land or other moveable property in the village which vests or is deemed to have been vested in it under this Act and for so doing the Assistant Collector may exercise the powers of a revenue court in relation to the execution of a decree under the Punjab Tenancy Act, 1901. (2) An Assistant Collector of the first grade having jurisdiction in the village may, either of his own motion or on an application made to him by a Panchayat or an inhabitant of the village eject in the manner and in accordance with the procedure referred to in sub-section (1), any person who is in wrongful or unauthorised possession of any land or other immovable property in the village which vests or is deemed to have been vested in the Panchayat under this Act. (3) An appeal against the order of the Collector shall lie to the Commissioner. 117 (5) The period of limitation for an appeal under sub-sections (2) and (3) shall run from the date of the order appealed against and shall be— (a) thirty days, when the appeal lies to the Collector; and (b) sixty days, when the appeal lies to the Commissioner. 8. Where on any land in the village which vests or is deemed to have been vested in a Panchayat under this Act a person is in possession and his crops and other things are growing thereon, he shall not be ejected from such land unless the crops have ripened and he has allowed reasonable time to harvest them. (2) Any person aggrieved by any order made by a Panchayat under sub-section (1) may, within thirty days thereof, appeal to the Collector whose decision thereon shall be final. 9. Any income accruing from the use and occupation of the lands vested or deemed to have been vested in a Panchayat shall be credited to the Panchayat fund and shall be utilised in the manner prescribed. 10. No person shall be entitled to compensation for any loss suffered or alleged to have been suffered as a result of the coming into force of this Act or of the provisions of the Act. Notwithstanding anything contained in this Act or the Punjab Land Revenue Act, 1901 or in any other law for the time being in force, the Collector may of his own motion or on an application made to him by a Panchayat, in his district the record of rights, lease, contract or agreement entered into by the Panchayat in respect of any land vested or deemed to be vested in it, whether such lease, contract or agreement is entered into before or after the commencement of the Punjab Village Common Land (Regulation) Amendment Act, 1964, and examine such record for the purpose of satisfying himself as to the legality or propriety of such lease, contract or agreement. (2) Where, on examination of the record under sub-section (1) and after making such inquiry, if as he may deem fit the Collector is satisfied that such lease, contract or agreement— (i) has been entered into in contravention of any of the provisions of this Act or the rules made thereunder; or (ii) has been entered into as a result of fraud or concealment of facts; or (iii) is detrimental to the interests of the Panchayat as prescribed; the Collector may, notwithstanding anything aforesaid, cancel the lease, contract or agreement or vary the terms thereof unconditionally subject to such conditions as he may think fit. Provided that no order under this sub-section shall be passed by the Collector without affording an opportunity of being heard to the parties to the lease, contract or agreement. (3) Where the terms of any lease, contract or agreement have been varied by the Collector under sub-section (2) notwithstanding anything contained in this Act or the Punjab Land Revenue Act, 1901 or in any other law for the time being in force, the variation shall be binding on the parties to the lease, contract or agreement, as the case may be. (4) Where the lessee or the person with whom a contract or agreement has been entered into by a Panchayat refuses to accept the variation made by the Collector under this section in the terms of his lease, contract or agreement, such lease, contract or agreement shall be deemed to be cancelled by the Collector under this section with effect from the date of such refusal. (5) Where under this section any lease, contract or agreement is cancelled

or deemed to be cancelled on its terms varied, the lessee or the person with whom the contract or agreement has been entered into, who suffers by such cancellation or variation is entitled to receive compensation to be assessed by the Collector for any loss or damage caused to the lessee or such person which naturally arose in the usual course of things from such cancellation or variation. Provided that no such compensation shall be given for any remote and indirect loss or damage sustained by reason of such cancellation or variation.

(6) Notwithstanding anything contained in any law for the time being in force, the amount of compensation awarded by the Collector under this section shall be payable by the Panchayat in the prescribed manner and shall be a valid charge on the Sabha fund.

(7) Any party to a lease, contract or agreement aggrieved by any order of the Collector made under this section may appeal within a period of thirty days from date of such order to the Commissioner whose decision thereon shall be final.

Notwithstanding anything contained in the Punjab Pre-emption Act, 1913, no sale of land in a shamlat deh made by a Panchayat shall be pre-emptible and no decree of pre-emption in respect of any such sale shall be executed after the commencement of this Act.

12- Any arrears of rent payable to a Panchayat in respect of any land in a shamlat deh vested or deemed to be to have been vested in it under this Act or the law shall be recoverable as arrears of land revenue.

1061. THE Bar of civil litigation, No civil court shall have any jurisdiction over any matter arising out of the operation of this Act.

14. No suit, prosecution or other legal proceedings shall lie against the State Government or any person or authority for anything done or intended to be done in good faith in pursuance of the provisions of this Act.

14-A. Nothing contained in this Act or the Shamlat law shall— (a) affect or shall be deemed ever to have affected any right of the Central Government in the land vested or deemed to be vested in a Panchayat under this Act; or (b) entitle or shall be deemed ever to have entitled a Panchayat or any other authority under this Act or the Shamlat law to exercise any right or to do any act in or over any land in the hilly area vested or deemed to be vested in the Panchayat whether such land has or has not been declared as a protected forest under Section 29 of the Indian Forest Act, 1927, in contravention of the provisions of that Act or the rules made thereunder.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Particulars and without prejudice to the generality of the foregoing power, such rules may provide for— (a) the principles on which and the extent to and the manner in which the inhabitants of the village shall make use of the vested land; (b) the manner in which the land shall be managed; (c) the forms for such returns, statistics and accounts as may be considered to be kept, made, compiled in any manner or submitted to any authority; (d) determining the principles on which and the manner in which compensation may be paid under sub-section (Z) of section 3; (g) the terms and conditions on which the land and occupation of any such land is permitted, the manner and circumstances in which any such land may be sold, transferred or sold; (g) the purposes for which any such land may be given free of charge; the regulation of procedure where a Panchayat is used in representative capacity; (i) the manner and the order of priority in which the excess area shall be utilized by the Collector under sub-section of section 5; the officer by whom and the manner in which the area of shamlat deh referred to in sub-section of section 5 shall be demarcated and any other matter which can be or may be prescribed.

16. The Punjab Common Lands (Regulation) Act, 1961 and the Pepsu Village Common Lands (Regulation) Act, 1954 are hereby replaced. Provided that anything done or any action taken under any law so shall be deemed to have been done or taken under the corresponding provision of this Act, and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.