

The Punjab Village Common Lands Regulation

Act 1961

Punjab Act No. 18 of 1961

Received the assent of the President of India on 22nd April, 1961 and was first published in Punjab Gazettee (Extraordinary) Legislative Part -I, dated 4th May, 1961. Vaisakha 14, 1883 Saka.

An act to consolidate and amend the law regulating the rights in *shamilat deh and abadi deh*.

Be it enacted by the State of Punjab in the twelfth year of the Republic of India as follows:

The Punjab Village Common Lands Regulation

Act 1961

- 1 **Short title Extent and Commencement**
- 2 **Definition- In this Act, unless the context otherwise requires**
- 3 **Lands to which this Act applies**
- 4 **Vesting of rights in Panchayat and non-proprietors**
- 5 **Regulation of use and occupation, etc of lands vested or deemed to have been vested in Panchayats**
- 6 **Appeal**
- 7 **Power to put panchayat in possession of Shamilat deh**
- 7A **Commissioner under this Act to exercise**
- 8 **Saving of existing Possession**
- 9 **Utilisation of Income**
- 10 **Bar of Compensation**
- 10A **Power of the Collector to cancel or vary leases etc. of lands vested in Panchayats**

- 11 [Decision of claims of right, title or interest in Shamilat deh](#)
- 12 [Finality of orders](#)
- 13 [Bar of Jurisdiction in Civil Courts](#)
- 13A [Penalties and procedure](#)
- 13B [Provisions of this Act to be overriding](#)
- 14 [Indemnity](#)
- 14A [Saving](#)
- 15 [Power to make rules](#)
- 16 [Repeal and Saving](#)

[SCHEDULE-A](#)

- 1 [Short title](#)
- 2 [Definitions](#)
- 3 [The manner in which and the purposes for Shamilat deh may be used](#)
- 4 [Terms for saving existing possession](#)
- 5 [Exchange of land](#)
- 6 [Lease to be by auction](#)
- 6A [Lease of *Kallar* \(salt\) land in *Shamilat deh* for reclamation](#)
- 7 [Lease of lands in *Shamilat deh* to Collective Farming Co-operative Societies](#)
- 7A [Lease \[contranct or agreement detrimental to the Interests of Panchayat](#)
- 7B [Manner of payment of compensation assessed by the Collector](#)
- 8 [Use of Shamilat deh by residents](#)
- 9 [Maximum area to be leased out](#)
- 10 [Land to be used free of charge](#)
- 11 [Purposes for which land may be hypothecated](#)

- 12 [Purpose for which land may be sold](#)
- 13 [Purposes for which land may be gifted](#)
- 13A [Gift of land to members of Scheduled Castes and Backward Classes for residential purpose](#)
- 14 [Utilization of the income from the shamilat deh](#)
- 15 [Payment of compensation](#)
- 16 [Procedure where a Panchayat sues or is sued in its representative capacity](#)
- 16A [Non- cooperation of member](#)
- 17 [The manner and the order of priority in which the{ excess} area is to be utilized by the Collector](#)
- 18 [Demarcation of the surplus area](#)
- 19 [Unauthorized occupation of shamilat deh](#)
- 20 [Issue of notice to show causes against order of eviction](#)
- 20A [Damages](#)
- 20B [Scope and Applicability](#)
- 21 [Eviction of unauthorised persons](#)
- 22 [Maintenance of forms](#)
- 23 [Repeal](#)

[APPENDIX- A](#)
[THE PUNJAB VILLAGE COMMON LANDS \(REGULATION\)](#)
[ACT, 1953](#)

[APPENDIX –B](#)
[THE PUNJAB VILLAGE COMMON LANDS REGULATION](#)
[RULES, 1955](#)

The Punjab Village Common Lands Regulation

Act 1961

1. 1. Short title Extent and Commencement:-

- (1) This act may be called the Village Common Lands (Regulation) Act, 1961.
- (2) It extends the whole State of Punjab.
- (3) It shall come into force at once.

2 2 Definition- In this Act, unless the context otherwise requires.

¹[1(a) “*Collector*” means the collector of district and includes any officer appointed by the State Government for performing the functions of the collector under this Act.

The power of collector have been delegated to the following officer district mentioned against their names.

1	Divisional Deputy Director, Rural Development & Panchayats, Patiala	Sirhind, Bassi Pathana and Dera Bassi Blocks of Patiala District.
2	District Development and Panchayats Officer, Patiala	Patiala, District excluding Sirhind, Bassi Pathana and Dera Bassi Block.
3	Principal, Gram Sewaks Training Centre, Nabha, District Patiala	Anandpur Sahib and Nurpur Bedi Blocks of Ropar District.
4	District Development and Panchayat Officer, Ropar	Ropar District excluding Anandpur Sahib and Nurpur Bedi Blocks.

Per Gazette Notification S.O. 9/P.A. 18/61/S.2/85 Dated 15th Februry, 1985 .

¹ Substituted by the Pb. Act 19 of 1976, section 2(1)

The powers of collector have been delegated to the following officers district mentioned against their names.

1	Divisional Deputy Director, Rural Development & Panchayat, Patiala	Sirhind, Bassi Pathana, Dera Bassi Blocks of Patiala District.
2	Principal Gram Sewak training Centre, Nabha District Patiala	Nabha and Samana Blocks of Patiala District.
3	District Development and Panchayat Officer, Patiala	Patiala, Bhunderheri, Rajpura and Ghanaur Blocks of Patiala District.
4	District Development and Panchayat Officer, Ropar	Whole of the District Ropar

Per Gazette Notification No S.O.11/P.A. 18/61/S.,2/87 Dated 13th April 1987 .

The powers of collector have been delegated to the following officer district mentioned against their names.

Punjab Village Common Lands Regulation Act, 1961 (Punjab Act No 18 of 1961), the President of India is pleased to appoint the following officers for performing the functions of the collector under the said Act the in respect of Ropar and Kapurthala districts for the areas specified against each.

1	District Development and Panchayat Officer, Ropar	Whole of the Ropar district excluding Kharar Block
2	Deputy Director (Land Development) Chandigarh	Kharar Block of Ropar district.
3	Divisional Deputy Director, Rural	Whole of the Kapurthala district.

	Development and Panchayats, Jalandhar	
--	---------------------------------------	--

Per Gazett Notification No S.O.4/PA. 18/61/S. 2/89. Dated 20th April, 1989.

The powers of collector have been delegated to the following officer district mentioned against their names.

1	District Development and Panchayat Officer in the State except those posted in the Districts of Patiala, Ropar, Gurdaspur and Ferozepur	Whole of the District within jurisdiction.
2	Divisional Deputy Director Rural Development and Panchayats, Patiala	Sirhind, Bassi Pathana and Dera Bassi Block of District of Patiala.
3	Principal, Gram Sewaks Training centre,	Nabha and Bhunerheri Block of District of Patiala
4	District Development and Panchayat Officer, Patiala	Patiala, Rajpura, Samana and Ghanaur Blocks of District of Patiala.
5	District Development and Panchayat Officer, Gurdaspur	Whole of the District of Gurdaspur, except Batala Sub-Division, Kahnuwan and Dhariwal Blocks of this District.

Per Gazette Notification S.O.77/P.A.18/61/S, 2/89 Dated 23rd Aug.1989.

- (aa) “Commissioner” means the commissioner of division and includes any other officer not below the rank of a Joint Director Panchayats, appointed by the State Government for performing the function of commissioner under the Act;
- (b) “Displaced person” means a person defined as such in the East Punjab Displaced Persons (Land Re-settlement) Act; 1949 or the Patiala and East Punjab State Union Displaced Person (Land Settlement) Ordinance 2006 BK.
- ¹(bb) “Hilly area” means:
- (i) (i) [²Kangra, Kulu and Shimla Districts and the District of Lahaul and Spiti (transferred to H.P).
 - (ii) (ii) Dhar Kalan Block in Gurdaspur District (in Punjab)
 - (iii) (iii) Hoshiarpur I, Hoshiarpur II, Bhungra, 1[Hajipur], Dasuya, Mahilpur, Balachaur, Saroya (Gagrat, Nurpur Bedi 1[Ambunal and Anandpur Sahib, Block in Hishiarpur district
 - (iv) (iv) ¹[Ropar, Majri, Nalagarh, Manimajra],Raipur Rani, Naraingarh, Bilaspur and Chhachrauli Bock in Ambala District.
- (c) “House” includes a court yard whether walled or not.
- (d) (d) “Inhabitant of a village” means a person, whether a proprietor, or non proprietor, who ordinarily resides in the village
Provided that temporary absence or absence in relation to employment elsewhere shall not affect his residence in the village
- ²[(e) “Panchayat” means a Gram Panchayat constituted under the Punjab Gram Panchayat Act, 1952]
- (f) “Prescribed” means prescribed by the rules made under the Act.
- (g) “*Shamilat deh*” includes

¹ Substituted by Pb. Act No. 13 of 1965 in place of section 2(bb) of Pb. Act. No. 19 of 1964.

² Omitted by Pb. Adoption of Laws (State & SC) Order 1968.

¹ Omitted by Pb. Adoption of Laws (State & SC) Order 1968.

² Substituted by the Pb. Act 1976, section 2(1)(a)

- (1) Land described in the revenue records as *Shamilat deh* excluding *abadi deh*.
- (2) Shamilat Tikkas,
- (3) Land described in the revenue records as *shamilat, Tarafs, Pattis Pannas* and *Tholas* and used according to revenue records for the benefit or the village community or a part thereof for common purposes of village.
- (4) Lands used or reserved for the benefit of the village, community including, streets, lanes, playgrounds, schools, drinking wells, or ponds within *abadi deh or gora deh and*
- (5) Land in any village described as *banjar qadim* and used for common purposes of the village, according to revenue records, but does not include land which:
 - ³[Proviso.....]
 - ⁴[(i) becomes.....]
 - (ii) has been allotted on *quasi* permanent basis to displaced persons
 - (iii) has been partitioned and brought under cultivation by individual landholders before the 26th January,1950.
 - (iv) having been acquired before the 26th January, 1950, by a person by purchase or in exchange for proprietary land from a co sharer in the *shamilat deh* and is so recorded in the *jamabandi* or is supported by a valid deed.;¹[and is not in excess of the share of the co sharer in the *shamilat deh*.
 - (v) is described in the revenue records as *Shamilat, Taraf, Patti Panna* an *Thola* and not used; according to revenue records for the benefit to the village community or a part thereof or for common purposes of the village.

³ Proviso is omitted by section 2(3)(a) of the Pb. Act 19 of 1976.

⁴ Sub Clause(i) is omitted by section 2(3)(b) of the Pb. Act 19 of 1976.

¹ Added by section 2(3)(c) of the Pb. Act 19 of 1976.

²[(vi) lies outside the abadi deh and was being used as gitwar, bara manure pit, house or for cottage industry, immediately before the commencement of this Act].

³(vii) is *Shamilat deh*.....]

(viii) was *Shamilat deh* was assessed to land revenue and has been in the individual cultivating possession of co-shares not being in excess of their respective shares in such *shamilat deh* on or before the 26th January, 1950, or

⁴[(ix) was being used as a place of worship or for purposes, subservient thereto, immediately before the commencement of this Act].

(h) “Shamilat Law” means:-

(i) (i) in relation to land situated in the territory which immediately before the 1st November, 1956, was comprised in State of Punjab, the Punjab Village Common Lands(Regulation) Act, 1953, or

(ii) (ii) in relation to land situated in territory immediately before the 1st November, 1956, was comprised in state of Patiala and East Punjab States Union; the Pepsu Village Common Lands Regulation Act, 1954;

(i) (i) “State Government” means the Government of the State of Punjab.

3. 3. Lands to which this Act applies-

(1) The act shall apply and before the commencement of this Act the *Shamilat Law* shall be deemed always to have applied to all lands which are *shamilat deh* as defined in clause(g) of section 2.

(2) Notwithstanding , anything contained in sub section (1) of section 4, where any land vested in the Panchayat under the *shamilat law*, but such land has been excluded from *Shamilat deh* as defined in clause (g) of section 2, all rights, title and interest of the Panchayat in such land shall, as from the commencement of this Act, cease and such rights,

² Substituted by section 2(3)(d) of the Pb. Act 19 of 1976.

³ Omitted by Pb. Adoption of Laws (State & SC) Order 1968.

⁴ Substituted by section 2(3)(e) of the Pb. Act 19 of 1976.

title and interest shall be re-vested in the persons in whom the vested immediately before the commencement of the *Shamilat law* and the Panchayat shall deliver possession of such land to such person or persons:

Provided that where a Panchayat is unable to deliver possession of any such land on account of its having been sold or utilised for any of its purposes, such land shall not cease but the Panchayat shall, notwithstanding, anything contained in section 10, pay, to the person or persons entitled to such land, compensation to be determined in accordance with such principles and in such manner as may be prescribed.

4. Vesting of rights in Panchayat and non-proprietors.-

- (1) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any agreement, instrument, custom or usage or any decree or order of any court or other authority, all rights, title and interest whatever in the land:-
 - (a) Which is included in the *Shamilat deh* of any village and which has not vested in a Panchayat under the *Shamilat law* shall at the commencement of this Act vest in a Panchayat constituted for such village, and where no such Panchayat has been constituted for such village, and where no such Panchayat has been constituted for such village, vest in the Panchayat on such date as a Panchayat having jurisdiction over that village is constituted ;
 - (b) Which is situated within or outside the *abadi deh* of a village and which is under the house owned by a non-proprietor, shall, on the commencement of *Shamilat law*, be deemed to have been vested in such non-proprietor.
- (2) Any land which is vested in a Panchayat under the *Shamilat law* shall be deemed to have been vested in the Panchayat under this Act.
- (3) Nothing contained in clause (a) of sub-section (1) and in sub section (2) shall affect or shall be deemed ever to have affected the ;-

- (i) existing rights, title or interests of persons who, though not entered as occupancy tenants in the revenue records are accorded a similar status by custom or otherwise, such as *Dholidars*, *Bhonedars*, *Butimars*, *Basikhopohus*, *Saunjidars*, *Muqarrirdars*;
- (ii) rights of persons in cultivating possession of *Shamilat deh*, for more than twelve years ¹[immediately preceding the commencement of this Act] without payment of rent or by payment of charges not exceeding the land revenue and cesses payable thereon.
- (iii) rights of a mortgagee to whom such land is mortgaged with possession before the 26th January, 1950.

5. Regulation of use and occupation, etc of lands vested or deemed to have been vested in Panchayats-

- (1) All lands vested or deemed to have been vested in a Panchayat under this Act, shall be utilised or, disposed of by the Panchayat for the benefit of the inhabitants of the village concern in the manner prescribed.

Provided that where two or more villages have a common Panchayat, *Shamilat deh* of each village shall be utilised and disposed of, by the Panchayat for the benefit of the inhabitants of that village.

Provided further that where there are two or more *Shamilat tikkas* in a village, the *Shamilat tikka* shall be utilised and disposed of, by the Panchayat for the benefit of the inhabitants of that *tikka*.

¹[Provided further that where the cultivable area of land in *Shamilat deh* of any village, so vested or deemed to have been vested in panchayat is in excess of two-thirds of the total of that village (excluding *abadi deh*). then cultivable area upto the extent of two-thirds of such total area shall be left to the Panchayat and one-

¹ Inserted by the Punjab Act No. 19 of 1976, section 3

¹ Third Proviso submitted by the Pb. Act 19 of 1976, S 4(a)

half of the remaining cultivable area of *Shamilat deh*, shall be utilised for the settlement of landless tenants any other tenants ejected or to be ejected of that village and the remaining cultivable area shall be utilised for distribution to small land owners of the village by the collector in consultation with the Panchayat, in such manner as may be prescribed].

- (2) The area of *Shamilat deh* to be utilized for the purposes of the third proviso to sub-section (1) shall be demarcated by such officer in consultations with the Panchayat and in such manner as may be prescribed.
- (3) The State Government or any officer authorised by it in this behalf may, from time to time, with a view to ensuring compliance with the provision of the second proviso to sub-section (1) or sub-section (2) issue to any panchayat such directions as may be deemed necessary.
- ²(4) Nothing contained in the third proviso to sub section (1) and in sub-section (2) and sub-section (3) shall apply to the "Hilly area".
- ³(5) Notwithstanding anything contained in the preceding sub-sections, on land vested or deemed to have been vested in the panchayat under this Act, shall be disposed of by way of sale, gift or exchange, so as to have with the Panchayat, cultivable area which is less than fifty percent of the total cultivable area vested or deemed to have been vested in the Panchayat].

6. Appeal

- (1) If any person is aggrieved by an act or decision of Panchayat under section 5, he may, within thirty days from the date of such act or decision, appeal to the Collector who may confirm, reverse or modify the act decision or make such other order as he thinks to be just and proper.
- (2) (2) The appellate order of the Collector shall be final.

² Sub-section(4) has been added by the Act No. 16 of 1964, Section 3

³ Sub section(5) added by the Pb. Act No. 19 of 1976, section 4(b)

¹[7. Power to put panchayat in possession of *Shamilat deh*-

- (1) The collector shall, on an application made to him by a panchayat, or (a) ²[by an officer, duly authorised in this behalf by the state government by a general or special order], after making such enquiry, 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 immovable property in the *Shamilat deh* of that village which vests or is deemed to have been vested in it under this Act and for so doing the collector may exercise the powers of a revenue court in relation to execution of a decree for possession of land under the Punjab Tenancy Act, 1887.
- (2) (2) An appeal against the order of the collector under sub-section(1) shall lie to the Commissioner and the period of limitation for such an appeal shall be sixty days from the date of the order appealed against.

³[7A Commissioner under this Act to exercise powers under Punjab Act 31 of 1973.-

For the purposes of appeals under section 9 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 hereinafter referred to be the said Act in relation to lands vested or deemed to have been vested in a panchayat under this Act, the Commissioner under this Act shall be deemed to be the Commissioner under the said Act].

8. Saving of existing Possession.-

- (1) Where, on any land in the *shamilat deh* immediately before it vests or is deemed to have been vested in a Panchayat under this Act, a person is in cultivating possession and his uncut and ungathered crops are standing thereon, he shall not be ejected from such land, unless his crops have ripened and he has been allowed reasonable time to harvest them.
- ⁴(2) Any person.....

¹ Section 7 substituted by the Pb. Act No. 19 of 1976 section 5.

² “The Social education & Panchayat Officer” are authorised to act as such vide notification No. S.O. 27/PA/18/6US. 7/80 dated 11-4-80 by Deptt. Of R.D. & P Pb.

³ Section 7-A; inserted by the Pb. Act No. 19 of 1976; section 5.

9. Utilisation of Income:-

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. Bar of Compensation :-

No, persons shall be entitled to any 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 *Shamilat law*.

¹[10A. Power of the Collector to cancel or vary leases etc. of lands vested in *Panchayats*.

- (1) Notwithstanding anything contained in this Act, or the *Shamilat law* or in any other law for the time being in force, the Collector in the area of his jurisdiction may call for the record of any lease contract or agreement entered into by the Panchayat in respect of land vested or deemed to be vested in it, whether such lease, contract or agreement is entered before or after the commencement of the Punjab Village Common Lands (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 any, 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 there under ;
 - (ii) has been entered into as result of fraud or concealment of fact ; or
 - (iii) is detrimental to the interests of the panchayat as prescribed; the Collector may, notwithstanding anything as aforesaid, cancel the lease, contract or

⁴ Sub Section (2) of Sec.8 is omitted by the Pb.Act No. 19 of 1976; section 6.

¹ Inserted by the Pb. Amendment Act 19 of 1964; section 4.

agreement or vary the terms thereof unconditionally or 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 reasonable 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 revised by the Collector under sub-section (2), the variation shall, notwithstanding anything contained in this Act or *Shamilat law* or in any other law for the time being in force 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 entered into by a Panchayat refuses to accept the variation made by the Collector under this section in the terms of lease, contract or agreement, as the case may be, shall be deemed to be cancelled by the Collector under this section with effect the date of such refusal.
- (5) Where, under this section, any lease, contract or agreement is cancelled or is deemed to be cancelled or its terms are varied , 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 or 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 *Shabha* funds.
- (7) Any party to a lease , contract or agreement aggrieved by any order of the Collector made under this section may, within a period of thirty days from the date of such order, appeal to the Commissioner whose decision thereon shall be final.

¹[11. Decision of claims of right, title or interest in *Shamilat deh*.-

- (1) Any person claiming right, title or interest in any land, vested or deemed to have been vested in a panchayat under this Act or claiming that any land has not so vested in a Panchayat, may submit to the Collector, within such time, as may be prescribed, a statement of his claim in writing and signed and verified in the prescribed manner and the Collector shall have jurisdiction to decide such claim in such manner as may be prescribed.
- (2) Any person or a Panchayat aggrieved by an order of the Collector made under sub-section (1) may, within sixty days from the date of the order, prefer an appeal to the Commissioner in such form as manner as may be prescribed and the Commissioner may after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such as he deems fit.

12. Finality of orders.-

Save , as otherwise, expressly provided in this Act, every order made by the Collector or the Commissioner shall be final and shall not be called in question in any court by way of appeal or revision or in any original suit, application or execution proceedings.

13. Bar of Jurisdiction in Civil Courts:-

No civil court shall have jurisdiction:-

- (a) to entertain or adjudicate upon any question, whether any property or any right to or interest in any property is or is not *Shamilat deh* vested or deemed to have been vested in a Panchayat under this Act ; or
- (b) to question the legality of any action taken by the Commissioner or the Collector or the Panchayat, under this Act, or
- (c) in respect of any matter which the Commissioner or the Collector is empowered by or under this Act to determine].

²[13A Penalties and procedure:-

¹ Section 11,12 & 13 substituted by Pb. Act No. of 1976; section 7

- (1) No person shall unless entitled or authorised so to do, by law or by an instrument or by order executed or issued by a competent authority under law, enter into the possession of any land vested or deemed to have been vested in a Panchayat under this Act or having lawfully entered into possession of such land ; unlawfully remain in possession thereof, on or after the expiry of the term of such lawful possession, if any.
- (2) Any person who contravenes the provisions of sub-section (1) shall, notwithstanding any thing contained in any other law, be punished with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.
- (3) Any person who abets an offence punishable under this Act, shall be punished with the punishment provided for the offence.
- (3) (3) Notwithstanding, anything contained in the Code of Criminal Procedure 1973, an offence under this Act, shall be cognisable.

13B. Provisions of this Act to be overriding:-

The provisions of this Act shall have effect, notwithstanding to the contrary in any law or any agreement, instrument, custom, or usage or any decree or order on any court or other authority].

14 Indemnity:-

No suit, prosecution or other legal proceedings shall lie against the 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.

¹**[14A Saving:-**

Nothing contained in this Act or the *Shamilat law*. shall: -

- (a) affect or shall be deemed to have affected any right of the State Government in the land vested or deemed to be vested in a Panchayat under this Act ; or

² New Section 13A and 13B added by section 8 of the Pb.Act No. 19 of 1976.

¹ Inserted by the Pb. Amendment Act 19 of 1964; section 3.

(b) (b) entitle or shall be deemed ever to have entitled a Panchayat or any other authority under this Act or the '*Shamilat law*' to exercise any right or to do any act in respect of 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 Power to make rules:-

- (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-
 - (a) the principles on which and extent to and the manner in which the inhabitants of the village shall make use of the lands vested or deemed to have been vested in the Panchayat ;
 - (b) the maximum and minimum area to be leased to any single person ;
 - (c) the prescribing of forms for such books, entries, statistics and accounts as may be considered necessary to be kept, made or compiled in any office or submitted to any authority ;
 - (d) determining the principles on which and the manner in which compensation may be paid under sub-section (2) of section 3 ;
 - (e) the terms and conditions on which the use and occupation of any such land is permitted ;
 - (f) the manner and the circumstances in which any such land may be disposed of, transferred or sold ;
 - (g) the purpose for which any such land may given free of charge ;
 - (h) the regulation of procedure where a Panchayat ¹ [sues or] is sued on its representative capacity ;
 - (i) the manner or the order of priority in which the excess area shall be utilized by the Collector under sub-section (1) of section 5 ;

¹ Inserted by the Pb. Amendment Act 19 of 1964; section 9

- (j) the officer by whom and the manner in which the area of *Shamilat deh* referred to in sub-section (1) of section 5 shall be demarcated ; and
- (k) (k) any other matter which can be or may be prescribed.

16. Repeal and Saving:-

The Punjab Village Common Lands (Regulation) Act, 1953 and the Pepsu Village Common Lands (Regulation) Act, 1954 are hereby repealed :

Provided that anything done or any action taken under any law so repealed shall be deemed to have done or taken under the corresponding provisions 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

SCHEDULE-A

1 Short title:

These rules may be called the Punjab Village Common Lands (Regulation) Rules, 1964.

2 Definitions:-

In these rules, unless the context otherwise requires-

- (a) "Act" means the Punjab Village Common Lands (Regulation) Act, 1961.
- (b) (b) "Form " means a form appended to these rules.
- (c) (c) "Panchayat Samiti" means the Panchayat Samiti constituted under the Punjab Panchayat Samitis and Zila Parishads Act 1961 and having jurisdiction over the Sabha Area.
- (d) (d) "Sabha Area" means an area declared to be a "Sabha Area" under section 4 of the Punjab Gram Panchayat Act 1952
- (e) (e) "Zila Parishad" means the Zila Parishad constituted under the Punjab Panchayat Samitis and Zila Parishads Act, 1961, and having jurisdiction over the Sabha Area

3 The manner in which and the purposes for *Shamilat deh* may be used (Sections 5 and 15 (2)(a) of the Act).

(1) The Panchayat shall prepare a land utilization plan of the land in *Shamilat deh* vested in it under the Act. ¹[it shall be the duty of B.D.& P.O to assist the Gram Panchayats concerned in the preparation of the said plans]. Such Plan shall be subject to approval of-

(a) The Panchayat Samiti- where the area exceeds 100 acres but does not exceed 500 acres ²[1000 acres];

³(b) the Zila Parishad- where the area exceeds 500 acres but does not exceed 1,000 acres];

(c) the Government- where the area exceeds 1,000 acres.

(2) The panchayat may make use of the land in *Shamilat deh* vested in it under the Act, either itself or through another, for any one or more of the following purposes:-

(i) Model farm ;

(ii) Seed farm ;

(iii) Nursery garden or any other horticultural purpose ;

(iv) production of food, fibre or fodder crops ;

(v) Dairy farm ;

(vi) Grazing of cattle ¹[animals] ;

(vii) Tree plantation or any other purpose related to forestry ;

(viii) Dyeing and tanning of skins and hides ;

(ix) Storage of fuel, fodder and/ or grain ;

(x) Bricks kilns ²[Pottery], extraction of shora 'sand stones, kankar, bajri, other minerals defined in the Punjab Minor Mineral ³(Concession) Rules 1964 ;

¹ Inserted by Punjab Village Common Lands (Regulation) Hr. (Ist Amendment) Rules 1979.

² (1000) substituted for (500) by Hr. 2nd Amendment Rule 1976 D/21-10-1976.

³ Cl. 3(i)(b) omitted by the Hr. 2nd Amendment Rules 1976.

¹ (Animal) Substituted by Hr. Amendment Rules 1976.

- (xi) Cremation or burial ground ;
- (xxii) Manure pits ;
- (xxiii) Public latrines and / or urinals ;
- (xiv) Pathways ⁴[streets and lanes], roads, drains or water channels ;
- (xv) Playground, recreation parks or children' park or ⁵(balwaris);
- (xvi) Leasing out, for the purposes of *abadi* to a family having insufficient housing accommodation or for the purpose of industrial project approved by the Government ;
- (xvii) School building, school library or any other structure for educational Purpose ;
- (xviii) Maternity or first-aid centres ;
- (xix) Hospital or dispensary ;
- (xx) Veterinary Hospital or dispensary ;
- (xxi) Vehicle Park ;
- (xxii) Panchayatghar ⁶[or village Chaupal] ⁷[or Community Center] ;
- (xxiii) Ponds and fisheries ;
- (xxiv) Wells, hand pump, water works, or any water lifting devices ;

(xivA) Thrasher floor ¹[Thrashing ground] ;

²(xxiv:B) [Kohloo];

(xxv) Leasing out for cultivation ; or

(xxva) (Thrashing Floors; ³(or)-**in Pb**;

(xxvi) Any other kindred common purpose with the approval of the Panchayat Samitis;

² Pottery added by Hr. 2nd Amendment Rules 1976.

³ Inserted by the Hr. Ist Amendment Rules 1979 Rule 2(a)

⁴ Inserted by the Hr. Ist Amendment Rules 1979 Rule 2(a)

⁵ Inserted by the Pb. 2nd Amendment Rules 1967 dated 18-7-1967.

⁶ Inserted by the Hr. Amendment Rules 1976 Rule; 3(11)(c)

⁷ Added by the Pb. 2nd Amendment Rules 1967 dated 18-7-1967

¹ Substituted for (thrasher floor) by Hr. ist Amendment Rules 1979 d/29-11-1979.

² Inserted by Hr. Ist Amendment Rules 1979 Rules 3(a) (IV) dated 29-11-1979.

³ (or) omitted and (xxv-a) added by Pb. Amendment; 1967 dated 18-7-1967.

- (3) Subject to approval of Panchayat Samiti, a panchayat may unite with any other body or bodies being a Gram Panchyat, local authority or an institution or branch of institution' established for the development of Panchayat and recognised by Government in taking up any of the purpose specified in sub rule (2).

COMMENTS

The Panchayat has unfettered rights to use *Shamilat deh* vested in it either the *Shamilat law* or the present Act of 1961, except to the extent to which the statutory law and the rules indicate for any of the specified purpose it like and it is not necessary that what was grazing land out of *Shamilat deh* previous to such vesting must continue to be such⁴.

On cancellation of lease of *Shamilat deh*, given in contravention of the Rules, it has been held that infraction of the legal right resting in the petitioner is a foundation of jurisdiction under Art. 226 of the Constitution. Cancellation of the lease of *Shamilat deh* land granted to him in infringement of rule 3 of the Punjab Village Common Lands (Regulation) Rules 1964, being null and void, gave him no such right the infraction of which he would complain, or in respect of which he could seek relief under the provisions of Articles 226 of the Constitution⁵.

⁶[4] **Terms for saving existing possession (Sections 5 and 15 (2)(f)of the Act)**

- (1) Where a person ⁷[other than that in whom the *shamilat* land has vested under the Act] has built a house or erected any other structure on any land in the *Shamilat deh*, before the coming into force of the Act, the Panchayat may allow such person to retain possession of the site by-
- (a) (a) Selling it to him at the market value prevailing at the time of the sale to be determined by the Collector or the officer appointed by him for

⁴ 1965 CLJ 711 (Salig Ram etc Vs. Maksudan Singh etc)

⁵ 1968 PLR (S.N:39) H.23 (Mehtar Singh etc Vs. G.P.Godpuri)

⁶ Rule 4 has been omitted by R-2 of the Pb. V.C.L (R) Hr. Ist Amendment Rules, 1982;

⁷ Substituted for (a person has built) by Hr. Amendment Rules 1976 Rules 5;

the purpose: provided that the person concerned is unable to pay the entire amount immediately, it shall be recovered in such instalments to be spread over a period not exceeding five years as may be determined by the Panchayat or

(b) leasing out the site to him at an annual rent to be determined by the Collector or the officer appointed by him for the purpose at the rates prevailing at that time.

(2) Subject to sub-rule (1), the terms and conditions for sale or lease of land in *Shamilat deh* shall be determined by the Panchayat]

5 Exchange of land (Section 5 and 15 (2) (f) of the Act).

A Panchayat, if it is of opinion that it is necessary so to do for the benefit of the inhabitants of the village may with the prior approval of the Government, transfer any land in *Shamilat deh* by exchange with the land of an equivalent value ¹[to be determined by the Tehsildar in whose jurisdiction the land is situate]

²[" Provide that where the land is required, in connection with the Integrated Rural Development Programme sponsored by the Government the Panchayat may, with the approval of the Collector, transfer any land in *Shamilat deh* by exchange with the land of an equivalent value"] (b. alone)

¹ Substituted for (value) by the Hr 2nd Amendment Rules 1976 R 3

² Proviso added by the Pb. Ist amendment Rules 1978; dated 8-2-1978.