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# Bare Acts Live

Central Acts and Rules Amended and Updated

- ✓ Punjab Village Common Lands (Regulation) Act, 1961 (Pu892.htm)
- Punjab Village Common Lands (Regulation) Act, 1961 (Pu892.htm#0)
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## ***The Punjab Village Common Lands (Regulation) Rules, 1964***

***Published vide Punjab Government Development Panchayat Deptt. Notification No. 45/PA.18/61/Section 15/64 dated the 3rd February 1964***

*Last Updated 4th October, 2019 [pu890]*

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- 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 of Punjab Village Common Lands (Regulation) Act, 1961.
    - (b) "From" means a form appended to these rules.
    - (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) "Sabha Area" means an area declared to be a "Sabha Area" under Section 4 of the Punjab Gram Panchayat Act, 1952.
    - (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)].** -
    - (1) The Panchayat shall prepare a land utilization plan of the land in shamilat deh vested in it under the Act. Such Plan shall be subject to approval of -
      - (a) the Panchayat Samiti ... where the area exceeds 100 acres but does not exceed 599 acres
      - (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;
- (vii) Tree plantation or any other purpose related to forestry;
- (viii) [industrial, commercial, educational or professional];
- (ix) Storage of fuel, fodder and/or grain;
- (x) Brick kilns, extraction of shora sand stones, kankar, bajri, or other minerals defined in the Punjab Minor Mineral Concession Rules, 1964;
- (xi) Cremation or burial ground;
- (xii) Manure pits;
- (xiii) Public latrines and/or urinals;
- (xiv) Pathways, roads, drains or water channels;
- (xv) Playground, recreation parks or children's park or [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) Panchayat ghar or janjghar [or Community Centre];
- (xxiii) Ponds and fisheries;
- (xxiv) Wells, hand pump, water works, or any water lifting device;
- (xxv) Leasing out for cultivation; [-]
- [(xxv-a) Thrashing floors; or]
- (xxvi) Any other kindred common purpose with the approval of the Panchayat Samitis;

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

**4. Terms for saving existing possession.** [Sections 5 and 15(2)(f)]. - (1) Where a person 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) 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 the purpose; provided that if 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.** [Sections 5 and 15(2)(f)]. - 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

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**6. Leases to be by auction.** [Sections 5 and 15(2)(f)]. - (1) Subject to the provisions of sub-rule (1) of rule 4, all leases of land in shamilat deh shall be by auction after making publicity in the manner laid down in sub-rule 10. All documents executed in this connection shall be signed by a sarpanch or in his absence, [-] by a panch performing the duties of sarpanch and [two other panches authorised for the purposes of the Gram Panchayat.]

Provided that -

- (a) One-third of the cultivable land proposed to be leased, shall be reserved for giving on lease by auction to the members of the Scheduled Caste only and, if on two different dates fixed for auction no such person is forthcoming or the Panchayat Samiti refused to confirm the auction under clause 2(a)(i) the reservation shall cease to have effect, and

[(b) any Sarpanch [-] or Panch or member of his family such as father, grandfather, mother, grandmother, wife, son, grandson, great grandson or any other relative dependent on him shall not be allowed to bid for auction and to take land in Shamilat deh on lease.]

(2) Lease of land in shamilat deh already under plough shall not be given for a period exceeding [three] years, while that of land, not under plough and infested with trees, bushes, etc. may be given for a period not exceeding [seven] years to the highest bidder. The auction shall be subject to the approval of :-

- (a) The panchayat samiti - (i) [Where the area does not exceed 100 hundred acres and the highest bid of the lease at the auction is less than the average lease rate of the similar shamlat lands in the preceding year] or

(ii) where the area exceeds 100 acres, but does not 500.

(b) The Zila Parishad - where the area exceeds 500 acres but does not exceed 1000 acres.

(c) The Government when the area exceeds 1000 acres.

[Provided that the Panchayat shall, within seven days of the date of auction, apply for approval of the Panchayat Samiti, Zila Parishad or the Government as the case may be, which shall accord the approval within a period, not exceeding one month from the date of auction the lease; and]

Provided [further] that on the application of the lessee made before the expiry of the lease, the panchayat may renew the lease for a period not exceeding two years at a time, if it considers that renewal of lease is in the interest of better cultivation and is satisfied that the lessee has made improvements by rendering such land fit for cultivation or has made improvements by digging a well or installing a pumping set or a tube-well or constructing a pucca structure on such land :

Provided further that the annual rent of such land for which lease has been renewed shall be determined by the Collector or the officer appointed by him for the purpose on the basis of market rental value of similar lands in the neighbourhood.

[(3) All lands vested in a Panchayat may be leased out by auction or on such terms and conditions, as may be agreed upon between the parties upto the period of 33 years for industrial, commercial, educational or professional purposes with the prior-approval of the State Government.]

[Provided further that in the cases of solar and other renewable energy power projects which are approved by the Department of Power or by the Punjab Energy Development Agency, the authority competent to accord prior approval, shall be the Deputy Commissioner of the district concerned.; and]

(4) All ponds used for the plantation of Shingharas and for stocking fish may be auctioned in the month of September every year.

[Provided that where a Department of Government of Punjab or of the Government of India or a member of the Fish Farmer Development Agency sponsored by the Government desires to take a pond on lease for rearing fish, the panchayat may lease it to such Department for a period, not exceeding fifteen years or to such members for a period not exceeding ten years as may be agreed upon between the parties.

Provided further that the reserve price of such lease shall not be less than six hundred rupees per acre per year and shall after the expiration of first two years of lease period, be subject to an annual increase of ten per centum of the lease money on which the lease was originally granted.]

[(5) The lease of lands in shamlat deh for extraction of shora, sand, stone, kankar, bajari and other minor minerals as defined in Punjab Minor Mineral Concession Rules, 1964, and grass, kahi and similar other products, shall be auctioned at a time to be determined by the panchayat when it may be considered to be of maximum advantage for all the inhabitants of the village.]

(6) The Panchayat may auction every year the surplus and useless trees. All trees standing on the land in shamilat deh shall be marked with numbers and the number of trees so marked shall be specifically mentioned in the auction notice and the sale deed.

[(ii) used for stocking fish may be made for a period not less than five years and not exceeding ten years preferably in the month of May and June:]

(7) [The leases of cultivable land in shamilat deh shall be auctioned for rent-in-cash at a time to be determined by District. Development and Panchayat Officer concerned of his district to the maximum advantage of the inhabitants of the village and the annual lease money shall be paid as under] :-

(a) for the first year of the lease, one-fourth of the annual rent shall be paid by the bidder on the spot and the remaining three-fourth, before the possession of the land is delivered to him :

Provided that the possession of the land shall not be delivered by the Panchayat to the lessees concerned earlier than February next. Where in any land uncut or ungathered crops of the previous lessees are standing in any part thereof, the possession of that part shall be delivered when the crops have ripened and the person concerned has been allowed a reasonable time to harvest them.

(b) For the remaining years of lease, if any, the annual rent shall be paid in advance in February every year.

[(6-A) (a) the approximate value of the surplus and useless trees to be auctioned by a Panchayat shall be got determined by it by the Forest Department.

(b) The auction of the trees shall be held in the presence of a Committee consisting of :-

- (i) The Sub Divisional Officer (Civil) the Block Development and Panchayat Officer and the Sarpanch concerned where the value of the said trees does not exceed fifty thousand rupees;
- (ii) The District Development and Panchayat Officer, the Sarpanch concerned and any officer from the Headquarters of the Department where the value of the said trees exceed fifty thousand rupees, but does not exceed two lac rupees; and
- (iii) The Additional Deputy Commissioner (Development), the Divisional Deputy Director, Rural Development and Panchayat and the Sarpanch concerned where the value of the said trees exceeds two lac rupees.]

[7-A. (a) The auction of lease of land in shamilat deh; shall be held in presence of :-

- (i) [Social Education and Panchayat Officer of the block or the Extension Officer authorised by the Block Development and Panchayat Officer], where the land does not exceed twenty acres;
- (ii) Block Development and Panchayat Officer of the Block where the land exceeds twenty acres but does not exceed one hundred acres;
- (iii) District Development and Panchayat Officer of the District where the land exceeds one hundred acres;

(b) Where the lease money in the auction of shamilat land is less than that of previous year, the gram panchayat, conducting the auction shall obtain the approval of the panchayat samiti on the recommendation of :

- (i) the Block Development and Panchayat Officer - where the auction was held in the presence of the [Social Education and Panchayat Officer or the Extension Officer];
- (ii) The District Development and Panchayat Officer - where the auction was held in the presence of Block Development and Panchayat Officer;
- (iii) The Divisional Deputy Director Panchayati Raj - where the auction was held in the presence of the District Development and Panchayat Officer;]

[(8) In every case of lease, a lease deed shall be duly executed by the lessee, and the lessee shall surrender to the panchayat possession of the land leased to him, after the expiry of the period of lease].

(9) The Panchayat may by resolution passed in this behalf entrust the auction of lease of any land in Shamilat deh vested in it to the panchayat samiti which may depute it [Executive Officer] to conduct the auction, after giving due publicity in the manner specified in sub-rule (10), at the cost of the Panchayat.

(10) (1) The publicity to lease auction programme shall be given fifteen days before the date of auction, by specifying the description of land, the date, time and place fixed for auction of lease :-

[(a) through any vernacular newspaper with wide circulation as approved by the Government and where the auction of stone quarries, bajri or other minor mineral etc. is to be held, also through an English newspaper with wide circulation, as approved by the Government].

(b) by pasting a copy of auction notice on outer door of the panchayat ghar, village patwarkhana, office of Panchayat Samiti and Zila Parishad at other some conspicuous places of shamilat deh or of the estate in which the shamilat deh is situated, and

(c) by beat of drum within the Sabha area.

(2) The terms and conditions of auction shall be announced at the time of auction.

**[6A. Lease of Kallar [salt] land in shamlat deh for reclamation.** - Where after survey conducted by the department of the Government or by an institution authorised in this behalf, it is found that the shamlat land of any panchayat contains Kallar (salt) such panchayat may lease out the said land [by] auction for the purpose of reclamation to [any person or] such Department or the institution on the terms and conditions agreed upon between the parties for a period, not exceeding ten years on an annual rent of not less than ten rupees per acre. The lease shall be subject to the approval of :-

**I. The Panchayat Samiti.** - Where the area exceeds 100 acres but does not exceed 500 acres.

**II. Zila Parishad.** - Where the area exceeds 500 acres, but does not exceed 1000 acres.

**III. The Government.** - Where the area exceeds 1000 acres].

**7. Lease of lands in shamilat deh to Collective Farming Co-operative Societies.** [Sections 5 and 15(2) (g)]. - (1) Subject to the provisions of Section 5 of the Act where in a village, cultivable area in shamlat deh is 200 acres or more, such land may be leased out without auction to the Collective Farming Co-operative Society if any, constituted in the village under the Punjab Co-operative Societies Act, 1961, on such terms and conditions as may be agreed to by the panchayat with the approval of the Zila Parishad. Where there are more than one Collective Farming Co-operative Societies in a village the land in shamilat deh may be leased out to them in proportion to the strength of their members. The Co-operative Collective Farming Society shall execute a lease deed in favour of the Panchayat. The total period of the lease shall not exceed 5 years.

(2) Such leases shall be subject to review by the Zila Parishad concerned annually so that the Panchayat of the Society may not suffer due to subsequent events which may affect the fertility or improvement in the land.

(3) If, in any case, the Panchayat has purchased a tractor or other equipment for the cultivation of the land in shamlat deh, the Co-operative Collective Farming Society may purchase or take on hire such machinery and equipment on such reasonable price or rent as the case may be, as may be mutually settled by the panchayat and the said society.

[(4) In case the society fails to comply with the terms and conditions of the lease, the lease shall come to an end and the land shall revert to the panchayat without payment of any compensation therefor] and [4-A. If any question, dispute or doubt arises as to whether or not the lease has come to an end, it shall be referred by the either party to the Collector whose decision after hearing the parties shall be final].

(5) Lease money shall be payable by the Co-operative Collective Farming Society in advance [-]

**[7A. Lease contract and agreement detrimental to the interests of Panchayat.** [Sections 10-A(2)(iii) and 15(2)(k)]. - Any lease, contract or agreement shall be deemed to be detrimental to the interest of Panchayat if :-

- (i) it has been granted or made as the case may be otherwise than by following the procedure laid down for grant of leases or the making of contracts and agreements by the Panchayat; or
- (ii) it adversely affects any of the development schemes of the Panchayat; or
- (iii) it has resulted or is likely to result in a loss to the Panchayat; or
- (iv) it is Benami.

**7B. Manner of payment of compensation assessed by the Collector under sub-section (5) of Section 10-A.** [Sections 10-A(6) and 15(2)(k).] - The amount of compensation assessed by the Collector under sub-section (5) of Section 10-A shall be paid by the panchayat direct to the payee against proper receipt or by money order, if the payee so desires after decuting therefrom money order commission or other expenses, if any :-

- (i) in lump sum where the amount of compensation does not exceed one hundred rupees; and
- (ii) in three equal instalments, where the amount of compensation exceeds one hundred rupees.]

**8. Use of shamilat deh by residents.** [Sections 5 and 15(2)(g)]. - (1) The land in Shamilat deh declared by the panchayat by a resolution in writing as pasturable, may be utilized by the residents of the village for

- (a) grazing purposes; or
- (b) collecting dry fuel wood from the jungle on terms laid down by the panchayat.

(2) Open spaces near the abadi deh may, with the previous permission of the panchayat and in the manner laid down by it be utilized by the inhabitants of the village for thrashing the harvests.

(3) [Omitted by Punjab Notification No. GSR 19/PA/18/61/section 15/Amendment(5)74 dated 4.2.1974.]

(4) The Panchayat may, if necessary, earmark suitable land for use as manure pits by the inhabitants of village on such nominal charges as may be fixed by it :

Provided that the panchayat may exempt a member of Scheduled Castes or backward Classes or any landless labourer or tenant, on the ground of poverty from payment of such charges.

**9. Maximum area to be leased out.** - [Sections 5 and 15(2)(f)]. (1) The panchayat shall not lease cultivable land in shamilat deh to a person -

- [(a) [Omitted by the Punjab Notification No. GSR 58/PA/18/61/section 15/Amendment (2)67 dated 18.7.1967.]

(b) already holding lease under any other panchayat. Provided that the maximum area of land in shamilat deh to be leased to a person shall not exceed ten acres at any time.

(2) Except with the prior permission of Panchayat samiti, the panchayat shall not lease more than one acre of land in shamilat deh for residential, industrial or commercial purposes near the village abadi to any one person.

**10. Land to be used free of charge.** - [Section 5 and 15(2)(g)]. - The Panchayat may allow the use of land in shamilat deh vested in it free of charges to the inhabitants of the village for any one or more of the following purposes :-

(a) Steeping of hemp or any other plant in ponds :

[(b) Residential purposes of the members of Scheduled Castes or Backward Classes or dependents of the defence personnel killed in any war after the Independence of India or landless labourers or tenants in genuine cases on grounds of poverty].

(c) any other suitable common purpose.

**11. Purposes for which land may be hypothecated.** - [Sections 5 and 15(2)(e)] - A Panchayat may, with the prior sanction of the Zila Parishad hypothecate the land in Shamilat deh vested in it for the purpose of borrowing money from the government or a Co-operative Bank for the improvement of such land or for any other development scheme.

**12. Purposes for which land may be sold.** [Sections 5 and 15(2)(f)].- (1) A Panchayat may, with the previous approval of the Government, sell land in shamilat deh vested in it under the Act for :-

(i) the purpose of constructing building for Block Samiti office or any department of or institution recognised by the Government;

(ii) the purpose of any industrial or commercial concern; or

(iii) executing such a scheme as may be a source of recurring income for the benefit of the inhabitants of the village.

[(iv) residential purpose of the inhabitants of the village.]

[(v) for the purpose of financing the construction of building for schools and for veterinary and civil dispensaries in the Sabha area].

(2) Where it is proposed to sell the land in shamilat deh under sub-rule (1), the panchayat shall forward to Government a copy of its resolution passed by a majority of three-fourth of its members proposing to sell the land through the Panchayat Samiti and [Divisional Deputy Director, Panchayati Raj] stating -

(a) the area and location of the land proposed for sale;

(b) the estimated income from the sale and whether the income would increase, if the land is sold after some years;

(c) the reasons as to why the panchayat wants to sell the land and the plans for utilization of the income from the sale.

(3) The publicity for sale in land in shamilat deh by auction shall be made by the Deputy Commissioner in accordance with the procedure laid down in sub-rule (10) of Rule 6 on receipt of the approval of

Government who shall also decide whether the land should be sold in one or more lots and the officer who would be present at the auction :

**[12A. Transfer of Land.** - (1) Notwithstanding anything contained in these rules, a Panchayat may, with the previous approval of the State Government, transfer the Shamlat land vested in it by the ways and subject to the terms and conditions, mentioned below: -

- (a) By way of sale to any Government Department, its Boards Corporations or local authorities for their projects or schemes, and for the projects, sponsored or aided by the State Government in which the share of the State Government is not less then 50 per cent: and
- (b) By way of lease up to fifty per cent of the culturable area of Shamlat Land, vested in a Panchayat up to a period of 33 years to any corporation, company, body corporate or any legal entity, whose projects or schemes have been approved and sponsored by any of the Administrative Departments of the State Government under any law or policy, notified by the State Government.

Provided that: -

- (i) both the Panchayat and the State Government, on the recommendations of the sponsoring department arc satisfied tier such transfer, and the terms and conditions thereof, are in public interest as well as in the interest of the Panchayat;
- (ii) the sponsoring Department independently certifies that the area of the land sought to be transferred, shall be commensurate with the requirements of the project or scheme and such land is an essential component for the implementation of such project;
- (iii) the transferee shall not use the land for any purposes, of other then those, for which the shamlat land, has been transferred. However, if the circumstances warrant that the shamlat land is to be used for any purpose, other than that, for which, it was transferred then the State Government may allow such change of land;
- (iv) the price of the shamlat land shall be determined by the District Price Fixation Committee headed by the Deputy Commissioner and comprising among, others, the District Development and Panchayat Officer of the District and the concerned Block Development and Panchayat Officer and the Sarpanch of the concerned Panchayat. The land shall be transferred on the price, to be determined by the said Committee. The Price determined by the Committee shall be valid for three months only from the date of determination;
- (v) the Panchayat shall be competent to transfer the land, free of cost or at a reduced price, for the Government projects, which are of benefit to the Panchayat;
- (vi) the rate of lease shall be fixed by the State Government after taking into consideration, the price of the land and other relevant factors The lease would initially be for a period of 33 years but thereafter renewable in public interest; and
- (vii) the possession of the shamlat land shall be delivered to the transferee only after due payment of the sale price or the lease money, as the case may be, to the Panchayat.

*Explanation.* - for the purposes of this rule -

(1) Project or Scheme means any project or scheme of public interest, which has been approved as such by the competent authority as per the relevant law or any policy, notified by the State Government.

(2) Sponsoring Department means Administrative Department of the State Government, which sponsors the proposal for transfer of shamlat land.]

[(2) The abandoned paths (Rastas) or water-courses (Khals) not under use in shamlat deh falling in All Government licenced projects, may also be transferred by sale in accordance with the laid down procedure:]

**[13. Purposes for which land may be gifted.** - A Panchayat may gift land in Shamlat Deh, vested in it under the Act for the purpose of hospital, dispensary or educational or charitable institutions with the previous approval of the State Government.]

**[13A. Giving of the land to landless worker.** - A panchayat may, with the previous approval of the Government give land in shamlat deh free of cost, to a landless worker residing in the Sabha area for construction of a house for his residence :

Provided that the landless worker to whom such land is given, shall not be entitled to sell, exchange or mortgage it except mortgaging it for the purposes of raising loan to construct a house on it.]

**14. Utilization of the income from the shamilat deh.** - [Sections 9 and 15(2)(f)] - The income derived by a panchayat from the use and occupation of land in shamilat deh vested in it shall be utilized for the benefit of the inhabitants of the village, as laid down in the Punjab Gram Panchayat Act, 1952 and for the improvement, maintenance and management of the shamilat deh.

**15. Payment of compensation under Section 3(2).** - [Sections 3(2) and 15(2)(d)]. (1) Any person who is entitled to compensation under sub-section (2) of Section 3 of the Act may, within a period of twelve months from the date of commencement of these rules, apply to the [Assistant Collector] for the determination of amount of compensation payable to him by the Panchayat :

Provided that the Collector may entertain the application after the expiry of the said period of twelve months, if he is satisfied that the applicant was prevented by a sufficient cause from filing the application in time.

(2) On receipt of an application, the Collector shall issue notice to the panchayat and after giving an opportunity of being heard and after making such enquiry as may be considered necessary, shall determine the amount of compensation payable by the panchayat.

(3) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person are entitled to compensation, he shall apportion the amount thereof amongst such persons.

(4) The amount of compensation shall be determined in accordance with the following principles :

(a) if the lands has been sold by the panchayat, the amount of compensation of the land shall be same as received by it from the vendee.

(b) if the land is utilized by the panchayat for any of its purposes, the amount of compensation shall be determined by working out an average of the sale proceeds of the lands of the same nature and kind sold in the village during the last three years and if no such land has been sold in the village reasonable price as may be determined :

Provided that the payment of such compensation shall be made in six equal annual instalments, if the amount involved is more than Rs. 300.

**16. Procedure where panchayat sues or is sued in its representative capacity.** - [Sections [15(2)(h)]

[(1)] The panchayat shall by a resolution to be recorded in the proceeding book, appoint its sarpanch [-] or any other panch to contest any suit filed by or against the panchayat. The sarpanch [-] or panch so appointed shall file a copy of the resolution duly attested by the sarpanch under the seal of the panchayat in the court along with other documents.

(2) The actual expenditure incurred in the defence of the case shall be chargeable to the funds of the panchayat.

(3) The sarpanch [-] or panch so appointed shall not be competent to compound or admit claim of the party suing the panchayat without prior authorization by the panchayat by a resolution in writing passed in a meeting specifically called for the purpose. If any decree or order is passed by the court as a result of fraud, misrepresentation, concealment of facts or collusion with the opposite party, the sarpanch or panch shall be personally liable for the loss caused to the panchayat.

**17. The manner and the order of priority in which the [excess] area is to be utilized by the Collector under sub-section (1) of Section 5.** [Sections 5(1) and 15(2)]. - [(1) (i) The landless tenants and other

tenants ejected or to be ejected in the village shall apply to the panchayat for the allotment of the surplus area of shamilat deh earmarked for the purpose not later than October every year. Such application shall be acknowledged in writing and entered in register of tenants, by the panchayat.

(ii) The Panchayat shall in the month of January, every year, formulate its proposal for the allotment of the area referred to in clause (i) to the tenants and send the proposal to the Collector through the Panchayat Samiti for approval. The Collector shall ordinarily approve the proposal of the panchayat. Where however there are complaints, the Collector may modify or return the proposal to the Panchayat for submitting revised proposal.

(iii) Where the area available for allotment to the tenants is not sufficient to satisfy all the applicants; preference for the purposes of allotment shall be determined by the order in which applications for resettlement were made and where the applications for allotment were made and where the applications were made on the same day, the priority shall be decided by drawing lots.

(2) (i) Applications for allotment of excess area of Shamilat deh available for distribution amongst small landowners under the third proviso to sub-section (1) of Section 5 shall be made to the Panchayats within one month of the date of determination of such area by the Panchayat.

(ii) Each such applications shall be acknowledged and entered by the Panchayat in the Register to be maintained for the purpose by the Panchayat.

(iii) The Panchayat shall submit a proposal to Collector through the panchayat samiti within two months of the date of determination of the excess area by the panchayat.

(iv) Where the area available for distribution among small landowners is not sufficient to satisfy all the applicants, priority shall be given to the smallest landowners and where there are more than one, small landowners having equal land-holding priority shall be decided by drawing costs.]

(3) In case a tenant or small land-holder does not take possession of the area allotted to him within six months from date of allotment, the allotment shall be inoperative and that area shall be utilized for resettlement of another tenant or small-holders as the case may be.

**18. Demarcation of the [excess area].** [Sections 5(a) and 15(2)(j)]. - (1) The panchayat having [excess area] in accordance with Section 5 of the Act shall notify to the patwari concerned the area to be kept under its control and that to be allotted to landless tenants and other tenants ejected or to be ejected or to be distributed among small land-holders of the village.

[(2) The Patwari shall after verifying all the particulars of the land so notified, send a statement giving full details of the land to the Collector concerned who shall order the demarcation of the excess area by an officer not below the rank of Naib Tehsildar].

**19. Unauthorised occupation Shamilat Deh.** [Sections 7 and 15(2)(k)] - [ Rule 19 Omitted by the Punjab Notification No. GSR 58/PA/18/61/section 15/Amendment (2)67 dated 18.7.1967.]

**[20. Putting panchayat in possession.** [Sections 7 and 15(2)(k)]. - (1) When an application under Section 7 is received by the Collector, he shall issue in the manner, hereinafter provided a notice in writing calling upon all persons concerned to show cause, why an order to put the panchayat in possession of the land or other immovable property vested or deemed to have been vested in the panchayat under the Act, should not be made.

(2) The notice shall :-

- (a) specify the land or other immovable property in respect of which an order is proposed to be made under sub-rule (i).
- (b) specify the grounds on which the order to put the panchayat into possession of the land or other immovable property is proposed to be made; and
- (c) require all persons concerned, that is to say, all persons who are or may be, in occupation of the land or other immovable property, specified in the notice, to show cause, if any, against the proposed order on or before the date to be specified in the notice being the date, not earlier than ten days from the date of, issue thereof.

(3) The Collector shall cause the notice to be affixed on a conspicuous part of the panchayat ghar or any other place used as office by the panchayat and at some conspicuous place of the estate in which the land or other immovable property specified in the notice is situate.]

[(4). If after receipt of an application and before the panchayat is put in possession of the land or other immovable property in the shamlat deh, a question of right, title or interest in such land or property is raised by any person and a prima facie case is made out by producing documentary evidence in support thereof, the Collector shall after recording in writing the reason to this effect, direct the persons raising such question to submit his claim under Section 11 of the Act within a period of thirty days and the fact of failure

of that person, if any, for not submitting his claim, shall be recorded in the final order passed under Section 7.]

**[20A. Damages.** - (1) If any person who is a lessee of any land vested or deemed to have been vested in a panchayat does not deliver to the panchayat vacant possession of the land, immediately after the expiry of the period of lease he shall for the period he fails to do so, be liable to pay damages to the panchayat equivalent to twenty times, the amount which would have been payable to the panchayat had the lease of such land continued during that period.

(2) The provisions contained in sub-rule (1) shall be deemed to be one of the terms of each lease of land granted by the panchayat after the commencement of the Punjab Village Common Regulation (3rd Amendment) Rules, 1978].

**[21. Eviction.** [Sections 7 and 15(2)(k)(l)]. - (1) If, after considering the cause, if any shown, by any person in pursuance of notice under Rule 20 and any evidence that may be produced and after giving the parties a reasonable opportunity of being heard, the Collector is satisfied that the land or other immovable property specified in the notice served under Rule 20 or any part thereof is in unauthorised occupation, the Collector may, on a date to be fixed for the purpose, make an order of eviction, for the reasons, to be recorded therein; directing that the land or other immovable property or any part thereof as the case may be, shall be vacated by all persons who may be in unauthorised occupation thereof and cause a copy of the order to be fixed on the outer door of a panchayat ghar and at some other conspicuous place of the estate in which the land or other immovable property is situated.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication, the Collector or any other officer duly authorised by him in this behalf, may evict that person from and put the Panchayat in possession of the land or other immovable property and may for that purpose, use such force as may be necessary.]

**[21A. Decisions of claim of right, title or interesting shamilat deh.** - (1) Any person claiming a right, title or interest in any land vested or deemed to have been vested in the panchayat may submit an application in the form of a statement duly signed and verified in the manner provided in the Code of Civil Procedure, 1908, supported by a copy of the revenue record within thirty days from the date of accrual of cause of action to the Collector.

(2) The Collector shall, after receiving the application, send notice to the Panchayat concerned along with the copy of the application directing it to appear before him on the date fixed for the purpose. The Collector shall decide the matter, after affording a reasonable opportunity to the parties to substantiate their respective claims.]

**22. Maintenance of forms.** [Sections 2(e) and 15(2)(c)]. - The panchayat shall maintain the undermentioned forms for the management of land in shamlat deh.

- (i) Register containing the description of the shamlat deh (Form I)
- (ii) Map containing the description of the shamlat deh.
- (iii) Agreement register for leases or pattas etc. (Form II).
- (iv) Accounts Ledger for the rents and receipts (Form III).

(v) Register of tenants (Form IV).

(vi) Form of lease deed (Form V).

**23. Repeal.** - The Punjab Village Common Land (Regulation) Rules, 1955, published with Punjab Government Revenue Department Notification No. 5557/R(c) 54-216, dated 18th February, 1955 and the Pepsu Village Common Lands (Regulation) Rules, 1956, published with the Pepsu Government Revenue Department Notification No. 6 Agr. dated the 15th October, 1955 are hereby repealed :

Provided that any action taken or anything done under the Rules hereby repealed shall be deemed to have been taken or done under the corresponding provision of these rules.

**[Form I]**

*Register containing the description of shamlat deh*

Name of Gram Panchayat.....

Tehsil and District .....

1	2	3	4	5	6
Serial No.	Description of land.	No. of trees growing on the land	Details of the land given on lease/sold	Period for which lease has been decided or conditions of sale	Total amount of lease or sale proceeds.
7	8	9	10	11	12
Amount collected as lease sale proceeds	Balance	To whom leased or sold	Signatures of the sarpanch	Signatures of Leases/Purchasers	Remarks

**[Form II]**

*Agreement Register for lease or patta*

Name of Gram Panchayat.....

Tehsil and District .....

1	2	3	4	5	6	7	8
Serial No.	Description of land to be auctioned	Name and address of bidders	Last bid	Signature of bidders	Signature of auctioneer	Signature of Sarpanch	Amount received cash

**[Form III]**

*Register of Rents and Receipts*

Name of Gram Panchayat.....

Tehsil and District .....

1	2	3	4	5	6	7	8	9
Serial No	No. of the files	Area of the fields	Name of the tenants	Rate fixed	Rent in arrears	Total sum recoverable	Sum recovered	Receipt No. and date

**[Form IV]**

*Register of Tenants*

1	2	3	4	5	6
Serial No.	Excess area with the Panchayat under Section 5	Names of the persons who have applied for allotment of excess area	Names of persons to whom excess area has been allotted	Conditions of tenancy etc.	Date of the deed

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**[Form V]**

This deed of lease made this ..... day of..... between the panchayat ..... (hereinafter referred to as the lessor) of the one part and Shri ..... son of ..... resident of village ..... tehsil ..... district ..... (hereinafter called the 'lessee' which expression shall include his heirs, executors, administrators, successors, and assignees) of the other part.

And whereas the lessor has agreed to let and the lessee has agreed to take the land hereinafter described and intended to be hereby demised (leased) upon the terms and subject to the conditions hereinafter appearing.

Now, therefore, this deed witnesseth that the lessor does hereby grant to the lessee through auction a lease of the piece of land measuring ..... bighas ..... biswas pertaining to Khasra No. .... situated in village ..... tehsil ..... district ..... to hold the same in accordance with the Punjab Village Common Lands (Regulation) Rules, 1964 and subject to the following conditions :-

- (1) The lessee hereby takes the aforesaid land for the term of ..... year and beginning from kharif-rabi ..... on the yearly rent of Rs. .... per bigha/acre. The lessee has paid Rs. .... in advance and shall pay to the lessor Rs. .... for the 1st year on ..... and thereafter the yearly rent of Rs..... shall be paid in advance in the month of February every year.
- (2) That the lessee shall pay, when due in respect of the said land or any part thereof:-
  - (a) full assessment, cesses, water rates and other charges imposed by competent authority under any law for the time being in force;
  - (b) lease money in accordance with the Punjab Village Common Lands (Regulation) Rules, 1964
- (3) That the lessee shall not assign, transfer in any way, mortgage or sublet the land hereby demised or premises thereon or any part thereof.
- (4) That the lessee shall use the land only for the purpose of cultivation of food, fibre or fodder crops according to improved methods of cultivation and for no other purpose.
- (5) That the lessee shall be responsible for removing the bushes, levelling the fields, cleaning the khals, making bunds, clearing mud out of watercourse etc. in the dismissed area.
- (6) That all matters, relating to cultivation, e.g., ploughing, sowing, watering, cropping, digging, manuring, use of fertilizers and control of pests etc. will be carried out as recommended by the Agriculture Department and under the instructions and guidance of the Extension Officer (Agricultural) V.L.W of the area.
- (7) That the lessee shall bear full costs of seeds, fertilizer, insecticides, etc.
- (8) That the lessee shall look after the crops, fencing, trees, and other necessary fixtures on the land.

- (9) That the lessor shall have a right to purchase or exchange of the whole of the lessee's produce or a part thereof, at the current market rates for seed purposes.
- (10) That the lessee shall have to abide by the Regulations of the Irrigation Department, in default of which he will have to pay the penalty which may be imposed by the authorities of said Department for wastage of water.
- (11) That the lessee can keep two milch cattle and two young stock per plough. The urine and dung etc. of farm animals shall have to be stored in a manure pit under the instructions of the Extension Officer (Agricultural) of the area.
- (12) That during the period of lease, the lessee shall keep his ordinary place of residence at.....and shall not reside elsewhere without the permission of the sarpanch.
- (13) That if the lessee neglects his duties; the lessor will have the right to get these duties performed at his (lessee's) expense.
- (14) That the lessor shall have a right to get damages from the lessee for any loss which may result from his non-compliance with any of the above conditions.
- (15) That, in the event of lessee's death, his heir shall be allowed to continue the tenancy till the expiry of the lease period. In the event of the lessee's leaving the land of his own accord before the expiry of the lease, he shall forfeit his right to crops and shall not be entitled to any compensation for such forfeiture.
- (16) That, in case there is breach on the part of the lessee of any of the conditions herein contained and to be observed and performed by him, the lessor or any person authorised by him in this behalf, may terminate the lease and re-enter the demised premises and in such case, the lessee shall not be entitled to get any compensation, whatsoever.
- (17) That, in case, the lessee fails to pay the rent or to cultivate the lands he shall deliver the possession of the land in question to the sarpanch of the Panchayat (lessor) or any other person authorised by the lessor. The lessee shall, on the expiry of lease, vacate, and give possession of the land to the lessor.
- (18) That, if any difference or dispute shall arise during the pendency of the lease between the parties hereto, in regard to any matter or thing concerning this lease and the terms thereof, such difference or dispute shall be referred to the District Development and Panchayat Officer of the district concerned whose decision shall be binding on the parties and shall be final and conclusive.
- (19) In witness whereof the parties to this agreement have hereunder set and subscribed their hands on the dates hereinafter mentioned respectively.

Witness.....

Signature of the lessee, revenue ticket, survey etc.

Witness.....

Signature of the Sarpanch/Panch on behalf of the Panchayat.

