

The Punjab Village Common Lands (Regulation) Amendment Act, 1976

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Act 19 of 1976

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The Punjab Village Common Lands (Regulation) Amendment Act, 1976 Punjab Act No. 19 of 1976 Statement of Objects and Reasons. - This Bill seeks to augment the income of the Gram Panchayats from shamilat lands by improving their control and management. Punjab Government Gazette (Extraordinary), January 23, 1976. An Act to amend the Punjab Village Common Lands (Regulation) Act, 1961. Be it enacted by the Legislature of the State of Punjab in the Twenty- seventh year of the Republic of India as follows :-

1. Short title commencement.

- This Act may be called the Punjab Village Common Lands (Regulation) Amendment Act, 1976. (2) It shall come into force at once.

2. Amendment of Section 2 of Punjab Act 18 of 1961.

- In Section 2 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the Principal Act), -(1) for clause (a), the following clauses shall be substituted, namely :- "(a) "Collector" means the Collector of the district and includes any other officer appointed by the State Government for performing the functions of the Collector under this Act; (aa) "Commissioner" means the Commissioner of the division and includes any other officer not below the rank of a Joint Director, Panchayats, appointed by the State Government for performing the functions of the Commissioner under this Act;" (2) for clause (e), the following clause shall be substituted, namely :- "(e) "Panchayat" means a Gram Panchayat constituted under the Punjab Gram Panchayat Act, 1952;" (3) in clause (g), -(a) in sub-clause (5), the proviso shall be omitted; (b) sub-clause (iv), the following words shall be added at the end, namely :- "and is not in excess of the share of the co-sharer in the shamlat deh;" (d) for sub-clause (vi), the following sub-clause shall be substituted,

namely :-(vi) lies outside the abadi deh and was being used as gitwar, bara, manure pit, a house or for cottage industry immediately before the commencement of this Act;"(e)for sub-clause (ix), the following sub-clause shall be substituted, namely :-(ix) was being used as a place of worship or for purposes subservient thereto immediately before the commencement of this Act;"

3. Amendment of Section 4 of Punjab Act 18 of 1961.

- In section 4 of the Principal Act, in sub-section (3), in clause (ii), between the words "twelve years" and "without payment", the words "immediately preceding the commencement of this Act" shall be inserted.

4. Amendment of Section 5 of Punjab Act 18 of 1961.

- In Section 5 of the Principal Act, -(a)in sub-clause (1), for the third proviso, the following provisos shall be substituted, namely :-"Provided further that where the culturable area of land in shamlat deh of any village so vested or deemed to have been vested in a Panchayat is in excess of two-thirds of the total area of that village (excluding abadi deh), then culturable area upto the extent of two-thirds of such total area shall be left to the Panchayat and one-half of the remaining culturable area of shamlat deh shall be utilized for the settlement of landless tenants and other tenants ejected or to be ejected of that village and the remaining culturable area shall be utilized for distribution to the small landowners of that village by the Collector, in consultation with the Panchayat, in such manner as may be prescribed."(b)after sub-section (4), the following new sub-section shall be added, namely :-(5) Notwithstanding anything contained in the preceding sub-sections, no land vested or deemed to have been vested in a Panchayat under this Act shall be disposed of by way of sale, gift or exchange so as to leave with the Panchayat, culturable area, which is less than fifty per cent of the total culturable area vested or deemed to have been vested in the Panchayat."

5. Substitution of Section 7 of Punjab Act 18 of 1961.

- For section 7 of the Principal Act, the following sections shall be substituted, namely :-"7. Power to put the Panchayat in possession of shamlat deh. - (1) The Collector shall, on an application made to him by a Panchayat or 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 shamlat 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 the execution of a decree possession of land under the Punjab Tenancy Act, 1887.(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.

7.

-A. Commissioner under this Act to exercise power 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 as 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."

6. Amendment of section 8 of Punjab Act 18 of 1961.

- In Section 8 of the Principal Act, sub-section (2) shall be omitted.

7. Substitution of sections 11, 12 and 13 of Punjab Act 18 of 1961.

- For Sections 11, 12 and 13 of the principal Act, the following sections shall be substituted, namely :-"11. Decision of claims of right, title or interest in shamlat 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 and manner as may be prescribed and the Commissioner may after hearing the appeal, conform, vary or reverse the order appealed from and may pass such order as he deems fit.

12. Finality of orders. - Save as the 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 of 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 shamlat 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."

8. Insertion of new sections 13-A and 13-B in Punjab Act 18 of 1961.

- After Section 13 of the principal Act as substituted by this Act, the following sections shall be inserted, namely :-"13-A. Penalties and procedure. - (1) No person shall, unless entitled or authorised so to do by law, or by an instrument or an 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 anything contained in any other law, be punishable 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 punishable with the punishment provided for the offence.(4)Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under this Act shall be cognizable.

13.

-B. Provisions of this Act to be overriding. - The provisions of this Act shall have effect notwithstanding anything to the contrary in any law, or any agreement, instrument, custom of usage, or any decree or order of any court or other authority."

9. Amendment of Sections 15 of Punjab Act 18 of 1961.

- In section 15 of the Principal Act, in clause (h) of sub-section (2), between the words "a Panchayat" and "is issued", the words "sues or" shall be inserted.