

The Punjab Village Common Lands (Regulation) Act, 1953

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Act 1 of 1954

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The Punjab Village Common Lands (Regulation) Act, 1953 Punjab Act No. 1 of 1954 Statement of Object and reasons. - "When the villages were originally founded it is believed that the shamlat was really meant for the use of all the inhabitants of the village. At present the position is that all the shamlat is the property of the proprietary body of a village and the rights of non-proprietors are in the shape of grants for certain purposes. Though the non-proprietary classes also presumably settled in villages with the founders thereof and have been rendering essential services to the proprietary body in matters relating to farm operations, they do not enjoy equal rights in the shamlat lands and they are not the proprietors of the sites under their houses even in the abadis. It seems that in the course of time conditions to the detriment of Harijans and other similar non-proprietary classes have come into vogue. They feel their position insecure in so far as enjoyment of essential rights in the shamlat lands is concerned. They should have proprietary rights in sites of their residential houses. Discontentment over this matter has been expressed by the members of these classes. Government consider that these conditions should no longer exist. It is with a view to giving these classes of residents in villages an opportunity to live with security and self-respect that the proposed legislation is being undertaken." Published vide Punjab Gazette, Extraordinary dated April 6, 1953. An Act to regulate the rights in Shamlat Deh and Abadi Deh. It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Punjab Village Common Lands (Regulation) Act, 1953. (2) It shall extend to the whole of the State of Punjab : Provided that nothing contained in this Act shall apply to any land which - (i) becomes shamlat due to river action; (ii) which has been allotted on quasi-permanent basis to a displaced person. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"house" includes a courtyard whether walled or not.(b)"Government" means Government of the State of Punjab;(c)"Collector" means the Collector of the District in which the village is situated, or any other officer, not below the rank of an Executive Collector of the First Grade appointed by Government to perform the duties of a Collector under this Act;(d)"prescribed" means prescribed by rules made under this Act;(e)"appointed date", in the case of a village which is subject to the jurisdiction of a panchayat at the commencement of this Act, shall be the date of such commencement, and in other cases, the date on which a panchayat with jurisdiction over that village is constituted;(f)"inhabitant" of a village means, a person whether a proprietor or a 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;(g)"Panchayat" means a panchayat constituted or continued under the Punjab Gram Panchayat Act, 1952;(h)"displaced person" means a person defined as such in the East Punjab Displaced Persons (Land Resettlement) Act, 1949.

3. Vesting of rights in panchayats and in non-proprietors.

- Notwithstanding anything to the contrary contained in any other law for the time being in force, and notwithstanding 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 Shamlat Deh of any village, shall, on the appointed date, vest in a panchayat having jurisdiction over the village;(b)which is situated in the Abadi Deh of a village and which is under the house owned by a non-proprietor, shall at the commencement of this Act vest in the said non-proprietor.

4. Regulation of use and occupation, etc. of lands.

- All lands vested in a panchayat by virtue of the provisions of this Act shall be utilised or disposed of by the panchayat for the benefit of the inhabitants of the village concerned, in the manner prescribed.

5. Saving of existing possession.

(1)Where, before the appointed date, on any land which vests in a panchayat under the provisions of this Act -(a)a person is in cultivating possession and his uncut and ungathered crops are standing thereon, he shall not be ejected from such land unless the crops have ripened and he has been allowed reasonable time to harvest them;(b)a person has built or erected any house or any other structure, he shall be allowed by the panchayat to retain possession of the same on such terms and conditions as may be determined by the panchayat, subject to any rules which may be framed in this behalf.(2)If any person has a grievance against any determination made by a panchayat under sub-section (1), an appeal shall lie to the Collector, whose order thereon shall be final.

6. Utilisation of income.

- Any income accruing from the use and occupation of the lands vested in a panchayat shall be credited to the panchayat fund and shall be utilised in the manner prescribed.

7. Bar of compensation.

- No person 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.

8. Bar of jurisdiction of Civil Court.

- No Civil Court shall have any jurisdiction over any matter arising out of the operation of this Act.

9. 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.

10. 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 fore- going power, such rules may provide for -(a)the principles on which, the extent and manner in which the inhabitants of the village shall make use of the lands vested in a panchayat;(b)the maximum and minimum area to be leased to any single persons;(c)prescribing the 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)the terms and conditions on which the use and occupation of any land vested in a panchayat in permitted;(e)the manner and circumstances in which any land may be disposed of, transferred or sold;(f)the purposes for which any land may be given free of charge;(g)any other matter which can be or may be prescribed.