

The Punjab Village Common Lands (Regulation) Amendment Act, 1993

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Act 25 of 1993

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The Punjab Village Common Lands (Regulation) Amendment Act, 1993 Punjab Act No. 25 of 1993 Statement of Objects and Reasons. - Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961, provides that a Gram Panchayat may make an application to the Collector for having the possession of shamlat land transferred to it. In many cases when this application is filed a question of title is raised by the other party. The Punjab and Haryana High Court has decided that as and when a question of title is raised it should be decided first by the Collector. Section 11 of the Act gives a right to a person for claiming the right, title or interest in the shamlat land. Some writ petitions have been filed in the Punjab and Haryana High Court by the individuals to the effect that the Gram Panchayats have no right to file a suit under section 11 of the Act which are pending. Since there is no specific provision authorising the Gram Panchayats to file suits under Section 11 of the Act, it is proposed that Sections 7 and 11 may be amended in order to give a right to the Gram Panchayats to file a suit where a question of title is raised. Punjab Government Gazette (Extraordinary), July 16, 1993. Received the assent of the Governor of Punjab on the 14th August, 1993 and was published in Punjab Gazette, (Extra), Legislative Supplement, Part I, dated August 30, 1993/Bhadra 8, 1915. An Act further to amend the Punjab Village Common Lands (Regulation) Act, 1961. Be it enacted by the Legislature of the State of Punjab in the Forty- fourth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Punjab Village Common Lands (Regulation) Amendment Act, 1993.

2. Amendment of Section 7 of Punjab Act 18 of 1961.

- In the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter referred to as the Principal Act), in Section 7, to sub-section (1), the following provisos shall be added, namely :- "Provided that if after receipt of the application and before the Panchayat is put in possession of the land or other immovable property in then 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 in support thereof, the Collector shall direct the person who has raised such question to submit his claim under Section 11 and till the question is so determined, the application shall remain pending :Provided further that if the person, who has raised the question of right, title or interest, fails to submit his claim under section 11 within the time prescribed under that section, the Collector shall presume that no question of right, title or interest is involved and shall proceed further to put the Panchayat in possession of the land or other immovable property in the Shamlat Deh.'

3. Amendment of Section 11 of Punjab Act 18 of 1961.

- In the principal Act, in section 11, in sub-section (1), for the words "Any person", the words "Any person or a Panchayat" shall be substituted.