

Punjab Village Common Lands (Regulation) Rules, 1964

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Punjab Village Common Lands (Regulation) Rules, 1964

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) "Form" means a form appended to these rules;
- (c) "Panchayat Samiti" means the Panchayat Samiti constituted under the Punjab Panchayat Samiti of 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 Which Shamlat Deh May Be Used :-

5 and 15(2) (a)] -

(1.) The Panchayat shall prepare a land utilization plan of the land in shamlat 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 does not exceed 500 acres.
- (b) the Zila Parishad - Where the area exceeds 500 acres but 1 exceed1000 acres.
- (c) the Government - Where the area exceeds 1,000 acres.

(2) The Panchayat may make use of the land in shamlat 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 horticulture 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) Dying and tanning of skins and hides;
 - (ix) Storage of fuel, fodder and/or grain;
 - (x) Brick kiln-is extraction of shora, sand stones, kanker, bajri or other minerals defined in the Punjab Minor Mineral Rules, 1964;
 - (xi) Cremation or burial ground;
 - (xii) Manure pits;
 - (xiii) Public latrines, and/or urinals;
 - (xiv) Pathways, roads, drains or water channels.
 - (xv) Play grounds Parks or Childrens Parks or Batwaris; S
 - (xvi) Leasing out, for the purpose 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 Jhanjghar or Community Centre;
 - (xxiii) Ponds and Fisheries;
 - (xxiv) Wells, hand-pumps, Water Works, or any other Water Lifting device.
 - xxv) Leasing out for cultivation or
 - (xxv-a) Thrashing floor; or
 - (xxvi) Any other kindred common purpose with the approval of the Panchayat Samiti.
- (3) Subject to the 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 Panchayats and recognized by Government in taking up any of the purpose specified in sub-rule.
- (2).

4. Terms For Saving Existing Possession (Sections 5 An 15(2) If)] :-

- (1) Where a person has built a house or erected any other structure

on any land 1 the Shamlat 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 installments 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 shamlat deh, shall be determined by the Panchayat.

5. Exchange Of Land [5 And (5) (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 shamlat deh by exchange with the land of an equivalent value Provided 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 shamlat deh by exchange with the land of an equivalent value.

6. Leases To Be By Auction [5 And 15(2) (F)] :-

(1) Subject to the provisions of sub-rule (1) of rule 4 all leases of land in shamlat 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 Panch performing the duties of the Sarpanch and two other Panches authorized for the purposes by the Gram Panchayat.

(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 Castes 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 or her family, such as : a father, father-in-law, mother, mother-in-law, wife, husband, son grandson, or any other relative dependent on him or her, shall not be allowed to bid for the auction and to take land in Shamlat

deh on lease;

(2) Lease of land in Shamlat 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 (1) where the area does not exceed one hundred acres and the highest bid of the lease at the auction is less than the average [rate of the similar Shamlat lands in the preceding year.

(ii) where the area exceeds 100 at but does not exceed 500

(b) the Zila Parishad - Where the area exceeds 500 acres, but does not exceed 1,000 acres:

(c) the Government :- where the area exceeds 1000 acres. Provided that the Panchayat shall, within seven days of the date of auction, apply for approval of 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 of the lease. Provided further that on the application of the lease 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 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 shamlat lands in the neighbourhood.

(3) All lands near the vested in the Panchayat and used for industrial purposes may be leased out for a period not exceeding ten years by auction in February, every year.

(4) All ponds used for plantation of singharas and for stocking fish may be auctioned in the month of September every year. Provided that where a Department of the Government of Punjab or 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 member 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 leases of land in shamlat deh for extraction of shora, sand, stone, kankar bajri and other minor minerals as defined in the 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 a maximum a for all the inhabitants of the village.

(6) The Panchayat may auction every year the surplus a useless trees. All trees standing on the land in Sharillat 3e shall be marked with numbers and these numbers shall be specifically mentioned in the auction notice and the lease deed.

(7) The leases of cultivable land in shamlat deh shall be auctioned for rent-in-cash at a time to the District Development and Panch concerned for his or the maximum advantage of the inhabitants of the village and the annual lease money shall be paid as under. 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 unharvested 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. 7-A

(a) The auction of lease of land in shamlat deh shall be held in the presence of

(i) Social Education and Panchayat Officer of the Block or the Extension Officer authorized by the Block Development Officer where the land does not exceed twenty acres;

(ii) Block Development and Panchayat Officer 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 shamlat land is less than that of the 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 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 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 shamlat deh vested in it to the Panchayat Samiti which may depute its executive officer to conduct the auction, after specified in sub-rule (10) at the cost of the Panchayat.

(10)(1) The publicity, to lease auction programme, shall be given 15 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 more minor mineral etc., is to be held also through English newspaper with wide circulation as approved by the Government;

(b) by pasting a copy of the auction notice on a outer door of Panchayat ghar, village Patwar Khana, offices of Panchayat Samiti and Zila Parishad and at some other conspicuous places of the shamlat deh or of the estate in which the shamlat 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) the Zila Parishad where the area exceeds 500 acres but does not exceed 1 000 acres

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

7. Lease Of Land In Shamlat Deh To Collective Farming Co-

Operative Societies [5 And 15(2) .(G)] :-

Subject I the provisions of section 5 of the Act, where in a village cultivab area in Shamlat Deh is 200 acres or more, such land may 1 leased out without auction to the Collective Farming Co-operati Society, if any, constituted in the village under the Punjab Cc operative societies Act, 1961, on such terms and conditions a may be agreed or by the Panchayat with approval of the Zila Parishad. Where there are. more than one CoIl Sh Deh m beleased o to themin proportiontáthestrength of their members. The Cc operative. Collective Farming 9p(ety shaft -execute a lease dee in favour of the Panchayat. The total period of the lease shall nc exceed 5 years.

(2) Such leases shall be subject to review by the Zila Parishad concerned annually so that the Pa may nc suffer due tOr subseque4 affect the fertihty o improvernem. h the land.

(3) If in any case the Panchayat has purôhased a tractor o 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 Panchàyat and the said Society.

(4) In case the Society fails to comply with the terms and conditions of lease, the lease shall come to an end and the land shall revert to the Panchayat without payment of any compensation therefore.

(4-A) If any question, dispute or doubt arises as to whether or not a lease has come to an end, it shall be referred by the either party to the Coilector whose decision after hearing the parties shall be final.

(5) Sháll be payable by the Co-operative Collective farming Society in advance.

7A. Lease Contract, And Agreement Deterimental To The Interests 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 a 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 of agreements by the Panchayat, or

(ii) it adversely affects any of the development schemes of the Panchayat

(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 Subsection (5) Of Section 10-A- 10- A(5) And 15(2 (K)) :-

The amount of compensation assessed by the Collector under subsection (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 deducting 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 Shamlat Deh By Residents [5 And 15(2) (G)] :-

The land n Sharniat deh declared by the Panchayat by a resolution in writing as pasturable, may be uti by the residents of the village for-

(a) grazing purposes; or

(b) collecting dry fire-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 threshing the harvests.

(3) Omitted.

(4) The Panchayat may if necessary, earmark suitable land for use as manure pits by the inhabitants of the 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 the payment of such charges.

9. Maximum Area To Be-Leased Out - [5 And 15(2) (F)] :-

(1) The Panchayat shall not lease cultivable land in Shamlat deh to a person-

(a) Omitted.

(b) already holding lease under any other Panchayat; Provided that the maximum area of land in Shamlat deh to be lease 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 Shamlat Deh for residential, industrial or commercial purposes near the village abadi to any one person.

10. Land To Be Used Free Of Charges. [5 And I 5(2)(G)] :-

The Panchayat may allow the use of land in Shamlat deh vested in it free of charge to the inhabitants of the village for any one or

more of the following purposes:

- (a) Steepping of hemp or any other plant in ponds;
- (b) Residential purposes for members of the Scheduled Castes or Backward Classes or landless labourers or tenants or any other deserving person in genuine cases on grounds of poverty.
- (C) any other suitable common purpose.

11. Purpose For Which Land May Be Hypothecated. [I 5(2) (E)] :-

A panchayat may, with the prior sanction of the Zila Parishad hypothecate the land in Shamlat 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. [5 And 15(2) (F)] :-

(1) A Panchayat may, with the previous approval of the government, sell land in shamlat deh vested in it under the Act for-

- (i) the purpose of constructing building for Block Samiti Office or any department of or institution recognized 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 purposes of the inhabitants of the village;

(v) for the purpose of financing the construction of buildings for schools and for veterinary and civil dispensaries in the Sabha area-

(2) Where it is proposed to sell the land in Shamlat deh under sub-rule(1), the Panchayat shall forward to Government a copy of its resolution passed by a majority of the threefourth of its members proposing to sell and 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 of land in shamlat deh by auction shall be made by the Deputy Commissioner in acc 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 should be present at the

auction.

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 as may be approved by the Government with the previous approval of:

- (a) The Zila Parishad - where the area does not exceed two acres;
- (b) The Government - where the area exceeds two acres.

13A. Giving Of Land To Landless Workers :-

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 Shamlat Deh. [9 And 15(2) (F)] :-

The income derived by a Panchayat from the use and occupation of the land in shamlat deh vested or deemed to have been vested in it shall be utilized for the benefit of the inhabitants of village as laid down in the Punjab Gram Panchayat Act, 1952 and for the improvement, maintenance and management of the shamlat deh.

15. Payment Of Compensation Under Section 3(2). [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 Collector for the determination of the 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 sufficient cause from filing the application in time.

(2) On the 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 persons who are entitled to be compensation, the Collector shall decide such dispute and if the Collector finds that more than one persons 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 land has been sold by the Panchayat; the amount of compensation of the land shall be the 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 land of the same nature and kind sold in the village during the last three years and if no such land 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.3001-

16. Procedure Where A Panchayat Sues Or Is Sued In Its Representative Capacity. [15(2)2 (H)] :-

(1) The Panchayat shall by a resolution to be recorded in the Proceeding Book, appoint its Sarpanch or on 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 alongwith 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 so competent to compound or admit claim of the party suing the Panchayat without authorization by the Panchayat by a resolution in writing passed in a meeting specially 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 Pr Bleh The Excess Area Is To Be V By TheCollector Under Sub Section (1) Of Section 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 Partchayat for the allotment of the excess area of shamlat deh available for the purpose under third proviso to sub-section (1) of Section 5, not later than the end

of October each year. Each 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 proposals for the allotment of the area referred to in clause (I) to the tenants and send the same to the Collector through the Panchayat Samiti for approval. The Collector may accept the proposal of the Panchayat, with or without any modification, or return the proposal to the Panchayat for sending a revised proposal.

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

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

(ii) Each such application shall be acknowledged in writing and entered in the register maintained for this purpose by the Panchayat.

(iii) The Panchayat shall submit its proposal to the Collector through the Panchayat Samiti within two months of the determination of excess area by the Panchayat.

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

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

18. Demarcation Of The Excess Area [5(2) And 15(2)(F)] :-

(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 amongst small land-holders of the village.

(2) The Patwari, shall, after ve 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 Of Shamilat Deh [7 And 15(2)(K) Of The Act] :-

Omitted. Rule omitted vide Punjab Govt. Gazette LS Part II dated 18.7.1967.

20. Putting Panchayat In Possession [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 this 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 (1);

(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 a 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 situate.

(4) If after receipt of an application and before the Panchaya is put in possession of the land or other immovable property ii the Shamlat Deh, a question of right, title or interest in such lanc or property is raised by any person and a prima fade case is mack out by producing documentary evidence in support thereof, th Collector shall after recording in writing the reasons to this effect direct the persons raising such question to submit his claim unde 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 leasee 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 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 Lands (Regulation) (Third Amendment) Rules, 1978.

21. Eviction. [7 And 15(2)(K)] :-

(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 unauthorized occupation, the Collector may on a date to be fixed for the purpose make an order of eviction for 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 unauthorized occupation thereof, and cause a copy of the order to be affixed on the outer door of a Panchayat Ghar 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 authorized 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. Decision Of Claim Of Right, Title Or Interest In Shamlat :-

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 the date of the accrual of cause of action to the Collector.

(2) The Collector shall, after receiving the application, send notice to the Panchayat concerned along with a 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 Form. [15(2)(C) Of The Act] :-

The Panchayat shall maintain the under-mentioned forms for the management of land in shamlat deh

- (i) Register containing the description of shamlat deh (Form I).
- (ii) Map containing the description of the shamlat deh.
- (iii) Agreement register for leases or pattas etc. (Form I)
- (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 Lands (Regulation) Rules, 1955, published with Punjab Government, Revenue Department Notification No. 5557 R (c) 5441* February, 1955, and the Pepsu Lands (Regulation) Rules, 1955, 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 1

FORM I

Register containing of the description of shamlat deh. Name of Gram Panchayat --
..... Tehsil and District..... S.No
Description of land No. of trees growing on the land lease/sold Details for the land
given on decided or conditions of sale Period for which lease has been Total amount
of lease or sale proceeds Amount collected as lease or sale proceeds Balance To
whom leased or sold Signature of Sarpanch Signature of the lessees! purchaser
Remarks 1 2 3 4 5 6 7 8 9 10 11 12

FORM 2

FORM II

Agreement Register for lease or Pattas Name of Gram Panchayat
.....Tehsiland District..... S No No. of
Fields Area of Fields Name of Tenants Rate fixed Rent in arrears Total sum
recoverable Sum recovered Receipt no with date 1 2 3 4 5 6 7 8 9

FORM 3

Form III

Agreement Registrar for Lease or Pattas Name of Gram Panchayat
.....Tehsiland District..... S no
Description of Land to be auctioned Name and addresses of bidders List Bid Sign of
Bidders Sign of auctioneer Sign of Sarpanch Amount received in cash 1 2 3 4 5 6 7
8

FORM 4

FORM IV

Register. of tenants. Name of Gram Panchayat Tehsil and District S.No .Excess area with panchayat under Section 5 Names of persons who have applied for allotment of excess area Names of persons to whom excess area has been allotted Conditions of tenancy Date of deed 1 2 3 4 5 6 .

FORM 5

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 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 biswa 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 first 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 assessments, cesses, water rates and other charges imposed by local 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 and land hereby premised or premises thereon or any part thereof
- (4) That the lessee shall not 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, cleaning the mud out of water courses etc., in the demised 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 (Agri.), V.L.W. of the area.
- (7) That lessee shall bear full costs of seeds, fertilizer insecticides etc.
- (8) That the lessee shall look after crops, fencing, trees and other necessary fixtures on the land.
- (9) That the lessor shall have a right to purchase or exchange 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 the said Department for wastage of water.
- (11) That the lessee can keep two milk 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 (Agri.) of the area.

(12) That during the period of lease shall keep his ordinary place of residence at and shall not reside elsewhere without the permission of Sarpanch.

(13) That if the lessee neglects his duties, the lessor will have the right to get these duties performed at his (lessees) 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 lessees death, his heir shall be allowed to continue the tenancy till the expiry of the lease period. In the event of lessees 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 a 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 authorized 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 land he shall deliver the possession of the land in question to the Sarpanch of the Panchayat (lessor) or any other person authorized by the lessor. The lessee shall on the expiry of the lease, vacate and give possession of the land to the lessor.

(18) That if any difference or dispute shall arise during the pendency of this 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 ths 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 hereunto set and subscribed their hands on the dates herein after mentioned respectively. Witness Signature of the lessee, revenue ticket, surety etc. Witness Signature of the Sarpanch/Panch on behalf of the Panchayat.