

PART I

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

Notification

The 23rd July, 2007

No. 9-Leg./2007.—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 19th July, 2007, and is hereby published for general information :—

THE EAST PUNJAB HOLDINGS (CONSOLIDATION AND PREVENTION OF FRAGMENTATION) ACT, 2007

(PUNJAB ACT NO. 6 OF 2007)

AN

ACT

further to amend the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948.

Whereas, consolidation of holdings was almost completed in the State of Punjab in the year of 1980 under the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (hereinafter called the Act of 1948) ;

Whereas, under section 18 of the Act of 1948, some lands were assigned or reserved for common purposes as defined in clause (bb) of section 2 of the Act of 1948 ;

Whereas, in terms of the provisions of rule 16 of the Punjab Holdings (Consolidation and Prevention of Fragmentation) Rules, 1949, framed under the Act of 1948, such lands vest in the village proprietary body and have been entered in the column of ownership of Record of Rights as "Jumla Malkan Wa Digar Haqdarani Arazi Hasab Rasad Raqba" ;

Whereas, according to the provisions of section 23-A of the Act of 1948, the management and control of such lands, commonly known as "Jumla Malkan or Mushtarqa Malkan", vest in the village Panchayat and the State Government ;

Whereas, the State Government or the village Panchayat, as the case may be, is entitled to appropriate the income accruing therefrom for the benefit of the village community ;

Whereas, the land assigned or reserved for the common purposes, vest in the village proprietary body for meeting the common needs of the villagers for their common benefits including development, welfare schemes and projects like focal points, grain markets, allotment of plots for residential purposes to the members of Scheduled Castes, Anganwari Centres and Earthen Dams, which could not be visualized earlier while enumerating the common purposes or framing the schemes ;

Whereas, consequent upon the devolution of more powers to the Panchayats, in view of the Constitution (Seventy-third Amendment) Act, 1992, there will be further demand for new projects for the development of villages, which can be met only by utilizing the land assigned or reserved for common purposes ;

Whereas, it is not in public interest to partition or apportion the land assigned or reserved for common purposes amongst the Khewatdars or individual landowners, therefore, such land shall continue to be recorded in the Record of Rights in the column of ownership as "Jumla Malkan Wa Digar Haqdaran Arazi Hasab Rasad Raqba";

And whereas, in these circumstances, it is expedient to amend the Act of 1948 as under, in public interest and in the interest of village community.

Be it enacted by the Legislature of the State of Punjab in the Fifty-eighth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Amendment Act, 2007.

(2) It shall come into force at once.

Insertion of new section 42-A in Punjab Act 50 of 1948.

2. In the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948, after section 42, the following section shall be inserted, namely :—

"42-A. Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any judgement, decree, order or decision of any court, or any authority, or any officer, the land reserved for common purposes whether specified in the consolidation scheme or not, shall not be partitioned amongst the proprietors of the village, and it shall be utilized and continue to be utilized for common purposes."

Repeal and saving.

3. (1) The East Punjab Holdings (Consolidation and Prevention of Fragmentation) Amendment Ordinance, 2007 (Punjab Ordinance No. 3 of 2007), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the principal Act, as amended by this Act.

MOHINDER PAL,

Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.