

GOVERNMENT OF PUNJAB

DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYATS

Notification

The 16th January, 2008

No. G.S.R.7/P.A.18/1961/S.15/Amd.(19)/2008.—In exercise of the powers conferred by clauses (e), (f) and (g) of sub-section (2) of section 15 of the Punjab Village Common Lands (Regulation) Act, 1961 (Punjab Act No. 18 of 1961), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules further to amend the Punjab Village Common Lands (Regulation) Rules, 1964, namely :—

RULES

1. These rules may be called the Punjab Village Common Lands (Regulation) First Amendment Rules, 2008.

2. In the Punjab Village Common Lands (Regulation) Rules, 1964, (hereinafter referred to as the said rules), in rule 3, in sub-rule (2), for item VIII and the entries relating thereto, the following shall be substituted, namely :—

“VIII. industrial, commercial, educational or professional”;

3. (a) In the said rules, in 5; for the word and sign “Value”: the word and sign “Value” shall be substituted: and

(b) The proviso thereto, shall be omitted.

4. In the said rules, in rule 6, for sub-rule (3), the following sub-rule shall be substituted, namely :—

“(3) “All lands vested in a Panchayat may be leased out by auction or on such terms and conditions, as may be agreed upon between the parties up to the period of 33 years for industrial, commercial, educational or professional purposes with the prior approval of the State Government.”.

5. In the said rules, for rule 12-A, the following rule shall be substituted, namely :—

“12-A. **Transfer of Land.**—Notwithstanding anything contained in these rules, a Panchayat may, with the previous approval of the State Government, transfer the Shamlat Land vested in it by the ways and subject to the terms and conditions, mentioned below :—

(a) By way of sale to any Government Department, its Boards, Corporations or local authorities for their projects or schemes, and for the projects, sponsored or aided by the State Government in which the share of the State Government is not less than 50 per cent: and

- (b) By way of lease up to fifty per cent of the culturable area of Shamlat Land, vested in a Panchayat up to a period of 33 years to any corporation, company, body corporate or any legal entity, whose projects or schemes have been approved and sponsored by any of the Administrative Departments of the State Government under any law or policy, notified by the State Government.

Provided that :—

- (i) both the Panchayat and the State Government, on the recommendations of the sponsoring department, are satisfied that such transfer, and the terms and conditions thereof, are in public interest as well as in the interest of the Panchayat;
- (ii) the sponsoring Department independently certifies that the area of the land sought to be transferred, shall be commensurate with the requirements of the project or scheme, and that such land is an essential component for the implementation of such project;
- (iii) the transferee shall not use the land for any purposes, other than those, for which the shamlat land, has been transferred. However, if the circumstances warrant that the shamlat land is to be used for any purpose, other than that, for which, it was transferred then the State Government may allow such change of use of land;
- (iv) the price of the shamlat land shall be determined by the District Price Fixation Committee headed by the Deputy Commissioner and comprising among others, the District Development and Panchayat Officer of the District and the concerned Block Development and Panchayat Officer and the Sarpanch of the concerned Panchayat. The land shall be transferred on the price, to be determined, by the said Committee. The Price determined by the Committee shall be valid for three months only from the date of determination;
- (v) the Panchayat shall be competent to transfer the land, free of cost or at a reduced price, for the Government projects, which are of benefit to the Panchayat;
- (vi) the rate of lease shall be fixed by the State Government after taking into consideration, the price of the land and other relevant factors. The lease would initially be for a period of 33 years but thereafter renewable in public interest; and
- (vii) the possession of the shamlat land shall be delivered to the transferee only after due payment of the sale price or the lease money, as the case may be, to the Panchayat.

Explanation.—for the purposes of this rule—

- (1) Project or Scheme means any project or scheme of public interest, which has been approved as such by the competent authority as per the relevant law or any policy, notified by the State Government.
- (2) Sponsoring Department means Administrative Department of the State Government, which sponsors the proposal for transfer of shamlat land.”.

6. In the said rule, for rule 13, the following rule shall be substituted, namely :—

- “13. **Purpose 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 with the previous approval of the State Government.”.

G. S. SANDHU,

Financial Commissioner and Principal Secretary
to the Government of Punjab, Department of Rural
Development and Panchayats.