

**THE PUNJAB VILLAGE COMMON  
LANDS (REGULATION)  
ACT, 1961  
(Punjab Act No. 18 of 1961)**

Received the assent of the President of India on the 22nd April, 1961, and first published for general information in the Punjab Govt. Gazette (Extraordinary) Legislative Supplement, of the 4<sup>th</sup> May, 1961...

An Act to consolidate and amend the law regulating the rights in shamlat deh and abadi deh.

Be it enacted by the Legislature of the State of Punjab in the twelfth year of the Republic of India as follows:--

**1. Short title, extent and commencement.-** (1) This Act may be called the Punjab Village Common Lands (Regulation) Act, 1961.

(2) It extends to the whole of the State of Punjab.

(3) It shall come into force at once.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

<sup>1</sup> [(a) "Collector" means the Collector of the district and includes any other officer appointed by the State Government for performing the functions of the collector under this Act;

<sup>2</sup> [(aa) "Commissioner" means the Commissioner of the Division and includes any other officer not below the rank of a Joint Director, Panchayats, appointed by the State Government for performing the functions of the Commissioner under this Act;

(b) "displaced person" means a person defined as such in the East Punjab Displaced Persons (Land Resettlement) Act, 1949 or the Patiala and East Punjab States Union Displaced Persons (Land Resettlement) Ordinances 2006 Bk.

<sup>3</sup> [(bb) "hilly area" means-

(i) [- ]

(ii) Dharr Kalan Block in Gurdaspur District;

(iii) Hoshiarpur, Bajawara, Bhungra, Talwara, Dasuya, Mahilpur, Balachaur, and Saroya Blocks in Hoshiarpur District.

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1. Substituted by Punjab Act No. 19 of 1976, section 2(1)

2. Substituted by Punjab Act No. 19 of 1976, section 2(1)

3. Clause (bb) was inserted by Act No. 19 of 1964 and was substituted by Punjab Act No. 13 of 1965. Vide Punjab Act No. 13 of 1965 sub-clause (i), (iii) & (iv) of clause (bb) were substituted. Vide Punjab Adaptation of Laws of (State & SC) Order. 1968 clause (bb) was adapted in the present form.

(iv) Rupar, Majri, Nurpur, Bedi and Anandpur Sahib, Blocks in Rupar District;].

(c) "house" includes a courtyard whether walled or not;

(d) "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 effect his residence in the village;

<sup>1</sup>[(e) "Panchayat" means a Gram Panchayat constituted under the Punjab Gram Panchayat Act, 1952.]

(f) "prescribed" means prescribed by the rules made under this Act;

(g) "shamilat deh" includes—

(1) lands described in the revenue records as shamilat deh excluding abadi deh;

(2) shamilat tikkas;

(3) lands described in the revenue records as shamilat, Tarafs, Pattis, Pannas and Tholas and used according to revenue records for the benefit of the village community or a part thereof or for common purposes of the village;

(4) lands used or reserved for the benefit of the village, community including streets, lanes, playgrounds, school, drinking wells, or ponds within abadi deh or gorah deh; and

(5) lands in any village described as banjar qadim and used for common purposes of the village, according to revenue records;

<sup>2</sup>[----]

but does not include land which--

(i) <sup>3</sup>[-----]

(ii) has been allotted on quasi-permanent basis to a displaced person;

<sup>4</sup>[(ii-a) was shamilat deh, but, has been allotted on quasi-permanent basis to a displaced person, or, has been otherwise transferred to any person by sale or by any other manner whatsoever after the commencement of this Act, but on or before the 9th day of July, 1985.]

1. Substituted by Punjab Act No. 19 of 1976, section 2

2 Proviso to sub-clause (5) omitted by Punjab Act No. 19 of 1976.

3 Omitted by Punjab Act No. 19 of 1976.

4 Inserted by Punjab Act No. 8 of 1995.

- (iii) has been partitioned and brought under cultivation by individual landholders before the 26th January, 1950;
- (iv) having been acquired before the 26th January, 1950, by a person by purchase or in exchange for proprietary land from a co-sharer in the shamilat deh and is so recorded in the Jamabandi or is supported by a valid deed; <sup>1</sup>[and is not in excess of the share of the co-sharer in the shamilat deh].
- (v) is described in the revenue records as Shamilat, Taraf, Pattis, Pannas, and Thola and not used; according to revenue records for the benefit of the village community or a part thereof or for common purposes of the village;
- <sup>2</sup>[(vi) lies outside the abadi deh and was being used as gitwar, bara, manure pit, house or for cottage industry, immediately before the commencement of this Act];
- (vii) <sup>3</sup>[-----]
- (viii) was shamilat deh, was assessed to land revenue and has been in the individual cultivating possession of co-sharers not being in excess of their respective shares in such shamilat deh on or before the 26th January, 1950; or
- <sup>4</sup>[(ix) was being used as a place of worship or for purposes, subservient thereto, immediately before the commencement of this Act;]
- (h) "shamilat law" means--
  - (i) in relation to land situated in the territory which immediately before the 1st November, 1956, was comprised in State of Punjab, the Punjab Village Common Lands (Regulation) Act, 1953; or
  - (ii) in relation to land situated in territory which immediately before the 1st November, 1956, was comprised in State of Patiala and East Punjab States Union; the Pepsu Village Common Lands (Regulation) Act, 1954;
- (i) "State Government" means the Government of the State of Punjab.

1. Added by Punjab Act No. 19 of 1976.

2. Substituted by Punjab Act No. 19 of 1976.

3 Omitted by Punjab Adaptation of Laws of (State & SC) Order, 1968.

4. Substituted by Punjab Act No. 19 of 1976.



**3. Lands to which this Act applies.--** (1) This act shall apply and before the commencement of this Act the Shamilat Law shall be deemed always to have applied to all lands which are shamilat deh as defined in clause (g) of section 2.

<sup>1</sup>[(2) Notwithstanding anything contained in sub-section (1) of section 4,--

- (i) where any land has vested in a Panchayat under the *shamilat law*, but such land has been excluded from *shamilat deh* under clause (g) of section 2 other than the land so excluded under sub-clause (ii-a) of that clause, all rights, title and

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<sup>1</sup> Substituted by Punjab Act No. 8 of 1995.

interest of the Panchayat in such land as from the commencement of the Punjab Village Common Lands (Regulation) Amendment Act, 1995, shall cease and all such rights, title and interest shall vest in the person or persons in whom they were vested, immediately before the commencement of the *shamilat law*;

- (ii) where any land has vested in a Panchayat under this Act, but such land has been excluded from *shamilat deh* under sub-clause (ii-a) of clause (g) of section 2, all rights, title and interest of the Panchayat in such land, as from the commencement of the Punjab Village Common Lands (Regulation) Amendment Act, 1995, shall, cease, and all such rights, title and interest shall on or before the 9th day of July, 1985, revert in the person or persons to whom the land so excluded has been allotted or otherwise transferred by sale or by any other manner whatsoever, subject to the condition that—

- (a) any sum of money realised by the Rehabilitation Department of the Government of Punjab as a result of allotment or transfer of such land shall alongwith interest at the rate of three per cent payable from the date of such allotment or transfer; or
- (b) where no money was realisable by the Rehabilitation Department of the Government of Punjab as a result of allotment or transfer of such land, the amount of compensation in respect of such land as determined by the Collector of the District in which such a land is situated alongwith interest at the rate of three per cent payable from the date of allotment or transfer, as the case may be;

shall be paid by the Rehabilitation Department of the Government of Punjab to the Department of Rural Development and Panchayats for onward disbursement to the Panchayat to which such *shamilat deh* belonged.

(3) As soon as may be, on the commencement of the Punjab Village Common Lands (Regulation) Amendment Act, 1995 the Department of Rural Development and Panchayats shall make a reference to the Collector of the District to determine the amount of compensation under sub-clause (b) of clause (ii) of sub-section (2) and the Collector of the District shall, keeping in view the market value of the *shamilat deh* at the time it was allotted or transferred determine the amount of compensation.]



#### 4. Vesting of rights in Panchayat and non-proprietors.--

(1) Notwithstanding anything to the contrary contained in any other law for the time being in force or in any agreement, instrument, custom or usage or any decree or order of any court or other authority, all rights, title and interests whatever in the land,--

- (a) which is included in the *shamilat deh* of any village and which has not vested in a Panchayat under the *shamilat law* shall, at the commencement of this Act, vest in a Panchayat constituted for such village, and where no such Panchayat has been constituted for such village, vest in the Panchayat on such date as a Panchayat having jurisdiction over that village is constituted ;
- (b) which is situated within or outside the *abadi deh* of a village and which is under the house owned by a non-proprietor, shall, on the commencement of *shamilat law*, be deemed to have been vested in such non-proprietor.

(2) Any land which is vested in a Panchayat under the *shamilat law* shall be deemed to have been vested in the Panchayat under this Act.

(3) Nothing contained in clause (a) of sub-section (1) and in sub-section (2) shall affect or shall be deemed ever to have affected the:--

- (i) existing rights, title or interests of persons, who though not entered as occupancy tenants in the revenue records are accorded a similar status by custom or otherwise, such as *Dholidars*, *Bhondedars*, *Butimars*, *Basikhuopahus*, *Saunjidars*, *Muqarrirdars*;
- (ii) rights of persons in cultivating possession of *shamilat deh*, for more than twelve years <sup>1</sup>[immediately preceding the commencement of this Act] without payment of rent or by payment of charges not exceeding the land revenue and cesses payable thereon;
- (iii) rights of a mortgagee to whom such land is mortgaged with possession before the 26th January, 1950.

**5. Regulation of use and occupation, etc., of lands vested or deemed to have been vested in Panchayats.--** (1) All lands vested or deemed to have been vested in a Panchayat under 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:

Provided that where two or more villages have a common Panchayat, *shamilat deh* of each village shall be utilised and disposed of, by the Panchayat for the benefit of the inhabitants of that village:

Provided further that where there are two or more *shamilat tikkas* in a village, the *shamilat tikka* shall be utilised and disposed of, by the Panchayat for the benefit of the inhabitants of that *tikka*:

<sup>1</sup>[Provided further that where the culturable area of land in *shamilat deh* of any village, so vested or deemed to have been vested in a Panchayat is in excess of two-thirds of the total of that village (excluding *abadi deh*), then culturable area upto the extent of two-thirds of such total area shall be left to the Panchayat and one-half of the remaining culturable area of *shamilat deh*, shall be utilised for the settlement of landless tenants and other tenants ejected or to be ejected of that village and the remaining culturable area shall be utilised for distribution to the small land owners of that village by the collector in consultation with the Panchayat, in such manner as may be prescribed.]

(2) The area of *shamilat deh* to be utilized for the purposes of the third proviso to sub-section (1) shall be demarcated by such officer in consultation with the Panchayat and in such manner as may be prescribed.

(3) The State Government or any officer authorised by it in this behalf may, from time to time, with a view to ensuring compliance with the provision of the second proviso to sub-section (1) or sub-section (2) issue to any Panchayat such directions as may be deemed necessary.

<sup>2</sup>[(4) Nothing contained in the third proviso to sub-section (1) and in sub-section (2) and sub-section (3) shall apply to the "Hilly area".]

<sup>3</sup>[(5) Notwithstanding anything contained in the preceding sub-sections, on land vested or deemed to have been vested in a panchayat under this Act, shall be disposed of by way of sale, gift or exchange, so as to leave with the Panchayat, culturable area which is less than fifty per cent of the total culturable area vested or deemed to have been vested in the Panchayat <sup>4</sup>{:}]

<sup>5</sup>[Provided that the condition of retaining fifty per cent of the total culturable land vested or deemed to have been vested in the Panchayat shall not be applicable, when such land is disposed of by way of sale, gift or exchange to any of the Department of the State Government or the Board or the Corporation owned or controlled by the State Government.]



**6. Appeal.--** (1) If any person is aggrieved by an act or decision of a Panchayat under section 5, he may, within thirty days from the date of such act or decision, appeal to the Collector who may confirm, reverse or modify the act or decision or make such other order as he thinks to be just and proper.

(2) The appellate order of the Collector shall be final.

**7. Power to put panchayat in possession of *shamilat deh*.--**(1) The Collector shall, on an application made to him by a panchayat, or by an officer, duly authorised in this behalf by the State Government by a general or special order, after making such enquiry, as he may think fit and in accordance with such procedure as may be prescribed put the panchayat in possession of the land or other immovable property in the *shamilat deh* of that village which vests or is deemed to have been vested in it under this Act and for so doing the collector may exercise the powers of a revenue court in relation to the execution of a decree for possession of land under the Punjab Tenancy Act, 1887:

<sup>2</sup>[Provided that if after receipt of the application and before the Panchayat is put in possession of the land or other immovable property in the *shamilat 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 *shamilat deh*].

(2) An appeal against the order of the Collector under sub-section (1) shall lie to the Commissioner and the period of limitation for such an appeal shall be sixty days from the date of the order appealed against.



**7-A. Commissioner under this Act to exercise powers under Punjab Act 31 of 1973.--** For the purposes of appeals under section 9 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 hereinafter referred to as the said Act in relation to lands vested or deemed to have been vested in a panchayat under this Act, the Commissioner under this Act shall be deemed to be the Commissioner under the said Act.}

**8. Saving of existing possession.--** (1) Where, on any land in the shamilat deh immediately before it vests or is deemed to have been vested in a Panchayat under this Act, a person is in cultivating possession and his uncut and ungathered crops are standing thereon, he shall not be ejected from such land, unless his crops have ripened and he has been allowed reasonable time to harvest them.

(2) <sup>1</sup>[-----]

**9. Utilisation of income.--** Any income accruing from the use and occupation of the lands vested or deemed to have been vested in a Panchayat shall be credited to the Panchayat fund and shall be utilised in the manner prescribed.

**10. Bar of compensation .—** No persons 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 or of the *shamilat law*.

**<sup>2</sup>[10-A. Power of the Collector to cancel or vary leases etc. of lands vested in Panchayats.--** (1) Notwithstanding anything contained in this Act, or the *Shamilat law* or in any other law for the time being in force, the Collector may call for from any Panchayat in his district the record of any lease, contract or agreement entered into by the Panchayat in respect of any land vested or deemed to be vested in it, whether such lease, contract or agreement is entered before or after the commencement of the Punjab Village Common Lands (Regulation) Amendment Act, 1964 and examine such record

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1. Sub-section (2) omitted by Act No. 19 of 1976, section 5.

2. Section 10-A inserted by Act No. 19 of 1964, section 4.



for the purpose of satisfying himself as to the legality or propriety of such lease, contract or agreement.

(2) Where, on examination of the record under sub-section (1) and after making such inquiry, if any, as he may deem fit, the Collector is satisfied that such lease, contract or agreement:--

- (i) has been entered into in contravention of any of the provisions of this Act or the Rules made thereunder; or
- (ii) has been entered into as a result of fraud or concealment of fact; or
- (iii) is detrimental to the interests of the panchayat as prescribed; the Collector may, notwithstanding anything as aforesaid, cancel the lease, contract or agreement or vary the terms thereof unconditionally or subject to such conditions as he may think fit:

Provided that no order under this sub-section shall be passed by the Collector without affording an opportunity of being heard to the parties to the lease, contract or agreement.

(3) Where the terms of any lease, contract or agreement have been varied by the Collector under sub-section (2), the variation shall, notwithstanding anything contained in this Act or *Shamilat law* or in any law for the time being in force be binding on the parties to the lease, contract or agreement as the case may be.

(4) Where the lessee or the person with whom a contract or agreement has been entered into by a Panchayat refuses to accept the variation made by the Collector under this section in the terms of his lease, contract or agreement, such lease, contract or agreement, as the case may be, shall be deemed to be cancelled by the Collector under this section with effect from the date of such refusal.

(5) Where, under this section, any lease, contract or agreement is cancelled or is deemed to be cancelled or its terms are varied, the lessee or the person with whom the contract or agreement has been entered into, who suffers by such cancellation or variation, is entitled to receive compensation to be assessed by the Collector for any loss or damage caused to the lessee or such person, which naturally arose in the usual course of things from such cancellation or variation:

Provided that no such compensation shall be given for any remote and indirect loss or damage sustained by reason of such cancellation or variation.

(6) Notwithstanding anything contained in any law for the time being in force, the amount of compensation awarded by the Collector



under this section shall be payable by the panchayat in the prescribed manner and shall be a valid charge on the *Sabha* funds.

(7) Any party to a lease, contract or agreement aggrieved by any order of the Collector made under this section may, within a period of thirty days from the date of such order, appeal to the Commissioner whose decision thereon shall be final.]

**<sup>1</sup>[11. Decision of claims of right, title or interest in *shamilat deh*.--**

(1) <sup>2</sup>{Any person or a Panchayat} claiming right, title or interest in any land, vested or deemed to have been vested in a panchayat under this Act or claiming that any land has not so vested in a Panchayat, may submit to the Collector, within such time, as may be prescribed, a statement of his claim in writing and signed and verified in the prescribed manner and the Collector shall have jurisdiction to decide such claim in such manner as may be prescribed.

(2) Any person or a Panchayat aggrieved by an order of the Collector made under sub-section (1) may, within sixty days from the date of the order, prefer an appeal to the Commissioner in such form and manner as may be prescribed and the Commissioner may after hearing the appeal, confirm, vary or reverse the order appealed from and may pass such order as he deems fit.]

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1 . Substituted by Act No. 19 Of 1976.

2 .Substituted by Act No. 25 of 1993.

**13. Bar of Jurisdiction in civil courts.--** No civil courts shall have jurisdiction--

(a) to entertain or adjudicate upon any question, whether any property or any right to or interest in any property is or is not *shamilat deh* vested or deemed to have been vested in a Panchayat under this Act; or

(b) to question the legality of any action taken by the Commissioner or the Collector or the Panchayat, under this Act; or

(c) in respect of any matter which the Commissioner or the Collector is empowered by or under this Act to determine.

**13-A. Penalties and procedure.--** (1) No person shall unless entitled or authorised so to do, by law or by an instrument or an order executed or issued by a competent authority under law, enter into the possession of any land vested or deemed to have been vested in a Panchayat under this Act or having lawfully entered into possession of such land ; unlawfully remain in possession thereof, on or after the expiry of the term of such lawful possession, if any.

(2) Any person who contravenes the provisions of sub-section (1) shall, notwithstanding anything contained in any other law, be punished with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(3) Any person who abets an offence punishable under this Act, shall be punished with the punishment provided for the offence.

(4) Notwithstanding, anything contained in the Code of Criminal Procedure, 1973, an offence under this Act, shall be cognizable.]

**13-B. Provisions of this Act to be overriding.--** The provisions of this Act shall have effect, notwithstanding anything to the contrary in any law or any agreement, instrument, custom or usage or any decree or order of any court or other authority.]

**14. Indemnity.--** No suit, prosecution or other legal proceedings shall lie against the State 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.



<sup>1</sup>[**14-A. Saving.**-- Nothing contained in this Act or the *shamilat law*, shall--

(a) affect or shall be deemed ever to have affected any right of the State Government in the land vested or deemed to be vested in a Panchayat under this Act; or

(b) entitle or shall be deemed ever to have entitled a Panchayat or any other authority under this Act or the '*shamilat law*' to exercise any right or to do any act in respect of any land in the "Hilly area" vested or deemed to be vested in the Panchayat whether such land has or has not been declared as a protected forest under section 29 of the Indian Forest Act, 1927, in contravention of the provisions of that Act or the Rules made thereunder.]

**15. 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 foregoing power, such rules may provide for--

(a) the principles on which and extent to and the manner in which the inhabitants of the village shall make use of the lands vested or deemed to have been vested in a Panchayat;

(b) the maximum and minimum area to be leased to any single person;

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<sup>1</sup> . Section 14-A added by Act No. 19 of 1964.

- (c) the prescribing of 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) determining the principles on which and the manner in which compensation may be paid under sub-section (2) of section 3;
- (e) the terms and conditions on which the use and occupation of any such land is permitted;
- (f) the manner and the circumstances in which any such land may be disposed of, transferred or sold;
- (g) the purpose for which any such land may be given free of charge ;
- (h) the regulation of procedure where a Panchayat <sup>1</sup>[sues or] is sued in its representative capacity;
- (i) the manner and the order of priority in which the excess area shall be utilized by the Collector under sub-section (1) of section 5;
- (j) the officer by whom and the manner in which the area of *shamilat deh* referred to in sub-section (1) of section 5 shall be demarcated; and
- (k) any other matter which can be or may be prescribed.

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<sup>1</sup> . Inserted by Act No. 19 of 1976.



- (c) the prescribing of 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) determining the principles on which and the manner in which compensation may be paid under sub-section (2) of section 3;
- (e) the terms and conditions on which the use and occupation of any such land is permitted;
- (f) the manner and the circumstances in which any such land may be disposed of, transferred or sold;
- (g) the purpose for which any such land may be given free of charge ;
- (h) the regulation of procedure where a Panchayat <sup>1</sup>[sues or] is sued in its representative capacity;
- (i) the manner and the order of priority in which the excess area shall be utilized by the Collector under sub-section (1) of section 5;
- (j) the officer by whom and the manner in which the area of *shamilat deh* referred to in sub-section (1) of section 5 shall be demarcated; and
- (k) any other matter which can be or may be prescribed.

**16. Repeal and Saving.-** -The Punjab Village Common Lands (Regulation) Act, 1953 and the Pepsu Village Common Lands (Regulation) Act, 1954 are hereby repealed:

Provided that anything done or any action taken under any law so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

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<sup>1</sup> . Inserted by Act No. 19 of 1976.