



# Punjab Government Gazette

## EXTRAORDINARY

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### LEGISLATIVE SUPPLEMENT

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**PART I**

**GOVERNMENT OF PUNJAB**

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

**NOTIFICATION**

The 1st April, 2020

**No. 7-Leg./2020.**—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 20th day of March, 2020, is hereby published for general information :—

**THE PUNJAB SLUM DWELLERS (PROPRIETARY RIGHTS)  
ACT, 2020**

**(Punjab Act No. 7 of 2020)**

AN

ACT

to provide for sustainable growth of basic civic services in slum areas in urban towns and cities of the State of Punjab by conferring proprietary rights of land to the slum dwellers and ensuring their development through optimal utilization of resources.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Slum Dwellers (Proprietary Rights) Act, 2020. Short title, extent and Commencement.
- (2) This Act shall be applicable to the whole of the State of Punjab.
- (3) This Act shall come into force on and with effect from the date of its publication in the Official Gazette.
2. (1) In this Act, unless the context otherwise requires, Definitions.
  - (a) "Authorized Officer" means the head of the Slum Redevelopment and Rehabilitation Committee or any officer authorized by the Government, by order, to exercise such powers as may be prescribed;
  - (b) "basic civic services" means the services of drinking water supply, sanitation, drainage, sewerage, solid waste disposal, street lighting and urban environment improvement;

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- (c) "Collector" means the Deputy Commissioner of a district and includes the Additional Deputy Commissioner or the Commissioner of Municipal Corporation or any officer specially appointed by the Government to perform the functions of a Collector under this Act;
- (d) "Committee" means the Slum Area Redevelopment and Rehabilitation Committee constituted under section 6 of this Act;
- (e) "Economically Weaker Section (EWS)" means the section of beneficiaries whose household income is up to such limit as may be notified by the Government from time to time and is landless;
- (f) "family" means husband, wife, unmarried son, unmarried daughter or any other person related by blood and wholly dependent on the slum dweller;
- (g) "financial institution" means any institution or Company possessing license under the Banking Regulation Act, 1949 to carry out banking business and includes a Housing Finance Institution which has obtained a certificate of registration under the National Housing Bank Act, 1987;
- (h) "Government" means the Government of the State of Punjab in the Department of Local Government;
- (i) "Government land" means any land owned or acquired by the Government of Punjab or its undertakings and includes the land owned by the Urban Local Bodies;
- (j) "landless person" means a person residing in the State of Punjab, who is a citizen of India and does not own either in his own name or in the name of any member of his family any house or land, or land rights granted or inherited under this Act in the urban area;
- (k) "member" means a member of the Committee or sub-committee, as the case may be, and includes the Chairperson;
- (l) "occupation" means an occupation of a land by a slum dweller for residential purposes;

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- (m) "prescribed" means prescribed by rules made under this Act;
  - (n) "proprietary rights" means the rights to land assigned to slum dwellers under section 3 of this Act;
  - (o) "public interest" means land usage as prescribed under the master plan or zonal development plans under the approved city development plan, if any, or the provision of basic urban services to public at large or prohibition of human habitation in environmentally hazardous or ecologically fragile sites or heritage sites;
  - (p) "redevelopment" means improvement to the existing slum by providing basic civic services and facilitating improvement of housing conditions in accordance with the housing scheme framed by the Government from time to time;
  - (q) "rehabilitation" means relocation of slum dwellers to other location in accordance with the housing scheme or policy framed by the Government from time to time;
  - (r) "slum" or "slum area" means a compact settlement of at least twenty-five households with a collection of poorly built tenements, mostly of temporary nature, crowded together usually with inadequate sanitation and drinking water facilities in unhygienic conditions, which may be on the Government land in an urban area;
  - (s) "slum dweller" means any landless person in occupation within the limits of a slum area;
  - (t) "tenable habitations" means the habitations as decided by the Committee, where existence of human population does not entail undue risk to the safety or health or life of the residents or habitation or such sites are not considered contrary to public interest or the land is not required for any public or development purpose;
  - (u) "untenable habitations" means such areas where existence of

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human population entails undue risk to the safety or health or life of the inhabitants themselves or where habitation on such areas is considered by the Committee not to be in the public interest;

- (v) "urban area" means the area comprised within the limits of Urban Local Bodies; and
  - (w) "Urban Local Bodies" means the municipal bodies established under the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976.
- (2) Words and expressions used herein but not defined, shall have the same meaning as assigned to them under the Punjab Municipal Act, 1911 and the Punjab Municipal Corporation Act, 1976.

## CHAPTER II

### PROPRIETARY RIGHTS

Proprietary  
Rights.

3. (1) Notwithstanding anything contained in any other law of the State of Punjab for the time being in force, and subject to the provisions of sub-section (2), every slum dweller, occupying land in a slum in any urban area by such date as may be notified by the Government, shall be entitled for settlement of land occupied by him or on such other land as may be notified by the Government and a certificate of proprietary rights of land shall be issued in accordance with the provisions of this Act:

Provided that the Municipalities desirous of transferring Municipal Properties in accordance with the provisions of this Act, shall pass a resolution with simple majority to this effect:

Provided further that if the land occupied by a slum dweller belongs to any statutory Board or Corporation or any Department of the Punjab Government, consent of such Board or Corporation or the Department shall be obtained before the settlement of land under this Act.

- (2) The proprietary rights on such land shall be settled in favour of a slum dweller to the extent specified hereinafter, namely:-

- 
- (a) a slum dweller shall be entitled to a land as nearly as may be,-
- (i) where the slum is situated within the Municipal Corporation area, not exceeding thirty square meter;
  - (ii) where the slum is situated within the Municipal Council area, not exceeding forty-five square meter; and
  - (iii) where the slum is situated within the Notified Area Committee area, not exceeding sixty-square meter:

Provided that where a slum dweller is not getting in-situ settlement, in such a situation the maximum limit of land in a relocation site shall not exceed thirty square meter:

Provided further that where the slum dweller is in occupation of land in any of the areas mentioned in sub-clauses (i) to (iii), less than the maximum area mentioned therein, the land in actual occupation of such slum dwellers shall be settled accordingly;

- (b) where the slum dweller belongs to EWS category, the proprietary rights of land shall be settled free of cost;
- (c) where the slum dweller belongs to a category other than EWS, the land shall be settled at such rates, as may be determined by the Government from time to time; and
- (d) where a slum dweller occupies land beyond the maximum permissible limit provided under clause (a), irrespective of the category he may belong to, such excess land shall be settled in favor of the occupant at such rates as may be determined by the Government from time to time and in case it is not done so for reasons to be recorded in writing by the Authorized Officer, the slum dweller shall voluntarily vacate such excess land and the Authorized Officer shall take over the possession of such excess land before the issue of the certificate of proprietary rights of land.

(3) The proprietary rights of land so settled under sub-section (1), shall be inheritable but not transferable by sub-lease, sale, gift, or any other manner whatsoever for thirty years from the date of issue of certificate of proprietary rights of land:

Provided that the land so settled may be mortgaged for the purpose of raising finance in the form of housing loan from any financial institution.

(4) The certificate of the proprietary rights of land shall be issued jointly in the name of both the spouses in case of married persons and in the name of single head in the case of a household headed by a single person.

(5) If the slum dweller, with whom the proprietary rights of land has been settled or right has accrued for allotment of any land under this Act, transfers of such land, except by way of mortgage under sub-section (3), or the said land is not used for residential purposes, the following consequences shall follow, namely:-

- (a) the certificate of proprietary rights of land issued under sub-section (1), shall automatically stand cancelled;
- (b) such transfer shall be null and void;
- (c) no rights shall accrue to the transferee in respect of such land;
- (d) the Authorized Officer shall dispossess the person who is in actual possession of such land;
- (e) such slum dweller shall be debarred from getting any land in future under this Act; and
- (f) such slum dweller shall be guilty of an offence under this Act.

(6) The slum dweller, with whom the proprietary rights of land has been settled under this Act, shall not hold any certificate of proprietary rights of land in any other urban area of the State of Punjab and if he holds any such certificate, he shall surrender all such certificate(s) to the Authorized Officer in such manner, as may be prescribed.

(7) If any slum dweller is found to have obtained more than one certificate of the proprietary rights of land by way of misrepresentation of facts, the Authorized Officer shall, after giving reasonable opportunity of being heard to such slum dweller, cancel all the certificates of the proprietary rights of land and without prejudice to the penalty that may be imposed under this Act, dispossess him from such land.

(8) The evidence for the grant of certificate of proprietary rights of land under sub section (1) in favour of a slum dweller shall include,-

- (a) Government authorized documents such as aadhaar card, voter identity card, ration card under National Food Security Act, 2013, smart card under Sarbat Sehat Bima Yojana (SSBY) or passport; or
- (b) Government records such as Census, survey, maps, satellite imagery, plans, reports, reports of committees and commissions, Government orders, notifications, circulars or resolutions.

(9) The certificate of proprietary rights of land granted under sub-section (1) shall be acceptable as evidence for address proof of residence.

4. (1) Subject to the other provisions of this Act, the proprietary rights of land conferred under sub-section (1) of section 3 shall, as far as practicable, be provided in-situ and on as-is where-is basis: Redevelopment of slums.

Provided that where the Government decides that the site has untenable habitations, in such circumstances the slum dwellers shall be rehabilitated elsewhere:

Provided further that:

- (a) where, it is decided that the slum dwellers shall be rehabilitated elsewhere, the said site shall be utilized for any other purpose, as the Government may decide; and
- (b) where, after providing land in the existing slum to the slum dweller, any land remains surplus, the Government may utilize such land for any purpose, as it may decide.



(2) In the event of in-situ redevelopment, the applicable planning and building regulations shall be applied and wherever any relaxation is felt necessary for implementation of a redevelopment plan, the same may be deemed to have been granted under permissible deviation under the said regulations.

(3) During the period of redevelopment of the slum area, transit space shall be provided to the slum dwellers for such duration as may be necessary as provided under the housing scheme issued by the Government, from time to time.

Abatement of proceedings.

5. All proceedings relating to eviction of slum dwellers pending on the ground of unauthorized occupation before any authority or Court under any law of the State of Punjab shall abate on the issue of certificate of proprietary rights of land under this Act.

### CHAPTER III

#### PROCEDURE FOR SETTLEMENT OF PROPRIETARY RIGHTS

Slum Area Redevelopment and Rehabilitation Committee.

6. (1) For the purposes of this Act, the Government shall constitute a Committee to be known as the Slum Area Redevelopment and Rehabilitation Committee for each urban area with the name of such urban area, as it deems necessary and such Committee shall have the authority to approve the list of persons on whom the proprietary rights of land under this Act, shall be settled and shall exercise jurisdiction over the areas and exercise such powers and functions as may be prescribed.

(2) Every Committee shall be headed by the Collector and shall comprise of such other members as may be notified by the Government from time to time.

(3) Without prejudice to the generality of powers and functions under sub-section (1), the Committee shall,-

- (a) undertake necessary surveys, spatial mapping, fix the physical boundary of the slums, identify eligible slum dwellers with community participation, prepare and publish the list of slum dwellers to whom the certificate of proprietary rights of land has been issued, in such manner as may be prescribed; and

(b) for the purposes of facilitating the implementation of the provisions of this Act and rules made there under, constitute such sub-committee for each slum area, cluster of slums, comprising of such number of members, as may be specified by the Committee.

(4) For the purpose of efficient functioning of the Committee, the Government shall provide such officers and employees, as may be notified, from time to time.

7. The procedure for the conduct of business of the Committee shall be such, as may be prescribed. Conduct of  
business of  
Committee.

8. (1) Subject to such rules as may be made, appeal from any decision or order made under this Act, shall lie to such an officer, as may be appointed by the Government. Appeal.

(2) Every appeal preferred under this section, shall be heard and disposed of in such manner, as may be prescribed.

(3) Every order passed by the Appellate Authority under this section shall be final.

(4) Notwithstanding anything contained in this Act, the Government shall be competent to review any order passed by the Committee or Appellate Authority.

#### CHAPTER IV

#### OFFENCES AND PENALTIES

9. Whoever contravenes the provisions of sub-sections (5) and (6) of section 3 or fails to comply with any notice or order issued under this Act or rules made there under, shall be punished with imprisonment of either description for a term which may extend to one year or with fine, which may extend to fifty thousand rupees, or with both. Panalty for  
contravention of  
the Act.

- Municipal Area Development Fund.
10. (1) There shall be constituted a fund called the Municipal Area Development Fund at the level of each urban local body to which the moneys received from the slum dwellers under this Act shall be credited and in addition to the same, the following receipts may also be credited to the said fund, namely:-
- (a) contributions from the State and Central Governments, if any;
  - (b) contributions from organizations, philanthropists, individuals and Non-Government Organizations; and
  - (c) the Government may notify any other sources of funding including the Corporate Social Responsibility (CSR) funding.
- (2) The constitution and administration of the fund shall be in such manner, as may be prescribed.
- Protection of action taken in good faith.
11. No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employee of the Government or the Committee or any sub-committee constituted under this Act, which is, in good faith, done or intended to be done under this Act.
- Nodal Agency
12. The Government or any officer authorized by it in this behalf shall be the Nodal Agency for the implementation of the provisions of this Act.
- Bar of Jurisdiction of Civil Court.
13. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Government or the Committee constituted under this Act is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
- Cognizance of offence.
14. An offence punishable under this Act shall be tried in the court of Judicial Magistrate in accordance with the Criminal Procedure Code, 1973:
- Provided that no court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing made by any officer of the Government authorized by the Government.
- Power to make rules.
15. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

16. Notwithstanding anything contained in any other law enacted by the Legislature of the State of Punjab, the provisions of this Act shall have precedence and overriding effect in the matters covered under it.

Overriding effect  
on other laws.

17. The Government may by an order clarify doubts, if any arise, on any of the provisions of this Act or the rules made there under, with a view to ensure fair and proper implementation of the Act. The Government shall also be competent to issue guidelines for implementation of this Act.

Power to remove  
difficulties.

**S.K. AGGARWAL,**  
Secretary to Government of Punjab,  
Department of Legal and Legislative Affairs.

**PART I**

**GOVERNMENT OF PUNJAB**

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

**NOTIFICATION**

The 1st April, 2020

**No. 8-Leg./2020.**—The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 20th day of March, 2020, is hereby published for general information :—

**THE PUNJAB MANAGEMENT AND TRANSFER OF  
MUNICIPAL PROPERTIES ACT, 2020**

**(Punjab Act No. 8 of 2020)**

AN

ACT

to provide for inclusive and sustainable delivery of basic civic services in municipal towns and cities of the State of Punjab by unlocking and optimal utilization of resources namely the land and buildings and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Management and Transfer of Municipal Properties Act, 2020. Short title, extent and Commencement.
- (2) It shall extend to the whole of the State of Punjab.
- (3) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In this Act, unless the context otherwise requires,— Definitions.
  - (a) "basic civic services" means services of drinking water supply, drainage, sewerage, solid waste disposal, street lighting and improvement of environment as provided by a Municipality;
  - (b) "building" means a house, out-house, stable, shed, hut and other enclosed structure, whether of masonry bricks, wood, mud, metal or any other material whatsoever, whether used as human dwelling or otherwise and also includes verandahs, fixed platforms, plinths, door-steps, electric meters, walls including compound walls and fencing and the like, but does not include plant or machinery comprised in a building;

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- (c) "Collector" means the Deputy Commissioner and includes an Additional Deputy Commissioner or Commissioner, Municipal Corporation or any officer specially appointed by the Government to perform the functions of a Collector under this Act;
  - (d) "Government" means the Government of Punjab in the Department of Local Government;
  - (e) "Municipality" means an institution of local self-government as defined in the Punjab Municipal Act, 1911 or the Punjab Municipal Corporation Act, 1976 or Improvement Trust incorporated or constituted under the Punjab Town Improvement Act, 1922;
  - (f) "municipal property" means the land and building owned by a Municipality;
  - (g) "occupant" means a person occupying the property owned by a Municipality in an authorized or unauthorized manner;
  - (h) "Officer of the Municipality" means the Commissioner under the Punjab Municipal Corporation Act, 1976 or the Executive Officer under the Punjab Municipal Act, 1911 or the Executive Officer under the Punjab Town Improvement Act, 1922, as the case may be;
  - (i) "prescribed" means prescribed by rules made under this Act;
  - (j) "relative" means a person as defined in clause (77) of section 2 of the Companies Act, 2013;
  - (k) "specified" means specified by notification by the Government in the Official Gazette;
  - (l) "tenant" means a person to whom the municipal property has been rented or leased out;
  - (m) "transfer" means sale or lease of a municipal property for a price or rent;

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- (n) "Tribunal" means the Tribunal constituted under section 17 of this Act;
  - (o) "urban area" means the area comprised within the limits of a Municipality; and
  - (p) words and expressions used but not defined in this Act shall have the same meaning as assigned to them in the Punjab Municipal Act, 1911 or the Punjab Municipal Corporation Act, 1976 or the Punjab Town Improvement Act, 1922.

3. Notwithstanding anything contained in any law for the time being in force enacted by the State of Punjab, every Municipality shall cause-

Management of municipal property.

- (a) all municipal properties to be identified and entered into a Property Register in such manner as may be specified by the Government;
- (b) all municipal properties to be demarcated and notified for the information of the general public;
- (c) the name and address of the tenant or an occupant, whether authorized or unauthorized, along with the details of the municipal property under the possession of such an occupant, to be notified for the information of the general public; and
- (d) to follow Government orders on Asset Management Policy and Capital Investment Plan.

4. Notwithstanding anything contained in any law for the time being in force enacted by the State of Punjab, a Municipality may transfer a municipal property in a transparent manner through an open e-auction in the case of commercial properties and through draw of lots in the case of residential properties. In case of other properties, the Municipality shall follow the directives of the Government as specified from time to time:

Transfer of municipal property.

Provided that open e-auction and draw of lots shall be conducted in such manner as laid down under this Act.

Vesting of  
proprietary rights  
in tenants or  
occupants.

5. (1) Notwithstanding anything contained in any law for the time being in force enacted by the State of Punjab, a Municipality may vest the proprietary rights of a municipal property in a tenant or an occupant of such a municipal property at a price determined by the Price and Rent Fixation Committee constituted for this purpose under section 7 of this Act and upon satisfaction of such conditions as may be specified by the Government from time to time:

Provided that a tenant or an occupant has been in continuous possession of such a municipal property for at least twelve years:

Provided further that a tenant or an occupant should not be or should not have been an employee of the Municipality or Department of Local Government or an elected member of the Municipality or his relative or Member of Parliament or his relative or a Member of the Punjab Legislative Assembly or his relative.

(2) A tenant or an occupant shall furnish necessary proof in the form of electricity meter connection or water supply connection or ration card or any other Government issued document showing that the municipal property sought to be vested was in his continuous possession for the last twelve years.

(3) A municipal property vested in a tenant or an occupant in accordance with this section shall not be sold or leased or mortgaged with possession, wholly or partially, or otherwise alienated, in any manner, for a period of twenty years, other than by way of inheritance or by way of pledging or mortgaging such a property in favour of the State Government or Semi-Government Organizations or Banks for securing loan for effecting improvements on the said property,

(4) A tenant shall be liable to pay arrear of lease rent, if any, due to the municipality along with due price before the proprietary rights are vested in him.

Sub-letting of a  
municipal  
property in  
future.

6. (1) No person, who has been transferred a municipal property on rent through a written agreement by a Municipality, shall sublet the same to another person.



(2) In case a municipal property is sublet by the tenant, the Municipality shall cancel such a tenancy or lease forthwith and such property shall vest to the Municipality without any notice to the tenant or an occupant.

(3) In case of death of a tenant, the tenancy or lease rights of such a municipal property may be vested in the legal heir(s) of the deceased tenant:

Provided that such a legal heir(s) undertakes in writing to agree with the terms and conditions of the tenancy or lease agreement.

7. (1) The Government shall constitute a Price and Rent Fixation Committee for every district in the State of Punjab to determine the reserve price or rent of a municipal property which a Municipality intends to transfer under the provisions of this Act.

Price and Rent  
Fixation  
Committee.

(2) The Price and Rent Fixation Committee shall be headed by the Collector and which shall also consist of the following members, namely:-

- (a) the Members of Parliament, and all Members of the Punjab Legislative Assembly or their nominee whose constituency comprises part or whole of the area of the Municipality;
- (b) Mayor or President of the Municipality; and
- (c) Officer of the Municipality, duly deputed by the Government.

(3) The price of the municipal property determined by the Price and Rent Fixation Committee and duly approved by the Government shall be commensurate with the prevailing Collector rate.

(4) The lease money or the rent of a municipal property shall be the rate fixed by the Price and Rent Fixation Committee as duly approved by the Government or the price discovered by a Municipality through an open e-auction, whichever is higher.

(5) The lease money or the rent of a municipal property determined in sub-section (3) shall be enhanced by at least five per cent every year.

(6) The price determined by the Price and Rent Fixation Committee for commercial municipal property as duly approved by the

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Government shall be the reserve price for auction of such property.

(7) The rent fixed by the Price and Rent Fixation Committee for residential municipal property as duly approved by the Government shall be the lease money or rent for such municipal property.

(8) Wherever a municipal property has been under continuous lease or occupation for a period of twelve years or more, and is intended to be transferred to the tenant or occupant, the price shall be fixed in the following manner, namely:-

- (i) for Economically Weaker Sections (EWS), having an annual income not more than rupees three lakhs, at the rate of 12.5 per cent of the Collector Rate;
- (ii) for Lower Income Groups (LIG), having an annual income more than rupees three lakhs but not more than rupees eight lakhs, at the rate of 25 per cent of the Collector rate;
- (iii) for Medium Income Groups (MIG), having an annual income more than rupees eight lakhs but not more than rupees fifteen lakhs at the rate of 50 per cent of the Collector rate;
- (iv) for High Income Groups (HIG), having an annual income more than rupees fifteen lakhs, at the Collector rate;
- (v) for the aforesaid purpose, proof of Income shall be the Income Tax Return filed by a tenant or an occupant of the previous year of the year in which the transfer is to be made. In case a tenant or an occupant is not required to file Income Tax Return, in that case, he shall get an income certificate issued from the Sub-Divisional Magistrate of the area concerned; and
- (vi) for categories referred to as items (i), (ii) and (iii), the municipal property only up to fifty square metres shall be transferred at the rate specified therein. However, if the municipal property occupied is more than fifty square metres then on the area of municipal property beyond fifty square metres, collector rate shall be payable.

8. (1) Every auction of a municipal property under this Act shall be done through e-auction and shall be subject to a reserve price determined under section 7 of this Act. Procedure of auction.

(2) The Officer of the Municipality shall cause to publish a public notice of the intention of the Municipality to auction a municipal property:

Provided that no auction shall be conducted until the expiry of at least thirty days from the publication of such a notice.

(3) Every notice issued under sub-section (2) shall give clear details of the municipal property, including its reserve price, location and size in addition to the terms and conditions of the auction:

Provided that the Government may prescribe any or all of the terms and conditions of the auction, and such terms and conditions, shall be clearly mentioned in the notice.

(4) Notwithstanding anything contained in this section, where it is observed that the prospective bidders have come to a tacit understanding to depress the bid price, the Municipality may, after recording reasons in writing and with the prior approval of the Government, invite sealed bids in place of an e-auction.

9. (1) A Municipality may transfer a residential municipal property on rent or allot it through a draw of lots. Draw of lots.

(2) The Officer of the Municipality shall cause to publish a public notice of the intention of the Municipality to transfer a municipal property through a draw of lots:

Provided that no such transfer by draw of lots shall be allowed until the expiry of at least thirty days from the publication of such a notice.

(3) Every notice issued under sub-section (2) shall give clear details of the municipal property, including its price, location and size in addition to the terms and conditions of the draw of lots:

Provided that the Government may prescribe any or all of the terms and conditions of the draw of lots and such terms and conditions shall be clearly mentioned in the notice.

Agreement for transfer of municipal properties.

10. (1) Where a Municipality has decided to transfer a municipal property, it shall execute a registered agreement or a deed, clearly giving the terms and conditions of the transfer.

(2) Every agreement executed by a Municipality for transfer of property under this Act shall have appropriate penal clauses as specified in the agreement and in keeping with the provisions of this Act.

(3) The Municipality shall have the right to get the municipal property vacated in case the agreement executed by it, is violated in any manner by the person in whose favour the municipal property has been transferred.

Payment of rent.

11. In case a Municipality has decided to transfer its property to a tenant on rent, such a tenant shall be liable to pay the agreed rent as per terms and conditions of the agreement:

Provided that where the tenant fails to pay the agreed rent for three months in a row, he shall be liable to vacate the municipal property forthwith without any notice and possession of such municipal property shall be deemed to have reverted to the Municipality.

Identification and notification of municipal property to be transferred.

12. (1) In case a Municipality decides to transfer a municipal property in accordance with the provisions of this Act, it shall identify and prepare a list of such properties, clearly giving details of their measurements, locations, occupants or tenants.

(2) Every list of municipal property prepared under sub-section (1), shall be notified for the information of the general public before these are transferred in accordance with the provisions of this Act.

Resolution of the Municipality.

13. (1) A Municipality desirous of transferring a municipal property in accordance with the provisions of this Act shall pass a resolution to this effect:

Provided that no such resolution of a Municipality shall be valid unless it is approved by at least two third of the total elected members of the Municipality.

(2) Every resolution of the Municipality passed under sub-section (1)

shall be sent to the Government for approval.

(3) The Government may, upon receipt of a resolution of the Municipality under sub-section (2), accord its approval or disapproval, for reasons, to be recorded in writing:

Provided that the Government shall convey its approval or disapproval within sixty days of the receipt of such a resolution from a Municipality, failing which the resolution shall be deemed to have been approved.

14. (1) In the case of transfer of a municipal property through auction or draw of lots by a Municipality, the transferee shall be required to pay the price as per terms and conditions of such a transfer. Payment of Price.

(2) In the case of transfer of a property to a tenant or an occupant, the Municipality shall communicate the decision to transfer the property to him in accordance with the provisions of this Act within fifteen days of the approval of the resolution of the Municipality to this effect by the Government.

(3) In case a Municipality decides to transfer ownership of a municipal property to its tenant or occupant at a price fixed by the Price and Rent Fixation Committee in accordance with the provisions of this Act, the transferee shall give his consent for the same in writing within fifteen days of receipt of communication of such a decision of the Municipality.

(4) Any tenant or occupant, who has given his consent under sub-section (3) shall be required to make payment of due price in following manner, namely:-

- (a) fifty per cent of the amount within one week from the date of issue of letter of decision of transfer by the Municipality;
- (b) balance amount within two months of date of issue of letter of decision of transfer;
- (c) in case the occupier chooses to pay the whole amount in lump sum within one week from the date of issue of letter of decision of transfer, he shall be entitled to a rebate of five percent on the whole amount;

- (d) if the property is in the name of women or a person above the age of sixty-five years then rebate of ten per cent shall be given on lump sum payment; and
- (e) if the due price is not paid by due dates, interest at the rate of twelve percent per annum shall be charged on the due price for the period of delay, for not more than ninety days. Thereafter, the concerned Municipality shall proceed with the eviction of the property. However, the interest shall continue to be levied till the date actual possession is taken by the Municipality.

Vacation of  
municipal  
property.

15. (1) Where a tenant or an occupant of a municipal property, which the Municipality has decided to transfer in accordance with the provisions of this Act, refuses to accept the transfer or fails to pay the price, he shall be liable to vacate such municipal property within three months of such refusal or failure.

(2) In case a tenant or an occupant fails to vacate the property in accordance with the provisions of sub-section (1), the Municipality shall proceed to get the property vacated by making a reference to the Tribunal constituted under this Act.

Registration of  
municipal  
property.

16. (1) Where a Municipality transfers a municipal property to a tenant or an occupant under the provisions of this Act, a letter of intent to transfer the property shall be issued by the Municipality.

(2) Every such person, who has been issued a letter of intent to transfer the property by a Municipality, shall be eligible to get the property registered in his name on full payment of price and past arrears, if any.

(3) Where a tenant or an occupant of a municipal property, given to him for a specific purpose, uses the same for a purpose other than that for which it was given, he shall be liable to vacate the property immediately and deed of transfer of such property shall be deemed to have been cancelled, notwithstanding any other law for the time being in force enacted by the State of Punjab.

(4) Where a municipal property is occupied by a person or persons other than a tenant or an occupant, such person or persons shall be liable to vacate the property immediately. The Municipality shall initiate legal proceedings under the Code of Criminal Procedure, 1973 against such person or persons and shall further initiate eviction proceedings by making a reference to the Tribunal constituted under this Act.

17. (1) The Government shall constitute a Tribunal or authorise any officer or officers or do both for the purpose of deciding references or appeal against the order of the Municipality as may be made to it by the Municipalities or by a tenant or an occupant in the State of Punjab, as the case may be, under the provisions of this Act. Constitution of a Tribunal.

(2) The Tribunal shall consist of a President and two other members to be nominated by the Government.

(3) The President of the Tribunal shall be a retired or serving Judge of the Punjab and Haryana High Court or a retired or serving officer not below the rank of a Financial Commissioner or Principal Secretary to the Government of Punjab:

Provided that no person shall be eligible for appointment as the President of the Tribunal if he is or has been elected or nominated as a member of any Municipality in the State of Punjab:

Provided further that no person shall be eligible for appointment as the President of the Tribunal, if he has attained the age of seventy years.

(4) The member of the Tribunal shall be a person who has experience of dealing with matters and laws governing the Municipalities for at least ten years and bears a good moral character or is a retired or serving officer not below the rank of a Secretary to the Government of Punjab:

Provided that no person shall be eligible for appointment as a member of the Tribunal, if he is or has been elected or nominated as a member of any Municipality in the State of Punjab:

Provided further that no person shall be eligible for appointment as the Member of the Tribunal if he has attained the age of seventy years.

(5) The term of office of the President and members of the Tribunal shall be two years:

Provided that upon the expiry of the term of two years, the President or the Member may be reappointed for a further period of two years.

(6) The Government may remove the President or a Member of the Tribunal if such President or Member -

- (i) refuses to act, or becomes, in the opinion of the Government, incapable of acting as such; or
- (ii) has been declared insolvent; or
- (iii) has been convicted of any such offence or subjected by a Criminal Court to any such order which in the opinion of the Government, implies a defect of character and which makes him unfit to continue as a President or a Member of the Tribunal; or
- (iv) has been declared by notification to be disqualified for employment or has been dismissed from public service and the reason for such disqualification or dismissal is, in the opinion of the State Government, a defect of character which makes him unfit to be a President or a Member of the Tribunal.

(7) The terms and conditions of the appointment of a President or a Member of the Tribunal shall be such as may be specified by the Government.

Eviction from  
municipal  
property.

18. (1) Wherever a municipal property is under unauthorized occupation, the Officer of the Municipality shall make a reference for eviction of such unauthorized occupants to the Tribunal or officer authorised under section 17 of this Act .

(2) The Tribunal or officer shall pass an appropriate order within sixty days from the date of receipt of a reference referred to in sub-section (1).

(3) An eviction order passed by the Tribunal or officer shall be final.



(4) Every order of the Tribunal or officer directing eviction of an unauthorized occupant shall be sent to the Collector for execution.

(5) Upon receipt of an order referred to in sub-section (4), the Collector, or any other officer not below the rank of an Executive Magistrate authorized by him in this behalf, shall cause such order to be executed, within thirty days of the receipt of such an order.

(6) Pursuant to the vacation of a property in compliance with the orders of the Tribunal or officer, the officer of the Municipality shall get such a property demarcated and notified as a municipal property under section 3 of this Act.

19. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, duly published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

Power to remove difficulties.

20. The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

21. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter for which an authority or Tribunal is empowered to take action in pursuance of any power conferred under this Act.

Bar of jurisdiction of civil courts.

22. No suit, prosecution or legal proceedings shall lie against the Government or President or Member of the Tribunal or a Municipality or against any officer or employee of the Government or a Municipality in respect of anything done or intended to be done in good faith in pursuance of this Act or the rules made there under.

Protection of action taken in good faith.

23. Every Municipality, which has transferred any municipal property in accordance with this Act, shall submit quarterly reports to the Government, clearly giving details of the municipal property transferred and names and addresses of the persons to whom these have been transferred:

Report.

Provided that the Government may, at any time seek such other information as may be required with regard to any action taken or mandated

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under this Act as may be necessary in larger public interest.

Savings.

24. Save as otherwise provided in this Act, no action of the Government or a Municipality with regard to transfer or management of any municipal property under any of the earlier law, rules, schemes or instructions, shall be declared invalid merely on the ground of enactment of this Act.

Provided that any action with regard to transfer or management of any municipal property, which is in process at the time of enactment of this Act, shall be pursued further in accordance with the provisions of this Act.

Supersession.

25. On and after the commencement of this Act, all notifications, instructions or schemes related to transfer and management of municipal property issued by the Government under any other law, including the Punjab Municipal Act, 1911, the Punjab Municipal Corporation Act, 1976 and the Punjab Town Improvement Act, 1922, shall stand superseded.

**S.K. AGGARWAL,**  
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