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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 28th October, 2013

No. 23-PLA-2013/54.- The Punjab School Education Board (Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 23-PLA-2013

THE PUNJAB SCHOOL EDUCATION BOARD (AEMENDMENT) BILL, 2013

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BILL

further to amend the Punjab School Education Board Act, 1969.

BE it enacted by the Legislature of the State of Punjab in the Sixty-Fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab School Education Board (Amendment) Act, 2013. short title and commencement.
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab School Education Board Act, 1969, in section 17, after sub-section (1), the following sub-section shall be inserted, namely:- Amendment in Section 17 of Punjab Act 24 of 1969.
“(1-A) No other authority (by whatever name it may be called), except the Board, shall be competent to perform the functions, as mentioned in clause (iii) of sub-section (1) of section 17 of this Act:

Provided that an authority, approved and authorized by the Government of India to which institutions situated in the State of Punjab are affiliated, shall be competent to perform the said functions.”.

Repeal and saving.

3. (1) The Punjab School Education Board (Amendment) Ordinance, 2013 (Punjab Ordinance No. 7 of 2013), is hereby repealed.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.

STATEMENT OF OBJECTS AND REASONS

The Council of Secondary Education, S.A.S. Nagar (Mohali) and similar other private organizations/institutions, which are neither creation of law nor they have been authorized by the State Government or Central Government to issue any academic certificates, are issuing fake and bogus certificates to the students, In this way, these unauthorized organizations are doing illegal activities and are spoiling the career of students, as they are unable to get further admission in degree or diploma courses on the basis of these fake certificates. Therefore, in order to check and prohibit the illegal activities of the unauthorized private organizations/institutions and to provide an effective mechanism having force of law, and to clarify that no other authority, except the Punjab School Education Board and the authority, authorized by the Government of India, a suitable amendment in section 17 of the Punjab School Education Board Act, 1969, is being made through this Bill.

SIKANDER SINGH MALUKA,

Minister for Education, Punjab.

No. 24-PLA-2013/55.- The Punjab Prohibition of Cow Slaughter (Amendment) Bill, 2013 is hereby published for general information under proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 24-PLA-2013

THE PUNJAB PROHIBITION OF COW SLAUGHTER (AEMENDMENT)

BILL, 2013

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BILL

further to amend the Punjab Prohibition of Cow Slaughter Act, 1955.

BE it enacted by the Legislature of the State of Punjab in the Sixty-Fourth Year of the Republic of India as follows:-

short title and commencement.

1. (1) This Act may be called the Punjab Prohibition of Cow Slaughter (Amendment) Act, 2013.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

2. In the Punjab Prohibition of Cow Slaughter Act, 1955 (hereinafter referred to as the principal Act), in section 2, after clause (cc), the following clause shall be inserted, namely:-
 "(ccc) "Laboratory" means a Laboratory already established for northern Region i.e. the Regional Diseases Diagnostic Laboratory (RDDL), Jalandhar;"
- Amendment in Section 2 of Punjab Act 15 of 1956.
3. In the principal Act, after section 5, the following section shall be inserted, namely:-
 "5-A Wherever any dispute arises as to whether the particular meat or body part is that of the cow or not, then sample of such meat or body part shall be sent to the Laboratory for testing,. The result of the Laboratory shall be treated as final and binding for all intents and purposes of this Act."
- Testing of meat or body part.
- Insertion of new Section 5-A in Punjab Act 15 of 1956.

STATEMENT OF OBJECTS AND REASONS

The Punjab Prohibition of Cow Slaughter Act, 1955 (as amended by Punjab Act-2 of 1981) provides wherever any dispute arises as to whether the particular meat or body part is that of cow or not, then sample of such meat or body part shall be sent to a Laboratory for testing. The result of the Laboratory shall be treated as final and binding for all intents and purposes of this Act. Hence, The Punjab Prohibition of Cow Slaughter (Amendment) Bill, 2013.

GULZAR SINGH RANIKE

Minister for Animal Husbandry,
 Fisheries & Dairy Development, Punjab.

No. 22-PLA-2013/56.- The Punjab Privately Managed Recognised Schools Employees (Security of Service) Amendment Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 22.PLA-2013

THE PUNJAB PRIVATELY MANAGED RECOGNISED SCHOOLS EMPLOYEES (SECURITY OF SERVICE) AMENDMENT

BILL, 2013

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BILL

further to amend the Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979.

BE it enacted by the Legislature of the State of Punjab in the Sixty-Fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Privately Managed Recognised Schools Employees (Security of Service) Amendment Act, 2013.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
- Short title and commencement.
2. In the Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979 (hereinafter referred to as the principal Act), in section 2, after clause (c), the following clause shall be inserted, namely:-
- "(cc) "educational institution" shall have the same meaning as assigned to it in clause
- Amendment in section 2 of Punjab Act 18 of 1979.

(f) of section 2 of the Punjab Affiliated Colleges (Security of Service) Act, 1974;".

- Insertion of new section 8 in Punjab Act 18 of 1979.
3. In the principal Act, after section 7, the following section shall be inserted, namely:-
- "8 Notwithstanding anything contained in this Act, and in sub-section (12) of section 7-A of the Punjab Affiliated Colleges (Security of Service) Act, 1974, the Educational Tribunal shall also have jurisdiction to hear cases of disputes between the Management Committees of all educational institutions and their employees."
- Jurisdiction of Educational Tribunal.
- Repeal and saving.
4. (1) The Punjab Privately Managed Recognised Schools Employees (Security of Service) Amendment Ordinance, 2013 (Punjab Ordinance No. 4 of 2013), 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.

STATEMENT OF OBJECTS AND REASONS

At present, the Educational Tribunal, Punjab has the jurisdiction to hear and decide the cases of disputes between the Managing Committee and the employees working on aided posts in Privately Managed recognized Schools only.

The Hon'ble Supreme Court in Para 64 of its judgment delivered in T.M.A. Pai Foundation and others V/S State of Karnataka and others have interalia observed that disputes between the Management and the staff of educational institutions must be decided speedily, and without excessive incurring of costs. For this purpose the Hon'ble Supreme Court has desired to set up Educational Tribunal unless the same does not already exist in a State.

Some Civil Writ Petitions have also been filed in the Hon'ble High Court of Punjab & Haryana to implement the aforesaid observations for not complying with the said judgement.

In view of the above said facts and circumstances, the jurisdiction of the existing Educational Tribunal is being extended to enable it to hear cases of disputes between the Management committees of all Educational Institutions and their employees. Hence, this Bill is placed before the Hon'ble House of suitably amend THE PUNJAB PRIVATELY MANAGED RECOGNISED SCHOOLS EMPLOYEES (SECURITY OF SERVICE) ACT, 1979.

SIKANDER SINGH MALUKA,

Minister for Education, Punjab.

The 29th October, 2013

No.27-PLA-2013/57.- The Punjab Water Supply and Sewerage Board(Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rule of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

BILL NO. 27-PLA- 2013

THE PUNJAB WATER SUPPLY AND SEWERAGE BOARD (AMENDMENT)

BILL, 2013

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BILL

further to amend the Punjab Water Supply and Sewerage Board Act, 1976.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Water Supply and Sewerage Board (Amendment) Act, 2013. Short title and commencement
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Water Supply and Sewerage Board Act, 1976 (hereinafter referred to as the principal Act), for the words "Managing Director", wherever occurring except in section 5, Explanation to section 6 and section 71, the words "Chief Executive Officer" shall be substituted. Amendment in Punjab Act 28 of 1976.
3. In the principal Act, in section 4, for sub-section (5), the following sub-section shall be substituted, namely:- Amendment in section 4 of Punjab Act 28 of 1976.

"(5) The Chief Executive Officer shall be a whole-time director and shall be appointed by the Government from amongst the officers belonging to the Indian Administrative Service, who have served as such for a minimum period of nine years in the cadre and if it is not possible to appoint such an officer, then from amongst the officers belonging to the Punjab Civil Service (Executive Branch), who have served as such for a minimum period of eighteen years."
4. In the principal Act, in section 5,- Amendment in section 5 of Punjab Act 28 of 1976.
 - (i) in the heading, the signs and words " , Managing Director, " shall be omitted; and
 - (ii) in sub-section (1), the signs and words " , the Managing Director, " shall be omitted.
5. In the principal Act, in section 6, in the Explanation, the words "or the Managing Director" shall be omitted. Amendment in section 6 of Punjab Act 28 of 1976.
6. In the principal Act, for section 11, the following section shall be substituted, namely:- Substitution of section 11 in Punjab Act 28 of 1976.

"11. (1) The Board may appoint four Chief Engineers, a General Manager (Finance), a General Manager (Human Resources), a Secretary and such other officers and employees as it may consider necessary for the efficient performance of its functions.

Appointment of officers and employees of Board.

 - (2) Out of the four Chief Engineers, the senior-most shall be designated as Engineer-in-Chief – cum – Technical Adviser and shall be posted at headquarters of the Board and the remaining three Chief Engineers shall be posted in the field.
 - (3) The posts of General Manager (Finance) and General Manager (Human Resources) shall be in the rank and pay scale of a Chief Engineer.
 - (4) The Board shall not, without the previous approval of the Government, sanction the creation of posts in the rank and pay scale of a Junior Engineer and above.
 - (5) The Chief Executive Officer may appoint, temporarily, for a period not exceeding three months, such officers and employees as may, in his opinion, be required for

the purposes of this Act, and the employment of whom for any particular work had not been prohibited by any resolution of the Board and every appointment so made shall be reported by him to the Board at its next meeting."

Amendment in Section 18 of Punjab Act 28 of 1976.

7. In the principal Act, in section 18, in clause (viii), for the sign "." appearing at the end, the sign ":" shall be substituted and thereafter, the following proviso shall be added, namely:-

"Provided that if in the opinion of the Government, it is expedient or necessary so to do, it may, by an order, withdraw any function assigned to the Board wholly or partly in respect of a local authority or may assign any additional function to it."

Amendment in Section 19 of Punjab Act 28 of 1976.

8. In the principal Act, in section 19, in sub-section (1), for clause (ii), the following clause shall be substituted, namely:-

"(ii) to incur expenditure and undertake any work in any area of a local authority, whose water supply and/or sewerage works are assigned to it, for the preparation and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or as the case may be, the functions entrusted to it by the Government."

Substitution of Section 26 of Punjab Act 28 of 1976.

9. In the principal Act, for section 26, the following section shall be substituted, namely:-

"26. (1) All the officers and employees engaged in connection with the water supply or/and sewerage services of a local authority, whose such work is assigned to the Board, shall stand transferred on deputation to the Board from the date of the order of the Government assigning such work:

Transfer of employees of local authority to the Board.

Provided that such officers and employees shall not be entitled to any deputation allowance:

Provided further that the conditions of service applicable to such officers and employees shall be the same as if they are the employees of the local authority.

(2) For the purposes of salaries and allowances admissible to the officers and employees referred to in sub-section (1) and allowing them the benefit of gratuity, contributory provident fund, pension and other facilities, they shall be treated in the same manner as if they were the officers and employees of the local authority concerned.

(3) The burden of payment of salaries, allowances and other benefits to the officers and employees referred to in a sub-section (1) shall be borne by the Board, out of its own fund, from the date they stand transferred to the Board on deputation."

Omission of Sections 26-A, 26-B, 26-C and 26-D of Punjab Act 28 of 1976.

10. In the principal Act, sections 26-A, 26-B, 26-C and 26-D shall be omitted.

Amendment in Section 32 of Punjab Act 28 of 1976.

11. In the principal Act, in section 32, in sub-section (3), for the words and sign "by virtue of this Act, " the words, signs, figures and brackets "by virtue of this Act and under the provisions of the Punjab Municipal Fund Act, 2006 (Punjab Act No.27 of 2006) , " shall be substituted.

12. In the principal Act, in section 34, sub-section (2) shall be omitted. Amendment in Section 34 of Punjab Act 28 of 1976.
13. In the principal Act, the existing provision of section 69 shall be numbered as sub-section (1) thereof, and after sub-section(1), as so re-numbered, the following sub-sections shall be added, namely:- Amendment in Section 69 of Punjab Act 28 of 1976.
- “(2) If any difficulty arises in giving effect to the provisions of the Punjab Water Supply and Sewerage Board (Amendment) Act, 2013, the Government may, by an order 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 removing that difficulty:
- Provided that no order shall be made under this sub-section after the expiry of a period of two years from the date of commencement of the Punjab Water Supply and Sewerage Board (Amendment) Act. 2013.
- (3) Every order made under sub-section (2) shall be laid, as soon as may be after it is made, before the Legislative Assembly.”.
14. In the principal Act, in section 71, in sub-section (2), - Amendment in Section 71 of Punjab Act 28 of 1976.
- (i) in clause (b), the words "and the Managing Director" shall be omitted;
- (ii) in clause (c), the sign and the words ", Managing Director" shall be omitted; and
- (iii) clauses (cc) and (g) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The State Government has taken certain decisions to reform the Water Supply and Sewerage System in urban Local Bodies, as well as to reorganise the Punjab Water Supply and Sewerage Board. To achieve this objective, some amendments to the Punjab Water Supply and Sewerage Board Act, 1976 are required to be made. This present Bill, i.e. the Punjab Water Supply and Sewerage Board (Amendment) bill, 2013, has been prepared to achieve these objectives, Hence this Bill.

ANIL JOSHI

Minister for Local Government,
Punjab.

No.26-PLA-2013/58.- The Punjab Municipal Fund (Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rule of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

PUNJAB BILL NO. 26-PLA- 2013

THE PUNJAB MUNICIPAL FUND (AMENDMENT) BILL, 2013

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BILL

further to amend the Punjab Municipal Fund Act, 2006.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Punjab Municipal Fund (Amendment) Act, 2013.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment section 6 of Punjab Act 27 of 2006.

2. In the Punjab Municipal Fund Act, 2006, in section 6, in the proviso, for the sign appearing at the end ".", the sign ":" shall be substituted and thereafter the following provisos shall be inserted, namely:-

“Provided further that two over eleven per cent (2/11x100) of the amount of tax credited to the Fund and coming to the share of a Municipality, whose water supply and sewerage operations and maintenance works are assigned to the Punjab Water Supply and Sewerage Board under the provisions of the Punjab Water Supply and Sewerage Board Act, 1976 (Punjab Act 28 of 1976), shall be kept reserved by the Director:

Provided further that the Director shall provide such sum of money, out of the aforesaid amount kept reserved by him, to the Punjab Water Supply and Sewerage Board for undertaking the water supply and sewerage operations and maintenance works in a Municipality including the establishment and miscellaneous expenditure, which he may, from time to time, consider necessary:

Provided further that if any money remains surplus out of the amount kept reserved by the Director, then the State Government shall decide the purpose for its utilisation and direct him to act accordingly:

Provided further that in case there is any deficiency in the amount kept reserved by the Director, notwithstanding the percentage fixed up in the second proviso, the State Government may increase the percentage of the amount of tax credited to the Fund for this purpose.”.

STATEMENT OF OBJECTS AND REASONS

The State Government has taken certain decisions to reform the Water Supply and Sewerage System in urban Local Bodies, as well as to reorganise the Punjab Water Supply and Sewerage Board. To achieve this objective, some amendments to the Punjab Municipal Fund Act, 2006 are required to be made. The Present Bill, i.e. the Punjab Municipal Fund (Amendment) Bill, 2013, has been prepared to achieve these objectives. Hence this bill.

ANIL JOSHI

Minister for Local Government,
Punjab.

No.28-PLA-2013/59.- The Punjab Municipal Corporation(Second Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

BILL NO. 28-PLA- 2013

THE PUNJAB MUNICIPAL CORPORATION (SECOND AMENDMENT) BILL, 2013

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BILL

further to amend the Punjab Municipal Corporation Act, 1976.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows: -

1. (1) This Act may be called the Punjab Municipal Corporation (Second Amendment) Act, 2013. Short title and commencement.
- (2) It shall be deemed to have come into force on and with effect from the first day of April, 2013.
2. In the Punjab Municipal Corporation Act, 1976 (hereinafter referred to as the principal Act), in section 2,- Amendment in section 2 of Punjab Act 42 of 1976
 - (A) clause (1) and clause (6-A) shall be omitted;
 - (B) after clause (7), the following clause shall be inserted, namely:-
“(7-A) “Competent authority” means the Assistant Commissioner or the Joint Commissioner or the Additional Commissioner of the Corporation, as the case may be, dealing with the matters relatable to tax on land and buildings;”;
 - (C) after clause (21), the following clause shall be inserted, namely:-
“(21-A) "industrial building" means a building or part thereof wherein products or material are fabricated, assembled or processed, such as assembly plants, power plants, refineries, gas plants, mills and factories;”;
 - (D) after clause (24), the following clause shall be inserted, namely:-
“(24-A) “market value” means the minimum value of the land prevailing on the first January of the preceding financial year as fixed by the Collector under rule 3-A of the Punjab Stamp (Dealing of undervalued Instruments) Rules, 1983;”;
 - (E) after clause (30), the following clause shall be inserted, namely:-
“(30-A) “non-residential building” means a building which is being used for the purposes of business, profession, trade, institution or any other commercial activities, but does not include an industrial building;”;
 - (F) for clause (46), the following clause shall be substituted, namely:-
“(46) “rateable value” means the value of any land or building fixed in accordance with the provisions of section 93 for the purpose of assessment of tax on land and building;”;
 - (G) for clause (48-A), the following clause shall be substituted, namely:-
“(48-A) “residential building” means any building which is being used exclusively for residential purposes;”;
 - (H) clauses (56-A) and (59-A) shall be omitted;
 - (I) in clause (66) for the sign and words “; and” appearing at the end, the sign “.” shall be substituted; and
 - (J) clause (67) shall be omitted.

Amendment in Punjab Act 42 of 1976.

3. In the principal Act, for the words “total unit value”, wherever occurring, the words “rateable value” shall be substituted.

Amendment in section 90 of Punjab Act 42 of 1976

4. In the principal Act, in section 90, for sub-section (3-A), the following sub-section shall be substituted, namely:-

“(3-A) Notwithstanding anything contained in this Act and subject to any general or special orders which the Government may make in this behalf, and to the rules, a Corporation may, from time to time for the purposes of this Act, and in the manner directed by this Act, impose in the whole or any part of the City a tax payable by the owner on building and land to be calculated as per the provisions of section 97:

Provided that in the case of building and land occupied by tenants in perpetuity, the tax shall be payable by such tenants:

Provided further that no tax shall be imposed on building and land, exclusively used for-

- (i) religious purposes, religious rites, religious ceremonies, religious festivals;
- (ii) cremation grounds, burial grounds;
- (iii) gaushalas, stray animal care centers;
- (iv) historical and heritage buildings, so notified by the State Government, Central Government or United Nations Educational, Scientific and Cultural Organization;
- (v) registered charitable and philanthropic organizations exempt from payment of the tax under the Income Tax Act, 1961 (Central Act No. 43 of 1961);
- (vi) the building and land owned and used by the Corporation;
- (vii) the building and land used for Schools and Colleges owned or aided by the Government;
- (viii) the building and land of Hospitals or Dispensaries owned by the Government;
- (ix) parking space (only in respect of multi-storey flats/buildings); and
- (x) land used for agricultural or horticultural purposes:

Provided further that the building and land owned by the following categories of persons shall be exempted from the imposition of tax to the extent indicated against each:-

Serial No.	Category of person	Extent of exemption
1.	Widows	Five thousand rupees per financial year.
2.	Freedom Fighters who are receiving pension as such from the Central Government or the State Government or both, as the case may be	Full.

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| 3. | Handicapped persons, who being assesses, are entitled for the time being to the benefits of deduction under section 80 U of the Income Tax Act, 1961 | Five thousand rupees per financial year. |
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| 4. | Persons living below poverty line who possess the requisite card, issued in support thereof | Full: |
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Provided further that all educational institutions, other than Governmental and Government Aided, shall be exempted from annual tax to the extent of fifty per cent of the tax assessed.”.

5. In the principal Act, for section 93, the following section shall be substituted, namely:-

Substitution of section 93 of Punjab Act 42 of 1976.

“93. Subject to the rules, if any, made by the Government in this behalf, the rateable value of any land or building assessable to tax under sub-section (3-A) of section 90 shall be,-

Determination of rateable value of land and building assessable to taxes.

(a) in the case of building or land which is in the occupation of a tenant, the gross annual rent at which the land or building has actually been let:

Provided that in the event of increase in the rent, the rateable value shall include the corresponding increase in rent as well:

Provided further that where the building or land has been let by the owner to any of his relations, and the Competent authority is of the opinion that the rent fixed does not represent the true rent, the rent fixed under the agreement of lease shall not be taken into consideration and the rateable value shall be determined in accordance with the principles contained in sub-clause (b);

(b) in the case of building or land, which is occupied by the owner, the rateable value shall be,-

- (i) five per cent of the present market value of the land; and
- (ii) five per cent of the cost of erecting the building less ten per cent depreciation:

Provided further that the calculation of market value in the case of multi-storey buildings, group housing buildings or such like other buildings shall be made in the manner, as may be prescribed.

Explanation.- For the purposes of clause (b), ‘cost of erecting the building’ shall, for the time being, be calculated at the following rates:-

- (i) Five hundred rupees per square feet in respect of Pucca (cemented bricks walled and load bearing roof) structure;
- (ii) Three hundred rupees per square feet in respect of Semi Pucca (cemented bricks walled or non-cemented bricks walled but non-load bearing roof) structure;

- (iii) One hundred rupees per square feet in respect of Kacha (non-cemented or non-brick walled and non-load bearing roof) structure:

Provided that the rates of calculation of cost of erecting the building, as referred to above, shall be subject to revision by the Government from time to time:

Provided further that the Government may revise and fix such rates differently for the same category or class of building keeping in view the kind of the construction thereof.

(c) any land on which no building has been erected but on which a building can be erected and any land on which a building is in the process of erection, the rateable value shall be fixed at five per cent of the market value of such land.”.

Substitution of section 97 of Punjab Act 42 of 1976.

6. In the principal Act, for section 97, the following section shall be substituted, namely:-

“97. (1) The tax payable on land and buildings shall be leviable as under:-
Incidence of taxes on land and buildings.

Serial No.	Category of building	Rate of tax
1.	Self occupied residential building	(i) Fifty rupees in case land area is fifty square yards or below, having covered area not more than 450 square feet; (ii) One hundred and fifty rupees in case, land area is one hundred square yards or below, having covered area not more than 900 square feet; (iii) Half per cent of the rateable value, in case the land area is fifty square yards or below OR one hundred square yards or below, but the covered area exceeds the stipulation indicated in (i) and (ii) above; (iv) Half per cent of the rateable value, in case the land area is five hundred square yards or below; and (v) One per cent of the rateable value, in case the land area is more than five hundred square yards;
2.	Residential building under the occupation of tenant(s)	Seven and half per cent of the rateable value;
3.	Self occupied non- residential building	Three per cent of the rateable value;
4.	Self occupied industrial building	One and half per cent of the rateable value.

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| 5. | Non-residential building under the occupation of tenant(s) | Ten per cent of the rateable value: |
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Explanation.- It is hereby clarified that if a portion of a building and/or land is used for more purposes,-

- (i) the self occupied residential building for non-residential purpose or on rent for residential purpose or on rent for non-residential purpose; or
- (ii) the self occupied non-residential building for residential purpose or on rent for residential purpose or on rent for non-residential purpose, the rate of tax for that portion of the building and/or land shall be the rate specified in the table above according to its use:

Provided that if the land is vacant or the building is unproductive, the rate of tax shall be 0.20 per cent of the rateable value:

Provided further that the owner or the occupier, as the case may be, shall be at liberty to pay the tax on building and/or land for the financial year 2013-14 as per the calculations to be made in accordance with the provisions of either the principal Act as amended by the Punjab Municipal Corporation (Second Amendment) Act, 2012 (Punjab Act No. 7 of 2013) or the Punjab Municipal Corporation (Second Amendment) Act, 2013, as he may deem fit.

(2) For the building and land, which were not subject to tax prior to the commencement of the Punjab Municipal Corporation (Second Amendment) Act, 2012 (Punjab Act No. 7 of 2013), if the tax for the period from 15th day of November, 2012 to the date of commencement of the Punjab Municipal Corporation (Second Amendment) Act, 2013, has not been paid, the same shall not be recovered:

Provided that if such tax has been paid, the same shall be adjusted in the assessment of tax for the year 2013-14.”.

7. In the principal Act, section 98 shall be omitted.

Omission of section 98 of Punjab Act 42 of 1976.

8. In the principal Act, for section 101, the following section shall be substituted, namely:-

“101. (1) For the purposes of collection and updation of data, the Corporation shall, after getting the survey conducted or through any other manner, cause a property list of all lands and buildings in the City on which any tax is imposed to be prepared, containing the following particulars, namely:-

- (a) the name of the street or division in which the property is situated;
- (b) designation of the property, either by name or by number sufficient for identification; and
- (c) the name of the owner or occupier, if known.

(2) The property list, prepared under sub-section (1), shall be kept in the office of the Commissioner, or as the case may be, the officer authorized by him in this behalf,

Substitution of section 101 of Punjab Act 42 of 1976.

for record.

Explanation.- It is hereby clarified that the property list prepared under this section shall have no evidentiary value."

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| Omission of section 102 of Punjab Act 42 of 1976. | 9. | In the principal Act, section 102 shall be omitted. |
| Substitution of section 103 of Punjab Act 42 of 1976. | 10. | <p>In the principal Act, for section 103, the following section shall be substituted, namely:-</p> <p>“103. (1) The Commissioner may, at any time, amend the property list,-</p> <p style="padding-left: 40px;">(a) by inserting therein the name of any person whose name ought to be inserted; or</p> <p style="padding-left: 40px;">(b) by inserting therein any land or building previously omitted; or</p> <p style="padding-left: 40px;">(c) by striking out of the name of any person not liable for the payment of taxes on land and buildings; or</p> <p style="padding-left: 40px;">(d) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the property list.</p> <p>(2) Before making any amendment under sub-section (1), the Commissioner shall give to any person affected by the amendment, notice of not less than one month that he proposes to make the amendment and consider any objections which may be made by such person.”.</p> |
| Omission of section 104 of Punjab Act 42 of 1976 | 11. | In the principal Act, section 104 shall be omitted. |
| Amendment in section 105 of Punjab Act 42 of 1976. | 12. | In the principal Act, in section 105, in sub-section (5), for the words “assessment list”, the words “property list” shall be substituted. |
| Omission of section 108 and 109 of Punjab Act 42 of 1976. | 13. | In the principal Act, sections 108 and 109 shall be omitted. |
| Substitution of section 110 of Punjab Act 42 of 1976. | 14. | <p>In the principal Act, for section 110, the following section shall be substituted, namely:-</p> <p>“110. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the Commissioner shall on such amalgamation assign to them one or more numbers accordingly.”.</p> |
| Omission of sections 111 and 112 of Punjab Act 42 of 1976. | 15. | In the principal Act, sections 111 and 112 shall be omitted. |

16. In the principal Act, for section 112-A, the following sections shall be substituted, namely:-

Substitution of section 112-A of Punjab Act 42 of 1976.

“112-A. (1) Notwithstanding anything contained in this Act, every owner or occupier, as the case may be, shall calculate the tax on land and building himself in accordance with the provisions of sub-section (3-A) of section 90 in the Form, as may be specified by the

Government (hereinafter referred to as the return), and shall file the same to the Corporation by the 31st December of the relevant financial year.

(2) On the basis of calculation as made under sub-section (1), the owner or occupier shall deposit the amount of tax in the head of account of the Corporation on or before the 31st December of the relevant financial year:

Provided that if the aforesaid amount of tax is fully paid on or before the 30th September of the relevant financial year, a rebate of ten per cent of the amount of tax so calculated may be claimed.

(3) Where the tax calculated under sub-section (1) is not fully paid by the 31st December of the relevant financial year as aforesaid and is paid on or before the 31st March of that financial year, a penalty of twenty five per cent of the remaining amount of tax so calculated by him shall be payable.

(4) Notwithstanding any action contemplated under the provisions of this Act, if wrong particulars are given in the return filed under sub-section (1), the owner or the occupier, as the case may be, shall be liable to pay, as penalty, an amount equivalent to the difference of amount between the sum of tax actually paid, if any, and the sum of tax assessed on consideration of the right particulars, in addition to the payment of amount of tax so assessed.

(5) If no return is filed for a financial year by the 31st March of that financial year, under sub-section (1), the owner or the occupier, as the case may be, shall be liable to pay an amount equivalent to the sum of tax for that financial year as penalty, in addition to the payment of the tax, and the whole of the amount shall become recoverable under the provisions of section 138 immediately after the expiry of the financial year for which no return has been filed."

112-B. (1) Notwithstanding anything contained in this Chapter, where the Competent Authority is satisfied that any property has been erroneously valued or assessed through fraud, accident or mistake

by the owner or the occupier, as the case may be, he may, after giving opportunity of being heard to the person concerned and after making such enquiry, as he may deem fit, pass an order amending the assessment already made and fixing the amount of tax payable for that property and on the issue of such an order, the assessment then filed shall, subject to the order, if any, passed in appeal, be deemed to have been amended accordingly in the relevant financial year.

(2) For the purposes of sub-section (1), if it is necessary or expedient, the Competent Authority may, after giving twenty four hours notice to the occupier, or, if there be no occupier, to the owner, of any building or land at any time between sunrise and sunset, enter, inspect and

measure any building or land.

112-C. (1) Any person, aggrieved with the decision(s), made under sub-section (4) of section 112-A, or section 112-B may file an appeal within a period of thirty days before the Commissioner, who, after affording an opportunity of hearing to the parties, shall pass an order, in writing, within a period of thirty days.

(2) No appeal shall be entertained under sub-section (1), unless the amount of tax is paid.

(3) If an order under sub-section (1) modifies the decision in appeal, the Competent Authority may file an appeal to the Principal Secretary or Secretary, Department of Local Government within a period of thirty days of such order, who shall pass an order, in writing, as he deems fit in the matter, within a period of thirty days of filing of such appeal, and the order passed in appeal shall be final.

(4) No stay shall be granted against the orders appealed against under sub-section (1).”.

Substitution of section 138 of Punjab Act 42 of 1976

17. In the principal Act, section 138 shall be substituted, namely:-

“138. Any sum due on account of tax payable under this Act may be recovered, together with costs of recovery, through the following processes by the Competent Authority,-

- (a) by service of writ of demand on the defaulter;
- (b) by distraint and sale of a defaulter’s movable property;
- (c) by the attachment and sale of defaulter’s immovable property;
- (d) in the case of octroi and toll, by the seizure and sale of goods and vehicles; and
- (e) in the case of taxes on land and buildings, by the attachment of rent due in respect of the property or any other property owned by the defaulter.”.

Omission of section 140, 141, 142 and 143 of Punjab Act 42 of 1976.

18. In the principal Act, sections 140, 141, 142 and 143 shall be omitted.

Substitution of section 144 of Punjab Act 42 of 1976.

19. In the principal Act, for section 144, the following section shall be substituted, namely:-

“144. No land, building or tenement shall be deemed vacant if maintained as a pleasure resort or town or country house or be deemed unproductive of rent if let to a tenant who has a continuing right of occupation thereof, whether he is in actual occupation or not.”.

Omission of section 145 of Punjab Act 42 of 1976.

20. In the principal Act, section 145 shall be omitted.

Amendment in section 146 of Punjab Act 42 of 1976.

21. In the principal Act, in section 146, in sub-section (1), for the words “the levy or assessment of any tax”, the words and sign “the levy or assessment of any tax, other than tax on building and land” shall be substituted.

22. In the principal Act, section 430 shall be numbered as sub-section (1) thereof, and after sub-section (1), as so re-numbered, the following sub-sections shall be inserted, namely:-
- “(2) If any difficulty arises in giving effect to the provisions of the Punjab Municipal Corporation (Second Amendment) Act, 2013, the Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for expedient for removing that difficulty:
- Provided that no order shall be made under this sub-section after the expiry of a period of two years from the date of publication in the Official Gazette the Punjab Municipal Corporation (Second Amendment) Act, 2013.
- (3) Every order made under sub-section (2) shall be laid, as soon as may be, after it is made before the Legislative Assembly.”.
23. In the principal Act, THE FOURTH SCHEDULE shall be omitted.
24. (1) The Punjab Municipal Corporation (Second Amendment) Ordinance, 2013 (Punjab Ordinance No. 11 of 2013), 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.

Amendment in section 430 of Punjab Act 42 of 1976.

Omission of THE FOURTH SCHEDULE of Punjab Act 42 of 1976.

Repeal and saving.

STATEMENT OF OBJECTS AND REASONS

The State Government had promulgated the Punjab Municipal Corporation (Second Amendment) Ordinance, 2013 (Punjab Ordinance No. 11 of 2013) on 20th September, 2013 to amend the Punjab Municipal Corporation Act, 1976, *vide* which rates of property tax were reduced and procedure for calculating the same was simplified. The present Bill, i.e. the Punjab Municipal Corporation (Second Amendment) Bill, 2013 aims to convert the said Ordinance into Act. Hence this Bill.

ANIL JOSHI,

Minister for Local Government,
Punjab.

No.25-PLA-2013/60.- The Punjab Municipal (Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

BILL NO. 25-PLA- 2013

THE PUNJAB MUNICIPAL (AMENDMENT) BILL, 2013

A
BILL

further to amend the Punjab Municipal Act, 1911.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows: -

Short title and commencement

1. (1) This Act may be called the Punjab Municipal (Amendment) Act, 2013.
- (2) It shall be deemed to have come into force on and with effect from the first day of April, 2013.

Amendment in section 3 of Punjab Act 3 of 1911.

2. In the Punjab Municipal Act, 1911 (hereinafter referred to as the principal Act), in section 3, -

(A) for clause (1), the following clauses shall be substituted, namely:-

“(1) "annual value" means,-

- (a) in the case of building or land, which is in the occupation of a tenant, the gross annual rent at which the building or land has actually been let:

Provided that in the event of increase in the rent, the annual value shall include the corresponding increase in rent as well:

Provided further that where the building or land has been let by the owner to any of his relations, and if the Executive Officer is of the opinion that the rent fixed does not represent the true rent, the rent fixed under the agreement of lease shall not be taken into consideration and the annual value shall be determined in accordance with the principles contained in sub-clause (b);

- (b) in the case of building or land, which is occupied by the owner, the annual value shall be, -
 - (i) five per cent of the present market value of the land; and
 - (ii) five per cent cost of erecting the building less ten per cent depreciation:

Provided that the calculation of market value in the case of multi-storeys buildings, group housing buildings or such like other buildings shall be made in the manner, as may be prescribed.

Explanation. – For the purposes of clause (b), 'cost of erecting the building' shall, for the time being, be calculated at the following rates:-

- (i) five hundred rupees per square feet in respect of pucca (cemented bricks walled and load bearing roof) structure;
- (ii) three hundred rupees per square feet in respect of semi pucca (cemented bricks walled or non-cemented bricks walled but non-load bearing roof) structure;
- (iii) one hundred rupees per square feet in respect of kacha (non-cemented or non-brick walled and non-load bearing roof) structure:

Provided that the rates of calculation of cost of erecting the building, as referred to above, shall be subject to revision by the State

Government from time to time:

Provided further that the State Government may revise and fix such rates differently for the same category or class of buildings keeping in view the kind of the construction thereof.

- (c) any land on which no building has been erected but on which a building can be erected, and any land on which a building is in the process of erection, the annual value shall be fixed at five per cent of the market value of such land;
- (1a) "Director" means the Director of the Local Government duly appointed by the State Government;
- (1b) "industrial building" means and includes a building or part thereof wherein products or material are fabricated, assembled or processed, such as assembly plants, power plants, refineries, gas plants, mills and factories;
- (1c) "non-residential building" means a building which is being used for the purposes of business, profession, trade, institution or any other commercial activities, but does not include an industrial building;
- (1d) "Regional Deputy Director" means the Regional Deputy Director of the Local Government duly appointed by the State Government;
- (1e) "residential building" means any building which is being used exclusively for residential purposes;".

(B) for clause (8aa), the following clause shall be substituted, namely:-

"(8aa) "market value" means the minimum value of the land prevailing on the first January of the preceding financial year as fixed by the Collector under rule 3-A of the Punjab Stamp (Dealing of Undervalued Instruments) Rules, 1983."

3. In the principal Act, in section 61, in sub-section (1), for clauses (a) and (aa), the following clauses shall be substituted, namely:-

Amendment in
Section 61 of
Punjab Act 3 of
1911.

“(a) A tax payable by the owner of building and land:

Provided that in the case of building and land occupied by tenants in perpetuity, the tax shall be payable by such tenants:

Provided further that no tax shall be imposed on building and land, exclusively used for, -

- (i) religious purposes, religious rites, religious ceremonies, religious festivals;
- (ii) cremation grounds, burial grounds;
- (iii) gaushalas, stray animal care centers;
- (iv) historical and heritage buildings, so notified by the State Government,

Central Government or United Nations Educational, Scientific and Cultural Organization;

- (v) registered charitable and philanthropic organizations exempted from payment of the tax under the Income Tax Act, 1961 (Central Act 43 of 1961);
- (vi) the building and land owned and used by the committee;
- (vii) the building and land used for Schools and Colleges owned or aided by the State Government;
- (viii) the building and land of Hospitals or Dispensaries owned by the State Government;
- (ix) parking space (only in respect of multi-storey flats/buildings); and
- (x) land used for agricultural or horticultural purposes:

Provided further that the building and land owned by the following categories of persons shall be exempted from the imposition of tax to the extent indicated against each:-

Serial No.	Category of persons	Extent of exemption
1	Widows	Five thousand rupees per financial year.
2	Freedom Fighters, who are receiving pension as such from the Central Government or the State Government or both, as the case may be	Full
3	Handicapped persons, who are as if being assessed entitled for the time being to the benefits of deduction under section 80 U of the Income Tax Act, 1961	Five thousand rupees per financial year.
4	Persons living below poverty line who possess requisite card, issued in support thereof	Full:

Provided further that the building and land of all educational institutions, other than Governmental and Government aided, shall be exempted from tax to the extent of fifty per cent the tax assessed.

(aa) The tax payable as per clause (a) shall be leviable as under:-

Category of building	Rate of tax
1 Self occupied residential building	(i) Fifty rupees in case land area is fifty square yards or below, having covered area not more than 450 square feet;

		(ii) One hundred and fifty rupees in case land area is one hundred square yards or below, having covered area not more than 900 square feet; (iii) Half per cent of the annual value in case the land area is fifty square yards or below OR one hundred square yards or below, but the covered area exceeds the stipulation indicated in (i) and (ii) above; (iv) Half per cent of the annual value, in case the land area is five hundred square yards or below; and (v) One per cent of the annual value, in case the land area is more than five hundred square yards.
2	Residential building under the occupation of tenant (s)	Seven and half per cent of the annual value.
3	Self occupied non-residential building	Three per cent of the annual value.
4	Self occupied industrial building	One and half per cent of the annual value.
5	Non-residential building under the occupation of tenant(s)	Ten per cent of the annual value:

Explanation.- It is hereby clarified that if a portion of a building and/or land is used for more purposes,-

- (i) the self occupied residential building for non-residential purpose or on rent for residential purpose or on rent for non-residential purpose; or
- (ii) the self occupied non-residential building for residential purpose or on rent for residential purpose or on rent for non-residential purpose,

the rate of tax for that portion of the building and/or land shall be the rate specified in the table above according to its use:

Provided that if the land is vacant or the building is unproductive, the rate of tax shall be 0.20 per cent of the annual value:

Provided further that the owner or the occupier, as the case may be, shall be at liberty to pay the tax on building and/or land for the financial year 2013-14 as per the calculations to be made in accordance with the provisions of either the principal Act as amended by the Punjab Municipal (Second Amendment) Act, 2012 (Punjab Act No. 6 of 2013) or the Punjab Municipal (Amendment) Act, 2013, as he may deem fit.

- (aaa) For the building and land, which were not subject to tax prior to the commencement of the Punjab Municipal (Second Amendment) Act, 2012 (Punjab Act No. 6 of 2013), if the tax for the period from 15th day of November 2012, to the date of commencement of the Punjab Municipal (Amendment) Act, 2013 has not been paid, the same shall not be recovered:

Provided that if such tax has been paid, the same shall be adjusted in the assessment of tax for the year 2013-14.”.

- Substitution of Section 63 in Punjab Act 3 of 1911.
4. In the principal Act, for section 63, the following section shall be substituted, namely:-
- "63. (1) For the purposes of collection and updation of data, the committee shall, after getting the survey conducted or through any other manner, cause a list of all buildings and land on which any tax is imposed to be prepared, containing the following particulars, namely:-
- (a) the name of the street or division in which the property is situated;
 - (b) designation of the property, either by name or by number sufficient for identification; and
 - (c) the name of the owner or occupier, if known.
- (2) The property list, prepared under sub-section (1), shall be kept in the office of the Executive Officer for record.
- Explanantion.- It is hereby clarified that the property list prepared under this section shall not have any evidentiary value."
- Ommission of section 64, 65,66,66-A and 66-AA in Punjab Act 3 of 1911.
5. In the principal Act, sections 64, 65, 66, 66-A and 66-AA shall be omitted.
- Substitution of Section 67 in Punjab Act 3 of 1911.
6. In the principal Act, for section 67, the following section shall be substituted, namely:-
- "67. (1) The committee may at any time amend the property list,-
- Updation of property list for the purpose of tax on building and lands.
- (a) by inserting therein the name of any person whose name ought to be inserted; or
 - (b) by inserting therein any land or building previously omitted; or
 - (c) by striking out of the name of any person not liable for the payment or taxes on land and buildings; or
 - (d) by inserting or altering an entry in respect of any building erected, re-erected, altered or added to, after the preparation of the property list.
- (2) Before making any amendment under sub-section (1), the Executive Officer shall give to any person affected by the amendment, a notice of not less than one month, that the committee proposes to make the amendment, and consider any objections which may be made by such person."
- Substitution of Section 68 of Punjab Act 3 of 1911.
7. In the principal Act, for section 68, the following section shall be substituted, namely:-
- "68. (1) Notwithstanding anything contained in this Act, every
- Self assess-ment tax on building and land
- owner or occupier, as the case may be, shall calculate the tax himself in accordance with the provisions of sub-section (1) of section 61 in the Form, as may be specified by the State Government,

(hereinafter referred to as the return) and shall file the same to the committee by the 31st December of the relevant financial year.

(2) On the basis of calculation made under sub-section (1), the owner or occupier shall deposit the amount of tax in the head of account of the committee on or before the 31st December of the relevant financial year:

Provided that if the aforesaid amount of tax is fully paid on or before the 30th September of the relevant financial year, a rebate of ten per cent of the amount of tax so calculated may be claimed.

(3) Where the tax calculated under sub-section (1), is not fully paid by the owner or occupier by the 31st December of the relevant financial year as aforesaid and is paid on or before the 31st March of that financial year, a penalty of twenty five per cent of the remaining amount of tax so calculated shall be payable.

(4) Notwithstanding any action contemplated under the provisions of this Act, if wrong particulars are given in the return filed under sub-section (1), the owner or the occupier, as the case may be, shall be liable to pay, as penalty, an amount equivalent to the difference of amount between the sum of tax actually paid, if any, and the sum of tax assessed on consideration of the right particulars, in addition to the payment of amount of tax so assessed.

(5) If no return is filed for a financial year by the 31st March of that financial year, under sub-section (1), the owner or the occupier, as the case may be, shall be liable to pay an amount equivalent to the sum of tax for that financial year as penalty, in addition to the payment of the tax, and the whole of the amount shall become recoverable under the provisions of section 81 immediately after the expiry of the financial year for which no return has been filed."

8. In the principal Act, for section 68-A, the following section shall be substituted, namely:-

“68-A. (1) Notwithstanding anything contained in this Chapter, where the Executive Officer is satisfied that any property has been erroneously valued or assessed through fraud, accident or mistake by the owner or the occupier, as the case may be, he may, after giving opportunity of being heard to the person concerned and after making such enquiry, as he may deem fit, pass an order amending the assessment already made and fixing the amount of tax payable for that property and on the issue of such an order, the assessment then filed shall, subject to the order, if any, passed in appeal, be deemed to have been amended accordingly in the relevant financial year.

Power to scrutinize and to amend the assessment in certain cases.

(2) For the purposes of sub-section (1), if it is necessary or expedient, the Executive Officer may, after giving twenty four hours notice to the occupier, or, if there be no occupier, to the owner, of any building or land at any time

Substitution of Section 68-A of Punjab Act 3 of 1911.

between sunrise and sunset, enter, inspect and measure any building or land."

- Omission of Section 72 of Punjab Act 3 of 1911. 9. In the principal Act, section 72 shall be omitted.
- Substitution of Section 75 in Punjab Act 3 of 1911. 10. In the principal Act, for section 75, the following section shall be substituted, namely:-
 "75. The committee may authorize any person to enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act or for which a licence has not been duly taken out."
- Substitution of Section 80 of Punjab Act 3 of 1911. 11. In the principal Act, for section 80, the following sections shall be substituted, namely:-
 "80. (1) When any sum is due on account of a tax payable under this Act, other than the tax on building and/or land, the committee shall cause a bill for the amount, and the period for which the charge is made, to be delivered to the person liable to pay the same.
 (2) If the bill be not paid within a period of ten days from the delivery thereof, the committee may cause a notice of demand to be served on the person liable to pay the same, and if he does not, within a period of seven days from the service of the notice, pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, the sum due with the fee shall be deemed to be an arrears of tax.
 80-A If any tax or sum leviable under this Act from the owner, is recovered from the occupier, such occupier shall, in the absence of any contract to the contrary, be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner."
- Substitution of Section 81 of Punjab Act 3 of 1911. 12. In the principal Act, for section 81, the following section shall be substituted, namely:-
 "81. Any sum due on account of tax payable under this Act may be recovered, together with costs of recovery, through the following processes by the Executive Officer,-
 (a) by service of writ of demand on the defaulter;
 (b) by distraint and sale of defaulter's movable property;
 (c) by the attachment and sale of defaulter's immovable property;
 (d) in the case of octroi and toll, by the seizure and sale of goods and vehicles; and
 (e) in the case of taxes on land and buildings by the attachment of rent due in respect of the property or any other property owned by the defaulter."

13. In the principal Act, in section 84, in sub-section (1), after the words "any tax under this Act", the words "other than tax on building and land" shall be inserted. Amendment in Section 84 of Punjab Act 3 of 1911.
14. In the principal Act, after section 84, the following section shall be inserted, namely:- Insertion of Section 84-A in Punjab Act 3 of 1911.
- “84-A. (1) Any person, aggrieved with the decision(s), made under sub-section (4) of section 68 and section 68- A, may file an appeal within a period of thirty days before the Regional Deputy Director, who, after affording an opportunity of hearing to the parties, shall pass an order, in writing, within a period of thirty days.
- (2) No appeal shall be entertained under sub-section (1), unless the amount of tax is paid.
- (3) If an order under sub-section (1), modifies the decision in appeal, the Executive Officer, may file an appeal to the Director within a period of thirty days of such order, who shall pass an order, in writing, as he deems fit, within a period of thirty days of filing of such appeal, and the order passed in appeal shall be final.
- (4) No stay shall be granted against the order appealed against under sub-section (1).”.
15. In the principal Act, after section 240-A, the following section shall be inserted, namely:- Insertion of section 240-B in Punjab Act 3 of 1911.
- "240-B. (1) If any difficulty arises in giving effect to the provisions of the Punjab Municipal (Amendment) Act, 2013, the State Government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:
- Provided that no order shall be made under this section after the expiry of a period of two years from the date of commencement of the Punjab Municipal (Amendment) Act, 2013.
- (2) Every order made under this section, shall be laid, as soon as may be, after it is made before the Legislative Assembly.”.
16. In the principal Act, SCHEDULE-IV shall be omitted. Omission of Schedule-IV of Punjab Act 3 of 1911.
17. (1) The Punjab Municipal (Amendment) Ordinance, 2013 (Punjab Ordinance No. 10 of 2013), is hereby repealed. Repeal and saving.
- (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.

STATEMENT OF OBJECTS AND REASONS

The State Government had promulgated the Punjab Municipal (Amendment) Ordinance, 2013 (Punjab Ordinance No. 10 of 2013) on 20th September, 2013 to amend the Punjab

Municipal Act, 1911, *vide* which rates of property tax were reduced and procedure for calculating the same was simplified. The present Bill, i.e. the Punjab Municipal (Amendment) Bill, 2013 aims to convert the said Ordinance into Act. Hence this Bill.

ANIL JOSHI,

Minister for Local Government,
Punjab.

No.29-PLA-2013/61.-The Payment of Wages (Punjab Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.29-PLA-2013

THE PAYMENT OF WAGES (PUNJAB AMENDMENT) BILL, 2013

A

BILL

further to amend the Payment of Wages Act, 1936, in its application to the State of Punjab

Be it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Payment of Wages (Punjab Amendment) Act, 2013.
- (2) It shall come into force at once.

Amendment in section 6 of Central Act 4 of 1936

2. In the Payment of Wages Act, 1936, in its application to the State of Punjab, in section 6, at the end of the existing proviso, for the sign ".", the sign ":" shall be substituted and thereafter, the following proviso shall be added, namely :-

"Provided further that the State Government may, by notification in the Official Gazette, specify the industrial establishments, the employers of which shall pay to the persons employed therein, the wages either by cheque or by crediting the wages in their bank account."

STATEMENT OF OBJECTS AND REASONS

Section 6 of the Payment of wages Act 1936 provides for Payment of Wages to workers in cash. Wages can be paid by employers through cheque only with the written authorization of each worker. Earlier there was difficulty in opening bank accounts, the banking system has been transformed and zero balance accounts are being opened in almost all the banks and money can be easily transferred in the bank account of every worker.

In view of the above, it is proposed to amend Section 6 of the Payment of Wages Act 1936 so that the State Government, by issuing a notification, can direct the Industrial Establishments to make payment of wages to the workers through cheques or by transferring money to their bank Accounts. Hence this Bill.

CHUNNI LAL BHAGAT,

Minister for Labour,
Punjab

No.30-PLA-2013/62.-The Punjab Co-Operative Societies (Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of

Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 30-PLA-2013

THE PUNJAB CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2013

A

BILL

further to amend the Punjab Co-Operative Societies Act, 1961.

BE it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Co-Operative Societies (Amendment) Act, 2013. Short title and commencement

(2) It shall be deemed to have come into force on and with effect from the 9th day of September, 2013.

2. In the Punjab Co-Operative Societies Act, 1961, in section 26, in sub-section (2), in clause (a), in the second proviso, for the sign ;" appearing at the end, the sign ;" shall be substituted and thereafter, the following proviso shall be added, namely:- Amendment in section 26 of Punjab Act 25 of 1961

“Provided further that the condition of share capital of twenty lacs of rupees or more mentioned in the first proviso to clause (a) of sub-section (2) of section 26 of the Punjab Co-Operative Societies Act, 1961, shall not apply in the case of any Central Co-Operative Bank, which has been provided finance by the Government, the Government of India, the National Bank for Agriculture and Rural Development or the Reserve Bank of India and the Government may appoint as Managing Director of such Bank, any person, who is a Member of the Indian Administrative Service, the Punjab Civil Service (Executive Branch), a Deputy Registrar, a Joint Registrar or an Additional Registrar of Co-operative Societies or is a professional having specialization in the field of banking and possessing the qualifications and experience specified by the Government in this behalf;”.

3. (1) The Punjab Co-operative Societies (Amendment Ordinance, 2013 (Punjab Ordinance No. 8 of 2013), is hereby repealed. Repeal and savings

(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.

STATEMENT OF OBJECTS AND REASONS

The main object of the amendment is to enable the Government to appoint professionals as Managing Director in the Central Cooperative Banks because the Managing Directors of the Central Cooperative Banks who are presently elected by the committees, generally do not possess the expertise and knowledge to manage the affairs of these banks in a professional manner Sub-Section 2 of Section 26 of the Punjab cooperative Societies Act, 1961 provides for

nomination of such number of persons on the committee not exceeding three or one third of the total number of members thereof whichever is less by the Government wherever the Government have subscribed to the share capital of the cooperative society or has guaranteed the repayment of the principal and payment of interest on debentures issued for loans raised by the cooperative society. There is also a provision for appointment of another member in addition to such nominated persons for appointing him as Managing Director of any cooperative society where the Government has subscribed to the share capital to the extent of 20 lakhs of rupees or more.

A person nominated in the aforesaid manner can be appointed as Managing Director, if he is a member of Indian Administrative Service, Punjab Civil Service (Executive Branch) or a Deputy Registrar, a Joint Registrar or a Additional Registrar, Cooperative Societies, However in the changed scenario of competitive market and increasing complexity of rules and regulations governing the banking institutions, the service of professional having specialization in this field are also required in the Cooperative banks. Therefore this section is being amended to enable the Government to appoint as Managing Directors of Central Cooperative Banks such professionals who possess the qualifications and experience as may be specified by the Government. The amendment would also enable the Government to appoint Managing Directors of Central Cooperative Banks even where the Government does not have the share capital of Rs. 20 Lakhs or more but the Banks is receiving finance from the Government, Government of India, NAABARD or RBI. No financial implication is involved on the Government side.

PARKASH SINGH BADAL,
Chief Minister, Punjab

No.31-PLA-2013/63.-The Punjab Agricultural Credit Operations and Miscellaneous provisions (Banks) (Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.31-PLA-2013

**THE PUNJAB AGRICULTURAL CREDIT OPERATIONS AND
MISCELLANEOUS PROVISIONS (BANKS) (AMENDMENT)
BILL, 2013**

A
BILL

further to amend the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978.

BE it enacted by the Legislature of the State of Punjab in the Sixty- fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) (Amendment) Act, 2013.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Short title and
commencement

2. In the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 (hereinafter referred to as the principal Act), in section 2, in clause (d),-
- Amendment in section 2 of the Punjab Act 5 of 1979.
- (i) in sub-clause (viii), the word "and" appearing at the end, shall be omitted; and
- (ii) in sub-clause (ix), for the sign ";", appearing at the end, the sign and word "; and" shall be substituted and thereafter, the following sub-clause shall be added, namely:-
- "(x) the Punjab State Co-operative Bank, the Central Co-operative Banks, Urban Co-operative Banks, Primary Co-operative Agriculture Development Banks, Primary Co-operative Societies granting financial assistance to its members, registered under the Punjab Co-operative Societies Act, 1961;"
3. In the principal Act, after section 4, the following sections shall be inserted, namely:-
- "4-A. (1) Notwithstanding anything contained in the Registration Act, 1908 (Central Registration Act 16 of 1908), a charge in respect of which a declaration has been made under sub-section (1) of section 4 of this Act or in respect of which a variation in favour of bank has been made under sub-section (2) of section 4 of this Act, shall be deemed to have been duly registered in accordance with the provisions of that Act with effect from the date of such charge or variation, as the case may be, provided that the bank sends to the Sub-Registrar or Joint Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property charged is situated, within a period of sixty days, through a registered post acknowledgement due or in person, a copy of the document creating such charge or variation duly certified to be true copy by an employee of the bank authorized to sign on its behalf.
- (2) The Sub-Registrar or the Joint Sub-Registrar, as the case may be, receiving the declaration referred to in sub-section (1), as immediately as practicable on receipt thereof, record in a register to be maintained in this behalf, the fact of the receipt of such declaration of variation.
- 4-B. Wherever a charge is created on the land in favour of a bank by an agriculturalist under section 4 of the Act, the bank may give intimation in writing to the Tehsildar or Naib-Tehsildar within the local limits of whose jurisdiction the whole or any part of the property charged is situated or such other revenue official as may be designated in this behalf by the State Government, of the particulars of the charge in its favour. The Tehsildar, Naib-Tehsildar or other revenue official shall make a note of the particulars of charge in the record of rights relating to the land over which the charge has been created."
- Nothing of charge created in favour of bank in the record of rights.

STATEMENT OF OBJECTS AND REASONS

The Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978 was enacted to enable commercial banks to undertake financing of agriculture on a large scale. The Act is aimed to facilitate expeditious action with a clear statutory framework for the agricultural credit business of commercial banks. However, the Act does not cover the Cooperative Banks. Also the mortgage deeds for loans availed by the farmers from the commercial banks are required to be registered, which results in a lot of avoidable work and expenses for the farmers. The proposed amendment is aimed to provide for a simplified system

of registration of mortgage deed for loans availed for agriculture purposes in such a manner that the farmers are able to do so in a minimum possible time without any hassle. The Act is being amended to provide for deemed registration for creation of charge on the land of the farmers for agricultural loans, as a result the farmers would not be required to go to the office of Registrar or Sub-Registrar. Further, the cooperative institutions extending financial assistance to its members are also being covered under the simplified procedure through this amendment.

PARKASH SINGH BADAL,
Chief Minister, Punjab.

No.32-PLA-2013/64.-The Punjab Laws (Special Provisions) Amendment Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.32-PLA-2013

THE PUNJAB LAWS (SPECIAL PROVISIONS) AMENDMENT BILL, 2013

A

BILL

further to amend the Punjab Laws (Special Provisions) Act, 2013

Be it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

Short title and commencement

1. (1) This Act may be called the Punjab Laws (Special Provisions) Amendment Act, 2013.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in Section 3 of Punjab Act 35 of 2013.

2. In the Punjab Laws (Special Provisions) Act, 2013, in section 3, in sub-section (1), in clause (c), for the words "one year except in the cases forwarded and pending before any court or first information of report has been lodged" occurring at the end, the words and sign "one year. However, after the expiry of a period of one year, the prosecution proceedings shall be continued in the cases, which are pending in the Competent Court of Law except in the cases where the offence has been compounded and plot or building, as the case may be, has been regularized by the competent authority under the Act" shall be substituted.

Repeal and saving

3. (1) The Punjab Laws (Special Provisions) Amendment Ordinance, 2013 (Punjab Ordinance No. 9 of 2013), 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.

STATEMENT OF OBJECTS AND REASONS

The Government of Punjab, with the objective of bringing unauthorised colonies and buildings therein, to the fold of planning framework and in order to provide basic facilities to the

residents of unauthorised colonies in the State of Punjab, had enacted, 'The Punjab Laws (Special Provisions) Act, 2013'. About 5350 unauthorised colonies covering about 20600 acres of land are to be regularized under the policy notified under the provisions of this act. But Section 3(1) (c) of this act prohibits the regularization of those unauthorised colonies where either FIR has been lodged or the case is pending in any Competent Court of Law. It has been observed that FIRs have been lodged against about 1/4th of the total unauthorised colonies, therefore, the purpose of improving the living conditions of the residents of such colonies and of colonies whose cases are pending in any Court of Law, shall not be fulfilled. Considering this, the Government has proposed to amend Section 3(1)(c) of the above said act by way of an ordinance in which provision has been made to compound the offences of all unauthorised colonies even where the FIR is lodged or the case is pending in any Court of Law. All legal proceedings against unauthorised colonies shall be suspended for a period of one year during the operation of the act, however, after the expiry of period of one year, the prosecution proceedings shall continue if the Coloniser fails to get the offence compounded. In view of above, The Punjab Laws (Special Provisions) Amendment Ordinance, 2013 was issued after approval of the Council of Ministers and Worthy Governor of Punjab. For making required amendment in the Act, this Ordinance needs to be converted into Bill and placed before the Legislative Assembly in its forthcoming session. Hence, The Punjab Laws (Special Provisions) Amendment Bill-2013.

SUKHBIR SINGH BADAL,
Deputy Chief Minister, Punjab.

No.33-PLA-2013/65.-The Punjab Land Revenue (Amendment) Bill, 2013 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.33-PLA-2013

THE PUNJAB LAND REVENUE (AMENDMENT) BILL, 2013

A

BILL

further to amend the Punjab land Revenue Act, 1887.

Be it enacted by the Legislature of the State of Punjab in the Sixty-fourth Year of the Republic of India as follows:-

- | | | |
|----|---|--|
| 1. | (1) This Act may be called the Punjab Land Revenue (Amendment) Act, 2013. | Short title and commencement |
| | (2) It shall come into force on and with effect from the date of its publication in the Official Gazette. | |
| 2. | In the Punjab Land Revenue Act, 1887, section 101-A shall be re-numbered as section 101-AA and before the section as so re-numbered, the following section shall be inserted, namely:- | Insertion of new section 101-A in Punjab Act XVII of 1887. |
| | "101-A" The Financial Commissioner may, by notification, fix a Scale of fees for demarcation of boundaries of an estate sought by a person interested in that estate under this Chapter." | |

STATEMENT OF OBJECTS AND REASONS

Revenue Department provides various services to the land owners under the Punjab Land Revenue Act 1887. Seeking demarcation of specific Khasra numbers owned by the land owners is one of the services being provided. This service has now also been included under the Right to Service Act, 2011 and demarcation has to be completed in a prescribed period of time. The process of demarcation is time consuming. It has been felt that there is no enabling provision in the above said Act to charge any fee for this service. So, in order to include an enabling provision for empowering the Financial Commissioner Revenue to fix fee for demarcation, it has been proposed to add a new section 101-A by amending the Punjab Land Revenue Act, 1887. Hence, the Punjab Land Revenue (Amendment) Bill 2013.

BIKRAM SINGH MAJITHIA,
Minister for Revenue & Rehabilitation,
Punjab.

VED PARKASH
Secretary.

DEPARTMENT OF RURAL DEVELOPMENT AND PANCHAYATS

NOTIFICATION

The 29th October, 2013

No. Pb-Z.P.-2013/4970.-In pursuance of provisions of sub-section (1) of section 167 read with section 2 (zg) of the Punjab Panchayati Raj Act, 1994 (Punjab Act No. 9 of 1994) and all other powers enabling him in this behalf the Governor of Punjab is pleased to notify the person mentioned in column 4 as elected Chairperson and the person mentioned in column 5 as elected Vice-Chairman of the Zila Parishad mentioned in column 3 of the district mentioned in column 2 of the Schedule given below:-

SCHEDULE

Sr. No.	Name of District	Name of Zila Parishad	Name and particulars of the Chairperson	Name and particulars of the Vice-Chairman
1	2	3	4	5
1	Fazilka	Fazilka	Smt. Sukhmandeep Kaur W/o Randeep Singh, VPO, Chak Janisar, Tehsil Jalalabad	Sh. Karnail Singh S/o Bag Singh, Village Ladhuka Teshil & Distt. Fazilka.

Sd/-

MANDEEP SINGH SANDHU
Financial Commissioner and Secretary
to Government of Punjab, Department
of Rural Development and Panchayats

STATE ELECTION COMMISSION PUNJAB

CORRIGENDUM

The 29th October, 2013

No. SEC-(GP)-SA-2013/9072.-In partial modification of notification dated 12-7-2013 issued under

section-71 of Punjab State Election Commission, Act-1994 regarding result Gram Panchayat of Block & District Rupnagar pursuant to state Election Commission order dated 12-7-2013 the corrections are being made as under:-

1. In the election result of Gram Panchayat Haweli Khurd, ward no.2, Block & Distt. Rupnagar against Sr.No.2757 in column 2 read Smt. Harjinder Kaur in place of Smt.Narinder Kaur.
- 2- In the election result of Gram Panchayat Haweli Khurd, ward no.3, Block & Distt. Rupnagar against Sr.No. 2758 in column 2 read Smt. Paramjit Kaur in place of Smt. Gurnam Kaur.

Sd/-

S.S.BRAR

State Election Commissioner
Punjab.

Sd/-

Addl.Deputy Commissioner(Dev.)-cum-
Addl.Distt. Electoral Officer,
Rupnagar.

No. SEC-PE-2013/9076.-General Election to Gram Panchayats in the State was held on 03-07-2013. The result of the election of Gram Panchayats falling in Ludhiana District was published *vide* Commission's Notification No. SEC-(GP)-SA2013/ 6536 Dated 12 July, 2013 which was printed in Punjab Government Gazettee (Extra ordinary) July, 2013. The Deputy Commissioner Cum District Electoral Officer Ludhiana *vide* his letter No 3021 Dated 13-9-2013 indicating reason for change and has forwarded the corrigendum in relation to Gram Panchayat Maksudra, Landha & Katahri Block Doraha, Gram Panchayat Ghawaddi Block Dehlon, Gram Panchayat Dakha (East) Block Sudhar & Gram Panchayat Kishangarh Block Raikot District Ludhiana as follow:

District Ludhiana.

Name of Block	Name of the Gram Panchayats	Sr. No. of entry in the Gazette	Result as sent by the Returning Officer	Result as printed in the Gazette	Corrections to be effected	Reasons for changes
1	2	3	4	5	6	7
Doraha	Maksudra	877	Karnail Singh	Karnail Singh	Jarnail Singh	RO sent the name of Sh. Karnail Singh instead of Sh. Jarnail Singh
	Landha	952	Mohan Singh	Mohan Singh	Sohan Singh	RO sent the name of Sh. Mohan Singh instead of Sh. Sohan Singh
	Katahri	941	Modan Singh	Modan Singh	Sarabjit Kaur	The RO at the time of sending result due to mistake of affect & inadvertently could not sent the name
		942	Sarabjit Kaur	Sarabjit Kaur	Sukhdev Singh (SC)	
		943	Charanjit Kaur	Charanjit Kaur	Dilwara Singh (SC)	
		944	Ranjit Kaur	Ranjit Kaur	Karamjit Kaur (SC)	
	945	Baljit Singh	Baljit Singh	Manjit Kaur (GEN)		
	946	Harpinder Singh	Harpinder Singh	Kulwinder Kaur (GEN)		
Dehlon	Ghawadi	155	Kulwant Singh	Kulwant Singh	Bhag Singh (SC)	Due to Typing mistake
Sudhar	Dakha (East)	6357	Inderjit Kaur	Inderjit Kaur	Inderjit Singh	RO sent the name of Sh. Inderjit Kaur instead of Inderjit Singh
Raikot	Kishangarh	6892	Kuljinder Singh	Kuljinder Singh	Baljinder Singh	RO sent the name of Sh. Kuljinder Singh instead of Baljinder Singh

No. SEC-PE-2013/9077.-General Election to Gram Panchayats in the State was held on 03-07-2013. The result of the election of Gram Panchayats falling in Ludhiana District was published *vide* Commission's Notification No. SEC-PE-2013/6536 Dated 12 July, 2013 which was printed in Punjab Government Gazette (Extra ordinary) July, 2013. The Deputy Commissioner Cum District Electoral Officer Ludhiana *vide* his letter No. 2832 Dated 12-8-2013 indicating reason for change and has forwarded the corrigendum in relation to Gram Panchayat Daulotpur & Silon Kalan Block Dehlon of District Ludhiana as follow:

District Ludhiana

Name of Block	Name of the Gram Panchayats	Sr. No. of entry in the Gazette	Result as sent by the Returning Officer	Result as printed in the Gazette	Corrections to be effected	Reasons for changes
1	2	3	4	5	6	7
Dehlon	Daulatpur	94	Gurmeet Kaur	Gurmeet Kaur	Jasvir Kaur	RO sent the name of Smt. Gurmeet Kaur instead of Jasvir Kaur
	Silon Kalan	524	Kehar Singh	Kehar Singh	Sewa Singh	RO sent the name of Sh. Kehar Singh instead of Sewa Singh

Sd/-
S.S.BRAR
State Election Commissioner
Punjab

Sd/-
Deputy Commissioner,
Cum District Electoral Officer,
Ludhiana.