



**GOVERNMENT OF THE PUNJAB
COLONIES DEPARTMENT**

13th September 2019

NOTIFICATION

No.2104-2019/751-CL(II). In exercise of the powers conferred under section 10 of the Colonization of Government Lands (Punjab) Act, 1912 (*V of 1912*) and in supersession of previous Notifications, Governor of the Punjab is pleased to issue the following Statement of the Conditions for grant of lease to charitable institutions or organizations in the Province of Punjab with immediate effect:

1. General.- All leases under this Statement of the Conditions shall be subject to the provisions of the Act and to:

- (a) the General Colony Conditions of 1938 published vide Punjab Government Notification No.5792-C, dated 29.06.1938 and Notification No.2664-C, dated 22.09.1944;
- (b) the Statement of the Conditions as appearing hereinafter; and
- (c) such instructions as may be issued by the Government for carrying out the purposes of this Notification.

2. Definitions.- For the purposes of this Statement of the Conditions, unless there is anything repugnant in the subject or context;

- (a) "Act" means the Colonization of Government Lands (Punjab) Act, 1912 (*V of 1912*);
- (b) "Board of Revenue" means the Board of Revenue established under the Punjab Board of Revenue Act, 1957 (*XI of 1957*);
- (c) "Collector" means the Collector of the District;
- (d) "charitable institution or organization" means the institution or organization exempted from tax under section 61 of the Income Tax Ordinance 2001 and is registered with the Charity Commission under the Punjab Charities Act 2018 (*V of 2018*) and registered with the Government under one of the following laws or any other law for the time being in force:
 - (i) the Societies Registration Act, 1860 (*XXI of 1860*);
 - (ii) the Trusts Act, 1882 (*II of 1882*);
 - (iii) the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961 (*XLVI of 1961*); or
 - (iv) the Companies Act, 2017 (*XIX of 2017*).

Provided that no institution or organization shall be considered as charitable institution or organization for

the purpose of this Statement of the Conditions except those which fulfill the following criteria:

- (i) the institution or organization has the tax-exemption status under section 61 of the Income Tax Ordinance, 2001;
 - (ii) the institution or organization has been registered and is functional for at least last five years;
 - (iii) the institution or organization has the capacity of carrying out the activities for which lease of State land is being requested;
 - (iv) the institution or organization has a functioning Board which meets at least twice in a year and makes all policy decisions;
 - (v) the institution or organization has got its accounts audited by a qualified auditor during each of the last five years;
 - (vi) the last three years average financial portfolio or turnover of the institution or organization is higher in value than the approximate market value of State land proposed for lease; and
 - (vii) the institution or organization has specified in its proposal specific and measurable results that it shall achieve during the validity of the lease.
- (e) "Government" means Government of the Punjab;
 - (f) "lease" includes any grant made in respect of any State land on which this Statement of the Conditions is applicable; and
 - (g) "lessee" means the charitable institution or organization to which the land has been leased out under this Statement of the Conditions and includes the successor-in-interest and permitted assignee of such lessee.

3. Identification of State land.- (1) The District Collector shall identify suitable pieces of State land to be leased out to charitable institutions or organizations for specific purposes related to the benefit and welfare of the general public of the area.

(2) State land shall also be identified by the District Collector on the application forwarded to him by the charitable institution or organization to the quarter concerned.

(3) The said proposal of leasing out State land to charitable institution or organization shall be submitted by the District Collector concerned for approval of the Government. The District Collector shall proceed on his own for the purpose of identification of suitable pieces of State land to be leased out under this Statement of the Conditions or he may initiate such identification upon the request of a specific charitable institution or organization and then forward his recommendations to the Government for

approval as mentioned above. He will also justify the extent and size of grant while submitting his recommendations to the Government.

4. Period of lease.- State land shall be leased out for a period of thirty years with the approval of the Government and extendable as may be approved by the Government.

5. Rent.- The rent of lease may be mutually agreed upon between the charitable institution or organization and the Government.

6. Exceptions and reservations.- Unless it is otherwise specifically provided, the following categories of State land shall be deemed to have been expressly excluded from every grant or lease:

- (a) land already reserved under any other scheme including permanent grants or schemes and service grants;
- (b) land transferred to other departments of the Provincial or Federal Government;
- (c) all rivers and streams with their beds and banks;
- (d) all water courses and drains or channels; and
- (e) all existing or proposed public thoroughfares.

7. Eligibility.- The lease of State land shall be made only to those charitable institutions or organizations which fulfill the criteria as envisaged under this Statement of the Conditions.

8. Purpose of grant of lease.- (1) The charitable institution or organization shall utilize State land leased out to it for the sole and specific purpose for which the lease has been granted.

(2) State land so leased out shall not be utilized for commercial purposes and shall not be sublet to private individuals for income generation.

9. Extent of State land for lease.- (1) The extent of State land for lease shall be according to the identification of the available State land assessed by the District Collector and approved by the Government.

(2) The assessment shall be made on the basis of actual requirement and specific purposes of the charitable institution or organization which shall justify the same.

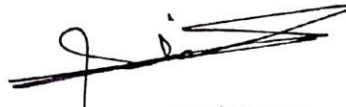
10. Cancellation and resumption.- (1) In order to safeguard the interests of the State, District Collector and a representative of Colonies Department, Board of Revenue, Punjab shall visit the charitable institution or organization to ascertain that State land is being utilized for a specific purpose. A report in this regard shall be submitted to the Board of Revenue, Punjab on or before 31st December of every year.

(2) In case the charitable institution or organization does not comply with the terms and conditions of the lease, the District Collector shall issue notice under the Colonization of Government Lands (Punjab) Act, 1912 (V of 1912).

(3) If the breach is not rectifiable in the opinion of the District Collector, he may pass orders for cancellation of lease and forthwith resumption of State land in favour of the Government and in such eventuality, State land shall revert to the Government along with superstructure raised thereon.

(4) In case of resumption and cancellation, no compensation shall be granted to the lessee for any improvement whatsoever made on State land and the same shall become the property of the Government forthwith. However, the District Collector may allow the charitable institution or organization to remove its moveable assets from State land within a period of two months.

BY THE ORDER OF THE GOVERNOR OF THE PUNJAB



**(SOHAIL SHAHZAD)
MEMBER/ SECRETARY
GOVERNMENT OF THE PUNJAB
COLONIES DEPARTMENT**

A copy is forwarded to:

- i) All Commissioners of Divisions, in the Punjab.
- ii) All District Collectors/ Deputy Commissioners, in the Punjab.
- iii) Managing Director, Cholistan Development Authority, Bahawalpur.
- iv) All Assistant Commissioners, in the Punjab.
- v) Superintendent, Government Printing Press with the request to print 65-copies of Gazette Notifications and forward to the Board of Revenue, Punjab.