

**HARYANA GOVERNMENT**

**LEGISLATIVE DEPARTMENT**

**THE PUNJAB VILLAGE COMMON LANDS  
(REGULATION) ACT, 1961**

**(Punjab ACT No. 18 of 1961)**

(As amended upto 31<sup>st</sup> December, 2008)

**THE PUNJAB VILLAGE COMMON LANDS  
(REGULATION) ACT, 1961  
(Applicable to Haryana)**

Arrangement of sections

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## THE PUNJAB VILLAGE COMMON LANDS (REGULATION) ACT, 1961

(Punjab Act No. 18 of 1961)

<sup>1</sup>[Received the assent of the president of India on the 22<sup>nd</sup> April, 1961, and first published for general information in the Punjab Government Gazette (*Extraordinary*), Legislative Supplement of the 4<sup>th</sup> May, 1961]

Year	No.	Short title	Whether repealed or otherwise affected by legislation
1	2	3	4
1961	18	The Punjab Village Common Lands (Regulation) Act, 1961	Amended by Punjab Act 19 of 1964 <sup>2</sup> Amended by Punjab Act 13 of 1965 <sup>3</sup> Amended by Haryana Adaptation of Laws (State and Concurrent Subjects) order, 1968 <sup>4</sup> Amended by Haryana Act 18 of 1971 <sup>5</sup> Amended by Haryana Act 43 of 1971 <sup>6</sup> Amended by Haryana Act 23 of 1973 <sup>7</sup> Amended by Haryana Act 47 of 1973 <sup>8</sup> Amended by Haryana Act 34 of 1974 <sup>9</sup> Amended by Haryana Act 25 of 1976 <sup>10</sup> Amended by Haryana Act 8 of 1978 <sup>11</sup> Amended by Haryana Act 2 of 1981 <sup>12</sup> Amended by Haryana Act 15 of 1983 <sup>13</sup> Amended by Haryana Act 9 of 1986 <sup>14</sup> Amended by Haryana Act 9 of 1992 <sup>15</sup> Amended by Haryana Act 18 of 1995 <sup>16</sup> Amended by Haryana Act 13 of 1996 <sup>17</sup> Amended by Haryana Act 9 of 1999 <sup>18</sup> Amended by Haryana Act 13 of 2003 <sup>19</sup> Amended by Haryana Act 8 of 2007 <sup>20</sup>

<sup>1</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, page 1503.

<sup>2</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary, 1964, page 285.

<sup>3</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary, 1965, page 362.

<sup>4</sup> See Haryana Government Gazette (Extraordinary), Leg, Supplement Part-III, 1968, page 561

<sup>5</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1971, page 206.

<sup>6</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1971, page 1380.

<sup>7</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1973, page 816.

<sup>8</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1973, page 2037.

<sup>9</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1974, page 1200.

<sup>10</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1976, page 1166.

<sup>11</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1978, page 282.

<sup>12</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1980, page 2244.

<sup>13</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1983, page 1150.

<sup>14</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1986, page 286.

<sup>15</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1991, page 534.

<sup>16</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1995, page 1594.

<sup>17</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1996, page 519.

<sup>18</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1999, page 45.

<sup>19</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 2003, page 643.

<sup>20</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 2007, page 752.

AN

ACT

*to consolidate amend the law regulating the rights in  
shamilat deh and abadi deh.*

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

1. (1) This act may be called the Punjab Village Common Lands (Regulation) Act, 1961.

(2) It extends to the whole of the state of <sup>1</sup>[Haryana].

(3) It shall come into force at once.

2. In this Act, unless the context otherwise require –

(a) <sup>2</sup>["Assistant Collector of the first grade" means an Assistant Collector of the first Grade empowered by the State Government to exercise the powers and perform the duties under this Act].

<sup>3</sup>[(aa) "Collector" means the Collector of the district and includes any other officer appointed by the State Government for performing the functions of the Collector under this Act.]

<sup>4</sup>[(aaa) "Commissioner" means the Commissioner of the Division and includes any other officer appointed by the State Government for performing the functions of the Commissioner under this Act.]

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

<sup>5</sup>[(b-i) "Financial Commissioner" means the Financial Commissioner to Government, Haryana, appointed by the State Government for the purpose of this Act;

<sup>6</sup>[(bb) "hilly area" means Naraingarh Block, Manimajra Block, Raipur Rani Block, and Chhachharauli Block;]

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

(d) "inhabitant of a village" means a person, whether a proprietor or a non-proprietor, who ordinarily resides in the village:

Provided that temporary absence or absence in relation to employment elsewhere shall not affect his residence in the village;

<sup>7</sup>[(e) "panchayat" means a Gram Panchayat constituted under the Haryana Panchayati Raj Act, 1994; (11 of 1994)]

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

<sup>1</sup> Substituted for the word "Punjab" by the Haryana Adaptation of Laws.(State and concurrent subjects) order, 1968

<sup>2</sup> Clause (a) substituted by Haryana Act 47 of 1973.

<sup>3</sup> Substituted by Haryana Act 8 of 1978.

<sup>4</sup> Inserted by Haryana Act 2 of 1981.

<sup>5</sup> Inserted by Haryana Act 9 of 1999.

<sup>6</sup> Inserted by Punjab Act 19 of 1964 Section 2 and substituted by Punjab Act 13 of 1965 section 2 and further substituted by Haryana Adaptation of Laws (State and concurrent subjects) order, 1968.

<sup>7</sup> Substituted by Haryana Act 2 of 1981.

Short title,  
extend and  
commencement

Definitions.

(g) “shamilat deh” includes----

(1) lands described in the revenue records as <sup>1</sup>[ Shamilat Deh or Charand] excluding abadi deh;

(2) shamilat tikkas;

(3) lands described in the revenue records as shamilat, tarafs, patties, pannas and tholas and used according to revenue records for the benefit of the village community or a part thereof or for common purposes of the village;

<sup>2</sup>[(4) lands used or reserved for the benefit of village community including streets, lanes, playgrounds, schools, drinking wells or ponds situated within the sabha area as defined in clause (mmm) of section 3 of the Punjab Gram Panchayat Act, 1952, excluding lands reserved for the common purpose of a village under section 18 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (East Punjab Act 50 of 1948), the management and control whereof vests in the State Government under section 23-A of the aforesaid Act;

<sup>3</sup>[(4a)vacant land situate in abadi deh or gorah deh not owned by any person;]

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

<sup>4</sup>[ \* \* \* \* \* ]

but does not include land which----

(i) becomes or has become shamilat deh due to river action or has been reserved as shamilat in villages subject to river action except shamilat deh entered as pasture, pond or playground in the revenue records;

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

<sup>5</sup>[(ii-a) was shamilat deh, but has been allotted to any person by the Rehabilitation Department of the State Government, after the commencement of this Act, but on or before the 9<sup>th</sup> day of July,1985;]

(iii) has been partitioned and brought under cultivation by individual land holders before the 26<sup>th</sup> January, 1950;

(iv) having been acquired before the 26<sup>th</sup> January, 1950, by a person by or in exchange for proprietary land from a co-sharper in the shamilat deh is so recorded in the jamabandi or is supported by a valid deed;

(v) is described in the revenue records as shamilat, taraf, pattis, pannas and thola and used according to revenue records for the benefit of the village community or a part thereof for common purposes of the village;

<sup>1</sup> Substituted by Haryana Act 43 of 1971.

<sup>2</sup> Substituted by Haryana Act 9 of 1992.

<sup>3</sup> Inserted by Haryana Act 23 of 1973 and further omitted by Haryana Act 2 of 1981 and further inserted by Haryana Act 15 of 1983 w.e.f 12-2-1981.

<sup>4</sup> Omitted by Haryana Act 9 of 1992.

<sup>5</sup> Inserted by Haryana Act 13 of 1996.

<sup>1</sup>[(vi) lies outside the abadi deh and was being used as gitwar, bara, manure pit, house or for cottage industry, immediately before the commencement of this act;]

<sup>2</sup>[(vii) \* \* \* \* \* ]

(viii) was shamilat deh, was assessed to land revenue and has been in the individual cultivating possession of co-shares not being in excess of their respective shares in such shamilat deh on or before the 26<sup>th</sup> January, 1950; or

(ix) is used as a place of worship or for purposes subservient thereto;

<sup>3</sup>[(6) lands reserved for the common purposes of a village under section 18 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (East Punjab Act 50 of 1948), the management and control whereof vests in the Gram Panchayat under section 23-A of the aforesaid Act.

*Explanation*----Lands entered in the column of ownership of record of rights as Jumla Malkan 'Wa Digar Haqdarar Arazi Hassab Rashad', 'Jumla Malkar' or 'Mushtarka Malkan' shall be shamilat deh within the meaning of this section]

(h) "shamilat law" means----

(i) in relation to land situated in <sup>4</sup>[part of the territory] which immediately before the 1<sup>st</sup> November, 1956, was comprised in the State of Punjab, the Punjab Village Common Lands (Regulation) Act, 1953; or

(ii) in relation to land situated in [part of the territory] which immediately before the 1<sup>st</sup> November, 1956, was comprised in the State of Patiala and East Punjab States Union, the Pepsu Village Common Lands (Regulation) Act, 1954;

(i) "State Government" means the Government of the State of <sup>4</sup>[Haryana.]

3.(1) This Act shall apply, and before the commencement of this Act, the shamilat law shall be deemed always to have applied, to all lands which are shamilat deh as defined in clause (g) of section 2.

<sup>5</sup>[(2) Notwithstanding anything contained in sub-section (1) of section 4,----

(i) where any land has vested in a panchayat under the shamilat law, but such land, other than excluded under sub-clause (ii-a) of clause (g) of section 2, has been excluded from shamilat deh as defined in clause (g) of section 2, all rights, title and interest of the panchayat in such land shall, as from the commencement of this Act, cease and such rights, title and interest shall be re-vested in the person or persons in whom they vested immediately before the commencement of the shamilat law; and the panchayat shall deliver possession of such land to such person or persons:

Provided that where a panchayat is unable to deliver possession of any such land on account of its having been sold or utilised for any of its purposes, the rights, title and interest of the panchayat in such land shall not so cease but the panchayat shall, notwithstanding anything contained in section 10, pay to the person or persons entitled to such land, compensation to be determined in accordance with such principles and in such manner as may be prescribed;

<sup>1</sup> Substituted by Haryana Act 2 of 1981

<sup>2</sup> Omitted by Haryana Act 18 of 1995.

<sup>3</sup> Inserted by Haryana Act 9 of 1992.

<sup>4</sup> Substituted for the words "the territory" by the Haryana Adaptation of Laws (State and concurrent) order 1968

<sup>5</sup> Sub. By Haryana Act 13 of 1996.

(ii) where any land has vested in a panchayat under this Act, but such land has been excluded from shamilat deh under sub-clause(ii-a) of clause(g) of section 2, all rights, title and interest of the panchayat in such land, from the date of allotment of such land by the Rehabilitation Department of the State Government, shall cease and all such rights, title and interest shall vest in the person or persons to whom the land so excluded has been allotted by the Rehabilitation Department of the State Government on or before the 9<sup>th</sup> day of July, 1985, subject to the condition that—

- (a) any sum of money realized by the Rehabilitation Department of the State Government as a result of allotment of such land; or
- (b) where no money was realizable by the Rehabilitation Department of the State Government as a result of allotment of such land, the amount of compensation in respect of such land as determined under sub-section (3) by the Collector of the district in which such a land is situated,

[shall be paid by the Rehabilitation Department of the State Government to the Development and Panchayats Department for onward disbursement to the panchayat to which such shamilat deh belonged.

(3) As soon as may be, on the commencement of the Punjab Village Common Lands (Regulation) Haryana Amendment Act, 1996, the Development and Panchayats Department shall make a reference to the Collector of the district to determine the amount of compensation under sub-clause (b) of clause (ii) of sub-section (2) and the Collector of the district shall, keeping in view the market value of the shamilat deh at the time it was allotted, determine the amount of compensation.]

Vesting of rights in panchayats and non-proprietors.

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

- (a) which is included in the shamilat deh of any village and which has not vested in a panchayat under the shamilat law shall, at the commencement of this Act, vest in panchayat constituted for such village, vests in the panchayat on such date as a panchayat having jurisdiction over that village is constituted;
- (b) which is situated within or outside the abadi deh of a village and which is under the house owned by a non-proprietor, shall on the commencement of the shamilat law, be deemed to have been vested in such non-proprietor.

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

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

- (i) existing rights, title or interest of persons who though not entered as occupancy tenants in the revenue records are accorded a similar status by custom or otherwise, such as Dholdars, Bhondedars, Butimars, Basikhuopahus, Saunjidars, Muqararidars;
- <sup>1</sup>[(ii) rights of persons who were in cultivating possession of shamilat deh on the date of the commencement of the Punjab Village Common Lands (Regulation) Act, 1953, or the Pepsu Village Common Lands (Regulation) Act, 1954, and were in such cultivating possession for more than twelve years on such commencement without payment of rent or by payment of charges not exceeding the land revenue and cesses payable thereon ;]

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<sup>1</sup> Substituted by Haryana Act 23 of 1973

- (iii) rights of a mortgagee to whom such land is mortgaged with possession before the 26<sup>th</sup> January, 1950.

5. (1) All lands vested or deemed to have been vested in a panchayat under this Act, shall be utilized or disposed of by the panchayat, for the benefit of the inhabitants of the village concerned in the manner prescribed :

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

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

Provided further that where the area of land in shamilat deh of any village so vested or deemed to have been vested in a panchayat is in excess of twenty-five percent of the total area of that village (excluding abadi deh) then twenty-five percent of such total area shall be left to the panchayat and out of the remaining area of shamilat deh an area up to the extend of twenty-five percent of such total area shall be utilized for the settlement of landless tenants and other tanants ejected or to be ejected of that village and the remaining area of shamilat deh, if any, shall be utilized for distribution to the small landowners of that village subject to the provisions relating to <sup>1</sup>[permissible area under the Haryana Ceiling on Land Holdings Act, 1972, by the Assistant Collector of the first grade] in consultation with the panchayat <sup>2</sup>[in such manner and on payment of such amount as may be prescribed.]

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

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

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

<sup>4</sup>[(5) Notwithstanding anything contained in this section, if in the opinion of the State Government, it is necessary to take over, to secure proper management for better utilization for the benefit of the inhabitants of the village concerned any shamilat deh the Government may by notification take over the management of such shamilat deh, for a period not exceeding twenty years.

<sup>5</sup>[\* \* \* \* \*]

(6) The income from the shamilat deh, the management of which is taken over under sub-section (5), after meeting all charges relating or incidental to the management and utilisation, shall be credited to the Gram Fund and utilised for the benefit of the inhabitants of the village concerned.]

<sup>6</sup>[5A.(1)A panchayats may, on such terms and conditions as may be prescribed, gift, sale, exchange or lease the land in shamilat deh vested in it under this Act to the members

<sup>1</sup> Substituted by Haryana Act 47 of 1973

<sup>2</sup> Substituted by Haryana Act 23 of 1973.

<sup>3</sup> Added by Punjab Act 19 of 1964, Section 3.

<sup>4</sup> Added by Haryana Act 18 of 1971, Section 2.

<sup>5</sup> Provision deleted by Haryana Act 23 of 1973.

<sup>6</sup> Inserted by Haryana Act 25 of 1976 and further inserted by Haryana Act 13 of 2003 and further substituted by Haryana Act 8 of 2007.

Regulation of use and occupation etc. of certain lands vested or deemed to have been vested in panchayats

Disposal of lands vested or deemed to have been vested in panchayat



of Schedules Castes and Backward Classes of the village in which such land is situated and to the persons of any other category.

(2) The gift, sale, exchange or lease the land in shamilat deh already made shall be deemed to have been made under sub section (1).

5B.(1) Any transfer of land, gifted sold, exchanged or leased before or after the commencement of this Act, made in contravention of the prescribed terms and conditions, shall be void and the gifted, sold, exchanged or leased land so transferred shall revert to, and revert in, the panchayat free from all encumbrances.]

(2) The Government or any officer authorized by it may, either *suo motu* or on application made to him by a panchayat or an inhabitant of the village or the Block Development and Panchayat Officer, examine the record for the purpose of satisfying himself as to the legality or propriety of any sale, lease, gift, exchange, contract or agreement executed before or after commencement of this Act, if such sale, lease, gift, exchange, contract or agreement is found detrimental to the interest of the villagers and is no longer required in the interest of the panchayat, the Government may, after making such enquiry as it may deem fit, cancel the same and no separate proceedings under any law shall be required to cancel the sale, lease, gift or exchange. The panchayat shall be competent to take over the possession of such premises including the constructions thereon. If any, for which no compensation shall be payable.]

6.(1) If any person is aggrieved by an act or decision of panchayat under section 5, he may, within thirty days from the date of such act or decision, appeal to <sup>1</sup>[the Assistant Collector of the first grade] who may confirm, reverse or modify the act or decision, or make such other order as he thinks to be just and proper.

(2) The appellate order of <sup>1</sup>[the Assistant Collector of the first grade] shall be final.

<sup>2</sup>[7. (1) An Assistant Collector of the first grade having jurisdiction in the village may, either *suo motu* or on an application made to him by panchayat or an inhabitant of the village or the Block Development and Panchayat Officer or Social Education and Panchayat Officer, or any other Officer authorised by the Block Development and Panchayat Officer, after making such summary enquiry as he may deem fit and in accordance with such procedure as may be prescribed, eject any person who is in wrongful or unauthorised possession of the land or other immovable property in the shamilat deh of that village which vests or is deemed to have been vested in the panchayat under this Act and Put the panchayat in possession thereof and for so doing the Assistant Collector of the first grade may exercise the powers of a revenue court in relation to the execution of a decree for possession of land under the Punjab Tenancy Act, 1887 :

Provided that if in any such proceedings the question of title is raised and proved *prima facie* on the basis of documents that the question of title is really involved, the Assistant Collector of the first grade shall record a finding to that effect and first decide the question of title in the manner laid down hereinafter.

(2) The Assistant Collector of the first grade shall by an order, in writing, require any person to pay a penalty, in respect of the land or other immovable property which was or has been in his wrongful or unauthorised possession, at a rate not less than five thousand rupees and not more than ten thousand rupees per hectare per annum, having regard to the benefit which could be derived from the land or other immovable property. If the penalty is not paid within the period of thirty days from the date of the order, the same shall be recoverable as arrears of land revenue.

(3) The procedure for deciding the question of title under provision to sub-section (1), shall be the same as laid down in the Code of Civil Procedure, 1908.

(4) If any person refuses or fails to comply with the order of eviction passed under sub-section (1), within ten days of such order, the Assistant Collector of the first grade may

<sup>1</sup> Substituted by Haryana Act 47 of 1973.

<sup>2</sup> Substituted by Haryana Act 34 of 1974 and further Sub. by Haryana Act 9 of 1992.

Certain transfers not to affect panchayat's rights

Appeal.

Powers to put panchayats in possession of certain lands.

use such force, including police force, as may be necessary for putting the panchayat in possession.

(5) Any person who is found in wrongful possession of the land or other immovable property in shamilat deh and is ordered to be ejected under sub-section (1), shall be punishable with imprisonment for a term which may be extended to two years.

Cognizance of offence.

7A. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no court other than that of the Judicial Magistrate of the first class shall take cognizance of, or try, any offence punishable under this Act.

Procedure for prosecution

7B. No court shall take cognizance of any offence under this Act except on the complaint of, or upon information received by the Block Development and Panchayat Officer or District Development and Panchayat Officer or District Development and Panchayat Officer or any other authorised by the State Government in this behalf. Such proceedings shall be initiated only after the rejection order against such person has become final under section 7]

Saving of existing possession

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

(2) Any person aggrieved by any determination made by a panchayat under sub-section (1) may, within thirty days thereof, appeal to <sup>1</sup> [the Assistant Collector of the first grade] whose decision thereon shall be final.

Utilisation of income

9. Any income accruing from the uses and occupation of the lands vested or deemed to have been vested in a panchayat shall be credited to the panchayat fund and shall be utilised in the manner prescribed.

Bar of compensation

10. No person shall be entitled to any compensation for any loss suffered or alleged to have been suffered as a result of the coming into force of this Act or of the shamilat law.

Power of <sup>1</sup>[Assistant Collector of the first grade] to cancel or vary <sup>3</sup>[sales, lease, gift or exchange] etc. of lands vested in panchayats

<sup>2</sup>[10A. (1) Notwithstanding anything contained in this Act or the shamilat law or any other law for the time being in force <sup>1</sup>[the Assistant Collector of the first grade] may call for from any panchayat in the area of his jurisdiction] the record of any <sup>3</sup>[sale, lease, gift, exchange], contract or agreement entered into by the panchayat in respect of any land vested or deemed to be vested in it, whether such <sup>3</sup>[sale, lease, gift, exchange], contract or agreement is entered into before or after the commencement of the Punjab Village Common Lands (Regulation) Amendment Act, 1964, and examine such record for the purpose of satisfying himself as to the legality or propriety of such <sup>3</sup>[ sale, lease, gift, exchange], contract or agreement.

(2) Where, on examination of the record under sub-section (1) and after making such inquiry, if any, as he may deem fit <sup>1</sup>[the Assistant Collector of the first grade] is satisfied that such <sup>3</sup>[sale, lease, gift or exchange], contract or agreement.-

- (i) has been entered into in contravention of any of the provisions of this Act or the rules made thereunder; or
- (ii) has been entered into as a result of fraud concealment of facts; or
- (iii) is detrimental to interests of the panchayat as prescribed; <sup>1</sup>[the Assistant Collector of the first grade] may, notwithstanding anything as aforesaid, cancel the <sup>3</sup>[sale, lease, gift or exchange], contract or agreement or vary the terms thereof unconditionally or subject to such conditions as he may think fit :

<sup>1</sup>.1973 Inserted by Punjab Act 19 of 1964, section 4.

<sup>2</sup> Substituted by Haryana Act 47 of 1973.

<sup>3</sup> Substituted for the words "Leases" by Haryana Act 34 of 1974 and further substituted for the words 'sale, lease' by Haryana Act 8 of 2007.

Provided that no order under this sub-section shall be passed by <sup>1</sup>[the Assistant Collector of the first grade] without affording an opportunity of being heard to the parties to the [sale, lease, gift or exchange], contract or agreement.

(3) Where the terms of any <sup>2</sup>[sale, lease, gift or exchange], contract or agreement have been varied by <sup>1</sup>[the Assistant Collector of the first grade] under sub-section (2), the variation shall, notwithstanding anything contained in this Act or the shamilat law or in any law for the time being in force, be binding on the parties to the <sup>2</sup>[sale, lease, gift or exchange], contract or agreement, as the case may be.

(4) Where the <sup>3</sup>[vendee, lessee, donee] or the person with whom a contract or agreement has been entered into by a Panchayat refuses to accept the variation made by [the Assistant Collector of the first grade] under this section in the terms of <sup>4</sup>[xxx] <sup>2</sup>[sales, lease, gift or exchange], contract or agreement, such <sup>2</sup>[sale, lease, gift or exchange], contract or agreement, as the case may be, shall be deemed to be cancelled by <sup>1</sup>[the Assistant Collector of the first grade] under this section with effect from the date of such refusal.

(5) Where under this section any <sup>2</sup>[sale, lease, gift or exchange], contract or agreement is cancelled or deemed to be cancelled or its terms are varied, the <sup>3</sup>[vendee, lessee, donee] or the person with whom the contract or agreement has been entered into be assessed by <sup>1</sup>[the Assistant Collector of the first grade] for any loss or damage caused to the <sup>3</sup>[vendee, lessee, donee] or such person which naturally arose in the usual course of things from such cancellation or variation :

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

(6) Notwithstanding anything contained in any law for the time being in force, the amount of compensation awarded by <sup>1</sup>[the Assistant Collector of the first grade] under this section shall be payable by the panchayat in the prescribed manner and shall be a valid charge on the sabha fund.

(7) Any party to a <sup>2</sup>[sale, lease, gift or exchange], contract or agreement aggrieved by any order of <sup>1</sup>[the Assistant Collector of the first grade] made under this section may, within a period of thirty days from the date of such order, appeal to <sup>1</sup>[the Collector] whose decision thereon shall be final.]

11. Notwithstanding anything contained in the Punjab Pre-emption Act, 1913, no sale of land in shamilat deh made by a panchayat shall be pre-emptible and no decree of pre-emption in respect of any such sale shall be executed after the commencement of this Act.

12. Arrears of rent payable to a panchayat in respect of any land in shamilat deh vested or deemed to have been vested in it under this Act or the shamilat law <sup>5</sup>[or any amount assessed under sub-section (2) of section 7] shall be executed after the commencement of this Act.

<sup>6</sup>[13. No civil court shall have jurisdiction----

(a) to entertain or adjudicate upon any question whether----

(i) any land or other immovable property is or not shamilat deh;

<sup>1</sup> Substituted by Haryana Act 47 of 1973

<sup>2</sup> Substituted for the words "Leases" by Haryana Act 34 of 1974 and further substituted for the words 'sale, lease' by Haryana Act 8 of 2007

<sup>3</sup> Substituted for the words "lessee" by Haryana Act 34 of 1974 and further substituted for the words 'lessee, vendee' by Haryana Act 8 of 2007.

<sup>4</sup> Omitted by Haryana Act 34 of 1974

<sup>5</sup> Inserted by Haryana Act 23 of 1973

<sup>6</sup> Substituted by Haryana Act 34 of 1974 and further substituted by Haryana Act 2 of 1981 and shall be deemed to have been substituted w.e.f. the 4<sup>th</sup> day of May, 1961

Sales of land shamilat deh not to be pre-emptible.

Rent of shamilat lands to be recoverable as arrears of land revenue.

Bar of Jurisdiction

(ii) any land or other immovable property or any right, title or interest in such land or other immovable property vests or does not vest in a panchayat under this Act;

(b) in respect of any matter which any revenue court, officer or authority is empowered by or under this Act to determine; or

(c) to question the legality of any action taken or matter decided by any revenue court, officer or authority empowered to do so under this Act.]

Adjudication

<sup>1</sup>[13A.(1) Any person or in the case of a panchayat either the panchayat or its Gram Sachiv, the concerned Block Development and Panchayat Officer, Social Education and Panchayat Officer or any other officer duly authorised by the State Government in this behalf, claiming right, title or interest in any land or other immovable property vested or deemed to have been vested in the panchayat under this Act, may file a suit for adjudication, whether such land or other immovable property is shamilat deh or not and whether any land or other immovable property or any right, title or interest therein vests or does not vest in a panchayat under this Act, in the court of the Collector, having jurisdiction in the area wherein such land or other immovable property is situated:

Provided that no suit shall lie under this section in respect of the land or other immovable property, which is or has been the subject matter of the proceedings under adjudication.

(2) The procedure for deciding the suits under sub-section (1) shall be the same as laid down in the Code of Civil Procedure, 1908 (Act 5 of 1908).

Appeal and Revision.

13AA. (1) Any person, aggrieved by an order passed under sub-section (1) of section 13A, may within a period of thirty days from the date of such order, prefer an appeal to the Commissioner in such form and manner, as may be prescribed, and the Commissioner may after hearing the appeal, confirm, vary or reverse the order as he deems fit.

(2) The Financial Commissioner may, *suo motu* or on an application made to him by any person aggrieved by an order passed under sub-section (1), call for the record of any proceedings pending before, or order passed by the Commissioner for the purpose of satisfying himself as to the legality or propriety of the proceedings or order and pass such order in relation thereto as he may deem fit :

Provided that no order adversely affecting any person shall be passed unless he has been afforded an opportunity of being heard.]

Appeal and Revision

<sup>2</sup>[13B.(1) Any person aggrieved by an order of the Assistant Collector of the first grade may, within a period of thirty days from the date of order passed under sub-section (1) or sub-section (2) of section 7 prefer an appeal to the Collector in such form and manner, as may be prescribed, and the Collector may after hearing the appeal, confirm, vary or reverse the order as he deems fit :

Provided that no such appeal shall lie unless the amount of penalty, if any, imposed under sub-section (2) of section 7, is deposited with the Collector.]

(2) The Commissioner may, *suo motu* <sup>3</sup>[or on application made to him by any person aggrieved by an order passed under the proviso to sub-section (1) of section 7 at any time] call for the record of any proceedings pending before, or order passed by, any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of the proceedings or order and pass such order in relation thereto as he may deem fit :

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<sup>1</sup> Inserted by Haryana Act 34 of 1974 and further omitted by Haryana Act 2 of 1981 and shall be deemed to have been omitted w.e.f. the 12<sup>th</sup> day of November, 1974 and the new sections inserted by Haryana Act 2 of 1981 and shall be deemed to have been inserted w.e.f the 4<sup>th</sup> day of May, 1961 and further omitted by Haryana Act 9 of 1992 and further inserted by Haryana Act 9 of 1999.

<sup>2</sup> Substituted by Haryana Act 9 of 1992

<sup>3</sup> Substituted by Haryana Act 9 of 1992.

Provided that no order adversely affecting any person shall be passed unless he has been afforded an opportunity of being heard.

Finality of orders.

13C. Save as otherwise expressly provided in this Act, every order made by the Assistant Collector of the first grade, the Collector or the Commissioner shall be final and shall not be called in question in any manner in any court.

Provisions of this Act to be over-riding.

13D. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any law, agreement, instrument, custom, usage, decree or order of any court or other authority.]

Public Servant.

<sup>1</sup>[13-E. Every officer or employee acting under the provisions of this Act or the rules made thereunder shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code. ]

Indemnity.

14. No suit, prosecution or other legal proceedings shall lie against the State Government or any person or authority for anything done or intended to be done in good faith in pursuance of the provisions of this Act.

Saving

<sup>2</sup>[14A. Nothing contained in this Act or the shamilat law shall—

- (a) affect or shall be deemed ever to have affected any right of the State Government in the land vested or deemed to be vested in a panchayat under this Act; or
- (b) entitle or shall be deemed ever to have entitled a panchayat or any other authority under this Act or the shamilat law to exercise any right or to do any act in respect of any land in the hilly area vested or deemed to be vested in the panchayat whether such land has or has not been declared as a protected forest under section 29 of the Indian Forest Act, 1927, in contravention of the provisions of that Act or the rules made there under.]

Power to make rules.

15. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the principles on which and the extent to and the manner in which the inhabitants of the village shall make use of the lands vested or deemed to have been vested in a panchayat;
- (b) <sup>3</sup>[the maximum and minimum area to be sold, gifted, exchanged or leased to any single person;]
- (c) the prescribing of forms for such books, entries, statistics and accounts as may be considered necessary to be kept, made or compiled in any office or submitted to any authority;
- (d) determining the principles on which and the manner in which compensation may be paid under sub-section (2) of section 3;
- (e) the terms and condition on which the use and occupation of any such land is permitted;
- (f) the manner and circumstances in which any such land may be disposed of transferred or sold;
- <sup>4</sup>[(ff) the terms and condition on which the land in shamilat deh may be gifted, sold, exchanged or leased, and
- (g) the purposes for which any such land may be gives free of charge;
- (h) the regulation of procedure where panchayat <sup>5</sup>[sues or is sued] in its representative capacity;

<sup>1</sup> Inserted by Haryana Act 9 of 1992.

<sup>2</sup> Inserted by Punjab Act 19 of 1964, section 5.

<sup>3</sup> Substituted by Haryana Act 8 of 2007.

<sup>4</sup> Inserted by Haryana Act 25 of 1976 and further substituted by Haryana Act 8 of 2007.

<sup>5</sup> Substituted by Haryana Act 2 of 1981 and shall always be deemed to have been substituted.

- (i) the manner and the order of priority in which the excess area shall be utilised by <sup>1</sup>[the Assistant Collector of the first grade] under sub-section (1) of section 5;
- (j) the officer by whom and the manner in which the area of shamilat deh referred to in sub-section 5 shall be demarcated; and
- <sup>2</sup>[(k) the form and manner of filing an appeal under section 13AA and 13B;
- (l) any other matter which can be or may be prescribed.]

Repeal and saving.

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

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

<sup>3</sup>[Important Note.

(1) On the commencement of this Act, the appeals pending before the Collector shall be disposed of by him while the other proceedings shall stand transferred to the Assistant Collector of the first grade.

(2) An appeal shall lie to the Commissioner from any order passed by the Collector before the commencement of this Act shall be disposed of by him]

Validation

<sup>4</sup>[17. Notwithstanding any judgment, decree or order of any civil court, all actions taken, rules made and orders or decree or passed by Revenue Court, Officer or authority under the principal Act as amended by the Punjab Village Common Lands (Regulation) Haryana Amendment Act, 1980, shall be deemed to have been validly taken, made or passed, as the case may be, as if the principal Act, as amended by the Punjab Village Common Lands (Regulation) Haryana Amendment Act, 1980, had been in force at all material times when such action was taken, rules were made and judgements, orders or decrees were passed by the Revenue Court, officer or authority.]

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<sup>1</sup> Substituted by Haryana Act 27 of 1973

<sup>2</sup> Substituted by Haryana Act 2, of 1981 and further substituted Haryana Act 8 of 2007.

<sup>3</sup> See Haryana Act 47 of 1973

<sup>4</sup> See Haryana Act 2 of 1981.