



The Punjab Village Common Lands (Regulation) Act, 1961

Act 18 of 1961

Keyword(s):

Collector, Displaced Person, Hilly Area, Panchayat, Shamiat Deh

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THE PUNJAB VILLAGE COMMON LANDS (REGULATION)
ACT, 1961

(PUNJAB ACT NO. 18 OF 1961)

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'THE PUNJAB VILLAGE COMMON LANDS
(REGULATION) ACT, 1961.

(PUNJAB ACT NO. 18 OF 1961.)

{Received the assent of the President of India on the 22nd April, 1961, and first published for general information in the Punjab Government gazette (Extraordinary), Legislative Supplement, of the 4th May, 1961.}

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1961	18	The Punjab Village Common Lands (Regulation) Act, 1961	Amended by Punjab Act 19 of 1964 ² Amended by Punjab Act 13 of 1965 ³ Amended by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968 ⁴ Amended by Haryana Act 18 of 1971 ⁵ Amended by Haryana Act 43 of 1971 ⁶ Amended by Haryana Act 23 of 1973 ⁷ Amended by Haryana Act 47 of 1973 ⁸ Amended by Haryana Act 34 of 1974 ⁹ Amended by Haryana Act 25 of 1976 ¹⁰

1. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 1503.
2. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, page 285.
3. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1965, page 362.
4. See *Haryana Government Gazette* (Extraordinary), Leg. Supplement Part-III, 1968, page 561.
5. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1971, page 206.
6. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1971, page 1380.
7. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1973, page 816.
8. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1973, page 2037.
9. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1974, page 1200.
10. For Statement of Objects and Reasons, see *Haryana Government Gazette* (Extraordinary), 1976, page 1166.

1 Year	2 No.	3 Short title	4 Whether repealed or otherwise affected by legislation
1961	18	The Punjab Village Common Lands (Regulation) Act. 1961	<p>Amended by Haryana Act 8 of 1978¹</p> <p>Amended by Haryana Act 2 of 1981²</p> <p>Amended by Haryana Act 15 of 1983³</p> <p>Amended by Haryana Act 9 of 1986⁴</p> <p>Amended by Haryana Act 9 of 1992⁵</p> <p>Amended by Haryana Act 18 of 1995⁶</p> <p>Amended by Haryana Act 13 of 1996⁷</p> <p>Amended by Haryana Act 9 of 1999⁸</p> <p>Amended by Haryana Act 13 of 2003⁹</p>

1. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1978, page 282.*
2. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1980, page 2244.*
3. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1983, page 1150.*
4. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1986, page 286.*
5. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1991, page 534.*
6. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1995, page 1594.*
7. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1996, page 519.*
8. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), 1999, page 45.*
9. For Statement of Objects and Reasons, *see Haryana Government Gazette (Extraordinary), dated the 3-3-2003 page 643.*

AN
ACT

to consolidate and 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.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of [Haryana].

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

²[(a) "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 ;]

³[(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 ;]

⁴[(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 ;

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

⁵[(bb) "hilly area" means Naraingarh Block, Manimajra Block, Raipur Rani Block, and Chhachharauli Block ;]

1. Substituted for the word "Punjab" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
2. Clause (a) substituted by Haryana Act 47 of 1973.
3. Substituted by Haryana Act 8 of 1978.
4. Inserted by Haryana Act 2 of 1981.
5. 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.
6. Inserted by Haryana Act 9 of 1999.

- (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;

- [(e) "panchayat" means a Gram Panchayat constituted under the Punjab Gram Panchayat Act, 1952 ;]
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "shamilat deh" includes—
 - (1) lands described in the revenue records as ²[Shamilat Deh or Charand] excluding abadi deh ;
 - (2) shamilat tikkas ;
 - (3) lands described in the revenue records as shamilat, tarafs, pattijs, 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 ;
- ³[(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 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 State Government under section 23-A of the aforesaid Act ;]

1. Substituted by Haryana Act 2 of 1981.

2. Substituted by Haryana Act 43 of 1971.

3. Substituted by Haryana Act 9 of 1991.

¹[(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;

²[* * * * * * * * * *]

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 ;

³[(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 9th day of July, 1985 ;]

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

(iv) having been acquired before the 26th January, 1950, by a person by purchase or in exchange for proprietary land from a co-sharer in the shamilat deh 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 not used according to revenue records for the benefit of the village community or a part thereof or for common purposes of the village;

⁴[(vi) lies outside the a abadi deh and was being used as gitwar, bara, manure pit, house or for cottage industry, immediately before the commencement of this Act ;]

1. 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.

2. Omitted by Haryana Act 9 of 1992.

3. Inserted by Haryana Act 13 of 1996.

4. Substituted by Haryana Act 2 of 1981.

¹[(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 26th January, 1950 ; or

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

(h) "shamilat law" means—

(i) in relation to land situated in ²[part of the territory] which immediately before the 1st 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 ²[part of the territory] which immediately before the 1st 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 ²[Haryana] ;

³[(6) lands reserved for the common purposes of a village under section 18 of 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 Hawdaran Arazi Hassab Rasad', 'Jumla Malkan' or 'Mushtarka Malkan' shall be shamilat deh within the meaning of this section.]

1. Omitted by Haryana Act 18 of 1995.

2. Substituted for the words "the territory" by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.

3. Inserted by Haryana Act 9 of 1992.

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.

Lands to which this Act applies.

[(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 that 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 revested 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 ;

- (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 9th day of July, 1985, subject to the condition that-

- (a) any sum of money realised by the Rehabilitation Department of the State Government as result of allotment of such land ; or
- (b) where no money was realisable 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 reference to the Collector of the district to determine the amount of compensation under sub-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, and where no such panchayat has been 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 Dholidars, Bhondedars, Butimars, Basikhuopahus, Saunjidars, Muqararidars;

[(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 ;]

(iii) rights of a mortgagee to whom such land is mortgaged with possession before the 26th 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 : Regulation of use and occupation etc. of lands vested or deemed to have been vested in panchayats.

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 abadideh) then twenty-five per cent of such total area shall be left to the panchayat and out of the remaining area of shamilat deh an area up to the extent of twenty-five percent of such total area shall be utilized for the settlement of landless tenants and other tenants 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 ¹[permissible area under the Haryana Ceiling on Land Holdings Act, 1972, by the Assistant Collector of the first grade] in consultation with the panchayat ²[in such manner and on payment of such amount as may be prescribed.]

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

(3) The State Government or any 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.

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

⁴[(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

1. Substituted by Haryana Act 47 of 1973.

2. Substituted by Haryana Act 23 of 1973.

3. Added by Punjab Act 19 of 1964, section 3.

4. Added by Haryana Act 18 of 1971, section 2.

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.

[* * * * *]

(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.]

²[5A. (1) A panchayat may gift the land in shamilat deh vested in it under this Act to the members of Scheduled Castes and Backward Classes of the village in which such land is situate on such terms and conditions as may be prescribed.

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

³[(JA) A panchayat may, with the previous approval of the State Government, gift the land in shamilat deh vested in it under this Act, for the purposes of hospital, dispensaries or educational or charitable institution or for such other purposes as may be approved by the State Government to be for the benefit of the inhabitants of the village concerned.]

(2) The gift of land in shamilat deh already made shall be deemed to have been made under sub-section (1)⁴ [or sub-section (IA), as the case may be.]

5B. Any transfer of land, gifted in pursuance of the provisions of section 5A, made in contravention of the prescribed terms and conditions, shall be void and the gifted land so transferred shall revert to, and revest in, the panchayat free from all encumbrances.]

Certain
transfers not to
affect
panchayat's
rights.

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 ¹[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.

Appeal.

1. Proviso deleted by Haryana Act 23 of 1973.

2. Inserted by Haryana Act 25 of 1976 and shall always be deemed to have been inserted.

3. Inserted by Haryana Act 13 of 2003.

4. Added by ibid.

(2) The appellate order of¹[the Assistant Collector of the first grade] shall be final.

Powers to put panchayats in possession of certain lands.

²[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 a 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 proviso 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 the date of

1. Substituted by Haryana Act 47 of 1973.

2. Substituted by Haryana Act 34 of 1974, and further substituted by Haryana Act 9 of 1992.

such order, the Assistant Collector of the first grade may use such force, including police force, as may be necessary for putting the panchayat in possession.

(5) Any person who is found in wrongful or unauthorised 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 extend to two years.

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. Cognizance of offence.

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 any other officer authorised by the State Government in this behalf. Such proceedings shall be initiated only after the ejectment order against such person has become final under section 7.] Procedure for prosecution.

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. Saving of existing possession.

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

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

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. Bar of compensation.

1. Substituted by Haryana Act 47 of 1973.

Power of
[Assistant
Collector of
the first grade]
to cancel or
vary ³[sales or
leases] etc. of
lands vested in
panchayats.

¹[10A. (1) Notwithstanding anything contained in this Act or the shamilat law or any other law for the time being in force, ²[the Assistant Collector of the first grade may call for from any panchayat in the area of his jurisdiction] the record of any ³[sale, lease], contract or agreement entered into by the panchayat in respect of any land vested or deemed to be vested in it, whether such ³[sale, lease], 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 ³[sale, lease], contract or agreement.

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

- (i) has been entered into in contravention of any of the provisions of this Act or the rules made thereunder; or
- (ii) has been entered into as a result of fraud or concealment of facts; or
- (iii) is detrimental to the interests of the panchayat as prescribed; ²[the Assistant Collector of the first grade] may, notwithstanding anything as aforesaid, cancel the ³[sale, lease], contract or agreement or vary the terms thereof unconditionally or subject to such conditions as he may think fit :

Provided that no order under this sub-section shall be passed by ²[the Assistant Collector of the first grade] without affording an opportunity of being heard to the parties to the ³[sale, lease], contract or agreement.

(3) Where the terms of any ³[sale, lease], contract or agreement have been varied by ²[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 ³[sale, lease], contract or agreement, as the case may be.

- 1. Inserted by Punjab Act 19 of 1964, section 4.
- 2. Substituted by Haryana Act 47 of 1973.
- 3. Substituted for the words "Leases" by Haryana Act 34 of 1974.

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

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

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

(6) Notwithstanding anything contained in any law for the time being in force, the amount of compensation awarded by ²[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 ³[sale, lease], contract or agreement aggrieved by any order of ²[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 ²[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. Sales of land
shamilat deh
not to be
preemptible.

1. Omitted by Haryana Act 34 of 1974.

2. Substituted by Haryana Act 47 of 1973.

3. Substituted for the words "Leases" by Haryana Act 34 of 1974.

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

Bar of
Jurisdiction.

12. Any 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 ¹ [or any amount assessed under sub-section (2) of section 7] shall be recoverable as arrears of land revenue.

²[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;
 - (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.

³[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

- 1. Inserted by Haryana Act 23 of 1973.
- 2. 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 4th day of May, 1961.
- 3. 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 12th 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 4th day of May, 1961 and further omitted by Haryana Act 9 of 1992 and further inserted by Haryana Act 9 of 1999.

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 section 7 of this Act under which the question of title has been raised and decided or 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).

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. Appeal and Revision.

(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.]

[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: Appeal and Revision.

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.]

1. Substituted by Haryana Act 9 of 1992.

(2) The Commissioner may, *suo motu*² [or on an 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:

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
overriding.

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.

³[**13-E.** Every officer or employee acting under the provisions of this Act or the rules made thereunder shall be deemed to be a 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.

'**[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

1. Inserted by Punjab Act 19 of 1964, section 5.

2. Substituted by Haryana Act 9 of 1992.

3. Inserted by *ibid.*

of the Indian Forest Act, 1927, in contravention of the provisions of that Act or the rules made thereunder.]

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

(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) the maximum and minimum area to be 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 complied in any office or submitted to any authority;
- (d) determining the principles on which and the manner in which compensation may be paid under sub-section (2) of section 3.
- (e) the terms and conditions on which the use and occupation of any such land is permitted;
- (f) the manner and circumstances in which any such land may be disposed of transferred or sold;
- [(ff) the terms and conditions on which the land in shamilat deh may be gifted to the members of Scheduled Castes and Backward Classes;
- (g) the purposes for which any such land may be given free of charge;
- (h) the regulation of procedure where a panchayat ²[sues or is sued] in its representative capacity;
- (i) the manner and the order of priority in which the excess area shall be utilised by ³[the Assistant Collector of the first grade] under sub-section (1) of section 5;

1. Inserted by Haryana Act 25 of 1976.

2. Substituted by Haryana Act 2 of 1981 and shall always be deemed to have been substituted.

3. Substituted by Haryana Act 47 of 1973.

(j) the officer by whom and the manner in which the area of shamilat deh referred to in sub-section (2) of section 5 shall be demarcated ; and

¹[(k) the form and manner of filling an appeal under section 13B ;

(l) any other matter which can be or may be prescribed.

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.

²[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; but the appeals pending before the Commissioner on the commencement of this Act shall be disposed of by him.]

³[17. Notwithstanding any judgement, 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.]

1. Substituted by Haryana Act 2 of 1981.

2. See Haryana Act 47 of 1973.

3. See Haryana Act 2 of 1981.

HARYANA GOVERNMENT
LEGISLATIVE DEPARTMENT

Notification

The 4th April, 2007

No. Leg. 9/2007.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 29th March, 2007, and is hereby published for general information :—

HARYANA ACT NO. 8 OF 2007

THE PUNJAB VILLAGE COMMON LANDS (REGULATION)
HARYANA AMENDMENT ACT, 2007

AN

ACT

further to amend the Punjab Village Common Lands (Regulation) Act, 1961, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Fifty-eighth Year of the Republic of India as follows :—

1. This Act may be called the Punjab Village Common Lands (Regulation) Haryana Amendment Act, 2007.	Short title.
2. For clause (e) of section 2 of the Punjab Village Common Lands (Regulation) Act, 1961 (hereinafter called the principal Act), the following clause shall be substituted, namely:— (e) "Panchayat" means a Gram Panchayat constituted under the Haryana Panchayati Raj Act, 1994 (11 of 1994);'	Amendment of section 2 of Punjab Act 18 of 1961.
3. For sections 5A and 5B of the principal Act, the following sections shall be substituted, namely:— "5A. Disposal of lands vested or deemed to have been vested in Panchayat.—(1) A Panchayat 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 of Scheduled 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 of land in shamilat deh already made shall be deemed to have been made under sub-section (1). 5B. Certain transfers not to affect Panchayat's rights.—(1) Any transfer of land, gifted, sold, exchanged or leased before or after	Substitution of sections 5A and 5B of Punjab Act 18 of 1961.

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.”.

Amendment of
section 10A of
Punjab Act 18
of 1961.

4. In section 10A of the principal Act,—

- (i) in the marginal heading, for the words “sales or leases”, the words and signs “sale, lease, gift or exchange” shall be substituted;
- (ii) in sub-sections (1), (2), (3), (4), (5) and (7), after the words and signs “sale, lease,” wherever occurring, the words and signs “gift, exchange,” shall be inserted; and
- (iii) in sub-sections (4) and (5), after the words and sign “vendee, lessee” wherever occurring, the sign and word “donee” shall be inserted.

Amendment of
section 15 of
Punjab Act 18
of 1961.

5. In sub-section (2) of section 15 of the principal Act,—

- (i) for clause (b), the following clause shall be substituted, namely:—
“(b) the maximum and minimum area to be sold, gifted, exchanged or leased to any single person;”;
- (ii) for clause (ff), the following clause shall be substituted, namely:—
“(ff) the terms and conditions on which the land in shamilat deh may be gifted, sold, exchanged or leased;” and

(iii) for clause (k), the following clause shall be substituted,
namely:—

"(k) the form and manner of filing an appeal under
sections 13AA and 13B;".

M. S. SULLAR
Secretary to Government, Haryana,
Legislative Department.

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 4th April, 2012

No. Leg. 8/2012.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 29th March, 2012, and is hereby published for general information :—

HARYANA ACT NO. 6 OF 2012

THE PUNJAB VILLAGE COMMON LANDS (REGULATION) HARYANA AMENDMENT ACT, 2012

An

ACT

further to amend the Punjab Village Common Lands (Regulation) Act, 1961, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Sixty-third Year of the Republic of India as follows:—

Short title.

Amendment of section 2 of Punjab Act 18 of 1961.

1. This Act may be called the Punjab Village Common Lands (Regulation) Haryana Amendment Act, 2012.

2. For clause (a) of Section 2 of the Punjab Village Common Lands (Regulation) Act, 1961, the following clause shall be substituted, namely :—

(a) “Assistant Collector of the first grade” means an Assistant Collector of the first grade and includes any other officer empowered by the State Government to exercise the powers and perform the duties of Assistant Collector of first grade under this Act;’.

MANJIT SINGH,
Secretary to Government, Haryana,
Law and Legislative Department.

PART-I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 9th October, 2013

No. Leg. 26/2013.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 8th October, 2013, and is hereby published for general information :—

HARYANA ACT NO. 23 OF 2013

**THE PUNJAB VILLAGE COMMON LANDS (REGULATION) HARYANA
AMENDMENT ACT, 2013**

AN

ACT

further to amend the Punjab Village Common Lands (Regulation) Act, 1961, in its application to the State of Haryana.

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

1. This Act may be called the Punjab Village Common Lands (Regulation) Haryana Amendment Act, 2013. **Short title.**

2. For section 5A of the Punjab Village Common Lands (Regulation) Act, 1961, the following section shall be substituted, namely:— **Substitution of section 5A of Punjab Act 18 of 1961.**

“5A. (1) A panchayat may, gift, sell, exchange or lease the land in shamilat deh vested in it under this Act to such persons including members of Schedules Castes and Backward Classes on such terms and conditions, as may be prescribed :

Provided that the lease of land by way of allotment for cultivation purposes may be given for a period upto 99 years only to a person who does not own any land for agriculture on the date of the commencement of this Act and has been the original lessee either under the provisions of the East Punjab Utilisation of Lands Act, 1949

(Punjab Act 38 of 1949) or under the provisions of the Punjab Village Common Lands (Regulation) Act, 1953, for a period not less than seven years and has remained in continuous cultivating possession of the leased land upto the 24th September, 1986, with corresponding entries in the revenue record :

Provided further that the lessee shall make one time payment, as may be prescribed, for the period he remained in cultivating possession without making payment of lease money.

Explanation.— “Person” for the purpose of this sub-section shall include legal heirs of the original allottee.

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

RAJ RAHUL GARG,
Secretary to Government Haryana,
Law and Legislative Department.

हरियाणा सरकार

विधि तथा विधायी विभाग

आधिसूचना

दिनांक 5 जून, 2017

संख्या लैज. 10/2017.— दि पंजाब विल—इज कॉमन लैन्डज (रेग्यूलेशॉन) हरियाणा अमेन्डमेन्ट ऐक्ट, 2017, का निम्नलिखित हिन्दी अनुवाद हरियाणा के राज्यपाल की दिनांक 18 मई, 2017 की स्वीकृति के अधीन एतद्वारा प्रकाशित किया जाता है और यह हरियाणा राजभाषा अधिनियम, 1969 (1969 का 17), की धारा 4—क के खण्ड (क) के अधीन उक्त अधिनियम का हिन्दी भाषा में प्रामाणिक पाठ समझा जाएगा :—

2017 का हरियाणा अधिनियम संख्या 10

पंजाब ग्राम शामलात भूमि (विनियमन) हरियाणा संशोधन अधिनियम, 2017

पंजाब ग्राम शामलात भूमि (विनियमन)

अधिनियम, 1961, हरियाणा राज्यार्थ,

को आगे संशोधित

करने के लिए

अधिनियम

भारत गणराज्य के अड्सठवें वर्ष में हरियाणा राज्य विधानमण्डल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. यह अधिनियम पंजाब ग्राम शामलात भूमि (विनियमन) हरियाणा संशोधन अधिनियम, 2017, कहा संक्षिप्त नाम। जा सकता है।

2. पंजाब ग्राम शामलात भूमि (विनियमन) अधिनियम, 1961 की धारा 5क की उपधारा (2) के बाद, निम्नलिखित उपधारा जोड़ी जाएगी, अर्थात् :—

“(3) 4 अप्रैल, 2007 से पूर्व पंचायत द्वारा संकल्प पारित करते हुए तथा राज्य सरकार के पूर्व अनुमोदन के बिना राज्य सरकार के किसी विभाग, बोर्ड या किसी अभिकरण को उपहार में दी गई शामलात देह में भूमि, पंचायत द्वारा उक्त संकल्प का अनुमोदन प्राप्त करने के लिए राज्य सरकार को अग्रेषित करते हुए, विनियमित की जाएगी। राज्य सरकार ऐसे संकल्प का अनुमोदन प्रदान कर सकती है।”।

1961 के पंजाब अधिनियम 18 की धारा 5क का संशोधन।

कुलदीप जैन,
सचिव, हरियाणा सरकार,
विधि तथा विधायी विभाग।