

HARYANA VIDHAN SABHA

Bill No. 15 — HLA OF 2024

**THE HARYANA VILLAGE COMMON LANDS (REGULATION)
AMENDMENT BILL, 2024**

A

BILL

further to amend the Haryana Village Common Lands (Regulation) Act, 1961.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Haryana Village Common Lands (Regulation) Amendment Act, 2024. Short title and commencement.
- (2) It shall be deemed to have come into force with effect from the 16th August, 2024.
2. After sub-clause (ii-a) of clause (g) of section 2 of the Haryana Village Common Lands (Regulation) Act, 1961 (hereinafter called the principal Act), the following sub-clause shall be inserted, namely:- Amendment of section 2 of Punjab Act 18 of 1961.
 - “(ii-b) was shamilat deh and had been leased out, prior to the commencement of the Punjab Village Common Lands (Regulation) Rules, 1964 by the Collector under the Haryana Utilization of Lands Act, 1949 (East Punjab Act 38 of 1949) for a period of twenty years and the said land has been in continuous cultivating possession of the original lessee, transferee or his legal heir as per the revenue record on the date of commencement of this amendment Act;”.
3. In sub-section (2) of section 3 of the principal Act,- Amendment of section 3 of Punjab Act 18 of 1961.
 - (i) in clause (i), for the words, signs and brackets “under sub-clause (ii-a)”, the words, signs and brackets “under sub-clauses (ii-a) and (ii-b)” shall be substituted;
 - (ii) in clause (ii),-
 - (a) for the sign “.” existing at the end, the sign “;” shall be substituted; and
 - (b) the following clause shall be added, namely:-
 - “(iii) where any land has vested in Panchayat under this Act, but such land has been excluded from shamilat deh under sub-clause (ii-b) of clause (g) of section 2, all rights, title and interest of the Panchayat in such land, from the date of commencement of this amendment Act shall cease and all such rights, title and interest in such land shall vest in the

original lessee, transferee or his legal heir who is in cultivating possession as per the entries in the revenue records as on the date of commencement of this amendment Act subject to the payment of an amount to the Panchayat, as may be determined in accordance with such principles and in such manner, as may be prescribed by the Collector on an application by the said lessee, transferee or his legal heir.”.

Amendment of section 5A of Punjab Act 18 of 1961.

4. After sub-section (1) of section 5A of the principal Act, the following sub-section shall be inserted, namely:-

“(1A) Notwithstanding anything contained in sub-section (1), a Panchayat may, with the prior approval of the State Government, transfer its non-cultivable land in shamilat deh by sale to the inhabitant of the village who has constructed on or before the 31st March, 2004, a house or part thereof alongwith open space upto twenty-five percent of the constructed area, both put together not exceeding five hundred square yards and not causing any obstruction to traffic and other public utilities and also not a land reserved for pond or any other water body or revenue rasta entered as such in revenue record, at the rate not less than the market rate, to be determined in such manner, as may be prescribed.”.

Repeal and savings.

5. (1) The Haryana Village Common Lands (Regulation) Amendment Ordinance, 2024 (Haryana Ordinance No.5 of 2024), is hereby repealed.

(2) Notwithstanding such repeal, anything done or action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Whereas lands in shamilat deh were allotted on lease basis under the Haryana Utilization of Lands Act, 1949 for cultivation purpose. Even after expiry of lease period, these lessees remained in possession of the lands despite eviction orders were passed by various courts. The Hon'ble Supreme Court on 24.09.1986, in one of the matters, 'Bodhni Chaman Ex-servicemen Cooperative Tenants Farming Society Ltd. Etc. Versus State of Haryana and others' had observed that Government may acquire the lands and allot them to the petitioners on condition of their paying the price of the lands or allot another piece of land elsewhere to the petitioners considering their pitiable condition. However, the necessary rehabilitation measures could not be undertaken by the Government at that point of time. It has, therefore, been proposed by way of present amendment that such lands in shamilatdeh, which were allotted on lease basis for a period of 20 years under the Haryana Utilization of Lands Act, 1949 and the said land has been in continuous cultivating possession of the original lessee, transferee or his legal heir as per revenue record, is proposed to be excluded from the ambit of shamilat deh with immediate effect. It has also been proposed that the original lessee, transferee or his legal heir will have to pay an amount to the Gram Panchayat concerned, as may be determined by the Collector concerned on an application made by the occupant in such principle and manner as may be prescribed.

2. Though there is a provision in the Punjab Village Common Lands (Regulation) Rules, 1964 for regularization of an unauthorisedly constructed house on shamilat land upto 200 square yards but there are several instances where the persons have occupied and constructed their houses on more than 200 square yards land. If such unauthorised constructions are demolished to restore the land back to the Panchayats, it would not only cause hardship to such persons but may also lead to costly and time consuming litigation. Therefore, it has been proposed to transfer such land in shamilat deh by sale, to the inhabitants of the village, who have constructed their houses on or before 31st March, 2004, upto a maximum of 500 square yards including open space, at a rate not less than market rate.

Hence this Bill.

KRISHAN LAL PANWAR,
DEVELOPMENT AND PANCHAYATS MINISTER,
HARYANA.

Chandigarh:
The 5th November, 2024.

DR. SATISH KUMAR,
SECRETARY.

N.B.— The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 5th November, 2024, under proviso to rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

ANNEXURE
EXTRACT FROM THE HARYANA VILLAGE COMMON
LANDS (REGULATIONS) ACT, 1961

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(2) Notwithstanding anything contained in sub-section (1) of section 4,—

- (1) 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.