THE PUNJAB AGRICULTURAL PRODUCE MARKETS (HARYANA AMENDMENT) ACT, 2005

Arrangement of sections

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

## Arrangement of sections

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THE PUNJAB AGRICULTURAL PRODUCE MARKETS (HARYANA AMENDMENT) ACT, 2005

(Haryana Act No. 22 of 2006)

No. Leg. 24/2006. - The following Act of the Legislature of the State of Haryana received the assent of the President of India on the 25th May, 2006, and is hereby published for general information: -

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<td>2006</td>
<td>22</td>
<td>The Punjab Agricultural Produce Markets (Haryana Amendment) Act, 1961</td>
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1 For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 2005, page
to substitute the long title of the Punjab Agricultural Produce Markets
Act, 1961 and further to amend the said Act in its application to the
State of Haryana

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

1. This Act may be called the Punjab Agricultural Produce Markets
(Haryana Amendment) Act, 2005.

2. For the existing long title of the Punjab Agricultural Produce
Markets Act, 1961 (hereinafter called the principal Act), the following
long title shall be substituted, namely:
   “to provide for improved regulation in marketing of agricultural
produce, development of efficient marketing system, promotion of agri-
processing and agricultural export and the establishment and proper
administration of markets for agricultural produce in the State of
Haryana and to put in place an effective infrastructure for marketing of
agricultural produce and lay down procedures and systems thereto.”.

3. In section 2 of the principal Act,-

(I) for clause (a), the following clauses shall be substituted, namely:

   ‘(a) “agriculture produce” means all produce and commodities
whether processed or unprocessed of agriculture, horticulture/
apiculture, sericulture, animal husbandry, fleeces (raw wool)
and skin of animals, forest produce etc. as are specified in the
Schedule or declared by the State Government by notification
in the Official Gazette, from time to time and also includes a
mixture of more than two such products;

   (aa) “agriculturist” means a person who is a resident of notified
market are and who is engaged in production of agricultural
produce by himself or by hired labour or otherwise, but does
not include any market functionary. If a question arises
whether any person is an agriculturist or not for the purpose of
this Act, the decision of the Collector of the district in which
such person is engaged in the production or growth of
agricultural produce shall be final;’;

(II) after clause (c), the following clauses shall be inserted, namely:

   ‘(ca) “business” means purchase-sale, processing, value addition,
storage, transportation and connected activities of agricultural
produce;

   (cb) “buyer” means a person, a firm, a company or co-operative
society or government agency, public undertaking/public
agency or corporation, commission agent, who himself or on
behalf of any other person or agent buys or agrees to buy
agricultural produce in the market area s notified under this
(III) after clause (d), the following clauses shall be inserted, namely: -
(da) “contract farming” means farming by a contract farming producer under a written agreement with contract farming sponsor to the effect that this farm produce shall be purchased as specified in the agreement;
(db) “contract farming agreement” means an agreement made for contract farming between contract farming sponsor and contract farming producer;
(dc) “contract farming producer” means an agriculturist association of agriculturists, self-help group, authorised tenants of agriculturist, co-operative societies registered under the Haryana Co-operative Societies Act, 1984 (22 of 1984), and shall include the successors, heirs, executors and representatives of the party executing the agreement;
(dd) “contract farming sponsor” means a person, a sole proprietor, a company registered under the Companies Act, 1956 (1 of 1956), a partnership firm registered under the Indian Partnership Act, 1932 (9 of 1932), a Government agency, a co-operative society registered under the Haryana Co-operative Societies Act, 1984), and shall include its administrators, successors, representatives and assignees;-

(IV) after clause 9i0, the following clause shall be inserted, namely: -
(ia) “marketing” means all activities involved in the flow of agricultural produce from the production points commencing from the stage of harvest till these reach the ultimate consumers viz. grading, processing, storage, transport, channels of distribution and all other functions connected therewith including the marketing under contract farming;-

4. After section 8 of the principal Act, the following section shall be inserted, namely. –

“8A. Procedure and form of contract farming agreement. –

(1) The contract farming agreement shall be governed as under: -

(i) contract farming sponsor shall register himself with the Committee or with a prescribed officer in such manner as may be prescribed;

(ii) contract farming sponsor shall get the contract farming agreement executed with the contract farming producer and get the same registered with the officer prescribed in this behalf. The contract farming agreement shall be in such form containing such particulars and terms and conditions as may be prescribed for marketing of contract farming produce.

(2) Notwithstanding anything contained in contract farming agreement, no title, rights, ownership or possession of the land shall be transferred or alienated or vested in the contract farming sponsor or his
successor or his agent as a consequence arising out of the contract farming agreement.

(3) The contract-farming sponsor shall be the buyer of the agricultural produce covered under the contract farming agreement. The business premises of the sponsor shall be deemed to be the market yard for the purpose of sale and purchase of agricultural produce covered under contract farming agreement of that sponsor.

(4) Disputes arising out of the contract farming agreement may be referred to any authority prescribed in this behalf for settlement. The prescribed authority shall resolve the dispute in the summary manner within thirty days after giving the parties a reasonable opportunity of being heard in the manner prescribed.

(5) The party aggrieved by the decision of the prescribed authority under sub-section (4) may prefer an appeal to an appellate authority as may be prescribed, within thirty days from the date of decision. The appellate authority shall dispose of the appeal within thirty days after giving the parties reasonable opportunity of being heard and the decision of the appellate authority shall be final.

(6) The decision by the prescribed authority under sub-section (4) and decision in appeal under sub-section (5) shall have force of the decree of the civil court and shall be enforceable as such and the decretal amount shall be recovered as an arrear of land revenue.

(7) Disputes relating to and arising out of contract farming agreement shall not be called in question in any civil court.”.

M.S. SULLAR,
Secretary to Government, Haryana,
Legislative Department.
2THE 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]

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<sup>2</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958, page 1503.
<sup>4</sup> For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1965, page 362.
<sup>6</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1971, page 206.
<sup>7</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1971, page 1380.
<sup>8</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1973, page 816.
<sup>9</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1973, page 2037.
<sup>10</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1974, page 1200.
<sup>11</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1976, page 1166.
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<sup>12</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1978, page 282
<sup>13</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1980, page 2244.
<sup>14</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1983, page 1150.
<sup>15</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1986, page 286.
<sup>16</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1991, page 534.
<sup>17</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1995, page 1594.
<sup>18</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1996, page 519.
<sup>19</sup> For Statement of Objects and Reasons, see Haryana Government Gazette (Extraordinary), 1999, page 45.
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.
(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-
(a) “Assistant Collector of the first grades” means an Assistant Collector of the first Grade empowered by the State Government to exercise the powers and perform the duties under this Act;

(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;

(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;

(b-i) “Financial Commissioner” means the Financial Commissioner to Government, Haryana appointed by the State Government for the purpose of this Act;

20 Substituted for the word “Punjab” by the Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968.
21 Clause (a) substituted by Haryana Act 47 of 1973.
22 Substituted by Haryana Act 8 of 1978.
23 Inserted by Haryana Act 2 of 1981.
24 Inserted by Haryana Act 9 of 1999.
(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 villages:

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 Shamilat Deh or Charand excluding abadi deh;

2. shamilat tickas;

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;

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;

4a) vacant land situate in abadi deh or gorah deh not owned by any person;

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25 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.

26 Substituted by Haryana Act 2 of 1981.

27 Substituted by Haryana Act 43 of 1971.


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

but does not include land which –

(i) becomes or has becomes 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;

(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;

(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;

(vii) 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;

(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

31 Inserted by Haryana Act 13 of 1996.
32 Substituted by Haryana Act 2 of 1981.
33 Omitted by Haryana Act 18 of 1995.
rights as ‘Jumla Malkan Wa Digar Haqdaran Araqi Hassab Rasad’, ‘Jumla Malkan’ or ‘Mushtarka Malkan’ shall be shamilat deh within the meaning of this section.]

(h) “shamilat law” means-

(i) in relation to land situated in 

35 [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 [part of the territory] which immediately before the 1st November, 1956, was comprised in the State of Patiala, the East Punjab States Union, the Pepsu Village Common Lands (Regulation) Act, 1954;

(i) “State Government” means the Government of the State of [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 land [(2) Notwithstanding anything contained in sub-section (1) of section 4,-

36 [(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 a 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 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.]

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, Saunhidars,
Muqararidars;

(iii) rights of a mortgage 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:

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 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 permissible area under the Haryana Ceiling on Land Holdings Act, 1972, by the Assistant Collector of the first grade] in consultation with the panchayat [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 officer authorised by it in this behalf may from time to time, with a view to ensuring compliance with the

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provision of the second proviso to sub-section (1) or sub-section (2), issue to any panchayat such directions as may be deemed necessary.

[(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.]

[(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.

(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.]

[(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.

(2) The gift of land in shamilat deh already made shall be deemed to have been made under sub-section (1).

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.]

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 [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 [the Assistant Collector of the first grade] shall be final.

[(7) (1) An Assistant Collector of the first grade having jurisdiction in the village may, either suo motu or 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, 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

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40 Added by Punjab Act 19 of 1964, Section 3.
41 Added by Haryana Act 18 of 1971, Section 2.
43 Inserted by Haryana Act 25 of 1976 and shall always be deemed to have been inserted.
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 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 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 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.

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.]
8. (1) Where on any land in the sham ilat 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 determined made by a panchayat under sub-section (1) may, within thirty days thereof, appeal to 46[the Assistant Collector of the first grade] whose decision thereon 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.

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.

47[10A. (1) Notwithstanding anything contained in this Act or the shamilat law or any other law for the time being in force [the Assistant Collector of the first grade may call for from any panchayat in the area of his jurisdiction] the record of any 48[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 [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 [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, [the Assistant Collector of the first grade] is satisfied that such [sale, lease], contract or agreement-

(i) has been entered into in contravention of any of the provisions of this Act or the rules made there under; 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, [the Assistant Collector of the first grade] may, not withstanding anything as aforesaid, cancel the [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 [the Assistant Collector of the first grade] without affording an opportunity of being heard to the parties to the [sale, lease], contract or agreement.

47 Inserted by Punjab Act 19 of 1964, Section 4.
48 Substituted for the words “Leases” by Haryana Act 34 of 1974.
(3) Where the terms of any \(49\) sale, lease, contract or agreement have been varied by [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 sale, lease, contract or agreement, as the case may be.

(4) Where the 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 \(50\) [the Assistant Collector of the first grade] under this section in the terms of \(51\) sale, lease, contract or agreement, as the case may be, shall be deemed to be cancelled by [the Assistant Collector of the first grade] under this section with effect from the date of such refusal.

(5) Where under this section any sale, lease, contract or agreement is cancelled or deemed to be cancelled or its terms are varied, the 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 [the Assistant Collector of the first grade] for any loss or damage caused to the vendee, lease 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 [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 sale, lease, contract or agreement aggrieved by any order of [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 [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. 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

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\(49\) Substituted for the words “Leases” by Haryana Act 34 of 1974.
\(50\) Substituted by Haryana Act 47 of 1973
\(51\) Omitted by Haryana Act 34 of 1974.
the shamilat law [52] or any amount assessed under sub-section (2) of section 7 shall be recoverable as arrears of land revenue.

53[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. 54[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 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

53 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.
54 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
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.]

55[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 56[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.]

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.

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.]

57[13-E. Every officer or employee acting under the provisions of this Act or the rules made there under shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.]

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.

58[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.]

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) 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;

59[(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 60[sues or is sued] in its representative capacity;

58 Inserted by Punjab Act 19 of 1964, Section 5.
60 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 \[61\] 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 (2) of section 5 shall be demarcated; and

(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.

\[63\] [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.]

\[64\] [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 judgments, orders or decrees were passed by the Revenue Court, officer or authority.]


\[62\] Substituted by Haryana Act 2 of 1981.


\[64\] See Haryana Act 2 of 1981.