

The Haryana Municipal Common Lands (Regulation) Act, 1974
Haryana Act No. 15 of 1974

hl486

Received the assent of the President of India on the 28th February, 1974, and was published in the Haryana Gazette, (Extra.), Legislative Supplement, Part I, dated March 7, 1974/Phalguna 16, 1895.

LEGISLATIVE HISTORY 6

□ Ameded by Haryana Act No. 12 of 1975

An Act to regulate the rights in Shamilat Deh.

Be it enacted by the legislature of the State of Haryana in the Twenty-fourth Year of the Republic of India as follows :-

1. Short title, commencement and extent. - (1) The Act may be called the Haryana Municipal Common Lands (Regulation) Act, 1974.

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

(3) It shall be deemed to have come into force on the 26th day of January, 1970.

2. Definitions. - In this Act, means the context otherwise requires, -

(a) "appointed day" in the case of a local area which is at the commencement of this Act a municipality, shall be the date of such commencement; and in other cases the date on which any local area is declared to be a municipality;

(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 B.K.

(c) "inhabitant of a municipality" means a person who ordinarily resides in a municipality :

Provided that temporary absence or absence in relation to employment elsewhere shall not effect his residence in a municipality;

(d) "municipality" means any [Local area which, was declared or deemed to have been declared, a municipality under the Punjab Municipal Act, 1911, or is] declared a municipality under the Haryana Municipal Act, 1973, and includes a notified area constituted under section 258 or converted as such under section 289 or became notified area under section 280 of the Haryana Municipal Act, 1973; [and shall also include the Faridabad Complex as defined in the Faridabad Complex (Regulation and Development) Act, 1971;]

(e) "Municipal Committee" means a municipal committee established or deem to have been established [under the Punjab Municipal Act, 1911, or] the Haryana Municipal Act, 1973, and includes a notified area committee appointed under section 260 of the Haryana Municipal Act, 1973; [and shall also include the Faridabad Complex Administration established under Section 3 of the Faridabad Complex (Regulation and Development) Act, 1971;]

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

(g) "Shamlat Deh" includes -

(1) lands prescribed in the revenue records as Shamlat Deh or Shamlat Tikkas;

(2) lands described in the revenue records as Shamlat Tarafs, Pattis-Pannas or Tholas and used according to revenue records for common purposes or for the benefit of the community or a part thereof;

(3) lands described as Banjar Qadim and used for common purposes according to revenue records;

(4) lands used or reserved for the benefit of the community including streets, lanes, playgrounds, schools, drinking wells or ponds; and

(5) lands belonging to the Gram Panchayat of a village and Abadi Deh of which has been included in a municipality and where the Panchayat consists of more than one village the lands belonging to the Panchayat in respect of that village or villages, the Abadi Deh of which has been included in a municipality :

but does not include land which -

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

(ii) has been acquired under the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954) or has been treated as evacuee property under the Administration of the Evacuee Property Act, 1950 (Central 31 of 1950) or is of composite nature in which evacuee and non- evacuee shares have not yet been separated;

(iii) has been partitioned and brought under cultivation by individual land holders before the 26th January, 1970;

(iv) having been acquired before the 26th January, 1970, by a person by purchase or in exchange for proprietary land from a co-share in the Shamlat Deh, is so recorded in the Jamabandi or is supported by a valid deed;

- (v) is described in the revenue records as Shamlat Tarafs, Pattis, Pannas or Tholas and is not used according to revenue records for common purposes or for the benefit of the community or a part thereof;
- (vi) lies outside the Abadi Deh and is used as Gitwar, Bara, Manure pit or house or for cottage industry;
- (vii) was Shamlat 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 it on or before the 26th January, 1970;
- (viii) is used as a place of worship or for purposes subservient thereto; and
- (ix) belongs to the Gram Panchayat of a village the Abadi Deh of which has not been included in a municipality and where the Panchayat consists of more than one village, the lands belonging to the Panchayat in respect of that village or villages, the Abadi Deh of which has not been included in a municipality.

3. Certain previous transfers of Shamlat Deh not to effect rights of municipal committees. - Save in the case of Shamlat Deh acquired by the State Government under any law for the time being in force, any transfer or other disposition of Shamlat Deh after the 26th January, 1970 shall not effect the rights of the Municipal Committee therein under this Act.

4. Vesting of rights in municipal committees. - 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, titles and interests whatever in the Shamlat Deh in any municipality shall, on the appointed day, vest in the municipal committee of that municipality.

5. Regulation of use and occupation, etc. of lands vested in municipal committee. - All lands vested in a municipal committee by virtue of the provisions of this Act shall be utilised or disposed of by the municipal committee for the benefit of the inhabitants of the municipality, in the manner prescribed.

6. Utilization of income. - All income accruing from the lands vested in a municipal committee under this Act shall be credited to the municipal fund.

7. Bar of compensation. - 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.

8. Rent to be recoverable as arrears of land revenue. - Arrears of rent or any other dues payable to a municipal committee in respect of any land in Shamlat Deh vested in it under this Act shall be recoverable as arrears of land revenue.

9. Indemnity. - No suit, prosecution or order 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.

10. Power to make rules. - (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 powers such rules may provide for -

- (a) the principles on which and the extent and manner in which the inhabitants of the municipality shall make use of the lands vested in a Municipal Committee;
- (b) the maximum and minimum area to be leased to any single person;
- (c) prescribing of forms or such books, entries, statistics and accounts as may be considered necessary to be kept, made or compiled in any office or submitted to any authority.
- (d) the terms and conditions on which the use and occupation of any land vested in a municipal committee is permitted;
- (e) the manner and circumstances in which any land may be utilised, transferred, sold or otherwise disposed of;
- (f) any other manner which has to be or may be prescribed.