

The Haryana Municipal Common Lands (Regulation) Rules, 1976

HARYANA

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Rule

THE-HARYANA-MUNICIPAL-COMMON-LANDS-REGULATION-RULES- of 1976

- Published on 18 May 1976
- Commenced on 18 May 1976
- [This is the version of this document from 18 May 1976.]
- [Note: The original publication document is not available and this content could not be verified.]

The Haryana Municipal Common Lands (Regulation) Rules, 1976 Published vide Haryana Government Gazette, Notification No. GSR 122/HA 15/74/Section 10/76 dated 18.5.1976, Page 777

1. Short title.

- These rules may be called the Haryana Municipal Common Lands (Regulation) Rules, 1976.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Haryana Municipal Common Lands (Regulation) Act, 1974;(b)"form" means the form appended to these rules;(c)"Committee" means a Municipal Committee, as defined in clause (e) of section 2 of the Act;(d)"Commissioner" means the Commissioner of the division in which the committee is situated but in the case of Faridabad Complex Administration, it shall mean the Secretary to Government, Haryana, Local Government Department;(e)"Deputy Commissioner" means the Deputy Commissioner of the district in which the committee is situated but in the case of Faridabad Complex Administration, it shall mean the Chief Administrator thereof;(f)"Government" means the Government of the State of Haryana in the Local Government Department.

3. The manner of use and occupation of shamlat Deh.

- [Section 5]. - (1) The Committee shall prepare a land utilization plan of land vested in it under the Act. Such plan shall be subject to the approval of -

(a) the Deputy Commissioner Where the area exceeds 5 acres but does not exceed 20 acres;

(b) the Commissioner Where the area exceeds 20 acres.

(2) The committee may make use of the land vested in it under the Act, either itself or through another, for any one or more of the following purposes :-(i) Model farm; (ii) Seed farm; (iii) Nursery garden or horticulture; (iv) Production of food, fibre or fodder crops; (v) Dairy farm; (vi) Grazing of cattle; (vii) Tree plantation or any other purposes related to forestry; (viii) Dyeing and tanning of skins and hides; (ix) Storage of fuel, fodder and/or grain; (x) Brick-kilns, extraction of salt petre (shora), sand, stones, kankar, bajri or other minerals defined in the Punjab Mineral Concession Rules, 1964; (xi) Cremation or burial grounds; (xii) Manure pits, or for use or disposal of sullage water; (xiii) Public latrines and/or urinals; (xiv) Pathways, roads, drains or water-channels; (xv) Playgrounds, recreation parks/sports or children parks; (xvi) Leasing out for the purpose of abadi to a family having insufficient housing accommodation or for industrial projects approved by the Government; (xvii) School building, school library or other structures, for educational purposes; (xviii) Maternity or first-aid centres; (xix) Hospital or Dispensary; (xx) Veterinary hospital or dispensary; (xxi) Vehicle park; (xxii) Janj-ghar or community centre; (xxiii) ponds and fisheries; (xxiv) Wells, hand-pumps, waterworks, piaos (water huts) or any other water lifting device; (xxv) Leasing out for cultivation; (xxvi) Any other kindred common purpose with the approval of the Deputy Commissioner.

4. Leases.

[Section 5]. - (1) The Committee may lease out land by auction after making publicity in the manner specified in sub-rule (10), subject to the previous sanction of -(i) the Deputy Commissioner when the term of the lease does not exceed five years; (ii) the Commissioner when the term of the lease exceeds five years but does not exceed ten years; and :[Provided that out of the cultivable land proposed to be leased, thirty-three percent shall be reserved for members of the Scheduled Castes and seven per cent for the dependents of the defence personnel killed in any war after the independence of India, for being given on lease by auction. If on two different dates, fixed for auction no such person is forthcoming or the competent authority refuses to confirm auction, the reservation shall cease to have effect] [See Haryana Government GSR 41/HA 15/74/Section 10 dated 4.3.1977.]. (2) No employee or member of the committee or the member of his family such as father, grandfather, mother, grandmother, wife, son, grandson, great grandson or any other relative dependent on him shall be allowed to bid in the auction and to take land on lease. (3) The land used for industrial purposes may be auctioned one month before the expiry of the previous lease. (4) All ponds used for plantation of Shingaras and for stocking fish shall be auctioned in the month of September every year. (5) The leases of land for extraction of shora, sand, stone, Kankar, bajri and other minor minerals as defined in the Punjab Minor Mineral Concession Rules, 1964, and grass, kahi and similar other products shall be auctioned at a time to be determined by the Deputy Commissioner when it may be considered to be of maximum advantage. (6) The committee may auction every year the surplus and useless trees. All trees standing on the land shall be marked with numbers and [the marked numbers of surplus and useless tree] [See Haryana Government GSR 41/HA 15/74/Section 10 dated 4.3.1977.] shall be specifically mentioned in the auction notice and the lease deed. (7) The leases of cultivable land in shamlat deh shall be auctioned for rent-in-cash ordinarily in the month of October or November and the annual lease [money] [See Haryana Government GSR 41/HA

15/74/Section 10 dated 4.3.1977.] shall be paid as under :-(a)for the first year of the lease, one-fourth of the annual rent shall be paid by the bidder on the spot and the remaining three-fourth before the possession of the land is delivered to him :Provided that the possession of the land shall not be delivered by the committee to the lessees concerned earlier than February next. Where in any land or in any part thereof uncut or ungathered crops of the previous lessees are standing, the possession of such land or part thereof, shall be delivered when the crops have [ripened] [See Haryana Government GSR 41/HA 15/74/Section 10 dated 4.3.1977.] and the lessess concerned have been allowed reasonable time to harvest them;(b)for the remaining years of lease, if any, the annual rent shall be paid in advance in February every year.(8)In every case of lease, a lease deed shall be duly executed by the lessee and he shall surrender to the committee possession of the land leased to him if he makes default in the payment of rent subject to the provisions of the Punjab Tenancy Act, 1887.(9)The committee may, by resolution passed in this behalf, depute any officer to conduct the auction after giving due publicity in the manner specified in sub-rule (10).(10)The publicity to auction lease shall be given at least fifteen days before the date of auction by specifying the description of land, the date, time and place fixed for the auction :-(a)through any local Hindi newspaper and where the auction of stone [,] [Haryana Government Gazette Part III, dated 14.6.1971, Page 565.] quarries, bajri or other minor minerals etc., is to be held also through an English newspaper;(b)by posting a copy of the auction notice on notice-board of the offices of the Deputy Commissioner, Sub-Divisional Officer (Civil), Committee and at the other conspicuous places; and(c)by the beat of drum.(11)The terms and conditions of auction shall be announced at the time of auction.[4A. Notwithstanding anything contained in rule 4, a Committee may lease out any land by negotiation on such terms and conditions as may be approved by the Government :Provided that no land shall be leased out by negotiation unless it is in public interest.] [Haryana Government Gazette Part III, dated 14.6.1971, Page 565.]

5. Conditions for saving existing possession.

- [Section 5]. - (1) Where, before the coming into force of the Act, a person has built a house or erected any other permanent structure on any land vested in the committee under the Act, the committee may allow such person to retain possession of such land by :-(a)selling it to him at the market value prevailing at the time of the sale to be determined by the Deputy Commissioner or the officer appointed by him for the purpose; provided that if the person concerned is unable to pay the entire amount immediately it shall be recoverable in such instalments to be spread over a period not exceeding five years as may be determined by the committee. Where the price is recovered in instalments interest at the rate of nine per cent per annum shall be charged; or(b)leasing out the site to him year to year at an annual rent to be determined by the Deputy Commissioner or the officer appointed by him for the purpose, at the rate prevailing at that time.(2)(a)Except in cases falling under sub-rule (1), any committee proposing to alienate permanently any land in shamlat deh shall apply to Government for sanction through the Deputy Commissioner. The application shall be accompanied by a plan of the land to be alienated together with a statement in form 'A'.(b)When the Government has accorded sanction to a sale by auction, the statement in form A shall in due course be re-submitted with details shown in form B regarding the auction and the Government shall thereon either confirm the sale or refuse to confirm it. If the Government refuses to confirm the sale, the same shall be void. The orders of the Government shall be final.(3)Notwithstanding anything

contained in these rules the Government shall have the powers to modify, rescind or confirm any order passed or purporting to have been passed by any officer of the Government or the Committee under these rules if it considers the same to be inexpedient or not in the public interest or inconsistent with the provisions of the Act or the rules made thereunder.

6. Purpose for which land may be gifted.

- [Section 5]. - The Committee may, with the previous approval of Government gift the land vested in it under the Act for hospital, dispensary, educational or charitable institution or such other public purpose as may be approved by the Government.

7. Maintenance of forms.

- [Section 10(2)(c)]. - The Committee shall maintain the following documents in respect of land vested in it under the Act, namely :-(i)Register containing the description of land in form C;(ii)Map containing the description of land;(iii)Agreement register for leases or patas in form D;(iv)Accounts ledger for the rents and receipts in form E;(v)Form of lease deed in form F;