

PART-I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 4th March, 2011

No. Leg. 3/2011.—The following Act of the Legislature of the State of Haryana received the assent of H.E. the President of India on the 21st February, 2011, and is hereby published for general information :—

HARYANA ACT NO. 1 OF 2011

**THE HARYANA DHOLIDAR, BUTIMAR, BHONDEDAR AND
MUQARARIDAR (VESTING OF PROPRIETARY RIGHTS)
ACT, 2010**

AN

ACT

to vest proprietary rights in Dohlidar, Butimar, Bhoneddar and Muqararidar and provide for payment of compensation to the landowner whose proprietary right is extinguished and for other consequential and incidental matters.

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

1. (1) This Act may be called Haryana Dohlidar, Butimar, Bhoneddar and Muqararidar (Vesting of Proprietary Rights) Act, 2010.

Short title,
extent,
commencement
and application.

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

(3) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

(4) This Act shall be applicable to Dohlidar, Butimar, Bhoneddar, Muqararidar or any other similar class or category of persons which the State Government may notify in the Official Gazette.

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

Definitions.

(a) "appointed day" means in relation to Dohlidar, Butimar, Bhoneddar or Muqararidar, recorded as such in revenue record for more than twenty years, the day on which this Act comes into force and in other cases where twenty years have not yet been completed and such person is recorded as Dohlidar, Butimar, Bhoneddar or Muqararidar on or before the date of commencement of this Act, the day on which the person fulfils the condition of twenty years; -

- (b) "Collector" means the Collector of the district in which the land, in respect of which such rights are vested in a Dohlidar, Butimar, Bhoneddar or Muqararidar under this Act, is situated and includes any officer not below the rank of an Assistant Collector of the First Grade specially empowered by the State Government to perform the duties of a Collector under this Act;
- (c) "Commissioner" means the Commissioner appointed under the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887);
- (d) "Dohlidar, Butimar, Bhoneddar or Muqararidar" means a person who has been recorded as such in the revenue record and includes his predecessor and successor in interest;
- (e) "Financial Commissioner" means the Financial Commissioner appointed under the Punjab Land Revenue Act, 1887 (Punjab Act 17 of 1887);
- (f) "land" means land which is occupied by a Dohlidar, Butimar, Bhoneddar or Muqararidar and given to him by landlord in lieu of services rendered and includes the sites of buildings and other structures on such land;
- (g) "landowner" means a person under whom a Dohlidar, Butimar, Bhoneddar or Muqararidar holds land and includes his predecessors and successors;
- (h) "State Government" means the Government of the State of Haryana the Administrative Department.

3. Notwithstanding anything to the contrary contained in any other law, custom, usage or deed for the time being in force, on and from the appointed day—

- (a) all rights, title and interest including the contingent interest, if any, recognized by any law, custom, usage or deed for the time being in force with respect to the land and vested in the landowner shall be extinguished, and such rights, title and interest shall vest in the Dohlidar, Butimar, Bhoneddar or Muqararidar or any other similar class or category of persons, which the State Government has notified in the official Gazette, under whose occupation the land is, free from all encumbrances, if any, created by the landowner;

Vesting of
proprietary rights
in Dohlidar,
Butimar,
Bhoneddar or
Muqararidar.

(b) the landowner shall cease to have any right to collect or receive any rent or service in respect of such land.

4. (1) Any landowner whose rights have been extinguished under section 3 may, within twelve months from the appointed day, apply to the Collector, in such form, as may be prescribed, for the compensation payable to the landowner by the Dohlidar, Butimar, Bhoneddar or Muqararidar: Procedure for payment of compensation.

Provided that the Collector may entertain the application after the expiry of the said period of twelve months if he is satisfied that the applicant was prevented by sufficient cause from filing the application in time.

(2) On receipt of an application under Sub-section (1), the Collector shall issue notice to the parties concerned and after giving the parties an opportunity of being heard and after making such enquiry, as may be prescribed, shall make an award for compensation payable at the rate of Five hundred rupees per acre by the Dohlidar, Butimar, Bhoneddar or Muqararidar to the landowner.

(3) Where there is any dispute as to the person or persons who are entitled to the compensation, the Collector shall decide such dispute and if the Collector finds that more than one person is entitled to compensation, he shall apportion the amount thereof amongst such persons.

(4) Where the compensation is payable to a minor or to a person having a limited interest, the Collector may make such arrangements as may be equitable having regard to the interest of the minor or the person concerned.

(5) The Dohlidar, Butimar, Bhoneddar or Muqararidar shall be liable to pay the compensation in lump sum.

(6) If the Dohlidar, Butimar, Bhoneddar or Muqararidar fails to deposit the compensation within two months of the receipt of the award announced by the Collector, the land shall vest in the landowner.

(7) If the land is subject to a mortgage at the time of payment of compensation, the land shall pass to the Dohlidar, Butimar, Bhoneddar or Muqararidar unencumbered by the mortgage or charge but the mortgage debt shall be a charge on the compensation payable.

(8) If there is no such charge as aforesaid, the Collector, shall subject to any directions which he may receive from any court, pay the compensation to the landowner.

(9) If there is such a charge, the Collector shall, subject as aforesaid, apply in the discharge of the mortgage debt so much of the compensation as is required for the purpose and pay the balance, if any, to the landowner, or retain the compensation pending the decision of civil court as to the person or persons entitled thereto.

Appeal.

5. An appeal shall lie from an original or appellate order made under this Act as follows, namely:—

- (a) any order made by the Collector to the Commissioner; and
- (b) any order of the Commissioner to the Financial Commissioner:

Provided that when an original order is confirmed on first appeal, a further appeal shall not lie.

Limitation.

6. The period of limitation for an appeal under the last foregoing section shall run from the date of the order appealed against and shall be as follows, namely:—

- (a) when the appeal lies to the Commissioner - sixty days; and
- (b) when the appeal lies to the Financial Commissioner - ninety days.

Review.

7. (1) The Collector, Commissioner or Financial Commissioner may, either on his own motion or on the application made within ninety days by the party interested, review and on such review, modify, reverse or confirm any order passed by himself or by any of his predecessors in office :

Provided as follows:—

- (a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the officer under whose control he is immediately subject to;
- (b) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the concerned officer that he had sufficient cause for not making the application within that period;
- (c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) An appeal shall not lie from an order refusing to review, or conforming on review, a previous order.

8. (1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by any officer subordinate to him.

Power to call for, examine and revise proceedings.

(2) A Commissioner may call for the record of any case pending before, or disposed of by the Collector under his control.

(3) If in any case in which a Commissioner has called for a record and he is of opinion that the proceedings taken or the order made should be modified or reversed, he shall submit the record with his opinion on the case for the orders of the Financial Commissioner.

(4) If, after examining the record called for by him under Sub-section (1) or submitted to him under Sub-section (3), the Financial Commissioner is of opinion that it is inexpedient to interfere with the proceedings or the order, he shall pass an order accordingly.

(5) If, after examining the record, the Financial Commissioner is of opinion that it is expedient to interfere with the proceedings or the order on any ground on which the High Court in the exercise of its revisional jurisdiction may under the law for the time being in force interfere with the proceedings or an order or decree of a civil court, he shall fix a day for hearing the case, and may, on that or any subsequent day to which he may adjourn the hearing or which he may appoint in this behalf, pass such order as he thinks fit in the case.

(6) Except when the Financial Commissioner fixes, under Sub-section (5), a day for hearing the case, no party has any right to be heard before the Financial Commissioner while exercising his powers under this section.

9. Notwithstanding anything contained in any contract or in any law for the time being in force, no claim or liability, whether under any decree or order of a civil court or otherwise, enforceable against a landowner for any money which is charged on, or is secured by a mortgage of, any land held by a Dohlidar, Butimar, Bhoneddar or Muqararidar, shall be enforceable against the said land.

Certain mortgages and charges not enforceable.

Bar of
jurisdiction.

10. Save as otherwise expressly provided in this Act, every order made by the Collector, Commissioner or Financial Commissioner shall be final and no proceeding or order taken or made under this Act, shall be called in question by any court or before any officer or authority.

Bar to legal
proceedings.

11. No prosecution, suit or other legal proceeding shall lie against the State Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder.

Power to remove
difficulties.

12. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Power to make
rules.

13. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the form and manner in which an application for compensation may be made by the landowner;
- (b) the form of notice and the manner in which notices may be served under this Act;
- (c) the manner in which inquiries may be held under this Act;
- (d) the manner in which appeals and applications for review and revision may be filed;
- (e) any other matter which has to be or may be prescribed under this Act.

VIJENDER SINGH MALIK,
Secretary to Government, Haryana,
Law and Legislative Department.

[Authorised English Translation]

HARYANA GOVERNMENT

REVENUE AND DISASTER MANAGEMENT DEPARTMENT

Notification

The 9th June, 2011

No. S.O. 52/H.A. 1/2011/S. 1/2011.—In exercise of the powers conferred by sub-section (3) of section 1 of the Haryana Dohlidar, Butimar, Bhondedar and Muqararidar (Vesting of Proprietary Rights) Act, 2010 (Haryana Act No. 1 of 2011), the Governor of Haryana hereby appoints the 9th June, 2011 to be the date for the purposes of the said sub-section.

RAJ KUMAR,

Financial Commissioner and Principal Secretary
to Government Haryana, Revenue and
Disaster Management Department.

48747-L.R.-H.G.P., Chd.

[Authorised English Translation]

HARYANA GOVERNMENT**REVENUE AND DISASTER MANAGEMENT DEPARTMENT****Notification**

The 16th June, 2011

No. S. O. 54/H.A. 1/2011/S. 13/2011.—In exercise of the powers conferred by sub-section(1) read with sub-section (2) of section 13 of the Haryana Dholidar, Butimar, Bhoneddar and Muqararidar (Vesting of Proprietary Rights) Act, 2010 (Act 1 of 2011), the Governor of Haryana hereby makes the following rules, namely :—

Short title and commencement.

1. (1) These rules may be called the Haryana Dholidar, Butimar, Bhoneddar and Muqararidar (Vesting of Proprietary Rights) Rules, 2011.

(2) These rules shall come into force with effect from the date of their publication in the Official Gazette.

Definitions.

2. (1) In these rules, unless the context otherwise required,—

(a) "Act" means the Haryana Dholidar, Butimar, Bhoneddar and Muqararidar (Vesting of Proprietary Rights) Act, 2010 (Act 1 of 2010);

(b) "Annexure" means Annexures annexed to these rules;

(c) "section" means section of the Act.

(2) Words and expression used in these rules and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

Application for vesting of proprietary rights. section 3

3. (1) Dholidars, Butimars, Bhoneddars or Muqararidars or their successor-in-interest whose period of twenty years have been completed on the date of commencement of the Act, shall apply in Annexure-I to the Collector concerned within a period of six months from the date of commencement of these rules for vesting of proprietary rights.

(2) Dholidars, Butimars, Bhoneddars or Muqararidars or their successor-in-interest whose period of twenty years have not been completed on the date of commencement of the Act, shall apply to the Collector concerned within a period of six months from the date of completion of twenty years for vesting of proprietary rights.

(3) Dholidars, Butimars, Bhoneddars or Muqararidars in occupation of the land in question shall prove their occupation from the entries of the revenue record.

(4) On receipt of an application, the Collector shall examine the eligibility of the applicant and continuous occupation thereof, from the entries in the revenue record, as on the date of making an order, for vesting of proprietary rights :

Provided that before passing an order for conferment of proprietary rights on the Dholidar, Butimar, Bhonedar or Muqararidar, the Collector shall afford an opportunity of hearing to the land owner concerned or his successors-in-interest, as the case may be.

(5) If the owner of land is the Gram Panchayat or Shamilat Deh, an opportunity of being heard shall be provided to the Gram Panchayat concerned.

(6) If the ownership of any plot or site or building within the Abadi Deh is claimed then the possession over the plot or site or building shall have to be proved by the Dholidar, Butimar, Bhonedar or Muqararidar, as the case may be, on the basis of house tax, ration card, telephone bill, water charges bill or any other relevant document.

(7) No stamp duty shall be charged from such Dholidar, Butimar, Bhonedar or Muqararidar on account of conferment of proprietary rights.

4. (1) A landowner shall apply to the Collector concerned for payment of compensation in the proforma given in Annexure 2. Application for compensation. section 4

(2) The compensation in respect of Shamilat land or Panchayat land shall be payable to the Gram Panchayat concerned.

(3) The amount of award for compensation payable by the Dholidar, Butimar, Bhonedar or Muqararidar to the land owners or their successors in interest shall be paid through treasury.

(4) The payment of amount of compensation shall be made by the Treasury Officer as indicated by the Collector from the amount of compensation received from Dholidar, Butimar, Bhonedar or Muqararidar.

5. (1) An appeal against the order of Collector may be filed in person or through a duly authorized agent. Appeal. section 5

(2) A memorandum of appeal shall be accompanied by a copy of the order appealed against and shall indicate clearly the grounds of appeal.

6. (1) An application for obtaining copies of the orders passed by the authorities under these rules shall be made on payment of such fee as specified in rule 10. Obtaining copies. section 13

7. Any person interested may inspect the record relating to the conferment of proprietary rights or payment of compensation on payment of such fee as specified in rule 10. Inspection of record. section 13

Service of notice.
section 4

8. (1) Every notice made or issued under these rules shall be served by registered post with acknowledgement due.

(2) A notice issued under these rules shall be effective only at the expiry of the period stated therein and such period shall not ordinarily be less than fifteen days in any case.

(3) The service of a notice under sub-rule (1) shall be deemed to have been effected if the notice has been properly addressed and dispatched by registered post.

(4) If by due diligence the address of the person concerned cannot be known, the notice shall be dispatched to him through the Collector concerned.

(5) If a notice sent by post is returned undelivered or where the Collector or any other authority is satisfied that there are reasons to believe that the notice cannot be delivered in the ordinary course, the Collector or any other authority may direct that the notice may be served either :—

(i) by publication in a newspaper having circulation in the area in which the person concerned is known to have last resided or to have carried on business; or

(ii) by affixing a copy of the same on the conspicuous place of the property, in relation to which the order or notice has been made or issued.

Register.
section 13

9. The Collector shall enter all such orders of conferment of proprietary rights and payment of compensation in a proper register for permanent record.

Fee.
section 13

10. (1) The court fee of Twenty five rupees shall be leviable in case of appeal, revision, review and inspections.

(2) All applications under these rules shall bear a court fee of five rupees.

(3) All fee shall be paid by means of court fee stamps.

ANNEXURE 1

[See rule 3(1)]

(Application from Dholidar, Butimar, Bhoneddar or Muqararidar)

To

The Collector

.....

Subject : Application for conferment of proprietary rights of land/plot/site/building situated in village.....Tehsil.....District.....

Sir

1. The land measuring.....comprised in Khasra No.....situated in village.....is in occupation of the applicant(s) as Dholidar, Butimar, Bhoneddar or Muqararidar since.....(certified copies of the revenue records in support of the contents are enclosed).
2. The owner of the land at initial stage was Sh.....S/o.....R/o village.....and now the following persons are the present owners of the land in question as per Jamabandi for the year..... (Certified copies of the Jamabandi are attached).
 - (i)
 - (ii)
3. That as per provision of the Haryana Dholidar, Butimar, Bhoneddar or Muqararidar (Vesting of Proprietary Rights) Act, 2010, I/We claim for the conferment of proprietary rights in respect of the land/plot/site/building situated in village.....
4. That I/We are the successor in the interest of Shri.....S/o..... who was Dholidar, Butimar, Bhoneddar or Muqararidar of the land/plot/site/building at the initial stage (documents in support of this contention attached).
5. That I/We are ready to make the payment of compensation in lieu of such conferment of proprietary rights at the rate of ₹ 500 per acre as fixed by the State Government within two months from the date of orders to be passed in this regard.
6. That the proprietary rights of above said land/plot/site/building may be transferred in the name of applicant(s).

Thanking you.

Place :

Date :

Yours faithfully,
Signature, name, parentage and
address of all the applicants.

ANNEXURE 2

[See Rule 4(1)]

[Application from landowner(s)]

To

The Collector
.....**Subject :** Application for payment of compensation of land/plot/site/building situated in village.....Tehsil.....District.....

Sir

1. The land measuring.....comprised in Khasra No.situated in village.....was in occupation of Shri.....S/o.....as Dholidar, Butimar, Bhonedar or Muqararidar.
2. The owner of the land at initial stage was Shri.....S/o.....R/o village.....who was our father/grand father/forefather and now the following persons are the present owners of the land in question as per Jamabandi for the year..... (Certified copies of the Jamabandi are attached).
 - (i)
 - (ii)
3. That as per provision of the Haryana Dholidar, Butimar, Bhonedar and Muqararidar (Vesting of Proprietary Rights) Act, 2010, the persons have been declared as owners of the land by the Collector *vide* his orders dated.....(copy attached).
4. Hence the amount of compensation in respect of the land in question may be paid to us.

Thanking you.

Yours faithfully,

Place :

Signature, name, parentage and
address of all the applicants.

Date :

RAJ KUMAR,

Financial Commissioner and Principal Secretary to
Government Haryana,

Revenue and Disaster Management Department.