

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 6th April, 2010

No. Leg. 5/2010.—The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 1st April, 2010, and is hereby published for general information:—

Haryana Act No. 5 of 2010

THE HARYANA EVACUEE PROPERTIES (MANAGEMENT AND
DISPOSAL) AMENDMENT ACT, 2010

AN

ACT

*to amend the Haryana Evacuee Properties (Management and Disposal)
Act, 2008*

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 the **Haryana Evacuee Properties (Management and Disposal) Amendment Act, 2010.** Short title and commencement.

(2) It shall be deemed to have come into force with effect from 6th September, 2005.

2. In Section 2 of the Haryana Evacuee Properties (Management and Disposal) Act, 2008 (hereinafter called the principal Act),— Amendment of section 2 of Haryana Act 7 of 2008.

(i) clause (a) shall be omitted;

(ii) in clause (b), after the words "or vice-versa", the following words shall be inserted, namely :—

"but does not include their share in the shamilat land or in the land made available due to river action, which shall vest in the Gram Panchayat concerned";

(iii) for clause (h), the following clause shall be substituted, namely :—

(h) "Secretary" means the Financial Commissioner and Principal Secretary to Government, Haryana, Revenue and Disaster Management Department (Rehabilitation Branch);

(iv) in the Explanation to clause (k), for the sign ";" existing at the end, the sign "." shall be substituted; and

(v) clause (l) shall be omitted.

Amendment of section 3 of Haryana Act 7 of 2008.

3. In sub-section (1) of section 3 of the principal Act, for the words "appoint a Chief Commissioner (Sales), as many Commissioners (Sales)", the words "appoint as many Chief Commissioners (Sales), Commissioners (Sales)" shall be substituted.

Amendment of section 4 of Haryana Act 7 of 2008.

4. For section 4 of the principal Act, the following section shall be substituted, namely :—

"4. Power to transfer evacuee property.—(1) Notwithstanding anything to the contrary contained in any judgment, order, decree or decision of a court of law or an authority, no allotment of evacuee property shall be made to any person except as per the provisions contained in clauses (a) to (g) of sub-section (2).

(2) The Tehsildar may transfer any evacuee property, except under clause (c), on such terms and conditions, as may be prescribed,—

(a) by allotment at the rate of five hundred rupees per acre to Bhoneddar, Dohlidar, Butimar, Muqararidar or such other category, as may be notified by the State Government and perpetual lessee including his predecessor-in-interest or successor-in-interest, who were in occupation/ possession as per revenue record as on the 15th August, 1947 and are still recorded as such on the date of coming into force of this Act.

Explanation.—For the purposes of this clause, perpetual lessee means a person or his successor-in-interest to whom erstwhile Muslim evacuee owners, before migration to Pakistan, had given land on lease for cultivation for unlimited period and the lease is entered in the revenue record for the period prior to 15th August, 1947 and the same continues unabated as such;

(b) by allotment at the rate of two thousand rupees per acre to the lessee or his successor-in-interest of the inferior evacuee land which was allotted to him under policy instructions No. 7841-JN (4)-61/2699 dated the 29th August, 1961, who are in continuous cultivating occupation thereof;

- (c) by sale through negotiation to any department of Government of India, State Government, Boards and Corporations duly constituted under any law, Panchayati Raj Institutions or other registered bodies and cooperative societies registered under any general or special law for a public purpose, at such price, terms and conditions, as the State Government may, determine by order;
- (d) by sale through public auction;
- (e) by sale through auction restricted to the members of the Scheduled Castes and Backward Classes, as notified by the State Government, from time to time, on such terms and conditions, as may be prescribed;
- (f) to the person on the basis of his possession under any policy, scheme or rules;
- (g) to any person with disability, on such terms and conditions, as may be prescribed :

Provided that the sale under clause (c) shall be done in accordance with the Rules of Business of the Government of Haryana, 1977. However, the conveyance deed for the transfer of the evacuee property under clause (c), shall be issued by the concerned Tehsildar :

Provided further that land in rural area and urban area which is free from encroachment and free from all encumbrances shall be transferred to the concerned Gram Panchayat or Municipality, as the case may be, on such terms and conditions, as the State Government may, by order, direct.

(3) Every Tehsildar selling any evacuee property by public auction or otherwise under sub-section (2), shall be deemed to be a revenue officer within the meaning of sub-section (4) of section 89 of the Registration Act, 1908 (XVI of 1908).

5. In sub-section (1) of section 6 of the principal Act, the words "with prior approval of the State Government" shall be omitted.

Amendment of section 6 of Haryana Act 7 of 2008.

6. For section 20 of the principal Act, the following section shall be substituted, namely :—

Amendment of section 20 of Haryana Act 7 of 2008.

"20. Saving.—The Administration of Evacuee Property Act, 1950 (31 of 1950), the Displaced Persons (Claims) Act, 1950 (44 of 1950),

the Evacuee Interest (Separation) Act, 1951 (64 of 1951), the Displaced Persons (Claims) Supplementary Act, 1954 (12 of 1954) and the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), have been repealed by the Displaced Persons Claims and other Laws Repeal Act, 2005 (38 of 2005) :

Provided that if the allotment of land has been obtained by concealment of facts or by fraud or has been made on the basis of material irregularity under the provisions of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), and rules made thereunder, the State Government shall be competent to cancel the allotment and take the possession for the disposal of the said property as per the provisions of this Act. The powers of State Government under this section shall be exercised by the authority specified under section 9 .”.

R. C. BANSAL,
Secretary to Government, Haryana,
Law and Legislative Department.