

# The Himachal Pradesh Nautor Land Rules, 1968

HIMACHAL PRADESH

India

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### Rule THE-HIMACHAL-PRADESH-NAUTOR-LAND-RULES-1968 of 1968

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The Himachal Pradesh Nautor Land Rules, 1968(As Amended upto December, 1988)

#### 1. Title, extent and commencement.

(1) These rules may be called the Himachal Pradesh Nautor Land Rules, 1968. (2) These Rules shall extend to the whole of Himachal Pradesh except the areas where the Nautor Rules made under the Indian Forest Act, 1927, are applicable.

#### 2. Repeal and savings.

- All Rules, regulations and Robkars in respect of the grant of nautor hitherto in force in certain areas of Himachal Pradesh are hereby repealed except the Rules made under the Indian Forest Act, 1927, applicable in some areas of the State: - Provided that the repeal of such Rules etc. shall not be deemed to affect any grant already made thereunder

#### 3. Definitions.

- In these rules, unless there is something repugnant to the subject or context.-(a) "Nautor Land" means the right of utilise with the sanction of the competent authority, waste land owned by the Government, outside the towns, outside the reserved and demarcated protected forests, and outside such other areas as may be notified from time to time by the State Government in this behalf for any of the purposes, mentioned in Rule 5:- Provided that, if the State Government so desires, nautor land in any demarcated protected forest may be allowed subject to rules framed under Section 32(g) of the Indian Forest Act: Provided further that the State Government may, if it so desires, as an exception in special circumstances grant nautor land in reserved forests as provided under section 23 of the Indian Forest Act on such terms and conditions as it may, for general or special orders, lay down. (b) "Tenant", "Landowner", "Holdings" and "Estate" shall have the meaning, respectively,

assigned to these words in the Himachal Pradesh Tenancy and Land Reforms Act, 1953 and the Himachal Pradesh Land Revenue Act, 1953.(c)The term "Circle" shall mean the area lying within the jurisdiction of a Field Kanungo;(d)"Resident" means a bonafide resident of Himachal Pradesh who either holds land in a revenue estate or has seasonal abode and has been living therefrom generation to generation and includes such bonafide estate artisan, landless agricultural labourer permanently settled in the particular Revenue Estate for not less than 10 years and works therefor profit or gain, and(e)"State Government" means the Government of H.P

#### **4. Deleted.**

- grant of nautor land.

#### **5. Purpose for which nautor land may be granted.**

- Nautor land may be granted only for one or more of the following purposes, namely:  
-(a)Horticulture.(b)Agriculture, including raising of fodder, growing of vegetables, growing of any special grasses, herbs,shrubs and trees for domestic use or for cash income and dairy farming(c)Construction of:-(i)Any building subservient to agriculture;(ii)thrashing floor;(iii)water mill; and(iv)water channel.(d)construction of a building for residence(e)Consolidation of Holdings.(f)For genuine public purposes like construction of Dharamsala, etc.

#### **6. The maximum limit of grant.**

- Maximum limits to grant nautor land shall be as under: -(i)For horticultural purposes.... 20 bighas(ii)(a)For Agriculture..... 20 bighas(b)For raising of fodder, growing of vegetables, growing of any special grasses, herbs, shrubs and trees for domestic use or for cash income and dairy farming.(iii)For water mills....2 bighas(the land actually required for taking out a water channel for the water mill shall be sanctioned in addition as actually needed or, in the alternative, only the right to take out the water channel through Government land shall be allowed if grant of nautor land be against public interest in any case).(iv)For a thrashing floor.....2 bighas(v)For a building subservient to agriculture or construction of a residential house..... 1 bighaProvided that if an applicant already holds some land under him, the grant of nautor land under subrule (i) and (ii) above shall be restricted only to the extent by which his total holding falls short of 20 bighas, except in the case of Pangi and Bharmaur areas of Chamba District, Pandrabis and Dodra Kwar areas of Shimla District and the whole of Lahaul and Spiti and Kinnaur Districts where dhanks and ghasnis, if any, comprised in his holding shall be excluded therefrom while calculating this limit of 20 bighas.and (ii) severally or collectively. The grants for other purposes, can be obtained in addition thereto:Provided further that a person who is granted nautor for a house site shall not become by virtue of this grant, right holder in the revenue estate in which such grant is made and it shall not entitle him to acquire nautor under these Rules.Explanation: - In the case of a joint holding i.e. a holding held jointly by more persons than one, the respective proportionate share of each joint holder, as entered in the revenue records shall be taken to be holding, for the purposes of the limits within which nautor land may be granted, in respect of each joint holder.

## **7. Eligibility for nautor land.**

- Save for the widow and the children of a member of an armed force or semi-armed force, who has laid down his life for the country (whose widow and children were eligible for grant anywhere within the Tehsil subject to the conditions mentioned in the wajib-ul-Arj in respect of the areas where the land applied for is situated) no one who is not the resident in the estate in which the land applied for is situated, shall be eligible for the grant. Every resident of the estate in which the land applied for lies will be eligible in the following orders of preference: -(a)Such persons who have less than ten bighas of land under self cultivation on 1.1.1974, whether as owners, or as tenants, or as lessees, either individually or collectively, or have an income of less than Rs. 2,000 per annum from all sources including lands. Provided that in this category a dependent of one who has laid down his life for the defence of the country will get preference over his counterparts.(b)Scheduled Castes and Scheduled Tribes applicants; and(c)The deponents of those who have laid down their lives for the defence of the country Service, for the defence of the country will mean service in a uniformed force as well as in the capacity of civilian, so long as the death occurs on a front be it military or civil.(d)Services personnel in the armed forces and Ex-Servicemen.(e)Panchayats.(f)Others.Provided that a bonafide landless resident of Spiti shall be eligible for the grant of land in Nautor within the Spiti Sub-Division.

## **8.**

Where the father is alive, his son or daughter and where the husband is alive, his wife, shall not be eligible to apply for nautor land except as follows: -Exceptions - (a) If a son or a daughter or a wife proved that the father or the husband, as the case may be has disinherited or separated him or her, or has renounced the words, such a son or daughter or wife, as the case may be, will be eligible for nautor land.(b)If a serving member of the Armed Forces or his son happens to have applied for nautor land in the life time of his father, he will be eligible for nautor land to the extent of his inheritable share in the father's landed property on the date of the sanction of the nautor land that falls short of the ceilings prescribed under these rules.

## **8A.**

- Nothing under these rules, shall apply to the grant of land for the rehabilitation of persons displaced, as a result of anything done for any public purpose to be recognised as a public purpose, for this rule, by the State Government Grant of land for this purpose will be made according to the formal scheme approved by the State Government either generally or specifically for such project or scheme or other action entailing such displacement.

## **9. Charges.**

- Grant of nautor land shall be made against nazrana on a uniform rate of Rs 50/- per bigha too grantee other than Scheduled Castes and Scheduled Tribes and at the rate of Rs. 2.5/ per bigha to a Scheduled Caste grantee and at the rate of Rs. 5/- per bigha to Scheduled Tribes grantee. Nautor

land upto 100 Sq-yards for the construction of a house shall be given free of cost to a landless worker. Note- 1. The above rate does not include the value of any trees standing on the nautor land, which will be chargeable at the market rate in addition to the nazarana of the land, in case the grantee chooses to buy them

**2. In case where the grantee is not interested in the trees, the Forest Department shall arrange to dispose them off within six months of the sanction and the nautor land cleared of the tree within another six months. In all, there shall be the maximum time limit of one year for the clearance by the Forest Department of the land granted to a person who was not prepared to pay the value of the trees as assessed by the Forest Department. In case of default the Deputy Commissioner will auction such trees and deposit the sale proceeds with the Forest Department.**

## **10. Registration of gradient.**

- No land with a slope of more than 15% shall be granted in nautor except for horticulture, raising of fodder, growing of special grasses, herbs, shrubs, trees and water channel for which purposes no gradient is prescribed.

## **11. Land Revenue when due.**

- The land revenue leviable on the land granted in nautor shall be chargeable from the date of the grant of patta and not earlier.

## **12. Resumption.**

- The grant of nautor land shall be cancelled and the land granted resumed by the State Government without payment of any compensation in the following events: -(a) If, in the case of ordinary agriculture, the grantee fails to break the land granted to him within two years from the date of the patta. (b) If, in the case of horticulture, the grantee fails to plant the area with fruit trees within two years from the date of the patta. (c) If, in the case of a water mill and a water channel, the grantee fails to set up the water mill, or to dig out the water channel, as the case may be, within two years from the date of the patta. (d) If, in the case of nautor for any other purpose the grantee fails to start substantially to start utilisation of the land for the purpose for which the nautor land has been granted to him within two years of the grant of the patta. (e) If the grantee, at any time, uses the land for any purpose other than the purpose for which the grant was made to him. (f) If, the grantee or his legal representative successor alienates the land granted in nautor, within 15 years from the date of the patta, or if he alienates, it, at any time for a purpose other than the one for which the land was granted to him. In the event of other kind of alienation the power to the State Government to cancel the grant and to resume the land shall govern the alienee also; and (g) If, the grantee secures the sanction of nautor by supersession of material facts in his nautor application. Provided that the

periods laid down in (a), (b), (c) and (d) shall in each case, be counted after the removal of trees by the Forest Department/Deputy Commissioner whenever it becomes the responsibility of that Department, Deputy Commissioner to dispose of trees under these rules.

### **13. Application for Nautor Land.**

- Application in form (c) appended to these rules, duly accompanied by three blank application forms shall be made to the Sub-Divisional Officer (Civil) of the Sub-Division in whose jurisdiction, the land applied for is situated. The original application shall bear a court fee stamp of Rs. 2.50 and shall be accompanied by a Tatima Shajra (Supplementary Map) to be prepared by the Patwari on the spot showing the arda applied for. The Tatima Shajra should indicate the boundaries of the Land applied for, on all the sides, with specific reference to at least two permanent boundary marks or fixed marks near enough which should be easily identified on the spot and with the help of which the plot applied for could undoubtedly be located on the spot. Such a copy of the Tatima Shajra shall invariably be attached to the patta to be executed according to rules, the Tatima Shajra should also contain the following additional details to be given thereon by the Patwari: -(i)The area and the field No. of the land applied for in the Nautor;(ii)the total area of the waste land and its Khasra No. out of which nautor has been applied for; and(iii)the number of standing trees, if any on the land applied for.

### **14. Procedure.**

- On receipt of an application for the grant of nautor land, the following procedure shall be adopted: -(a)The Sub-Divisional Officer (Civil) of the Sub-Division shall cause the application to be entered in the Misal Band Register to be maintained, by the Tehsil Revenue Officer in Form A' appended to these rules. The register file No shall be marked on the original as well as on the blank application forms where after these blank forms shall be filed up by the Tehsil Revenue Officer on the basis of the original application.(b)The Sub-Divisional Officer (Civil) shall cause to be prepared 3 copies, free of cost, of Tatima Shajra attached to the original nautor application and append one copy thereof with each of the duplicate application forms furnished by the applicant. The correctness of the copies of the application form and Tatima Shajra shall be scarified by the Tehsil Revenue Officer.(c)The original application shall be retained in the office of the Sub-Divisional Officer (Civil) and the remaining copies shall be forwarded one each to the Girdawar Kanungo, the Gram Panchayat of the area and the Forest Range Officer of the Territorial Range, simultaneously, inviting their comments;(d)On receipt of the application the Girdawar Kanungo of the circle shall visit the spot and check the Tatima Shajra attached with the application. While checking the Tatima Shajra the field Kanungo will note the proximity of any forest, road, path, existing cultivation water channel public spring, the slope of the land and record a detailed report in respect of trees standing lying on the land applied for, if any, with particular of their kind. He shall also make his report on the following points: -(i)the size of the family of the applicant and the size of the holding(s) he owns or possesses in the circle and elsewhere. While the Field Kanungo shall be personally responsible for the accuracy of the particulars of the holding within the circle, the particulars of this holding(s), if any, elsewhere should be reported to the best of his information. In support of his report the Field Kanungo shall invariably add excerpt of Jamabandi in respect of the holding of the

applicant;(ii)whether the plot applied for is suitable for the purposes for which it is intended to be used(iii)the extent, nature and validity of the objections, if any,(iv)the existing soil classification of the land applied for and the subsequent classification after grant and also the land revenue chargeable thereon, and(v)after the above investigation, the Field Kanungo shall return the application to the Tehsil Revenue Officer within six months from the receipt thereof;(e)The Gram Panchayat on receipt of the application shall issue a proclamation calling on any person who may have any objection to the grant of the nautor, to make his objection. A period of one month shall be allowed for receiving objections, if any. After the expiration of the said period of one month, the Gram Panchayat shall consider these objections and record report to on the existing rights in the land and the objections its grant, if any, and return the application to the Tehsil Revenue Officer within 6 months from the date of receipt thereof.In case the Gram Panchayat fails to make its report and return the application within the stipulated period of 6 months,it shall be presumed that the Gram Panchayat has no comment to offer and the application shall be processed further accordingly;(f)The Forest Range Officer shall return the application, within 6 months of its receipt with his comments. His report shall contain the number, kind, girth and value of the trees standing or lying on the land applied for and the gradient of the land with either particulars, if any;(g)On receipt of the reports from the Girdawar Kanungo and the Gram Panchayat and the Forest Range Office concerned the Tehsil Revenue Officer shall append these reports with the original application and forward the case to the Sub-Divisional Officer of the Sub-Division, with its consolidated reports, and it shall be the responsibility of the Tehsil Revenue Officer to forward the nautor application complete in all respect to the Sub-Divisional Officer (Civil) within 9 months from the date of its institution;Provided that the Tehsil Revenue Officer shall, upon non-receipt of duly investigated application within the stipulated period from either the Girdawar Kanungo,the Gram Panchayat or the Forest Range Officer, the Tehsil Revenue Officer shall presume that he defaulter has no comments to offer. In such an event the Tehsil Revenue Officer shall process the application further itself and complete it within the said period of 9 months.

## **15. Reference to Public Works Department.**

- In a case where the land applied for is situated at the edge of any public road, the Tehsil Revenue Officer shall ascertain from the Sub-Divisional Officer, Public Works Department concerned whether or not the Public Works Department has any objection to the proposed grant. It shall be binding on the Sub-Divisional Officer to communicate his views to the Tehsil Revenue Officer within 30 days from the date of the query made or delivered by the Tehsil Revenue Officer to him or to his officer whichever date is earlier. Failing to hear from the Sub-Divisional Officer within this period the Tehsil Revenue Officer shall be free to presume that there is no objection from the Public Works Department subject to such general rule or order, if any, of the Government as may be applicable, concerning the grant of nautor lands by the road side.

## **16. Power to grant nautor.**

- The Sub-Divisional Officer (Civil) of the Sub-Division shall be competent to grant nautor lands upto the maximum limits prescribed in rule 6 and such application shall be disposed of by him within a maximum period of three months from the date of the receipt thereof from the Tehsil

Revenue Officer. Provided that if there may be no Sub-Divisional Officer (Civil) in any District, the Deputy Commissioner, thereof shall be competent to make grants within the prescribed limits.

## **17. No legal practitioner to appear.**

- No legal practitioner should appear, plead or act, on behalf of any party in the proceedings under these rules

## **18. Procedure after sanction of nautor lands.**

(1) After nautor land has been sanctioned by the Sub-Divisional Officer (Civil) or by the Deputy Commissioner where there is no sub-Divisional Officer (Civil) under rule 16 for any of the purposes mentioned in Rule 6(a) and (b) and after the creation of the demand shall communicate the due payable to the Government by the grant as decided by the Sub-Divisional Officer (Civil) or by the Deputy Commissioner where there is no Sub-Divisional Officer (Civil) in quarterly instalment not exceeding four thereof, interest free, with advice to the grantee for depositing the first instalment within one month from the date of receipt of notice by him. In case the grantee chooses to pay the dues in lump sum he will have the option to do so. The Grant of the patta and mutation in such cases where the grantee will avail himself of the concession of making payment in instalments shall stand postponed until full payment has been made. But the possession of the land granted to him shall be delivered on deposit of the first instalment. The failure of the grantee to pay any of the instalment punctually will render the grant liable to resumption and the amount already paid to forfeiture. Patta will be issued forthwith in such cases where full payment may be made in lump-sum after the expiry of the period for filing an appeal. (2) After the expiry of the period prescribed for filing an appeal/revision the patta shall be issued under the seal and signature of the Collector of the District to whom it will be put up by the Tehsil. Revenue Officer after due completion. (3) After the execution of the Patta in Form 'D' for purposes other than Horticulture and in Form 'E' for Horticulture, the mutation memorandum in Form B' shall be completed in the office of the Sub-Divisional Officer (Civil) and issued under his signatures to the Revenue Officer of the area concerned for entry and attestation of mutation. After the needful has been done, the mutation memorandum shall be returned to the Sub-Divisional Officer (Civil) who will have it placed on the original Nautor File. (4) Government dues payable in respect of the grant of nautor lands for water mills, thrashing floor and for building subservient to agriculture or construction of residential houses will have to be paid in lump-sum. (5) The amount realised from the grantee will be credited into the treasury in the following manner: - (i) The Nazarana on land, under head "IX-land Revenue" (ii) The price of trees, as "Forest Income"

## **19. Grantee bound by the conditions of the patta.**

- Subject to the provisions of these rules, the grantee shall be bound by the conditions of the patta.

## **20. Periodical statement to be submitted by the Revenue Officer of the area.**

- At the end of each quarter, a settlement showing particulars of the grants of nautor lands made in the proceeding three months shall be forwarded by the Sub-Divisional Officer (Civil) to the Deputy Commissioner with a copy endorsed to the Commissioner and the Divisional Forest Officer concerned.

## **21. Copy of Panchayat and concerned departments.**

- The Sub-Divisional Officer of the Sub-Division shall invariably send a copy of the orders passed by him within 15 days of the sanction of nautor land to the Panchayat and the department concerned, in every case in which the Panchayat, the resident/residents of the area or the department, as the case may be, had opposed the grant, so that the department or Panchayat or the objectors, as the case may be, may get a proper opportunity to file an appeal to the Deputy Commissioner against the decision of the Sub-Divisional Officer (Civil) if they have any grievance.

## **22.**

In the case of nautor land granted for agricultural or horticultural purposes, the Patwari of the area shall report immediately on the expiry of two years from the grant of the nautor land, whether the land has been brought under cultivation/plantation by the grantee. In the case of nautor land granted for a water mills shall be reported immediately on the expiry of two years whether the mill has been started and if not, yet whether at least construction of the mill has substantially begun. In other case he shall report at the expiry of two years, whether any substantial start has been made for the use of the land for the purpose it was granted giving details thereof. The date on which the above report is due from the Patwari shall be entered in the appropriate column of the misal Band Register. Explanations - The Patwari shall at the time of inspection of bach harvest (girdawari) make specific entries about the use to which each field number granted as nautor land has been put to.

## **23.**

Deleted.

## **24. Report by the Range Forest Office regarding Defaulter to be called before resumption.**

- When the SUB-Divisional Officer (Civil) is satisfied that a grantee has committed a breach of the conditions of his grant, he shall before ordering resumption under these rules, give the grantee an opportunity to appear and state his objections to the cancellation and resumption, and having recorded the statement, he may either (a) extend the period for the fulfilment of the conditions of the grant by one year for valid reasons to be recorded in writing or (b) recommend to the Deputy Commissioner that a longer extension of time may be granted within which to fulfil the conditions or that the breach of conditions may be condoned with or without payment of penalty, or that the



grant may be resumed.

## **25. Deputy Commissioner to pass orders regarding Resumption of possession.**

- The Deputy Commissioner, may, on receipt of a report submitted to him under Sub-Rule (b) of the last foregoing rules, pass such orders as he deems fit after giving an opportunity to the person affected to be heard.

## **26.**

When an order for resuming the grant has been passed by the competent authority, possession of the nautor lands shall be taken back by the Tehsil Revenue Officer in accordance with these rules and delivered back to the Department whom it originally belonged.

## **27.**

Notwithstanding anything contained in the preceding rules grant of nautor lands may be made by the Deputy Commissioner in exchange for applicant's land, which may either be surrounded by Government forests or which may be beneficial to Government and the applicant in view of the soil Conservation, Consolidation of Holdings and a forestation, after getting the two areas to be exchanged properly evaluated to his personal satisfaction. An opportunity will also be given by the Deputy Commissioner to the Divisional Forest Officer of the area or his nominee to be heard before agreeing to such an exchange.

## **27A.**

Except as otherwise provided in these Rules applications received upto 31.12.1983 for grant of land under illicit possession of the applicant prior to December, 1952, shall be disposed off as under:- (i) Those who prove an interrupted possession of 30 years or more may be given ownership on payment of all arrears of land revenue and cesses, a nazarana equal to 10 times the land revenue and cesses and a penalty of Rs. 5/- per bigha for agricultural land and Rs.10/- per bigha for building site; (ii) Those who are in possession of land for the period of 10 years or more but less than 30 years may be given ownership on a payment of all arrears of land revenue and cesses, a nazarana equal to 15 times the land revenue and cesses and a penalty of Rs.5/- per bigha for Agricultural Land and Rs.10/- per bigha for building site; (iii) Those who are in possession for the period of 5 years or more but less than 10 years may be given ownership on payment of all arrears of land revenue and cesses, a nazarana equal to 20 times the land revenue and cesses and a penalty of Rs. 5/- per bigha for agricultural land and Rs 10/- per bigha for building site; (iv) Whose period of possession is less than 5 years may be given ownership of land on payment of all arrears of land revenue and cesses, nazarana equal to 25 limits the land revenue and cesses, and a penalty or Rs. 5/- per bigha for agricultural land and Rs. 10/- per bigha for building site in the following cases only: -(a) That he owns no other land, or (b) That he owns land less than 20 bighas. (v) If a landless person has

encroached upon Government land for construction of a house and land appartement thereto, such land shall be granted to such a person to the extent of 100 Sq Yds without payment of Nazarana.(vi)If a landless person or person holding land less than 5 bighas has encroached upon Government land such a land shall be granted to the landless person upto 5 bighas and to the person holding land less than 5 bighas to the extent his existing holdings falls short of five bighas, so as to make his holdings 5 bighas on payment of nazarana at the rate prescribed in this Rule. For this purpose, cases of encroachments as on 27th September, 1973, will only be taken into consideration, and whose application tor regularisation of such cases have been received upto 31st July, 1974.Explanations - (1) For the purposes of clauses (i), (ii), (iii) no limit or grant is fixed.(2)In the case falling under category (a) of clause (iv) the grant shall not exceed 20 bighas and in the case falling under category (b) of clause (iv) the grant shall be made only to the extent to which the holding of the encroacher falls short of 20 bighas.(3)Notwithstanding anything contained in sub-clause (b)of clause (iv)and explanation (2) above, the sanctioning authority may consider most deserving cases and grant land more than the prescribed limit according to the merits of the case under clause (iv) after receiving reasons for doing so.(4)If trees be standing on the land concerned the value thereof shall be chargeable at market rate in addition to the nazarana of land.(5)Applications shall be stamped with a court fee stamp of Rs. 2.50 and shall be accompanied by Fard and Tatima of the land. The Investigating Officer need not necessarily follow the normal procedure prescribed for disposal of applications for nautor for deciding applications under this rule. He shall, however, make enquiries to ascertain length of possession.(6)Where proprietorship is not sanctioned, the trespasser shall be ejected, but all arrears and cesses shall be recovered from him.(7)The sanctioning authority will be Settlement Officer in the areas under settlement and the Deputy Commissioner elsewhere; and(8)The land revenue of such building sites as are not already assessed to land revenue shall be determined at the rate of assessment of the adjoining land.

## **27B.**

Grant of pieces of land surrounded by the land of farmers: -(1)Notwithstanding anything contained in these Rules, if a piece of Government land not exceeding 2 bighas in area, is surrounded by the land of one or more farmers from all sides, it may be granted to one of them on the market price to be calculated on the basis of five years average or Rs. 200/- per bigha whichever is higher, as Nazarana, if such farmer applies for it. In case the piece of Government land is surrounded by the Fields of two or more persons and they apply for it, the grant may be made to the person whose holding of land in the Pradesh is smaller.(2)The forest growth on such piece of land shall be sold to the former concerned of the market rate, if the Forest Department fails or is unwilling, to remove it within a period of six months from the date of sanction.(3)The land may be granted on an application duly stamped with a Court fee of Rs. 2.50 P. and accompanied by a tatima of the land applied for, showing also the surrounding land and copy of jamabandi thereof.(4)There should be spot inspection by the Tehsil Revenue Officer to determine if the land applied for, falls within the purview of sub-rule(1). If there is Forest growth on the land applied for, the spot inspection shall be done jointly by the Tehsil Revenue Officer and a representative of the Forest Department not below the rank of a Range Officer.(5)The grant shall be made by the Deputy Commissioner of the District in which the land is situated.

## **28.**

An appeal from the order of the S.D O. (C) under rule 16 shall lie to the Deputy Commissioner within 60 days from the date of the order. A further appeal from the appellate order of the Deputy Commissioner shall lie to the Commissioner within 60 days from the date of the order. In the case of original grant made by the Deputy Commissioner, an appeal from his order shall lie to the Commissioner within 60 days from the date of order and a second appeal to the Financial Commissioner within 90 days from the date of order; Provided that no second appeal shall lie when the original order is confirmed on first appeal.

## **29. Review.**

- The Financial Commissioner or the Commissioner or the Deputy Commissioner or the Sub-Divisional Officer (C) may either of his own motion or on application of any party interested review, and modify, reverse or confirm any order passed by himself or any of his predecessors in office, provided as follows: -(a) when the sub-Divisional Officer (C) thinks it necessary to review any order, he shall first obtain the sanction of the Deputy Commissioner; (b) when the Commissioner or the Deputy Commissioner think it necessary to review any order which he has not himself passed, he shall first obtain the sanction of the Financial Commissioner in the case of the Commissioner and the Commissioner in the case of the Deputy Commissioner; (c) the application for review of an order shall not be entertained unless it is made within 90 days from the passing of the order and unless the applicant satisfied the Financial Commissioner or the Commissioner or the Deputy Commissioner or the Sub-Divisional Officer (Civil) as the case may be, that he had sufficient cause for not making the application within that period; (d) an order shall not be modified or reversed in review unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order; (e) an order against which an appeal has been preferred shall not be reviewed.

## **30. Revision.**

(1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed off by any officer subordinate to him. (2) The Commissioner may at any time call for the record of any case pending before, or disposed off by any officer subordinate to him. (3) If, in any case, in which the Commissioner has called for the record, he is of the opinion that the proceeding taken order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner. (4) The Financial Commissioner may in any case called for by himself under sub-rule (i) or reported to him under sub-rule [iii] pass such order as he thinks fit. Provided that he shall not under this rule pass any order reversing or modifying any proceedings or orders of the subordinate Revenue Officer without giving the parties concerned an opportunity of being heard. Form 'A' [See rule 14(a)] Misal Band Register For The Grant of Nautor Land District.....

- 1. Serial No.**
- 2. Date of institution.**
- 3. Name of estate.**
- 4. Name of the applicant with description.**
- 5. No. Khasra with area and classification of soil applied for.**
- 6. Purpose of grant.**
- 7. Date of despatch to the Special Agency.**
- 8. Date of receipt from the Special Agency.**
- 9. Abstract of the report of the Special Agency.**
- 10. Abstract of the final order sanctioning the grant with date thereof.**
- 11. Abstract of the main conditions of the grant.**
- 12. Premium money realisable.**
- 13. Annual amount of the rent and the harvest from which chargeable.**
- 14. Tatima Shajra of the Nautor land showing Karukans.**
- 15. Dates on which the report mentioned In rule 22 is due from Patwari.**
- 16. Remarks.**

Form 'B'[See rule 18(c)]

- 1. Serial No.**
- 2. Name of the village where the nautor land is situated.**

**3. Area, field numbers, Jamabandi holdings number and in case the land is situated within the limits of Municipal Committee, Small Town committee or Notified Areas Committee details of property as required under section 21 of the Registration Act.**

**4. Name and detail of the person or persons to whom the grant made.**

**5. File Number and date of final orders of the sanctioning authority with abstract.**

**6. Conditions of the grant.**

**7. Tatima Shajra with Field Numbers.**

Forwarded to: -The Revenue Officer concerned for entry of mutation. Sign, of the Revenue Assistant. Dated ..... Date of entry of mutation..... Date of attestation of mutation..... Date of return of the memorandum to the Tehsil..... Form 'C' (See rule 13 of the Himachal Pradesh Nautor Land Rules, 1968) Application For Nautor Land In Himachal Pradesh

**1. Name of applicant..... Son of..... Resident of village..... Tehsil.....**

District.....

**2. Particulars of preference claimed.**

**3. Particulars of land already held by the applicant, if any:**

(i) District (ii) Tehsil (iii) Number of estate (Hadbast) and name of Estate (iv) Khasra Numbers with area and classification if known (v) Whether owner, tenant, self cultivating or non-cultivating

**4. Object for which nautor land is required.**

**5. Particulars of the Nautor land applied for**

(i) District (ii) Tehsil (iii) Number of estate (Hadbast) with name of Estate (iv) Khasra Number with areas and classification (v) Number of trees and their kind standing on the land with their approximate value.

**6. (i) Number of Children of the applicant with their names, ages**

(ii) Number of other dependents with their name and parentages

**7. Whether the applicant applied previously for nautor land, if so, give the following particulars: -**

(a) Date of application, if known; (b) Whether sanctioned or rejected and the date of order, if known; (c) Particulars of nautor land granted previously if any. (i) District. (ii) Tehsil. (iii) Name of Estate with Hadbast Number. (iv) Khasra Numbers with area and classification. (v) Amount of dues, if any, paid.

**8. Income accruing to the applicant from all sources.**

**9. Whether the applicant was charged or breaking Government land without permission previously**

**10. Result of proceedings indicated at item 9, if any.**

I solemnly affirm and declare: - (i) That whatever has been stated above is true to the best of my knowledge and belief and that nothing has been concealed or suppressed. (ii) That I hold no land anywhere other than the land, the details of which have been given in this application. (iii) That I am a resident in the estate in which the land applied for nautor lies. I hereby promise and undertake that if any grant of nautor land is made in my favour, I shall abide by the terms of such grant. Dated: ..... Sign, of the applicant Form 'D' [See rule 18(c)] Form of Patta A grant made by the Government of Himachal Pradesh (hereinafter called the Government) of the one part to ..... Son of ..... resident of ..... Tehsil ..... District ..... Himachal Pradesh, (hereinafter call the grantee) of the other part in pursuance of order, dated ..... of the ..... Whereas the land hereinafter mentioned vests in the Government and which is authorised to grant interest in or to dispose off the said land. And whereas the grantee has paid the sum of Rs. ....: ..... to the Government as Nazarana and Rs. on account of the price of the trees; and has further undertaken to pay the land revenue and cesses chargeable thereon. Now this grant witnesseth as follows: -

**1. The Government grants unto the grantee all that plot of land, measuring ..... bighas hereinafter described as Nautor Land' and specifically described in the Schedule hereto, to have an interest in and to held the same having proprietary rights thereon subject to the exceptions and reservations and on the terms and conditions hereinafter appearing.**

## **2. The grant of nautor is made for .....purpose only.**

## **3. Exceptions And Reservations on behalf of The Government.**

(a)The Government does not grant but excepts and reserves to itself all mires and quarries of whatever nature existing on or below the surface of the land with liberty to search for, work and remove the same in as full and ample manner as if this grant had not been made.(b)The Government does not grant but excepts and reserves to itself all rivers and streams with the beds and banks, all drainage, channels and all public thorough fares now existing on the land or proposed for construction.(c)For the full discovery, enjoyment and use of the right hereby reserved, it shall be lawful for the Government through its authorised agents or for any officer of the Government to enter-upon the land and make such use thereof as may be necessary for these purposes without paying any compensation to the grantee for such use and occupation except as may be provided hereunder: -

## **4. Obligations of The Grantee**

The grantee hereby covenants with the Government as follows: -(a)Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to the Government.(b)To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by the Government in that behalf to enter upon the land at all reasonable times and to do all acts and things necessary for or incidental to: -(i)the purpose of enforcing compliance with any of terms and conditions of this grant for ascertaining whether they have been duly performed or observed; or(ii)any purpose connected with the full enjoyment, discovery and use of the rights hereby reserved to the Government.(c)To break up the land within two years from the date of patta(d)In cases of horticulture, to plant the area with fruit trees within two years from the date of patta.(e)In the matter of water mills and water channels to set out the water main and dig out the water channels, as the case may be, within two years of the patta.(f)In the case of nautor for other purposes, to substantially start utilization of land, for the purpose for which the nautor has been granted to him within two years of patta.(g)If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated and surrender it peaceably to the Revenue Assistant and, if so required by the Revenue Assistant, to pull down and remove any structure existing thereon.(h)The land granted under the terms of this patta shall not be transferred by the grantee, or his successor(s)in interest, for any purpose, within a period of fifteen years.

**5. If the grantee fails to perform or commits a breach of any of the terms and conditions of the grant or suffers or permits such a breach or non-performance, the State Government may at any time thereafter terminate the grant and resume possession of the land and may pull down any structure existing thereon, and sell the material thereof and retain the proceeds of the sale.**

**6. No compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of this grant, except as provided hereunder: -**

(a) for actual damage or occupation arising out of the exercise of rights under clause (1) Such compensation as may be determined by the Revenue Assistant. (b) On resumption of the whole or any part or portion of the land otherwise than for breach of or non-fulfilment of the terms and conditions of the grant or for the creation of a right of public way, a proportionate refund of Nazrana paid and such additional sum, if any, as may be determined by the Deputy Commissioner in accordance with general principles applicable to the acquisition of land for public purpose.

**7. Land granted as Nautor will not be subject to fragmentation by way of partition, transfer or by any other means.**

Interpretation

**8. In these conditions, unless there is anything repugnant in the subject or context: -**

(a) "Deputy Commissioner" means the Deputy Commissioner of the District in which the land is situated and includes, any other person duly authorised by general or special order to exercise the powers of the Deputy Commissioner in respect of conditions governing the grant; (b) "Revenue Assistant" means the Revenue Assistant of the district in which the land is situated; (c) "the Government and the grantee" include their successors in title and interest respectively; all rights hereby conferred and all obligations hereby imposed shall be available for the bind their successors in title and interest, as the case may require, and when the term "grantee" includes co-sharers any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer; (d) "the land" means the land which is the subject of the grant, and includes all rights, easements, and appurtenances thereto belonging or pertaining; and (e) "Minerals" include all substances of a mineral nature which can be had from the earth, such as coal, earth oil, gold washing, and forms or soils which can be used for a profitable purpose on removal. The Schedule Referred to In Clause 1 of The Patta An area of.....bighas.....biswas.....situated in Mauza.....Tehsil.....District.....shown in the revenue records as khasra No.....and bounded as follows: - On the north by.....On the east by.....On the south by.....On the west by.....Signature of the Executants and Witnesses Signed on behalf of the President of India by.....(sd). Officer, acting under his authority in the presence of.....(sd) witness (Address.....on the ....., A.....day.....of.....m the year one thousand nine hundred.....and signed by the said.....grantee (sd) grantee). In the presence of.....(Witness Address.....(description). On the.....day of.....in the year one thousand nine hundred.....In witness whereof the parties have hereto set their hands on the dates hereinafter in each case specified. Form 'E' [See rule 18(c)] Patta Form For The Grant of Nautor Land For Horticultural Purposes In Himachal Pradesh A grant made by the Governor of H.P. (hereinafter



called the Government), of the one part to.....son of resident of.....Tehsil..... District..... in the Himachal Pradesh (hereinafter called the grantee) of the other part in pursuance of order dated.....of the.....Whereas the land hereinafter mentioned vests in the Government which is authorised to grant interest in or to dispose off the said land. And whereas the grantee has paid the sum of Rs to the Government as Nazrana and Rs...on account of price of the trees; and has further undertaken to pay the land revenue and cesses chargeable thereon. Now this grant witnesseth as follows: -

**1. The Governor of H.P. on behalf of the State as beneficial owner grants unto the grantee all that plot of land containing.....bighas, more or less, hereinafter described as "Nautor Land" and more particularly described in the Schedule hereto, to have an interest in to hold the same having proprietary rights thereon subject to the exception and reservations and on the terms and conditions hereinafter appearing.**

**2. The grant of nautor is made for orcharding purpose only.**

Exceptions and Reservations on Behalf of the Government

**3. The Government does not grant but excepts and reserves to itself all mines and quarries of whatever nature existing on over or below the surface of the land with liberty to search for work and remove the same in as full and ample manner as if this grant had not been made.**

**4. The Government does not grant but excepts and reserves to itself all rivers and streams with their beds and banks, all drainages, channels and public thoroughfares now existing on the land Or shown as proposed for construction in the plan annexed.**

**5. For the full discovery, enjoyment and use of the rights hereby reserved, it shall be lawful for the Government through its authorised agents or for any officer of the Government to enter upon the land and made such use thereof as may be necessary for these purposes without making any compensation to the grantee for such use and occupation except as may be provided hereunder.**

Obligations of The Grantee

## 6. The grantee hereby covenants with Government as follow -

(a)Not to do or suffer to be done any act inconsistent with or injurious to any of the rights excepted and reserved to Government.(b)To permit without let or hindrance all officers or servants of Government and all other persons duly authorised by Government in that behalf to enter the land at all reasonable times and to do all acts and things necessary for or incidental to: -(i)The purpose of enforcing compliance with any of the terms and conditions of this grant for ascertaining. Whether they have been duly performed or observed; or(ii)any purpose connected with full enjoyment, discovery and use of the rights hereby reserved to Government.(c)Not to use the land for any purpose other than that for which it is granted.(d)To plant fruit trees of only those varieties which are approved by the Extension Officer, Horticulture or Agriculture if Horticulture Officer is not available and according to layout sanctioned by him(e)To plant areas with fruit trees within two years from the date of Patta.(f)To follow the instructions of Extension Officer Horticulture or Agriculture if Horticulture Officer is not available regarding.(i)the purchase of trees from approved fruit nurseries(ii)the control of insect pests and fungal diseases of the fruit trees according to the advice of Extension Officer Horticulture or Agriculture if Horticulture Officer is not available;(iii)the replacement of unsuitable or worn out trees.(g)Not to do intercropping except by the express sanction of Extension Officer Agriculture who will specify the kinds of crops to be grown.Note - No sanction shall be necessary for growing green manuring or other leguminous crop. The grantee may put area remaining fallow in any year till four years from the date of grant by when the entire area under grant is to be put under orchard, under cereals or other crops approved by Extension Officer, Agriculture. This shall not, however, authorise the grantee to intercrop as forbidden under sub-clause (h).(h)Not to sell, mortgage or alienate, in any way or sub-lease the land to any other party within a period of fifteen years from the grant of patta.(i)To remain at all times of loyal behaviour and at any time of trouble to render active support to the Government and its officers, and to accept the decision of the Government as to whether this covenant has been fulfilled or not.(j)To pay such amount towards the cost of the following works as the Deputy Commissioner acting under the general or special orders of the Govt.; may determine, whether cost has already been incurred at the time of the grant or may be incurred thereunder;(i)the survey and demarcation of the land;(ii)the construction of any road, paths, culverts or bridges necessary for the general convenience or the estate in which land is situated;(iii)the maintenance and repair of any such road, paths, culverts or bridges.(k)If the land is resumed under the terms of this grant to leave the land as soon as the grant is terminated, surrender it peaceably to the Revenue Assistant to pull down and remove any structure existing thereon.ProvisionIf the grantee fails to perform or commits breach of any of the terms or conditions of the grant or suffers or permits such breach or non-performance, the State Government may at any time thereafter terminate the grant and resume possession of the land and may pull down any structure existing thereon, and sell the materials thereof and retain the proceeds of the sale:Provided that if the conditions contained in sub-clause (c) (d) and (e) of clause 6 have not been fulfilled to the satisfaction of District Collector, the grant may be terminated and the land resumed without payment of any compensation thereof.

**8. No compensation shall be payable by Government in respect of the exercise of any right reserved or conferred by the terms of the grant, except as provided hereunder: -**

(a) For actual damage or occupation arising out of the exercise of rights, such compensation as may be determined by the Deputy Commissioner; (b) On resumption of the whole or any part or portion of the land otherwise than for breach of or non-fulfilment of the terms or conditions of the grant or for the creation of a right of public way a proportionate refund of Nazrana paid and such additional sum, if any, as may be determined by the Deputy Commissioner in accordance with general principles applicable to the acquisition of land for public purposes.

**9. Land granted as Nautor will not be the subject to fragmentation by way of partition, transfer or by any other means.**

In Interpretation In these conditions, unless there is anything repugnant in the context: - (a) "Deputy Commissioner" means the Deputy Commissioner of the District in which the land is situated and includes any other person duly authorised by general or special order to exercise the powers of the Deputy Commissioner in respect of conditions governing this grant; (b) "Revenue Assistant" means the Revenue Assistant of the District in which the land is situated. (c) "The Government" and the "grantee" include their successors in title respectively, all rights hereby conferred and all obligations hereby imposed shall be available for and bind their successors in title as the case may require, and when the term "the grantee" includes co-sharers any liability or obligation imposed by this grant shall be the joint and several liability of each co-sharer; (d) "the land" means the land which is the subject of this grant, and includes all rights, easements, and appurtenances thereto belonging or pertaining, and (e) "Minerals" include oil substances of a mineral nature which can be had from the earth, such as coal, earth oil, goldwashing and forms of sods winch can be used for a profitable purpose on removal. The Schedule Referred To In Clause I of The Patta An area of..... bighas..... biswas..... situated in Mouza..... Tehsil..... District..... shown in the revenue records as Khasra Number ..... and bounded as follows: - On the north by..... On the east by..... On the south by..... On the west by..... Sign, of the Executants and witness Signed on behalf of the Governor of H.P. by..... (sd.) Officer acting under his authority in the presence of..... (sd.) witness (Address)... on the..... day of..... in the year one thousand nine hundred..... and signed by the said..... grantee (sd. grantee)..... In the presence of..... witness(s)..... (Address) description..... on the..... day of..... in the year one thousand nine hundred..... In witness whereof the parties have hereto set their hands on the dates hereinafter in each case specified. Government Instructions Regarding Grant of Nautor Land Immediate No.: 9-13/71-(Revenue A) Government of Himachal Pradesh 'Revenue Department' From To. The Secretary (Revenue) to the Government of Himachal Pradesh. To

- 1. The Divisional Commissioner, H.P.,**
- 2. All the Deputy Commissioners in H.P.,**
- 3. All the Sub-Divisional Officers (Civil) in H.P.**

Dated: Shimla-2, the 7th January, 1975. Subject: Grant of nautor land Sir, I am directed to say that for implementation of the provisions of resumption under the H.P. Tenancy and Land Reforms Act, 1972, we may have resort to providing nautor land for rehabilitation of the tenants likely to be ejected in the process of resumption U/S 104 of the said Act. It is also likely that nautor land will be required for allotment to the landowners whose land holdings will be reduced to less than one acre on account of acquisition of proprietary rights by their non-occupancy tenants U/S section 104 of the said Act. In case, the work of grant of nautor land continues at the present pace in the various districts it is possible that a saturation point may reach in several revenue estates and no more nautor land may be left to implement the aforesaid Act.

**2. In view of the above, it has, therefore, been decided that the sanction of the nautors may be stopped forthwith except in favour of harijans and agricultural landless labourers till such time that the implementation of the H.P. Tenancy and Land Reforms Act, 1972 is completed. The grant of nautor will continue for harijans and agricultural landless labourers, as heretofore.**

**3. The pending cases of applicants other than harijans and agricultural landless labourers will remain pending at the stage they are at present. No further action in these cases be taken and all such cases referred to the forest department, panchayats and field kanungos be withdrawn and kept pending in the offices of the S.D.O.(C). The total number of cases pending in each district be communicated to the undersigned in due course.**

**4. All the Revenue, Officers concerned may be informed about these orders.**

**5. The receipt of this communication may be acknowledged.**

Yours faithfully, Sd/- K.C. Pandeya, Secretary (Revenue) to the Government of Himachal Pradesh. No.: 9-13/71-Revenue. A Government of Himachal Pradesh Revenue Department From Shri K.C. Chauhan, Under Secretary (Revenue) to the Government of Himachal Pradesh. To The Deputy Commissioner, Shimla. Dated: Shimla-2, the 10th/11th April, 1975 Subject: Grant of nautor land Sir, I am directed to refer to your letter No. 111-SML(PSH) 18NC/73-218 dated the 21st January, 1975 regarding certain clarifications of the Government's order issued vide this department letter No. 9-13/71-Revenue I dated the 7th January, 1975 and to convey the following clarifications in this behalf:-

- 1. Exchange: The ban on grant of nautor land applies to exchange also.**
- 2. Encroachment: Rule 27-A will continue to apply for deciding encroachments detected during settlement operations. The Government, orders regarding regularisation of encroachment on Government, land upto 5 bighas continue to be in force.**
- 3. Rule 27-B: The grant of land under rule 27-B will continue.**
- 4. Appeals: Appeals by all the appellate authorities under the nautor rules shall continue to be decided.**
- 5. Fresh applications: Fresh applications should only be entertained in cases of harijans/agricultural landless labourers and members of Scheduled tribes.**
- 6. Grant of land to Scheduled tribes: The ban on sanctioning nautors has been relaxed in cases of scheduled tribes also.**

Yours faithfully, Sd/- (K.C. Chauhan) Under Secretary (Revenue) to the Government of Himachal Pradesh. Copy to:

- 1. The Divisional Commissioner, H.P. Shimla for information.**
- 2. All the D.Cs. in H.P. except Shimla/all the Sub-Divisional Officers in H.P. in continuation to this department letter of even number dated the 7th January 1975.**

Sd/- Under Secy. (Revenue) Immediate From To No.: 9-13/71-(Revenue A) Government of Himachal Pradesh 'Revenue Department' From The Secretary (Revenue) to the , Government of Himachal Pradesh To

- 1. The Divisional Commissioner, H.P.**
- 2. All the Deputy Commissioners, in H.P.**
- 3. All the Sub-Divisional Officers (Civil) in Himachal Pradesh.**

Dated Shimla-2, the 19th December, 1975. Subject: Grant of nautor land Sir, I am directed to refer to this department letter of even number dated the 7th/8th January, 1975 on the subject cited above and to state that the ban put on grant of nautor land vide the aforesaid letter would not apply for

granting land for construction of a Gharat. Therefore, nautor for gharats can be sanctioned to all those eligible to get nautor under the H.P. Nautor Rules, 1968.

**2. It is, requested that all the Revenue Officers concerned may be informed about these orders.**

**3. The receipt of this communication may be acknowledged.**

Jai Hind, Yours faithfully Sd/- (K.C. Chauhan), Deputy Secretary (Revenue) to the Government of Himachal Pradesh. No. 9-13/71-(Rev A) Government of Himachal Pradesh Revenue Department From The Secretary (Revenue) to the, Government of Himachal Pradesh. To The Divisional Commissioner, Himachal Pradesh, Shimla-2 Dated Shimla-2, the 18th May, 1976. Subject: Grant of Nautor Land Sir, I am directed to say that it has come to the notice of the Government that nautors are still being granted to those persons who already have 20 bighas and more land with them. No nautors of any nature have to be granted either sanctioning authority or by the appellate authority under the said Rules, 1968 All applications/appeals/revision/review under the said rules shall, therefore stand stayed till further orders. Nautors can only be granted under the Himachal Pradesh Grant of Nautor Land to Landless and Eligible Persons Scheme, 1975.

**2. It is also required to report cases where nautors have been granted in contravention of the Government instructions contained in this department letters of even number dated 7th January, 1975 and 11th April, 1975 and subsequent letter No. 9-14/75-Rev. A dated 28th Jan. 1976. Names of officers who have sanctioned nautors or entertained applications of nautor against Government instructions after the implementations of 20-Point Economic Programme, should be intimated so that disciplinary action is initiated against them. These orders supercede all previous instructions issued from time to time.**

**3. You are requested to kindly convey the above orders to all the Deputy Commissioners/S D M's concerned immediately and obtain an acknowledgement from them.**

Jai Hind, , Yours faithfully, Sd/- (P.K Mattoo) Secretary (Revenue) to the Government of Himachal Pradesh Immediate No 9-13/71 (Revenue A) 'Revenue Department' From The Secretary (Revenue) to the Government of Himachal Pradesh. To The Divisional Commissioner, Himachal Pradesh, Shimla-2. Dated Shimla-171002, the 21st August, 1976. Sub: Grant of Nautor Land Sir, I am directed to refer to this Department letter of even number, dated the 18th May, 1976 on the subject cited above and to convey the following decisions taken by the Government in regard to the cases under the Himachal Pradesh Nautor Land Rule, 1968 as amended from time to time, mentioned below: -(i) Exchange: The ban on exchanges of private land with Government land has been lifted

and applications in this behalf under rule 27 of the Himachal Pradesh Nautor Land Rules, 1968 will continue to be entertained and decided.(ii)The applications for grants under rule 27-A of the said rules already received upto the prescribed date will continue to be processed and decided.(iii)The applications of grant of land under rule 27-B of the said rules shall continue to be entertained and decided.(iv)Pending Applications: All the pending applications for grant of Nautor Land under the Himachal Pradesh Nautor Land Rules, 1968 except under rule 27; 27-A and 27-B, will be consigned to the record room.(v)Appeals etc. Pending appeals, review and revision cases with regard to the grant of Nautor Land under the aforesaid rules will continue to be decided by the courts concerned.

**2. It has also been decided that where any person has constructed house, shop and other structure on Government land encroached upon by him, such site(s) be permitted to be exchanged with private land of the encroacher subject to the condition that the land in question is outside the controlled area under the Himachal Pradesh Road Side Land Control Act, 1968 However, where any such person has no land to offer in exchange of such sites on Government land, the encroached land be sanctioned to such person provided such site is not within the controlled area referred to above. The necessary provision in the Himachal Pradesh Nautor Land Rules, 1968 is being made accordingly but action pursuant to these decisions may be taken in hand on the receipt of this letter.**

### **3. Kindly acknowledge receipt.**

Yours faithfully, Sd/-(P.K. Mattoo) Secretary (Revenue) to the Government of Himachal Pradesh.No. 9-13/71 (Rev.-A) Dated Shimla 171002, the 21st August, 1976.Copy forwarded for information and necessary action to: -

**1. All the Deputy Commissioners in Himachal Pradesh.**

**2. All the Sub-Divisional Officers (Civil), in Himachal Pradesh.**

The receipt of this communication may be acknowledged.Sd/-Secretary (Revenue) to the Government of Himachal Pradesh.

State Telegram Ordinary

Deputy Commissioner Dharamshala/Mandi (State)/Bilaspur (State)/Hamirpur/Una/Nahan/Kalpa/Keylong/Chamba/Solan/Kulu.Number,9-13/71-Revenue Stop Grant of Nautor Land under Nautor Rule 27-B (Twentyseven-Bee) (Juxtapose) stayed till further orders.Himfincom Sd/- Deputy Secy. (Revenue) to the Government of H.P.No. 9-13/71-Revenue Dated: Shimla-2, the 19th July, 1978.Copy forwarded to the Deputy Commissioner, Shimla District, Shimla-1. He is informed that the grant of Nautor land under

Nautor Rule 27-B (Twenty seven-Bee) (Juxtapose) has been stayed till further orders.Sd/- Deputy Secretary (Revenue) to the Government of Himachal Pradesh.lao 9&13@71&jSo&ch Afgekpy izns'k ljdkjjktLo ([k] foHkkxksa@lkoZtfudfnukad f'keyk&2

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## 10.

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CopyNo.9-13/71-Revenue-BGover

of Himachal PradeshDepartment of Revenue.FromThe Secretary (Revenue) to theGovernment of Himachal Pradesh.To

## 1. All the Deputy Commissioners in H.P.

## 2. All the S.D.O. (Civil) in H.P.

## 3. All the D.R.O's in H.P.

## 4. All the Tehsildars in H.P.

Dated Shimla-2, the 24th December, 1980.Subject: - Grant of Nautor Land-Review of policy regarding.Sir,In partial modification of this Department letter of even number dated the 21st August, 1976, on the subject cited above, I am directed to say that the matter regarding grant of nautor land under the Grant of Nautor Land Rules, 1968 has been reviewed further by the Government and the following decisions have been taken :-(i)The ban on grant of nautor land under the H.P. Grant of Nautor Land Rules, 1968, shall continues except in the Districts of Lahaul and Spiti, Kinnaur, Pangi and Bharmaur areas of Chamba District and Dodra Kwar and Pandar-bis areas of Shimla District. In these areas Dhanks and Ghasanis shall be excluded from the limit of 20 Bighas for the purposes of the first proviso to Rule 6 of the aforesaid Rules;(ii)In other areas of the Pradesh where the H.P. Grant of Nautor Land Rules, 1968are applicable, nautor land may be granted only for construction of residential houses, cowsheds and Gharats; and providing alternative lands where lands are washed away by floods, land slides etc;(iii)No land having more than 25 trees of valuable species per hectare shall be granted in future as nautor under the aforesaid rules or the three Schemes namely(a) The Utilisation of Surplus Area Scheme, 1974 (b) The H.P. Village Common Lands (Vesting & Utilization) Scheme, 1975 and the Grant of Nautor Land to Landless and Other Eligible Persons Scheme, 1975. The felling of trees standing on the land granted under these Schemes in the first and second phases so far, shall be allowed to this extent only by the Deputy Commissioners under intimation to the Forest Department authorities.(iv)No land with a slope of more than 15% shall be granted under the rules or the aforesaid Schemes.You are requested to take necessary action accordingly, where required.Yours faithfully, sd/-Secretary (Revenue) to the Government of Himachal Pradesh.No.9/13/71(Revenue-B), dated Shimla-2, the 24th December, 1980.Copy to:-

## 1. The Divisional Commissioner, Kangra at Dharamsala/Shimla.

**2. The Clerk of Court to the Financial Commissioner, (Appeals)/Financial Commissioner (Revenue) H.P. Shimla-2.**

**3. The Settlement Officer, Kangra at Dharamsala.**

**4. The Section Officer, Revenue-D Section, H.P. Sectt., Shimla-2, for information and necessary action.**

sd/-Secretary (Revenue), to the Government of Himachal Pradesh. \_\_\_\_\_ No.9-13/71-IV. Revenue B.Government of Himachal PradeshDepartment of Revenue.FromThe Secretary (Revenue) to theGovernment of Himachal Pradesh.To

**1. The Divisional Commissioner, Dharamsala/Shimla.**

**2. All the Deputy Commissioner in Himachal Pradesh.**

**3. All the S.D.O.s(C) in H.P.**

**4. All the D.R.O.s in H.P.**

**5. All the Tehsildars in H.P.**

Dated Shimla-2, the 23rd April, 1982.Subject :- Grant of Nautor Land - Review of policy regarding.Sir,In continuation of this department letter of even number, dated the 24th December, 1980, on the above subject, I am directed to say that the Government have lifted the ban imposed on the hearing of appeals, reviews and revisions relating to the earlier grants made under, or arising out of the provisions of rule 27-B of the Himachal Pradesh Nautor Land Rules, 1968 with immediate effect. You are therefore requested kindly to take action accordingly on such cases, lying pending at various levels.It has also been decided that in future grant of land under rule 27-B of/the said rules shall be made in those cases only where the land so surrounded, does not exceed 2 bighas in area. An amendment to this effect is being made separately in the rules. You are accordingly requested to take action under the new rule 27-B accordingly.Yours faithfully, sd/-Under Secretary (Rev.)No.9-13/71 IV. Revenue B.dated the Shimla-2, the 23rd April, 1982.Copy forwarded for information to

**1. The Settlement Officer, Kangra at Dharamsala.**

**2. The Settlement Officer Shimla & Kinnaur, at Sanjauli, Shimla-6.**

### **3. the Clerk of Court to the F.C. H.P. Shimla-2.**

sd/-Under Secretary(Revenue) to the Government of Himachal Pradesh.\_\_\_\_\_No.Revenue 2E(3)36/85Government of Himachal PradeshDepartment of Revenue.FromThe Secretary (Revenue) to the Government of Himachal Pradesh.To

#### **1. All the Deputy Commissioners in Himachal Pradesh.**

#### **2. All the Sub Divisional Officer(C), in Himachal Pradesh.**

#### **3. All the Tehsildars in Himachal Pradesh.**

#### **4. The Settlement Officers, Shimla/Dharamsala.**

#### **5. The Director of consolidation of Holdings, Himachal Pradesh, Shimla-2.**

#### **6. The Settlement Officer (Consolidation) Bilaspur/Harmirpur.**

Dated Shimla-171002, the 25th July, 1985.Subject Grant Of Land Under Rule 27-B (Which Is Just A Posed Land).Sir,I am directed to say that it has been noticed that while processing applications under rule 27-B of the Nautor Land Rules, 1968, the pre-requisites and procedure prescribed under the rules, for the grant of nautor land in general, are followed for the grant under this rule also.Rule 27-B begins with the words "notwithstanding anything contained in these rules...." It means that this rule has been thrown out of the general scheme of these rules and the general procedure prescribed for the grant of nautor land is not applicable for processing applications under this rule. That is why, an independent procedure for processing applications under this rules has been prescribed under the rule itself. In other words, the requisitions regarding overall ceiling of 20 bighas, and other such qualifications are not applicable for the grant of land under this rule nor is the procedure prescribed under rule 13 & 14 required to be followed while processing applications thereunder.Kindly acknowledge receipt.yours faithfully, sd/-Deputy Secretary (Revenue II) to the Government of Himachal PradeshNo.Revenue 2 E(3)36/85 Dated Shimla-171002, the 25th July,1985.Copy forwarded to:-

#### **1. The Divisional Commissioner, Shimla/Dharamshala, for information.**

#### **2. The Clerk of Court to the Financial Commissioner (Appeals), Himachal Pradesh, Shimla-171002, for information. This may please be brought to the notice of the Financial Commissioner (Appeals).**

sd/-Deputy Secretary (Revenue II) for Secretary (Revenue) to the Government of Himachal Pradesh.\_\_\_\_\_No.Revenue 2F(6)7/83Government of Himachal PradeshRevenue DepartmentFromThe Secretary (Revenue) to theGovernment of Himachal Pradesh.To

- 1. The Deputy Commissioner, Lahaul & Spiti, Keylong.**
- 2. The Deputy Commissioner, Kinnaur, Kalpa.**
- 3. The Resident Commissioner, Pangi.**
- 4. The Deputy Commissioner, Shimla.**
- 5. The Deputy Commissioner, Kangra at Dharamshala.**
- 6. The Deputy Commissioner, Chamba.**

Dated Shimla-171002, the 23rd July, 1986. Subject :- Grant of Nautor land to landless persons and others. Sir, I am directed to say that it has been brought to the notice of the Government that the land being granted to the landless persons or other eligible persons under the schemes may not be sufficient for their sustenance in the difficult areas of your Districts, since under the hard conditions of cultivation in these areas the yield from the land is much below the average which falls too short to make both ends meet. The Government, has considered this point and it has been decided that where a person allotted land under the scheme is not satisfied with the allotment and wants more land and his demand is found to be genuine, he should be advised to apply for more land under the Nautor Rules of 1968. After observing due procedure the land so applied should be granted to him since ban on grant of Land under Nautor Rules of 1968 has since been lifted in respect of these areas. A copy of this Department letter No.9-13/71-Rev.B dated 24-12-80 is enclosed for ready reference.

**2. Similarly, it has been represented that while there is enough land for allotment in these areas under the rules the Deputy Commissioners concerned reject the application merely on the grounds that the land applied for falls within the purview of the Forest (Conservation) Act, 1980. Here again it has been decided that the Deputy Commissioners concerned should not reject such applications merely on the grounds that the land applied for falls under the Forest (Conservation) Act, 1980. In such cases, if the demand is found to be genuine, the right course would be to send the particulars of the land to the Forest Department with a request to get the clearance from the Government of India under the Act. Action may please be taken accordingly in future under intimation to this Department.**

**3. I am further to add that all applications rejected on this ground may also be processed accordingly sending detailed particulars of the land applied for to the Forest Department for getting exemption from the Government of India**

**under the Forest (Conservation) Act, 1980.**

Kindly acknowledge receipt.Yours faithfully, sd/-Secretary (Revenue) to the Government of Himachal Pradesh.Endst. No.Revenue 2F(6)-7/83 Dated Shimla-2, the 23rd July, 1986.Copy forwarded to

- 1. The Secretary (Forests) to the Government of H.P. Shimla-2.**
- 2. The Chief Conservator of Forests, H.P. Shimla-2.**
- 3. The Divisional Commissioner, Shimla/Mandi/Kangra at Dharamshala.**
- 4. All the Deputy Commissioners in Himachal Pradesh, for information.**

sd/-Secretary (Revenue) to the Government of Himachal Pradesh.\_\_\_\_\_No.  
Revenue -2A(3)-11/77Government of Himachal PradeshRevenue DepartmentFromThe Secretary  
(Revenue) to theGovernment of Himachal Pradesh.To

- 1. The divisional Commissioners Kangra at Dharamshala/Mandi/Shirala.**
- 2. The Settlement Officers Kangra at Dharamshala/Shimla.**
- 3. The Director of Land Records, Himachal Pradesh, Shimla.**
- 4. The Director Consolidation of Holdings, Himachal Pradesh, Shimla.**
- 5. All the Deputy Commissioners in Himachal Pradesh.**
- 6. All the Sub-Divisional Officers in Himachal Pradesh.**
- 7. All the Tehsildars in Himachal Pradesh.**

Dated Shimla-171002, the 21st January, 1987.Subject:- Conferment of joint title on the allotment of land/house sites to landless and other eligible persons.Sir,. ....I am directed to say that the question of conferring joint title of the land or house sites allotted to landless and other eligible persons has been under consideration of the Government for sometime in the past. It has now been decided by the Government that in future, in all the cases of allotment of land or house sites the title of such land shall be vested in both the partners namely the husband and the wife. I am accordingly to request that mutation of such land when allotted to a landless or other eligible person may be entered and attested in the name of both the husband and wife where both of them are alive and where relations between them have not been severed formally.Please acknowledge receipt.....Yours faithfully, Sd/-Secretary (Revenue) to the Government of Himachal Pradesh.(Copy with ten spare

copies, to the Superintendent Incharge allotment of land to landless, in Revenue-B Section, for record).\_\_\_\_\_ImmediateNo.Revenue 2A(3)11/77Government of Himachal PradeshRevenue DepartmentFromThe Secretary (Revenue) to the Government of Himachal Pradesh.To

- 1. The Divisional Commissioner Kangra at Dharamshala/Mandi/Shimla.**
- 2. The Settlement Officers Kangra at Dharamshala/Shimla-6.**
- 3. The Director of Land Records, Himachal Pradesh, Shimla.**
- 4. The Director Consolidation of Holdings, Himachal Pradesh, Shimla.**
- 5. All the Deputy Commissioners in Himachal Pradesh.**
- 6. All the Sub-Divisional officers(Civil) in Himachal Pradesh.**
- 7. All the Tehsildars in Himachal Pradesh.**

Dated Shimla-171002, the 21st January, 1987.Subject:- Allotment of land to landless and other eligible persons-Jurisdiction of Civil Courts to entertain suits arising therefrom.Sir,I am directed to say that at present land is being allotted to the landless or other eligible persons under the following three Schemes:-

- 1. The Himachal Pradesh Utilization of Surplus Area Scheme, 1975.**
- 2. The Himachal Pradesh Village Common Land Vesting and Utilization Scheme,1975.**
- 3. The Himachal Pradesh Grant of Land to Landless and Other Eligible Persons Scheme, 1975.**

**2. In this behalf, as you know, the first two Schemes are statutory schemes and have been framed under the Acts passed by the Himachal Pradesh State Legislature. However, the third, namely the Nautor Schemes is an independent one and does not derive sanction from any other law. You are also aware that these Acts contain a provision barring the jurisdiction of the Civil Courts. It is, therefore, implied that a dispute arising out of the allotment of land or cancellation thereof by the competent authority is not subject to adjudication by the Civil Courts whose jurisdiction stands barred in the Acts.**

**It has, however, been noted by the Government that cases are being taken to Civil Courts by the interested parties and the courts are entertaining them for decision totally disregarding the bar contained in the Acts. As you know, the very purpose of launching the programme of allotment of land is defeated once a case goes to the court since it takes a lot of time there and the person concerned who often not eligible for allotment of land, continues in possession of the land erroneously allotted to him.**

**3. It appears that the District Attorney or other officers are not well posted of this provision do not often raise this point before the courts at the time of admission of the suits. It should be brought home to all concerned that the civil courts have no jurisdiction to try the cases arising out of the H.P. Ceiling on Land Holdings Act, 1972, or the H.P. Village Common Lands Vesting and Utilisation Act, 1974 and those cases where the land has been allotted under the two schemes namely The Himachal Pradesh Utilization of Surplus Area Scheme and the Himachal Pradesh Village Common Land Vesting and Utilization Scheme. A copy of these schemes should be made available to all Law Officers who are concerned with the defence of the cases arising out of the above two Schemes and they should be instructed to take the plea of jurisdiction in the courts invariably. Where however the courts still entertain in the cases, an appeal should be filed in the next court against this decision until the issue has been finally settled once for all.**

**4. As regards the cases of allotment of land under the third scheme, namely the Himachal Pradesh Grant of Land to Landless and Other Eligible Persons Scheme, suitable arrangements are being made to strengthen the hands of the authorities concerned in this behalf also.**

Please acknowledge receipt. Yours faithfully, sd/-Secretary (Revenue) to the Government of Himachal Pradesh. (Copy with 10 spare copies to the Superintendent Incharge, allotment of land to landless and other eligible persons in Revenue Branch-B, for record); \_\_\_\_\_ Immediate No. 9-13/71-Revenue 8 Government of Himachal Pradesh Department of Revenue Dated Shimla-2, the 24th August, 1987 Form The Deputy Secretary (Revenue) to the Government of Himachal Pradesh Shimla-171002. To

**1. The Divisional Commissioner Shimla/Mandi/Dharamshala, H.P.**

**2. All the Deputy Commissioners in Himachal Pradesh.**

**3. The Settlement Officer Kangra Division at Dharamshala, Shimla and Kinnaur Districts, Shimla-171006.**

**4. All the Sub-Divisional Magistrates in Himachal Pradesh.**

**5. All the Tehsildars, in Himachal Pradesh.**

Subject: Nautor Policy Sir, I am directed to say that the nautor policy has been under going constant review from time to time at Government level and it has been taking shape keeping the various factors in view such as requirements of occasion, demands of the public etc. The major factor which shapes this policy is, however, the availability of the land. As you are aware the Government land is squeezing with a terrific speed and a stage has now come where we should consider all pros and cons involved in this matter.

**2. In the year 1980 and 1982 the restrictions imposed vide this Department letter of even number dated 23.8.1976 on the grant of nautor land was partially removed and certain concessions were granted to the people. It has however, been noted with regrets that these concessions were taken un-due advantage of in some fields, even at the cost of the poor people whom these concessions were primarily meant for. The Government have therefore, taken the following decisions which should be implemented strictly in letter and spirit by all concerned: -**

(i) The grant of exchange of Government land under Rule 27 of the H.P Nautor Rules, 1968 or otherwise has been banned and all such cases should be consigned to the Record Room without further action on them. A list of these cases should however be prepared and placed on record. However, if the Deputy Commissioner finds it necessary, in a particular case in compelling circumstances, the exchange would be permitted, for which prior approval of the Government shall be obtained. (ii) The grant of nautor land under rule 27-B (Grant of Government land surrounded by private land) has been banned. No land should now be granted under this rule and all the cases pending at present should be consigned to the Record Room without further action on them. A list of these cases should however, be prepared and placed on record. (iii) The extent of land to be granted for construction of residential buildings etc. shall now be reduced from 1 bigha. to 5 biswas and grant in these cases shall be sanctioned, only with the prior permission of this Department. The pending cases should be processed accordingly.

**3. All the cases of grant of nautor land under rule 27-B or for construction of residential buildings or of grant of exchange of Government land out of nautor land, or otherwise, made after 1.1.1986 shall be reviewed, do novo, by,**



**the D.C. in case of sanction by S.D.O.(C), and by the Commissioner where sanctioned by the Deputy Commissioner and if these are found to be sanctioned in an irregular manner or against the rules or are otherwise found to be wrong, or where land has not been used for the purpose specified in the grant order, the grants made therein shall be cancelled after following due process of law.**

**4. The Government had issued instructions on grant of land free or in exchange to those persons who were affected by the floods, excessive rains or other natural calamities, vide this Department letter No. Rev.2A(3)-I 1/77, dated the 9th January, 1979. These instructions have been grossly abused in the field and are therefore withdrawn at once. The letter referred to above may kindly be treated as cancelled with immediate effect. However, should such an occasion arise in future, the Deputy Commissioner are hereby empowered to settle such persons temporarily and to formulate scheme for their settlement, for approval of the Government.**

**5. I am again directed to request you kindly to implement the above instructions strictly.**

Kindly acknowledge receipt.Yours faithfully, Sd/-Deputy Secretary (Revenue) for Secretary (Revenue) to the Government of Himachal Pradesh.Endst, No. 9-13/71.Revenue B. dated Shimla-2 the 24th August, 1987.Copy forwarded for information and guidance to: -

**1. The Under Secretary (Revenue) to the Government of Himachal Pradesh ShirrJa-171002.**

**2. The Clerk of Court to the F.C.(R) Himachal Pradesh Shimla-171002.**

Sd/-Deputy Secretary (Revenue) for Secretary (Revenue) to the Government of Himachal Pradesh.dzekad % 9&13@71&jkto [kfgekpy izns'k ljdkjktLo foHkkxizs"kd%mi lfpo (jktLo)fgekpy izns'k ljdkj] f'keyk&2izsf"kr%mik;qDr]pEck (fgoizo)fnukad % f'keyk&171002] 9 Qjoh] 1988fo"k; %& ukSrksM+ iksfylvhAegksn;]mijksDr fo"k;d vkids VsysDl lUns'k la[k;lhocho,o&,lodso&7(3)@80&113] fnukad 4 tuojh] 1988 ds lUnHkZ esa eq>s ;g dgus dk funsZ'k gqvkgS fd tSlh fd vkids VsysDl esa dYiuk dh xbZ gS] bl foHkkx ds lela[d i= rkjh[k 24 vxLr] 1987 esa fn, x, vuqns'k dsoy ukSrksM+ :yt 1968 ij gh ykxw gS& ckfd fdll Hkh Ldhe tSls ySaMySl ijlUt ;k gkmlySl ijlUt ;k fdll vkSj ;kstuk ds vUrxZr nh tkus okyh Hkwfe ij ykxw ugha gksrsAHkonh;mi lfpo (jktLo)]fgekpy izns'k ljdkji `olao 9&13@71&jkto [kofnukad % 9 Qjoh] 1988izfrfyfi fuEufyf[kr dh i`Bkafdr dh tkrh gS%&

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ljdkj"\_\_\_\_\_No.9-13/71-IV-/Revenue BGovernment of Himachal PradeshDepartment of  
Revenue.FromThe Secretary (Revenue) to the Government of Himachal PradeshShimla-171002.To

**1. All the Divisional Commissioners in Himachal Pradesh.**

**2. All the Deputy Commissioners in Himachal Pradesh.**

**3. Settlement Officers, Kangra at Dharamsala and Shimla and Kinnaur at Shimla, H.P.**

**4. All S.D's(C) in H.P.**

**5. All Tehsildars in H.P.**

Dated Shimla-171002, the 11th February, 1988.Subject :- Nautor Policy.Sir,In continuation of this Department letter of even number dated 24.8.87, on the above subject, I am directed to say that certain doubts have been expressed from certain districts about the implications of the above letter which are clarified hereunder :-(i)The above letter (copy enclosed) deals with the Nautor Policy which is contained in Himachal Pradesh Nautor Rules, 1968 as amended from time to time. The

above letter therefore, does not apply to areas where the H.P. Nautor Rules, 1968 are not applicable.(ii)In accordance with letter No.9-13/71-Rev.B, dated 24.12.80 (copy enclosed), "in the districts of Lahual and Spiti, Kinnaur, Pangi and Bharmour tehsils of Chamba Districts, Dodra-Kawar and Pandra-bis areas or shimla District, the grant of nautor land is premissible as per provisions of H.P. Nautor Rules, 1968 and in these areas Dhanks and Ghasanis are to be excluded from the limit of 20 bighas for the purpose of the first proviso to rule 6 of the aforesaid rules." This grant is still permissible but in accordance with the provisions of the above letter dated 24.8.1987 grant of exchange of Land under Rule 27 of the said rules has been banned though in rare cases in compelling circumstances the exchange would be permitted with the prior approval of the Government. In the above areas too, all pending cases under Rules 27-B of the said rules would be consigned to the Record Room and the extent of land to be granted for construction of residential buildings etc., stands reduced from 1 Bighas to 5 biswas and grant in all these cases shall be made only with the prior permission of the Revenue Department. So all such pending cases where the grant to the extent of 5 biswas is considered genuine would be referred to the Government through the Divisional Commissioner concerned.(iii)The other conditions of the grant laid down in this Department letter No.9-13/71-Rev.B dated the 24th December, 1980 will remain in force. These conditions relate to tree growth on the Nautor Land and slope thereof.The provisions of para 3 and 4 of the above letter dated 24.8.87 are applicable to all the districts in H.P. and action as desired has to be taken by all concerned. Progress so far made should be sent to us immediately.You are accordingly advised to take action in the matter in the light of these clarification.Yours faithfully, sd/-for Secretary (Revenue) to the Government of Himachal Pradesh.Endst.No.9-13/71-IV.Revenue B dated Shimla-2 the 11th Feb., 1988.

**1. Copy specifically forwarded to the Deputy Commissioner, Hamirpur, with reference to his letter No.2624/DRA dated 1.10.1987. It appears that exchanges are being granted with private land for those lands also which have not vested in the Government under the Act. In this behalf his attention is invited to Clause (c) of Sub-Section 3 of the H.P. Village Common Lands (Vesting and Utilization) Act, 1974. This may please be checked up.**

**2. Copy forwarded for information and guidance to the Under Secretary (Revenue) and Clerk of Court, H.P. Shimla-2.**

sd/-for Secretary (Revenue) to the Government of Himachal Pradesh. \_\_\_\_\_ No.9-13/71-Revenue B Government of Himachal Pradesh Department of Revenue. From The Deputy Secretary (Revenue-I) to the Government of Himachal Pradesh. To

**1. The Divisional Commissioner,. Shimla/Mandi/Dharamsala in H.P.**

**2. All the Deputy Commissioners in H.P.**

**3. The Settlement Officer, Kangra Division at Dharamsala and Shimla and Kinnaur Districts, Shimla-2**

**4. All the Sub-Divisional Magistrates in H.P.**

**5. All the Tehsildars. in H.P.**

Dated Shimla-171002, the 25th August, 1988. Subject:-Nautor Policy.-Sir, In partial modification of sub-para (iii) of para 2, of this Department letter of even number dated the 24th August, 1987 on the above subject, I am directed to say that it has now been decided that the cases of grant of Nautor Land for construction of residential building etc. in which prior permission of the Government was required to be taken, shall now be disposed off by the Deputy Commissioners at their own level instead of sending them to this Department for prior approval. The extent of land to be sanctioned shall, however remain unchanged i.e. Five Biswas as laid down therein. sd/-Yours faithfully, Deputy Secretary (Revenue I) to the Government of Himachal Pradesh. No. 9-13/71-Revenue B Dated Shimla-171002, the 25th August, 1988. Copy forwarded for information and guidance to :-

**1. The Under Secretary (Revenue ) to the Government of H.P. Shimla-2.**

**2. The Clerk of Court to the Financial Commissioner (Appeal) H.P. Shimla-2.**

Deputy Secretary (Revenue I) to the Government of Himachal Pradesh. No. 9-13/71 Rev-B Dated Shimla-171002, the 25th August, 1988. Copy also forwarded to the Director Land Record/Director Consolidation of Holding H.P. Shimla with a copy of this Department letter referred to above, for information. sd/-Deputy Secretary (Revenue I) to the Government of Himachal Pradesh. \_\_\_\_\_ No. 9-13/71 -Revenue -B Government of Himachal Pradesh Department of Revenue From The Secretary (Revenue ) to the Government of H.P. To

**1. The Divisional Commissioner Shimla/Mandi/Dharamshala in H.P.**

**2. All the Deputy Commissioners in H.P.,**

**3. Settlement Officers Shimla/Dharamshala in H.P.**

**4. Director Land Record, Himachal Pradesh, Shimla-2.**

**5. Director of Consolidation of Holding, Himachal Pradesh, Shimla-2.**

**6. All the Sub-Divisional Magistrates in Himachal Pradesh.**

**7. All the Tehsildars in Himachal Pradesh.**

Dated Shimla-171002, the 8-11-1988. Subject: -Grant of land in exchange of the land damaged or washed away due to heavy rains/floods Sir, In continuation of this Department telex of even number dated the 20th October, 1988 regarding grant of land to those persons whose lands were damaged in the recent rains, I am directed to say that it has now been decided that those marginal and small farmers, whose land was either completely washed away or so badly damaged in recent rains/floods, that it can not be reclaimed, may be granted land in exchange of such lands. Besides, it has also been decided that a house site upto 5 biswa of land may also be granted to such a person if his house has so been damaged that it can not be reconstructed on the same site. I am accordingly directed to say that necessary action may kindly be taken to grant land in exchange or otherwise as the case may be, as indicated above in such cases if a request for land, in such circumstances, is received. In this behalf, it may kindly be noted that: -

- 1. The provisions of the relevant scheme shall apply mutatis mutandis to such grant of exchange of land so far as other aspects are concerned;**
- 2. The concession shall be available to the small and marginal farmers only;**
- 3. It will be applicable to those persons only whose lands/houses have been damaged in recent rains/floods; and**
- 4. The grant/exchange of land shall be sanctioned by the Deputy Commissioner concerned:**

Yours faithfully, Sd/-Deputy Secretary (Revenue) to the Government of Himachal Pradesh. No. 9-13/71-Revenue B. Dated Shimla-171002, the 8-11-1988. Copy forwarded to: -

- 1. Clerk of Court to Financial Commissioner (Appeals) to the Government of Himachal Pradesh, Shimla-2 for information.**
- 2. The Under Secretary (Rev.) to the Government of Himachal Pradesh, Shimla-2 for information (with 10 spare copies).**

Deputy Secretary (Revenue ) to the Government of Himachal Pradesh l[;ka % jSo 9&13@71&jSo& chfgekpy izns'k ljdkjktLo ([k] vuqHkxkAizs"kd]voj lfpo (jktLo)fgekpy izns'k ljdkjizsf"kr]

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