

# **The Himachal Pradesh Grant of Nautor Land to Landless Persons and other Eligible Person Scheme 1975**

HIMACHAL PRADESH

India

## **The Himachal Pradesh Grant of Nautor Land to Landless Persons and other Eligible Person Scheme 1975**

### **Rule**

### **THE-HIMACHAL-PRADESH-GRANT-OF-NAUTOR-LAND-TO-LANDLESS of 1975**

- Published on 15 October 1975
- Commenced on 15 October 1975
- [This is the version of this document from 15 October 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

The Himachal Pradesh Grant of Nautor Land to Landless Persons and other Eligible Person Scheme 1975 Published vide notification No. 9-14/75-Revenue-A, dated 15.10.1975. Government of Himachal Pradesh 'Revenue Department' No. 9-14/75-Revenue A. - The Governor, Himachal Pradesh, is pleased to make the following, special scheme for grant of Nautor land to landless persons in the State.

#### **1. Short title and commencement.**

(1) This scheme shall be called the Himachal Pradesh Grant of Nautor Land to Landless persons, other Eligible persons scheme, 1975. (2) It shall come into force at once.

#### **2. Definition.**

- In the scheme- (a) Landless person means a person who holding no land for agricultural purposes, whether as an owner or a tenant, earns his livelihood principally on manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally. (b) other eligible persons' means persons who hold land less than one acre in the State of Himachal Pradesh as a landowner or a tenant and earns his livelihood principally on manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally and includes those land-owners who were either rendered landless or whose holdings

were reduced to less than one acre as a result of implementation of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.[Provided that notwithstanding any thing contained in this scheme, a person who has completed training under the Trysem Programme and is certified as eligible by the Project Officer/A.D. Agency of the Distt. concerned for allotment of land for construction of a shop or other business premises shall also be deemed eligible and land of the area sufficient for construction of a shop or other business premises, but not exceed 2 biswas as the case may be, may be granted to him by the S.P.O.(C) concerned."] [inserted vide notification No. 9-14/75-Revenue -A, dated 15.10.1975.]

### **3. Application of Scheme.**

- The scheme shall apply to Government waste land outside the Reserved and Demarcated Protected Forest.

### **4. Survey of culturable land.**

(1)A survey of culturable land in each estate shall be made immediately by the Tehsildar/Naib-Tehsildar concerned and plots of land in each estate which can be granted as nautor land to the landless persons, other eligible persons marked on the ground.(2)A register of landless persons in each Patwar circle has already been maintained village-wise under the instructions issued by the State Government. These registers will be verified by the Tehsildars according to the instructions already issued by the Government in this behalf.(3)In case of other eligible persons a register in each Patwar circle shall be maintained in form 'A' appended to this Scheme.

### **5. Grant of Nautor Land.**

(1)Nautor Land upto 1 acre for the purpose of Agriculture/Horticulture shall be granted to a landless person on a simple application in the Revenue estate in which ordinarily resides or in a nearby revenue estate as far as possible in the following order: -(i)in the revenue estate;(ii)in the Patwar circle if no land is available in the Revenue estate;(iii)in the Kanungo circle if no land is available in the Patwar circle;(iv)in the Tehsil, if no land is available in the Kanungo circle.(2)[ The allotment of land to eligible persons under the scheme shall be made in the following order of preference.] [Added vide Revenue Department Notification No. 9- 14/75-Revenue - A, dated 15-10-1975.](i)members of Scheduled castes/Scheduled Tribes, ex-servicemen, Freedom fighters and Ex-INA personnel,covered under the Government, of India scheme and also those freedom fighters who have been awarded commendation certificates' by the State Government;(ii)landowners or tenants whose holdings as a result of implementation of section 104 of the Himachal Pradesh Tenancy and Land Reforms Act, 1972 are reduced below one acre; and(iii)to remaining eligible persons;Provided that no land containing more than 40 trees of valuable species per acre shall be granted under this scheme,(3)If there are trees on the land granted under this scheme and the grantee is not in a position to pay the price of the trees at market rate, the trees shall be cleared by the Forest Department within a month from the date of grant of the land.

## **6. Delimitation of land.**

- The nautor land to be granted to a landless person or other eligible persons under, this scheme shall be delimited in his presence and also in the presence of the members of the Gram Panchayat as may be available at the time of delimitation.

## **7. Sanctioning Authority.**

- [The Sub-Divisional Officer (Civil) of the Sub-Division and the Tehsildar of the Tehsil in which the land is situated shall be the sanctioning authority for the purpose of this scheme. The sanction order of nautor land shall be made by the Tehsildar on the application and its operative part entered in the register to be maintained for the purpose in the Tehsil. Issue of Patta under the scheme will not be necessary.] [inserted vide notification No. 9-14/75-Revenue , Dated 22-1-76.]

## **8. Nazarana and mode of its payment.**

(1)The grant of nautor land under this scheme shall be made against payment of nazarana by: -(a)a grantee belonging to Scheduled Tribes @ rupees five per bigha;(b)a grantee belonging to Scheduled caste @ rupees twenty five per bigha;(c)other grantees @ rupees fifty per bigha.(2)[ The payment of nazarana shall be in lump sum or in ten equal half yearly instalments. The possession of the land shall be given to the grantee immediately after the sanction of land. In case of payment in instalments, the first instalment can be paid within one year of the delivery of possession.] [Substituted vide notification No. 9-14/75-Revenue A Dated 13-2-76.](3)If the grantee fails to pay the total amount of nazarana within a period of five years, the same shall be recovered as arrear of land revenue.

## **9.**

There shall be no right of appeal against the grant of nautor land to a landless person or to other eligible persons under this scheme.

## **9A. [ Revision. [Substituted vide notification No. Revenue - 9-14/75 dated 15-10-75.]**

- If at any time, it comes to the notice of the Commissioner either through an application made by any person or otherwise, that the allotment of any land under this scheme was made to a person who was not entitled or eligible for such allotment or the allotment was wrong on any other grounds, he may call for the record of the case and after making such enquiries as he thinks proper in person or through a Revenue Officer subordinate to him and after giving an opportunity to the parties concerned, he may cancel the grant of land and make such other orders in connection therewith as he deems necessary in the circumstances of the case.]

## 10. Mutation.

- The mutation of the land to be granted under this scheme to a landless person or to other eligible persons shall be attested immediately after the payment of nazarana by the grantee either in lump sum or on payment of 1st instalment of the nazarana as the case may be.

## 11. Restriction on transfer.

- The grantee shall not transfer the land granted under this scheme to any person within a period of [20 years] [Substituted vide notification No. Revenue 2A(3) 11/77 dated 11.9.80-5 Substituted vide notification No. Revenue 2A(3)-11/77 dated 9.12.87] from the date of taking over possession of the land by him. In the event of contravention of the provisions of this para the grant shall be liable to be resumed by the State Government and no further allotment of land should be made to him thereafter. [Similarly] if he fails to break up the land within a period of 2 years from the date of taking over of the possession the grant shall be liable to be resumed. Provided that the land granted under this scheme shall not be subject to fragmentation by way of partition, transfer or by any other mean. The Revenue Officer shall record these conditions in the mutation orders to be passed by him. His orders shall further be recorded in the remarks column of the jamabandi in which the mutation pertaining to the land is incorporated. Provided the allottee may transfer the land by way of mortgage without possession in favour of Primary Agricultural Cooperative Credit Society, a Bank as defined in the H.P. Agricultural Credit Operations and Miscellaneous provisions (Banks) Act 1972 (Act No. 7 of 1973) for the purpose of raising loans for development of such land, raising of crops, purchase of bullocks, seed and fertilizers etc. for bringing the land under cultivation.

## 12.

No legal practitioner shall appear, plead or act on behalf of any party before any revenue officer in any case under this scheme. Register

Tehsil	Patwar Circle	Name & parentage of person holding land below 5 bighas	Whether Scheduled caste / Tribe or other	Name of the Village where permanently resides	Name of the Village where land is hold with extent of land _____			
1	2	3	4	5	6			7
No. of family members of the person entered			Name of village in which land is granted	Date of sanction	Particulars of granted Khasra No.	Land Land in bighas	Price of Land charged	Remarks

incolumn 3

8	9	10	11	12	13	14
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Top PriorityNo. 9-14/75-Revenue -AGovernment of Himachal PradeshRevenue  
DepartmentFromThe Financial Commissioned-cum-Secretary (Revenue)to the Government of  
Himachal Pradesh.ToThe Divisional Commissioner,Himachal Pradesh, Shimla-2.Dated Shimla-2,  
the 1st/3rd October, 1975.Subject:- Guidelines for grant of land to persons whose existing holdings  
are less than one acre in the second phase of the programme of providing land to eligible  
persons.Sir,I am directed to refer to this Department letter of even number dated the 8th  
September, 1975, on the above subject, and to say that with a view to bringing about uniformity in  
the whole of this Pradesh in the matter of allotment of land to the eligible persons, the following  
guidelines are hereby issued under the following three schemes:-

**1. The H.P. Utilisation of Surplus Area Scheme, 1974.**

**2. The H.P. Village Common Lands (Vesting & Utilization) Scheme, 1975;**

**3. The H.P. Special Nautor Scheme, 1975 now.made applicable to eligible persons.**

**2. During the second phase of the programme land under all the three schemes will be allotted to those persons whose holdings are less than one acre to make their holdings upto one acre(here-after referred to as eligible persons).**

**3. Priorities in allotment. The allotment of land to eligible persons under the aforesaid three schemes shall be made in the following order of preference:**

(i)Members of Scheduled Castes/Scheduled Tribes, ex-servicemen, freedom fighter and Ex-INA personnel, covered under the Government, of India Scheme and also these freedom fighters who have been awarded commendation certificates by the State Government;(ii)To land owners or tenants whose holdings as a result of implementation of Section 104 of the H.P. Tenancy and Land Reforms Act, 1972, is reduced to below one acre;(iii)To remaining eligible persons;(iv)To those land owners in the areas comprised in H.P. immediately before 1st November, 1966, who were either rendered landless or whose holdings were reduced to less than one acre as a result of the Implementation of the H.P. Abolition of Big Landed Estates and Land Reforms Act., 1953 (only under the H.P. Special Nautor Scheme).

**4. The income from other sources upto a limit of Rs. 3000/- per annum should be kept in view while allotting land to eligible persons in the second phase of the programme. No land should be allotted to a person, whose annual income from other sources exceeds Rs. 3000/-.**

**5. Where, in joint holdings co-sharers live jointly, their per capita share need not be worked out. For example, four brothers are living jointly and they have three acres of land. In such case, it is not essential to make their joint holdings as four acres. Only individual holdings falling short of five bighas will be taken up. Similarly, in a polyandrous family, where the land is in the name of the eldest brother according to the custom of area, the rest of the brothers will not be treated as eligible persons.**

**6. The distribution, out of shamlat land, since vested in the Government shall begin only after the area reserved for grazing and common purposes and allotable pool are properly demarcated and other formalities under the H.P. Village Common Lands (Vesting and Utilization) Act and the Rules and the Scheme made under the Act are completed. The relaxations of the provisions of the Rules and the Schemes allowed as per letter No. 10-4/75-Revenue-A dated the 23rd July, 1975, was allowed only in respect of landless persons.**

**7. Necessary amendments in all the above mentioned, schemes in the light of the above guidelines are being issued very shortly. In the meanwhile you may kindly direct all the Deputy Commissioners to complete the formalities under the Taws, Rules and the schemes and also prepare the lists of all the eligible categories mentioned above and thereafter start distribution of land in the second phase in view of the provisions and guidelines given in the letter.**

Kindly acknowledge receipt.Yours faithfully, Sd/-(K.C. Chauhan) Under Secretary (Revenue) to the Govt, of Himachal Pradesh.No. 9-14/75-Revenue -A Dated Shimla-2, 1st/3rd October, 1975.Copy to all the Deputy Commissioners/Settlement Officer, Dharamshala/S.D,O. (Civil)/Tehsildars in H.P. for information and necessary action.Sd/-Under Secretary(Revenue) to theGovt of Himachal Pradesh\_\_\_\_\_No. Revenue -D(G)6-13/87Government of Himachal Pradeshdepartment of Revenue'D-Section'From:The Financial Commissioner-cum-Secretary (Revenue) to the Government of Himachal Pradesh.To

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

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

Dated, Shimla-2, the 30.5.88.Subject:- Allotment of land to landless/houseless persons as outright grant and allotment of land for the construction of houses etc. on payment of nazrana or on lease basis-A clarification on the points involved.I am directed to say that as you are aware there are numerous legal, extra legal or purely administrative arrangements under which land is given to a

person for various purposes including construction of residential buildings. Due to legal difficulties, separate law/instructions exist for the utilisation of land Owned or vested in the Government under the H.P. Ceiling on Land Holdings Act, 1972 and the H.P. Village Common Lands (Vesting & Utilisation) Act, 1974. This land has been treated in the light of the provisions of these Acts and has to be treated as distinct in comparison to other Government land.

## **2. In so far land vested in the Government under these Acts is concerned, there are following legal arrangements for utilisation of this land:-**

land vested under various acts: Land coming to Government under Ceiling and Village Common Land Acts is allotted to the Landless and other eligible persons under two schemes framed by the Government under these Acts, namely:-(i) The H.P. Utilisation of Surplus Area Scheme, 1974; and (ii) The H.P. Village Common Lands (Vesting & Utilisation) Scheme, 1975. Section 15 A in Ceiling Act and section 8 A in the Village Common Lands Act authorises the State Government Department or by lease to an individual for initiating developmental works. Besides under a recent amendment in these Acts, land can be allotted to an handicapped person also for his rehabilitation. All these arrangements are in operation and land can be allotted thereunder, of course, subject to availability and entitlement since there is no ban on allotment under these laws, for the above purposes. Thus it should be noted that no sale lease is allowed out of the land coming to us under these Acts. Under the H.P. Common Land Scheme, land can be allotted from the allottable pool only.

## **2. Government Wasteland Or Charan Land:**

Besides, the above, there is Government waste land popularly known as 'Charand'. While land under Nautor Rules, 1968 has been banned in the Pradesh, except in tribal and difficult areas, land under Rules 5&6 of these Rules is open for being granted upto the extent of 1 Bigha. This has, however, been reduced by the Government to five biswas and that too with the prior approval of Government vide this department letter No. 9-13/71. Revenue -B, dated the 24th August, 1987 as clarified vide letter of the same number, dated the 9th and 11th February, 1988 (copies enclosed). This grant can be made to any estate-right holder provided there are adequate reasons-for the grant. Allotment of Land To Landless & other Eligible Persons: Government waste land can be allotted to a landless person or an other eligible person under the H.P. Grant of Nautor Land to Landless and Other Eligible Persons Scheme, 1975. There is no ban on it and land under this scheme can be allotted to a person eligible under the scheme, of course, subject to availability and subject to having been listed in the Surveys, done on 30.4.81 and 30.3.83. House-Sites To Houseless Persons In Rural Areas: No regular Scheme has been drawn by the Government for the purpose. Allotment of land for house sites is made as part of implementation of 20 point programme. This is also continuing, subject to availability of land and there is no ban on it. Under this head land measuring 100 Sq. yards has to be allotted to a houseless person for the construction of the house. The instructions were issued vide letter. No. 9-20/71-Revenue A, dated the 23rd September, 1975 (Copy enclosed).

**3. finally, a new scheme has been launched by the H.P. Govt, to lease out 25 Sq. metres land to Ex-servicemen, IRDP families and handicapped persons with more than 50% disability for the construction of khokhas/Stalls for starting self employment near their villages on the roadside. The instructions have been issued vide letter No. Revenue -D(G)6-16/86 dated the 8th March, 1988 (copy enclosed).**

**4. It appears that there is a good deal of confusion about the import of Rules, Schemes and instructions and the land being granted/leased thereunder. I am to clarify that there is no ban either on the grant of land to landless and other eligible persons under the above schemes provided suitable land for allotment is available, or on the grant of land for house sites to houseless person in rural areas. However, it has to be borne in mind that only those landless persons, have to be considered for the grant of land who have been listed in the survey with cut off dates on 30.4.1981 and 30.3.1983.**

**5. It is further clarified that it is only under Nautor Rules, 1968 that grant of land to the estate right holders for the construction of residential house subservient to agriculture has to be given with the prior permission of the Government by the sanctioning authorities and the transfer of land vested in the Government under the two Acts mentioned above, is not admissible under the law, in any manner, except as provided in the Acts or Schemes made thereunder.**

**6. The receipt of this letter may kindly be acknowledged.**

Yours faithfully, Sd/-(Attar Singh) Financial Commissioner-cum-Secy. (Revenue) to the Government dated Himachal Pradesh, Shimla-2.No. Revenue D(G)6-13/87- Dated, Shimla-2, the 30.5.88.Copy for information and necessary action is forwarded to:-All the Sub-Divisional Magistrate/Tehsildars/Naib Tehsildars working in Sub-Tehsils in Himachal Pradesh.Sd/-Deputy Secretary (Revenue) to the Government of Himachal Pradesh, Shimla.No.Revenue (D)(G)6-13/87 Dated, Shimla-2, the All the Assistants working in Revenue 'B' and 'D' Sections of H.P. Secretariate.Guard file.Sd/-Deputy Secretary (Revenue) to the Government of Himachal Pradesh.\_\_\_\_\_Rules governing the grant of Nautor in the undemarcated waste of the Rupji Jagir in the Kulu Sub-Division

**1.**

(1)These rules shall be called the Nautor (Rupi Jagir) Rules.(2)They shall be applicable to the undemarcated waste of the Rupji Jagir in the Kulu Sub-Division.



**2. In these rules (a) "Kothi rightholder" means a land owner recorded as the owner of a holding of agricultural land assessed to land revenue recorded in the Revenue Settlement of 1911-12 in the Kothi in which it is proposed to grant nautor, or persons who. have acquired such holding by inheritance from a person so recorded.**

(b)"Kothi artisan" means a member of a family of artisans which has been settled in the Kothi in which it is proposed to grant nautor since 1868.(c)"Kulu rightholder" means a Kothi rightholder who is recorded as holding agricultural land assessed to land revenue in any kothi of the Kulu Sub-Division other than in which it is proposed to grant nautor.(d)"Kullu artisans" means a member of a family of artisans which has been settled since 1868 add in any kothi of the Kullu Sub-Division other than that in which it is proposed to grant Nautor.(e)"Outsider" means a person who has a rights of the Kulu Sub-Division or who or whose predecessor in interest has acquired such rights otherwise than by inheritance, if at the time of such acquisition he or his predecessor-in-interest as neither a kothi or a Kulu "rightholder" or "artisan" as defined above.

**3. "Nautor" means the grant on payment of Nazarana of are interest in under**

marcated waste land owned by the Jagirdar of Rupri as defined in the patta hereto annexed.

**4. Grants of nautor will only be made either to Kothi or Kulu rightholders or to Kothi or Kulu artisans.**

**5. Nautor will be granted to Kothi rightholder or Kothi artisans or to Kulu rightholders or Kulu artisans who do not pay land revenue exceeding Rs. 25/- per annum or income tax.**

**6. Nautor will only be granted for subsistence or for the construction of a house on necessity proved to the satisfaction of the Jagirdar of Rupri.**

Explanation. - The grant will not be deemed to be necessary if the applicant for the grant or has arable land in his possession lying uncultivated or in the opinion of the Assistant Commissioner, Kulu, has not adequately safeguarded such land against erosion.

**7. The grant of nautor in land on a slope of steeper than one vertically in two horizontally or more will be subject to an additional condition that the grant must be safeguarded against erosion to the satisfaction of the Assistant Commissioner, Kulu.**

**8. Grants of nautor will be made by the Jagirdar of Rupī.**

**9. Grants of nautor to Kothi rightholders or Kothi artisans shall not be made until nazarana at the rate of Rs. 1/- per bigha has been paid when the land is to be granted for agricultural purposes, and at the rate of Re 1/- per biswa when the land is granted for other purpose, statement where such land granted for purpose other than agriculture is within 100 feet of a road in the charge of the Public Works Department, Buildings and Roads Branch, Nazarana at the rate of Rs. 2/- per biswa shall be paid.**

**10. Grants of Nautor to Kulu rightholders of Kulu artisans shall not be made until nazarana at the full market value of the land to be granted has been paid,**

**11. Nautor shall not ordinarily be granted of land which has been encroached upon, but if the Jagirdar of Rupī is satisfied that the grant of nautor of such land encroached upon should be made, then such grants shall not be made until a sum which in the opinion of the Jagirdar of Rupī is equivalent to the full market value of the land has been paid by way of nazarana.**

**12.**

(1) Applications (for the grant of nautor) will in first instance be presented to the Jagirdar of Rupī but no application for nautor in any bihal or in arty of the undermentioned Kothis will be entertained without written permission of the Assistant Commissioner, Kulu.: -

**1. Kothi Chung.**

**2. Kothi Harkandhi.**

The number of Kothis and phatis which are to be excluded under this rule may be extended to protect other areas where gracing is found to tie insufficient. Land adjacent to Government buildings and roads may also be protected.(2)The application will be investigated by the Jagirdar of Rupī in the following manner: -A notice to the Kothi rightholders showing the area applied for and its situation will be published by putting up in a conspicuous place in the villages of rightholders concerned, and on the land applied for One month from such publication will be allowed for objections from rightholders. A responsible member of the Jagirdar's staff will inspect the site, record the rightholder's statements or on all existing rights in the land and any objection to its being taken up for cultivation. He will also note whether there are any reserved trees on the laid the proximity of roads, paths or water channels and the slope of land. When any reserved trees stand an

the land, reference will be made to the Divisional Forest Officer, through the Assistant Commissioner, Kulu, If objections are raised by the Forest Department or by the people who have been accustomed to exercise rights in the waste, the matter shall unless the application is forthwith rejected, be referred to the Assistant Commissioner for decision.(3)After the nautor has been sanctioned, the Jagirdar of Rupri will issue a patta in the form attached and the file will be sent through the tehsil to the Patwari for entry of the mutation. Field Kanungo will check the corrections of the tatima shajra before the mutation is entered up.

**13. Grantees being given possession must at once mark out the land accurately by burjis or low walls according to the demarcation of the Patwari.**

**14. If a kothi rightholder lodges an objection within one month of the date from which possession is taken and the objection is upheld, the grant may be cancelled without the grantee being entitled to any compensation other than the refund of the Nazarana paid.**

**15. At the end of each quarter, a statement showing the particulars of the grants of nautor sanctioned in the preceding three months will be forwarded by the Jagirdar of Rupri to the Divisional Forest Officer concerned for the information of the Forest Staff.**

**16. For waste land required by Government for public purposes such as timber slides, encamping-grounds, roads, buildings and protective works for preventing or remedying land slips no compensation will be paid to the Jagirdar for his proprietary rights in such waste.**

**17. Government retains all its present rights to minerals existing in the undermarked waste.**