

# **The Himachal Pradesh Village Common Lands Vesting and Utilisation Scheme, 1975**

HIMACHAL PRADESH

India

## **The Himachal Pradesh Village Common Lands Vesting and Utilisation Scheme, 1975**

### **Rule**

### **THE-HIMACHAL-PRADESH-VILLAGE-COMMON-LANDS-VESTING-AND of 1975**

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The Himachal Pradesh Village Common Lands Vesting and Utilisation Scheme, 1975 Scheme published in the Rajpatra, Extraordinary, dated the 20th March, 1975 vide Revenue Department notification No. 10-1/73-Revenue A.- dated the 12th February, 1975. Amended vide notification No. 10-1/73-Revenue-A dated 18.10.1975.

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

(1) This scheme shall be called the Himachal Pradesh Village Common Lands Vesting and Utilisation Scheme, 1975. (2) It shall come into force at once.

### **2. Definitions.**

- In this scheme, unless the context otherwise require. (a) 'Act' means the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974; (Act No. 18 of 1974). (b) 'allottee' means a person who is allotted land under this scheme; (bb) [ 'Commissioner' means the Commissioner, Himachal Pradesh, and includes an officer appointed as such by the State Government. ] [Substituted vide Notification No. Revenue-2-A(3) 11/77, dated 10/7/78.] (c) term to cultivate personally will have the same meaning as given in the Himachal Pradesh Tenancy and Land Reforms Act, 1972; (d) 'form' means the form appended to this scheme; (e) 'rules' mean the Himachal Pradesh village Common Lands Vesting and Utilisation Rules, 1974; and (f) all other words and expressions used herein and not defined in this scheme but defined in the Act or rules shall have the same meaning as are respectively assigned to them in the Act or in the rules, as the case may be.

### **3. [Procedure to be observed by the Tehsil Revenue Officer. [Substituted vide notification No. Revenue 2A (23-11/77, dated 9-12-87.)]**

- Immediately after the land vested in the State Government]under Section 3 of the Act is mutated in favour of the State Govrenment The Tehsil Revenue Officer shall invite applications through proclamation from the eligible persons in form-I to be submitted to him within 6 weeks thereof. Copy of this proclamation shall be affixed at conspicuous place in the estate. Additional publicity shall be made by other suitable media of publicity:Provided that the proceedings for allotment of land from the allotable pool may be initiated suo-moto by the Tehsil Revenue Officer.

### **4. Enquiry preparation of statement of land available for allotment.**

- When application is made under paragraph 3 or when the Tehsil Revenue Officer suo-moto initiates proceedings under the proviso of paragraph 3, he shall after giving the persons seeking allotment or being considered for allotment, an opportunity of being heard and after making such summary inquiry as he may consider necessary, prepare a statement for Revenue estate, indicating-(1)particulars of each eligible person;(2)the land, if any, owned or held by such person;(3)the area which can be allotted to such person under the Act; and(4)the revenue estate or estates for which such person indicates preference for allotment of land in case no area is available for allotment in the revenue estate where he holds land.

### **5. Procedure for allotment of land from the allotable pool.**

(1)After the procedure prescribed in paragraph 4 has been followed, the Tehsil Revenue Officer shall prepare a list of all eligible persons for each revenue estate in such a manner that the persons who do not own any land and the persons who own or hold less than one acre of land are placed according to the area possessed by each in an ascending order.(2)The Tehsil Revenue Officer shall also prepare a list of Khasra Numbers (with area) of the land comprised in the allotable pool area available for allotment in a revenue estate mentioning such numbers in the numerical order. Where there are killas and rectangles, the numerical order of the rectangle shall be observed first and then of killas in each rectangle.(3)The record of each case alongwith the lists referred to in sub-paras (1) and (2) above shall be forwarded to the Collector who shall proceed to allot the land to eligible persons in the following order of reference:-(a)member 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.(b)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;

### **6.**

If any eligible person cannot be allotted land in the revenue estate in which he resides, the Collector may, having due regard to his preference, allot him land in land revenue estate in which it is

available.

## **7. Issue of certificate.**

- Each allottee shall be given a certificate in Form 'II' by the Collector. A copy of the certificate shall be sent to the Tehsil Revenue Officer.

## **8. Delivery of possession.**

- After making the allotment, the Collector shall also pass an order for delivery of possession of land to the allottee.

## **9. Conditions of allotment.**

- The allotment shall be subject to the following terms and conditions:-(a)the allottee shall be liable to pay all Government dues, including land revenue rates and cesses from the date he takes possession of the land;(b)the allottee shall be liable to pay for the land an amount as prescribed in clause (b) of sub-section (1) of section 8 of the Act;(c)the allottee shall become full owner of the land allotted to him when all payments due in respect of such land have been made either in lump sum or on payment or first instalment of such dues, as the case may be;(d)[ the allottee shall not transfer his rights in the land allotted to him to any person within a period of 20] [Substituted vide notification No. Revenue 2A (23-11/77. dated 9-12-87).] years from the date of taking over the possession after allotment; and in the even of violation of the provisions, the land granted to him shall be liable to be resumed by the State Government and no further allotment of land shall be made to him thereafter.[Provided that the allottee may transfer the land by way of mortgage without possession in favour of a primary Agricultural Cooperative Credit Society, a Bank as defined in the Himachal Pradesh Agricultural Credit operations and Miscellaneous] [Substituted vide notification No. 10, 10-1-73 Revenue A, dated 8.6.76.]provisions (Banks) Act, 1972 (Act No. 7 of 1973) for the purpose of raising loans for development of such land, purchase of bullocks seed and fertiliser, etc. for bring the land under cultivation.(e)The allotment shall be liable to resumption if the land is not cultivated personally within a year of taking over of the possession by the allottee;(f)[the land allotted under this scheme shall not be subject to fragmentation by way of partition transfer or by any other mean; and] [Inserted vide notification No. 10-1/73-Revenue-A, dated 18-10-1975.](g)the Revenue Officer shall record the conditions laid down in sub-paras (d), (e)and (f) above 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.

## **10. Payment or amount in instalments.**

- The amount prescribed in section 8 of the Act shall be paid by the allottee in the following manners:-(1)The amount payable under Section 8 of the Act shall, if it is not voluntarily paid in lump sum be paid.(a)where it does not exceeds 100 rupees in 2 equal six-monthly instalments.(b)where it exceeds 100 rupees in 4 equal six-monthly instalments.

## **11. Cancellation of allotment in certain cases.**

(1) If an allottee makes any default in the payment of the amount due from him or infringes any of the conditions of allotment, he shall render himself liable for cancellation of the allotment. Provided that no cancellation of allotment will be made unless the allottee is given an opportunity of being heard. (2) If there is a default in payment of instalment or instalments due to the Government from the allottee, the same shall be recoverable as arrears of land revenue.

## **12. Manner of payment of amount.**

(1) The amount shall be paid into the Government Treasury or sub-Treasury by the allottee. (2) The Tehsil Revenue Officer shall maintain a ledger account in respect of the amount due from and amount paid by each allottee. He shall also maintain a day book regarding payments received from them. At the end of every month, a statement regarding payments received from allottees shall be furnished to the Treasury Officer or Sub-Treasury Officer as the case may be, by the Tehsil Revenue Officer.

## **13.**

[(1) Any person aggrieved by an order, of Collector or any other authority competent to make such order, may within thirty days from the date of such order, or such longer period as the Commissioner may allow for reasons to be recorded in writing prefer an appeal in write the Commissioner.] [ Substituted vide Notification No. 10-4/75-Revenue-B (III), dated 21/6/77.] Explanation: - In completing the period of thirty days, the time taken in obtaining the copy of the order appealed against shall excluded. (2) An such appeal being preferred, the Commissioner may order stay of further proceedings in the matter pending decision on the appeal. (3) The Commissioner shall decide the appeal after giving the parties an opportunity of being heard and if necessary, after sending further record of the case from the Collector and after making such inquiry as he thinks fit either personally or through the Collector. (4) [ Substituted vide Notification No. 2-A(3) 11/77, dated 10/7/1978.] 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 either 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.

## **14.**

[No legal practitioner shall appear plead or act on behalf of any party before any Revenue Officer, in any case under this Scheme.] [Substituted vide notification No. Raj-2-A(3) 11/77, dated 11/9/1980.] Form I (See Paragraph 3)

Name, Parentage, Village, Tehsil and district of the applicant	Khasra No. of land he owns/cultivates with the name of estate, tehsil and district	Area he wants to be allotted with the name of the estate, tehsil and district	Name of Scheduled castes or Scheduled tribes to which he belongs	Remarks
1	2	3	4	5

I hereby certify that I have known the applicant personally for a period of \_\_\_\_\_ and to the best of my knowledge and belief, he belongs to the \_\_\_\_\_ caste/tribe which is one of the Scheduled caste Scheduled tribes declared for Himachal Pradesh under the Constitution of India. Signature of Sarpanch/Lambardar or any Gazetted Officer or Revenue Officer. Form II (See Paragraph 7) Form of Certificate Certified that \_\_\_\_\_ son of \_\_\_\_\_ resident of \_\_\_\_\_ has been allotted land measuring \_\_\_\_\_ and situated in \_\_\_\_\_ estate \_\_\_\_\_ Tehsil \_\_\_\_\_ District \_\_\_\_\_ the provision of the Himachal Pradesh Village Common Lands Vesting and Utilization Scheme, 1975, subject to the terms and conditions specified therein. The amount payable for such allotment has been determined as \_\_\_\_\_ Collector H.P. Village Common Lands Vesting and Utilization Act, 1974 Notifications and Rules under The Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 Revenue Department Appointment and Delegations Notifications Shimla-171002, the 31st December, 1974. No. 2-27/73-Revenue I. - In exercise of the powers vested in him under clause (a) of section 2 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974), and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to appoint all the Sub-Divisional Officers (Civil) in Himachal Pradesh, as Collectors for the purposes of the said Act within their respective jurisdiction, with effect from the date of commencement of the Act. (R.H.P. dated the 11th January, 1975, p. 50) Shimla-2, the 17th September, 1975. No. 2-27/73-Revenue I. - In exercise of the powers conferred on him under section 9 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to authorize the Divisional Commissioner, Himachal Pradesh, Shimla to exercise the powers and perform the functions of the State Government under section 9 of said Act, with immediate effect. (R.H.P. Extraordinary, dated the 18th September, 1975, p. 1108) Shimla-2, the 12th February, 1975. No. 10-1/73-Revenue A. - Whereas the draft Himachal Pradesh Village Common Lands Vesting and Utilization Rules, 1974, were published as required under sub-section (3) of section 13 of the Himachal Pradesh Village Common Lands Vesting and Utilization Act, 1974 (Act No. 18 of 1974), in the Extraordinary Gazette, dated the 7th November, 1974, for inviting objections and suggestions from the persons likely to be affected thereby within a period of 30 days from the date of publication of the draft rules in the official gazette. And whereas Government has considered the objections and suggestions received on the said draft rules within the aforesaid prescribed period of 30 days. Now, therefore, in exercise of the powers conferred upon him under section 13 of the aforesaid Act, the Governor, Himachal Pradesh, hereby makes the following Rules, namely:-