

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

HIMACHAL PRADESH

India

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

### **Rule**

### **THE-HIMACHAL-PRADESH-VILLAGE-COMMON-LANDS-VESTING-AND-UTILISATION-RULES, 1975**

- Published on 20 March 1975
- Commenced on 20 March 1975
- [This is the version of this document from 20 March 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

The Himachal Pradesh Village Common Lands Vesting and Utilisation Rules, 1975 Published vide Notification Rajpatra, Extraordinary, dated the 20th March, 1975 vide Revenue Department notification No. 10-1/73-Revenue A. dated 12th February, 1975. Government of Himachal Pradesh Revenue Department

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

(1) These rules may be called the Himachal Pradesh Village Common Lands Vesting and Utilisation Rules, 1975 (2) They shall extend to the whole of Himachal Pradesh. (3) They shall come into force at once

### **2. Definitions.**

- In these rules, unless there is anything repugnant in the subject or context, -(a)'Act' means the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974; (18 of 1974) (b)'allotable pool' means the land determined and demarcated by the Collector under clause (b) of sub-section (1) of section 8 for allotment to the eligible persons; (c)'eligible person' means a person who is eligible under clause (b) of sub-section (1) of section 8 for allotment of land out of the allotable pool; (d)'form' means a form appended to these rules; (e)'Tehsil Revenue Officer' means the Tehsildar of the Tehsil and the Naib-Tehsildar of the Sub-Tehsil, if the same Tehsil is divided for revenue work between the Tehsildar and the Naib-Tehsildar then they shall be deemed to be Tehsil Revenue Officers of the respective area; and (f)'section' means the section of the Act.

### **3. Taking possession of the land.**

(1)As soon as may be after coming into force of the Act, the Collector, shall ask the Tehsil Revenue Officer to send in Form 'A' details of the shamilat land estate wise that has vested in the State Government.(2)On receipt of the details of the shamilat land under sub-rule (1), the Collector shall proceed to take over possession of the land under sub-sections (5) and (6) of section 3.

### **4. Mutation of land in favour of State Government.**

- After the possession of shamilat land has been taken under the preceding rule, the Collector shall ask the Tehsil Revenue Officer to mutate the land in favour of the State Government.

### **5. Notice to be served on the landowner.**

- The notice to be served on the landowner under section 6 shall be in Form 'B' and on the basis of orders passed by the Collector under rules 6 and 7. The notice shall be served in the manner prescribed under the rule made under the Punjab Land Revenue Act, 1887, for service of notice issued by the Revenue Officers.

### **6. Demarcation of land under section 8.**

(1)On receipt of the information in Form 'A' the Collector shall start a file of demarcation of land for grazing and common purposes and the land to be earmarked for allotable pool and send the same to the Tehsil Revenue Officer for proper demarcation of the land for grazing and common purposes and for allotable pool. The percentage of the land to be reserved for grazing and common purposes shall be fixed in consultation with the estate right-holders keeping in view the provisions of section 8. The Tehsil Revenue Officer and the Collector shall be guided for demarcation of shamilat land for the said purposes by the following consideration:-(1)total cattle population of the estate;(2)the number of eligible persons in the estate;(3)total acreage of existing cultivated land excluding area under illegal possession/encroachments;(4)total area of charand lands;(5)the land which is used for common purposes like cattle ponds, manure pits, sand bihag, kuhls, paths and the land recorded in the khataunis, of 'Sharai-am' and 'Rafai-am' shall continue to be so used and reserved for common purposes;(6)the land on which the tree growth is thick and is required to be maintained as forest in the public interest, shall be excluded from the allotable pool;(7)as far as possible the grazing areas and allotable pool areas shall be demarcated in compact blocks keeping the principles of consolidation of land holdings in view; and(8)land allotted under contracts, agreements and leases by the Panchayats in respect of the land vested in the State Government when cancelled under section 4 of the Act shall form part of the allotable pool.(2)The Tehsil Revenue Officer after a thorough survey and inspection of the shamilat lands shall demarcate the land and shall get the separate lists of khasra numbers that are reserved for the common purposes and the land to be given to eligible persons attached to the file. He shall also place on the file an index map of the village delineating the shamilat land and showing the demarcation of the grazing land, the land reserved for common purposes and the land reserved for allotable pool. The Tehsil Revenue Officer shall then

submit his proposal of demarcation to the Collector.(3)The Collector after scrutinizing the proposal sent by the Tehsil Revenue Officer shall fix a date for announcing his order after giving the inhabitants of the estate concerned an opportunity of being heard and shall pass the order regarding the percentage of area of land reserved for grazing and common purposes and areas reserved for the allotable pool.(4)The Collector may amend or vary the percentage as referred to in sub-rule (3) with previous approval of the State Government.

## **7. Preparation of records of unmeasured shamilat land.**

- In case the shamilat land in an estate is unmeasured, the Collector shall prepare record of rights for the same in view of the provisions of Chapter IV of the Himachal Pradesh Land Revenue Act, 1954, or of Chapter IV of the Punjab Land Revenue Act, 1887, as the case may be, and thereafter demarcate the land and pass order in the manner prescribed in rule 6.

## **8. Entry of demarcation order in Tehsil Register and land records.**

- After having issued the notice under section 6, the file shall be sent to the Tehsil Revenue Officer for making entries in the Tehsil Register to be maintained in Form 'C' and also in the land records within a period of one month. The Tehsil Revenue Officer shall get the necessary entries made in the Tehsil Register and thereafter cause the order to be entered in the land records of the estate. The file shall then be returned to the Collector.

## **9. Settlement of disputes.**

- If a dispute arises regarding entry of the land vested in the State Government, the Collector shall be competent to decide the same after a summary inquiry.

## **10. Procedure.**

- The procedure for Revenue Officers prescribed in rules made under the Punjab Land Revenue Act, 1887, shall be applicable to all inquiries under the Act.

## **11. Mode of payment of amount.**

- The amount payable to the landowners under the Act shall be paid to them in the manner prescribed in the Himachal Pradesh Ceiling on Land Holdings Rules, 1973.

## **12. Court Fee.**

- All applications made under the provisions of the Act shall bear Rs. 1.25 court fee stamp and process fees shall be chargeable as prescribed by or under the Himachal Pradesh Court Fees Act, 1968 (Act No 8 of 1968).

### 13. Copying fees chargeable.

- The rates of copying fees on the supply of documents relating to the Act and the Rules and orders passed thereunder shall be the same as are prescribed for similar documents under the Copying agency Rules applicable in Himachal Pradesh.

### 14. Repeal and savings.

- The Punjab Village Common Lands (Regulation) Rules, 1964, are hereby repealed: Provided that the repeal of the aforesaid rules shall not affect the validity of any action taken or anything done under the rules hereby repealed. Form A [See sub-rule (1) of rule 3] Particulars of shamilat land of village..... Hadbast No.....  
Tehsil..... District..... vested in the State Government and exempted from vestment under section 3 of the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974.

## Part I – Details of Land Vested in Government & Exempted from Vestment

Name of Panchayat	Name of Revenue estate	Particulars of land shown in Revenue Papers under the ownership of Panchayat	Details of land which is not used for common purposes under Himachal Pradesh Village Common Lands Vesting Act, 1974/_____
-------------------	------------------------	--	---

Khewat No. Khatauni No. as per Jamabandi	Khasra No.	Total area in acres	Khewat No. Khatauni No. as per Jamabandi
1	2	3	4

Total of columns 5 & 8. (Gross area in acres)

Under clause (a) (Partition)

9

Total net area vested in State Government i.e. area shown in column 9 minus total area shown in cols. 11, 13, 15 and 17_____	Land that had not vested in the Government in view of the Punjab Village Common Lands (Regulation) Act, 1961_____	Land in the p. Hisadar as per assessed tola revenue_____
--	---	--

Khasra Nos.

Total area in acres

Khasra Nos.

18

19

20

## Part II – Other Information {

|-| Land in possession of occupancy/ non-occupancy tenants | Land under mortgages with possession |-| \_\_\_\_\_ |

\_\_\_\_\_ |-| Khasra Nos. | Area in acres | Khasra

Nos. | Area in acres |-| 24 | 25 | 26 | 27 |-| } Signature of

Patwari, Circle..... Dated..... I have checked up the statement and satisfied

myself that this is correct according to entries last settlement Jamabandi and situation on the

spot. Field Kanungo, Circle..... Dated..... Form 'B' (See rule 5) Form of Notice to

be given to Landowners Before Shri..... Collector..... Whereas the land

described below has vested in the State Government under section 3 of the Himachal Pradesh

Village Common Lands Vesting and Utilization Act, 1974 and whereas for the extinguishment of

your rights in land aforesaid, the amount of Rs..... (in words)

the..... is proposed to be paid to you, therefore, under sub-section (1) of section 6 of the

Act. Now, therefore, you are called upon to prefer objections, if any about the proposed amount

within 60 days from the receipt of this notice. Description of

and..... Name of revenue

estate..... Khewat and Khatauni

No..... Name of landowner as per

Jamabandi..... Khasra

Nos..... Area of land in

acres..... Annual land

revenue..... Rates and

cesses..... Note. - In case of the amount to be

paid to individual co-sharers, a list showing their names and the amount payable to each co-sharer

be added. Seal. Date..... Place..... Signature of Collector Form 'C' (See rule

8) Tehsil Register of Demarcation of Shamilat Land vested in the Government showing details of

land reserved for common purposes, grazing and allotable pool land

Name of the Revenue estate	Khasra No. with area reserved for grazing and other common purposes	Khasra No. with area of the allotable pool	Remarks
1	2	3	4