

# **The Resettlement and Rehabilitation of Oustees of ACC Cement Factory, Gaggal (Grant of Land) Scheme, 1980**

HIMACHAL PRADESH

India

## **The Resettlement and Rehabilitation of Oustees of ACC Cement Factory, Gaggal (Grant of Land) Scheme, 1980**

### **Rule**

### **THE-RESETTLEMENT-AND-REHABILITATION-OF-OUSTEES-OF-ACC- of 1980**

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The Resettlement and Rehabilitation of Oustees of ACC Cement Factory, Gaggal (Grant of Land) Scheme, 1980 Scheme For The Resettlement And Rehabilitation of Oustees of Acc Cement Factory Gaggal District Bilaspur (H.P.) Whereas land is being acquired for public purpose, namely, for the construction of ACC Cement Factory, Gaggal in Bilaspur District of Himachal Pradesh. And whereas the Government of Himachal Pradesh has decided to grant land for the Resettlement and Rehabilitation of the persons likely to be displaced as a result of the acquisition of their lands and properties for the above public purpose; And whereas Rule 8-A of the Himachal Pradesh Nautor Land Rules, 1968 provides for framing of a special scheme for the resettlement and rehabilitation of persons who are displaced as a result of any thing done for any public purpose. Now, therefore, the Government of Himachal Pradesh hereby makes the following scheme for grant of lands to the persons displaced on account of acquisition of their lands and other properties for the construction of ACC Cement Factory, Gaggal, in the Bilaspur District.

### **1. Short title extent and Commencement.**

- This Scheme may be called the Resettlement and Rehabilitation of Oustees of ACC Cement Factory, Gaggal (Grant of Land) Scheme, 1980. (ii) It shall extend to the whole of the area affected or likely to be affected as a result of construction of ACC Cement Factory, Gaggal in Bilaspur District. (iii) It shall come into force at once.

## 2. Definitions.

- In this scheme, unless there is anything repugnant in the subject or context, the following terms shall have the meanings assigned to them below. (i) Oustees : For the purpose of this Scheme, - means a persons who has been deprived of his house, land or both on account of acquisition proceedings in connection with the construction of ACC Cement Factory, Gaggal and entitled to compensation in lieu thereof and includes his successors interest. (ii) Family : means husband/wife of the oustee, their children including step or adopted children, and includes his parents and those brothers and sisters who were living and cultivating land jointly with him before acquisition. (iii) Existing holding : means the holding possessed by the family of an oustee immediately after acquisition of his property as well as at the time of grant of land. Note : The words and expressions used in this scheme but not defined in this Scheme shall have the same meanings as assigned to them in the Himachal Pradesh Nautor Land Rules, 1968.

## 3. Purpose which land may be granted.

- Land may be granted to an oustee for agricultural or horticultural or forest farming or for dwelling purposes, provided he is eligible for grant of land in Bilaspur District under this Scheme.

## 4.

The maximum limit for grant of land to an oustee shall be as under :-

- |       |  |   |
|-------|--|---|
| (i)   | An oustee or his family who owned land upto 5 bighas.                                  | To the extent by which his existing holding falls short of 5 Bighas.                  |
| (ii)  | An oustee or his family who owned land more than 5 bighas but not more than 10 bighas. | Equivalent to the land acquired provided the total holding does not exceed 10 bighas. |
| (iii) | An oustee or his family, who owned land more than 10 bighas.                           | To the extent by which the existing holding falls short of 10 bighas.                 |

Provided that in these cases of oustees or their families, where only residential or commercial premises has been acquired, a maximum of 5 biswas may be granted. (1) [Provided that an oustee who has received compensation of Rs. 2,00,000/- or more, shall not be entitled to the grant of land under this para.] [Added vide Resettlement & Rehabilitation of oustees of A.C.C. Cement Factory Gaggal grant of Land (Amendment) Scheme, 1583.]

**2. [Provided that an area measuring 15 biswas may be granted to each oustee except those whose residential or commercial premises have been acquired, for construction of dwelling houses or business premises as the case may be. Such area shall be exclusive of the land to be allotted to him under this para and it shall be granted to the allottees in a compact block.] [Added vide Resettlement & Rehabilitation of oustees of A.C.C. Cement Factory Gaggal grant of Land (Amendment) Scheme, 1583.]**

Provided further that sufficient land may be reserved to meet the requirements of village common purposes like construction of dispensary/school etc. and other common purposes like grazing and growing/ cutting of grass."

## **5. Charges.**

- The grant of land in accordance with this Scheme will be made on payment of Nazarana at the following rates (i) Oustees mentioned in Para 4 (i) Rs. 50/- per bigha. (ii) Oustees mentioned in para 4 (ii) Rs. 200/- per Bigha. (iii) Oustees mentioned in para 4 (iii) Rs. 500/- per bigha.

## **6. Disposal of Forest Produce.**

- As land is to be granted from the Demarcated Protected forest areas, the Forest Department shall arrange to dispose of the forest produce and clear the area of standing trees within one month from the grant of land. In case of default, the Deputy Commissioner will auction such trees and deposit the same proceeds with the Forest Department.

## **7. Land Revenue.**

- The land revenue on the land granted under this Scheme shall be charged from the date of possession. In case of default, the arrears shall be recovered in the same manner as arrears of land revenue.

## **8. Resumption.**

- The grant of land shall be cancelled and land granted resumed by the State Government without payment of any compensation in the following events :- (a) If in the case of grant of land for agricultural horticultural or forest farming purposes, the grantee fails to break up the land/plant fruit or forest trees within one year from the date of delivery of possession of the land. (b) If, in case of grant of land for dwelling/home-stead purposes, the grantee fails substantially to start utilisation of land within one year from the grant of the patta. (c) If the grantee fails, to take suitable soil conservation measures as recommended by the Soil Conservation Department for the protection of soil erosion within a period of two years, from the date of possession. (d) If the grantee or his legal representative/successor sells or in any other manner transfers the land granted within fifteen years from the date of delivery of possession.

## **9. Application for grant of land.**

- An oustee may apply for the allotment of land in the prescribed proforma 'A' appended to this Scheme, to the Deputy Commissioner, Bilaspur, within one month from the date to be notified by the Deputy Commissioner, Bilaspur. The application shall bear court fees stamp of Rs. 2.50 p. The application shall be accompanied by the following documents :- (i) A signed statement by the applicant supported by an affidavit duly attested by an Executive Magistrate giving complete details

of land held by him whether as owner, tenant or lessee, whether individually or collectively before and after acquisition of his land for the construction of ACC Cement Factory Gaggal.(ii)A declaration that the applicant is an oustee and eligible to the grant of under this Scheme.(iii) A statement (duly signed) showing atleast three places in order of preference, where he intends to settle in the areas selected by the Himachal Pradesh Government for the re-settlement and re-habilitation of the oustees. However, the decision of the Deputy Commissioner, Bilaspur shall be final and binding in this behalf.

## **9A.**

(1)Not with standing anything contained in this scheme, an oustee whose existing holding has been reduced to five or less than five bighas of land may be granted land in exchange, if he applies for it and alternative land is available for the purpose in the area earmarked for rehabilitation;(2)An application for exchange of land under this para shall be accompanied with all the document mentioned in para 9 and it shall be deemed as an application for grant of land under para 3 and 4 and shall be processed under para 10, 11, 12 and 14,"

## **10. Procedure.**

- On receipt of application, the Tehsildar/Naib Tehsildar entrusted with the work by the Deputy Commissioner, Bilaspur, shall verify the facts mentioned in the application and submit his report to the Deputy Commissioner about the eligibility of the applicant and extent of land to which he is entitled under the scheme.

## **11.**

After the area for allotment has been earmarked by the Deputy Commissioner, the Tehsildar/Naib Tehsildar entrusted with the work shall cause the preparation of revenue papers, such as tatima-shajra, field book and copies of Jamabandis etc. to be prepared on the spot and attached with each application. The file, complete in all respects alongwith the report of the Tehsildar shall be forwarded to the Deputy Commissioner for sanction.

## **12. Power to grant Land.**

- The Deputy Commissioner, Bilaspur District shall be competent to grant land to an oustee upto prescribed limit.

## **13.**

(a)After the grant of land, the Tehsildar/Naib Tehsildar shall communicate to the grantee the dues payable to the Government by the grantee, as decided by the Deputy Commissioner, calling upon him to pay the same within one month from the receipt of notice by him. The failure of the grantee to deposit the nazarana and other charges, if any, on due date shall render the grant of land liable to

resumption. After the deposit of nazarana, a patta in the form appended to the Himachal Pradesh Nautor Land Rules, 1968, will be issued under seal and signature of the Collector, Bilaspur District in favour of the grantee, after the expiry of the period allowed for filing an appeal.(b)After issue of Patta. the Deputy Commissioner, Bilaspur will issue a memorandum to the Tehsildar concerned for entry of mutation in Form-B prescribed under the Himachal Pradesh Nautor Land Rules, 1968. The amount realised from the grantee shall be credited into the Government Treasury under head "029-Land Revenue-A-Sale proceeds of Waste-Land Redemption of land/Nazrana Nautor".(c)The allottee shall be bound by the conditions of the Patta.

#### 14.

An appeal from the order of the Deputy Commissioner, Bilaspur under para 12 of the Scheme shall lie to the Divisional Commissioner, within 60 days from the date of the order. A further appeal from the appellate order of the Divisional Commissioner, shall lie to the Financial Commissioner within Ninety days from the date of orders of the Divisional Commissioner. Provided that no second appeal shall lie when the original order is confirmed on first appeal. Form "A" Application For Grant of Land For The Resettlement of Outsees of Acc Cement Factory Gaggal Tehsil Sadar District Bilaspur Himachal Pradesh.(See Para 9)

#### 1. Name of

**Applicant** \_\_\_\_\_ **son of**  
**Shri** \_\_\_\_\_ **resident of**  
**village** \_\_\_\_\_ **Tehsil** \_\_\_\_\_ **District**  
**Bilaspur.**

#### 2. Particulars of land held by the applicant before acquisition (i)

**District** \_\_\_\_\_ **(ii) Tehsil** \_\_\_\_\_ **(iii) Name**  
**and Hadbast** \_\_\_\_\_ **No. of**  
**village** \_\_\_\_\_ **(iv) whether owner/tenant, self cultivating or**  
**non-cultivating.**

#### 3. Particulars of land acquired :-

(i) District Bilaspur (ii) Tehsil Sadar (iii) Name and Hadbast No. of the  
village \_\_\_\_\_ (iv) Area  
acquired \_\_\_\_\_ (v) Whether owner/tenant, self  
cultivating/non-cultivating.

#### 4. Particulars of area left:-

(i) District \_\_\_\_\_ (ii) Tehsil \_\_\_\_\_ (iii) Name and  
Hadbast No. of village \_\_\_\_\_ (iv) Whether owner/tenant, self

cultivating/non-cultivating.

## 5. Particulars of land where the applicant intend to settle in order of preference:-

(i) District \_\_\_\_\_ (ii) \_\_\_\_\_  
 Tehsil \_\_\_\_\_ (iii) Name and Hadbast Nos. of villages.  
 (1) \_\_\_\_\_ (2) \_\_\_\_\_ (3) \_\_\_\_\_

## 6. Reasons for preference claimed.

I, \_\_\_\_\_ Solemnly affirm and declare that whatever has been stated above is to the best of my knowledge and belief and that nothing relevant has been concealed or suppressed.

1.

, \_\_\_\_\_ hereby promise and undertake that if any grant of land is made in my favour, I shall abide by the terms and conditions of such grant. Signature of Applicant. Dated:- Form "B" Mutation Memorandum

SI No.	Name of the village where nautor is situated.	Area, field Nos. Jamabandi given No. & in case the land is situated within the limits of municipal committee or notified area committee details of properties required under section 21 of the registration Act.	Name & detail of the persons to whom the grant is made.	File No. & the date of final orders of the sanctioning authority with abstract.	Conditions of grant.	Tatima Shajra with field No.	Remarks
1	2	3	4	5	6	7	8
Forwarded to _____ for entry of Revenue Record mutation _____ Signature Of _____ Revenue Officer. Date of entry of mutation _____ Date of attestation of mutation _____ Date of return of the memorandum to the Tehsil _____							