

The Rajasthan Colonisation (Allotment and Sale of Government Land to Pong Dam Oustees and their Transferees in the Indira Gandhi Canal Colony) Rules, 1972

RAJASTHAN

India

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Rule

THE-RAJASTHAN-COLONISATION-ALLOTMENT-AND-SALE-OF-GOV of 1972

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The Rajasthan Colonisation (Allotment and Sale of Government Land to Pong Dam Oustees and their Transferees in the Indira Gandhi Canal Colony) Rules, 1972Published vide Notification No. S.O 49 F. 4(a)(1) Revenue/Col/68, dated 15-9-1972-Rajasthan Gazette, Part 4-(C), Sub-Part 2, Extraordinary, dated 16-9-1972In exercise of the powers conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) the State Government hereby makes the following rules for allotment of Government land to Ousters of Pong Dam in the Indira Gandhi Canal Colony, namely:-

1. Short title, Extent and Commencement.

(a)These rules may be called the Rajasthan Colonisation (Allotment [and sale] [Inserted by Notification No. F. 1(14) Col./91, GSR 54, dated 12.03.1992-Rajasthan Gazette Part IV-(C) Extraordinary dated 13.03.1992, page 165, w.e.f. 13.03.1992.] of Government land to Pong Dam Ousters [and their transferees] [Inserted by Notification No. F. 1(14) Col./91, GSR 54, dated 12.03.1992-Rajasthan Gazette Part IV-(C) Extraordinary dated 13.03.1992, page 165, w.e.f. 13.03.1992.] in the Indira Gandhi Canal Colony) Rules, 1972.(b)They shall extend to the Indira Gandhi Canal Colony.(c)They shall come into force on the date to be notified by the State

Government.

2. Definitions.

(1) In these rules unless there is anything repugnant to the subject or context:-(i) "Act" means the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954); (ii) "Allotting Authority" means the Collector as defined in clause (i) of section 2 of the Act; (iii) "Certificate" means a certificate issued under Rule 5; (iv) "Certifying Authority" means an Officer, not lower than the rank of a Deputy Secretary, of Himachal Pradesh Government, appointed by it as certifying authority; (v) "Colonisation Commissioner" means an officer appointed by the State Government as such and shall include an Additional Colonisation Commissioner; (vi) ["Family" in relation to the Pong Dam Out-tee, in the life time of a father, includes his wife, his children, and grand children, whether recorded as co-sharers alongwith him or not and shall include the legal successors of the father in the event of his death after 31st day of March, 1961; but does not include such of the said members who had attained the age of maturity and who were recorded as a separate land owner in a separate khewat number of the Jama bandi on or before the said date.] [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] (vii) "Form" means a form annexed to these rules; (viii) "Identity Card" means an identity card issued under Rule 5; (ix) ["Pong Dam Oustee" here referred to as an oustee, means a person residing permanently within the area acquired for the construction of Pong Dam Reservoir on or earlier than the 31st March, 1961, whether as land owner, tenant, landless labourer or an an artisan. [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] Explanation. - For the purpose of this clause, a person absent from the area as aforesaid in connection with his business, profession or service would also be treated as a person residing permanently within such area.] (2) Words and expressions defined in the Act and in the Rajasthan Colonisation (General Colony) Conditions, 1955, shall wherever used in these rules, be construed to have the same meaning as assigned to them in the said Act or in the said conditions.

3. Reservations.

(1) The State Government [shall] reserve land in specific areas of Indira Gandhi Canal Colony for allotment to Oustees and the allotment under these rules shall be made only out of this land. (2) The allotting authority shall prepare a list or lists of such reserve land in Form I.

4. [Eligibility and extent of allotment. [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.]

(1) Subject to the provisions contained in these rules an oustee land owner, who held land upto 20 standard acres of which 30% or more has been acquired or who held land more than 29 standard acres of which 50% or more has been acquired in connection with construction of Pong Dam Reservoir and the possession of the same has been taken or is likely to be taken over in consequence of such acquisition after harvesting of the crop standing at the time of the issue of certificate by the Certifying Authority under sub-rule (2) of Rule 5, shall in relation to himself, his Oustees family be a

person eligible for allotment of land under these rules: Provided that if an Oustee land owner after acquisition is left with 30 standard acres or more of land, he shall not be eligible for any allotment under these rules: Provided further that in case the land of any member of the family of an Oustee has also been acquired as aforesaid such member of the family shall not be treated as a separate Oustee and shall not be entitled to any separate allotment of land under these rules: Provided further that where an Oustee land owner or a member of his family has died after 31st day of March, 1961, his successors will not be treated as separate Oustees and not be entitled to any separate allotment: Provided also that if the proprietary or morussi rights in the land, which has been acquired for the Pong Dam Reservoir, have been obtained by an Oustee after 31st day of March, 1961, by any means other than lawful inheritance such Oustee land owner will neither be eligible nor entitled to any allotment of land under these rules. (2) An Oustee land owner for himself and his Oustee family shall be eligible for allotment of land under these rules provided that his name appears in relation to the acquired land as a separate land owner in separate khewat number or numbers in the jamabandi upto 31st March, 1961 or as co-owner or co-sharer in the jamabandi, assessed and paying land revenue separately upto the said date and further that his name continues to appear as such till the date of acquisition. (3) An Oustee land owner fulfilling the conditions of eligibility specified in sub-rules (1) and (2), may be allotted for himself and his family one square i.e. 15,625 acres of land under these rules by the Allotting Authority. (4) An Oustee who is only a tenant, landless labourer or an artisan shall not be entitled to allotment of any agricultural land under these rules and he shall be entitled only to allotment of a house site for the rehabilitation of the oustees.]

5. Procedure of allotment.

(1) The Government of Himachal Pradesh shall appoint one or more certifying authority for the purposes of these rules. The specimen signatures and other relevant particulars about such certifying authority shall be duly communicated by the Government of Himachal Pradesh to all the officers and authorities in Rajasthan as specified by the Colonisation Commissioner. (2) [The Oustee shall present an application in duplicate to the Certifying Authority in Form II-A supported by an Affidavit in form V for the issue of a certificate in his favour. The Certifying Authority, if he finds the applicant eligible to allotment of land under these rules draw and prepare a certificate in Form II and Identity Card in Form III. He shall send one copy of the application presented before him by the Oustee duly verified along with one copy of the certificate and identity card directly to the allotting Authority by registered post or through special messenger. Two copies each of the certificate and identity card will be issued by him to the Oustee:] [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] [Provided that no application presented by such Oustees after four months from the date of receipt of compensation of lands acquired shall be considered by the certifying authority.] [Added by Notification dated 10.07.1973-Rajasthan Gazette Part IV-(C), dated 12.07.1973.] (3) within [3 months] [Added by Notification dated 10.07.1973-Rajasthan Gazette Part IV-(C), dated 12.07.1973.] of the issue of the certificate and of the identity card by the certifying authority, the eligible oustee shall present in person to the allotting authority an application for allotment of land in Form IV. Every such application shall be supported by an affidavit in Form V and shall be accompanied by the certificate in triplicate and the identity card, in duplicate: Provided that every such application presented after [3 months] [Added by Notification dated 10.07.1973-Rajasthan Gazette Part IV-(C), dated

12.07.1973.] of the date of issuing of the certificate shall not be considered by the allotting authority and shall be treated as time barred and cancelled:[Provided further that the Colonisation Commissioner may, on sufficient cause being shown by the Oustee for not presenting the application within the time specified under this sub-rule, grant extension of time for the presentation of the application upto a period not exceeding three months.] [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.](3-a) Notwithstanding anything contained in the above sub-rules, the applications of oustees which were rejected by the allotting authority before 9.4.92 shall be sent to the certifying authority of Government of Himachal Pradesh for re-examination of eligibility of applicants for allotment. The certifying authority of Government of Himachal Pradesh shall forward these applications with his recommendations to the allotting authority for further necessary action.] [Inserted by Notification No. F. 6(112) Col./92/Part IV, dated 4.9.2000-Rajasthan Gazette Extraordinary Part IV-C(I), dated 13.9.2000, page 91(1) = 2001 RSCS/Part II/page 355/H. 234.](4)Immediately on receipt of an application, the allotting authority shall register it in Form VI and shall issue to the applicant a receipt in Form VII;(5)[The allotting authority shall scrutinise the applications and other connected documents presented to him and if after scrutiny he comes to the conclusion that there is a doubt in regard to eligibility of the Oustee applicant, he shall refer the matter to the Colonisation Commissioner, who in turn may further refer the matter to the Government of Himachal Pradesh for clarification of the doubt.] [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.](6)[After such scrutiny and on receipt of clarification required, if any, the Allotting authority shall decide regarding the eligibility of the Oustee applicant and shall pass final orders on the application and shall communicate the same to the applicant in Form VIII.] [Substituted and added by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.](7)In case the application is granted and the Oustee applicant is allotted land which shall be done only out of land reserved for the purpose, the Oustee applicant shall deposit the prescribed instalment of price in the concerned subtreasury and shall thereafter take possession of the allotted land within [90 days] [Substituted for '45 days' by Notification No. F. 4(3) Revenue/Col/82, dated 22.04.1982-Rajasthan Gazette Part IV-(C), Extraordinary dated 22.04.1982, page 15.] of the receipt of notice under sub-rule (6). In case he fails to deposit the instalment of price and take possession of the land within the stipulated period the allotment shall be deemed to have been cancelled and the land may be allotted to any other person:[Provided, however, that the period of 60 days from the date of publication in the official Gazette of the Rajasthan Colonisation (Allotment of Government Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules, 1982 shall be provided to eligible persons who are eligible under Rule 8-A of these rules to apply for the review of the orders cancelling the allotments of land previously made to them.] [Added by Notification No. F. 4(3) Revenue/Col/82, dated 22.04.1982-Rajasthan Gazette Part IV-(C), Extraordinary dated 22.04.1982, page 15.][Provided further that a period of [45 days from the date of order of review as provided in] [Added by Notification No. F. 1(12) Revenue/Col/73, dated 22.10.1984-Rajasthan Gazette Part IV-(C), Extraordinary dated 29.10.1984, page 153.] the Rajasthan Colonisation (Allotment of Government Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules, 1984 shall be allowed for deposit of first instalment and taking possession by the persons in whose cases of fresh allotment has been made under Rule 8-A or 8-AA of these rules.](8)At the time of giving possession of allotted land to the Oustee applicant, the concerned

Tehsildar, Colonisation shall give him a certificate of possession in Form IX and shall forward forthwith a copy of it to the allotting authority.

6. Terms and conditions of allotment.

- All allotments of land made under these rules shall be made and shall be deemed to have been made under the following terms and conditions:-(1)The allottee shall pay to the State Government the price for the allotted land @ of such scale and in such manner as laid down in Rule 7 of these rules.(2)Subject to the provisions contained in these rules, the Rajasthan Colonisation (General Colony) Conditions, 1955 shall apply.(3)[Initially, the allotment shall be on gair Khatedari tenure only, but khatedari rights shall accrue in the land so allotted after the expiry of [three years] [[Substituted by Notification No. F. 4(4) Col./99, dated 15.4.2000-Rajasthan Gazette Extraordinary Part IV-C(I), dated 23.5.2000, page 23(2). 2002 RSCS/Part II/page 199/H. 289, for the following:-'(3) Initially, the allotment shall be on Ghair Khatedari tenure only, but Khatedar rights shall accrue in the land so allotted after the expiry of ten years from the date of allotment or after the full price of the land, together with other dues of the State Government if any, have been paid by him to the State Government, whichever is later:Provided that the right to sell the allotted land shall not accrue to allottee before the expiry of 20 years from the date of allotment).']] from the date of allotment or after the full price of the land together with other dues of the State Government, if any, have been paid by him to the State Government whichever is later:Provided that the right to sell the allotted land shall not accrue to the allottee before the expiry of [three years] [Substituted by Notification No. F. 4(4) Col./99, dated 29.9.2008-Rajasthan Gazette Extraordinary Part IV-C(I), dated 13.10.2008, Page 181(1). [w.e.f 29.9.2008] = 2009 RSCS/Part II/page 682/H. 351 for the following expression: 'ten years']] from the date of allotment:Provided further that an allottee to whom land is allotted under these rules shall be given khatedari rights at once if he pays all price of allotment payable by him and difference amount of reserve price for general allotment prevailing at the time of giving khatedari rights, with a premium at the rate of 2000/- per bigha for irrigated land Rs. 1,000/- per bigha for unirrigated land. After accrual of Khatedari rights, such allottee may sell his land subject to the provisions of Section 13 of the Rajasthan Colonisation Act.](4)During the period of ghair-khatedari tenure, the allottee shall not have any alienable and transferable rights in land and shall not transfer or alienate the land to any other person in any way e.g. by sale, mortgage, gift, transfer, lease or otherwise. No transfer or alienation of land even in the form of a Nokername, Mukhtiarname, Tebilname, Ikrarname or the like shall be permissible.[Provided that after the expiry of [three years] [Added by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] from the date of taking over possession by the allottee and subject to allottee having paid the full price of land allotted to him, the Colonisation Commissioner may, on the application of the allottee, after satisfying that hard and exceptional circumstances exist, allow the allottee to relinquish the land allotted to him in favour of the State Government on refund of the price paid by him for the said land:Provided further that no order under the first proviso allowing relinquishment shall be passed by the Colonisation Commissioner without obtaining the previous approval of the State Government. In case the State Government refuses to give such approval, the Colonisation Commissioner may allow the allottee to transfer the land in favour of any other person.](5)[within six months of the date of possession] [Added and/or Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] the allottee shall

have to start living permanently in the chak abadi of the allotted land.(6)[The allottee shall cultivate the allotted land personally within the meaning assigned to the expression "land cultivated personally" in clause (VI) of section 2 of the Act.] [[Substituted by Notification No. F. 4(3) Revenue/Col/82, dated 22.04.1982-Rajasthan Gazette Part IV-(C), Extraordinary dated 22.04.1982, page 15, for the following:](6) The allottee shall cultivate the allotted land personally and this personal cultivation shall exclude any other means of cultivation except by means of his own labour, or by the labour of any other member of ones family or by hired labour under ones family member's personal supervision and presence:Provided that in the case of a person who is widow or a minor or subject to any physical or mental disability or is a member of the Armed Forces of India or who being a student of an educational institution recognised by the State Government, is below the age of 25 years, land shall be deemed to be cultivated personally even in the absence of such personal supervision.'](7)[The allottee shall undertake cultivation on 50% of the irrigated (Command Area) allotted land in the first year following the commencement of irrigation, and on the whole of the command area land by the end of the second year. The allotted unirrigated land shall be brought under cultivation by the end of the third year from the date of allotment.] [[Substituted by Notification No. F. 4(3) Revenue/Col/82, dated 22.04.1982-Rajasthan Gazette Part IV-(C), Extraordinary dated 22.04.1982, page 15, for the following:](7) The allottee shall bring the entire culturable allotted land under plough within period of 6 months of the date of allotment and shall fully utilise the irrigation water for cultivation of allotted land.'](8)[Except where the allottee is a member of the Armed Forces of India, he or a member of his family [or his bother shall remain personally present on the allotted land at the time of every annual inspection during Girdawari.] [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.](9)The allottee has to produce his identity card on demand as and when demanded by the Colonisation or Revenue Authorities of the area.(9A)[An allottee, possession of whose acquired land had not been taken before the allotment of land to him under these rules, shall have to produce before the Allotting Authority a certificate from the land Acquisition Officer of Himachal Pradesh Government regarding handing over of the possession by him of the acquired land within a period of two months of the harvesting of the crop standing at the time of issue of the certificate by the Certifying Authority.] [Added by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.](10)In case of any breach of any terms and conditions by the allottee, the allotment of land made to him shall be liable to be cancelled by the allotting authority or by the Collector and the land shall revert to the State Government free from all encumbrances and without any liability of payment of compensation. He shall be further liable to any action which may be taken under the provisions of the Act and the Rajasthan Colonisation (General Colony) Conditions, 1955.

6A. [

x x x]

Deleted by Notification No. F.1(14) Col./91, dated 18.2.97-Rajasthan Gazette Extraordinary Part IV-C(I), dated 1.3.97, page 258 = 1997 RSCS/Part 11/page 359/H. 240, the existing Rule 6A was:-'[6A. Sale of Special Allotment to the transferees of Pong Dam Oustees.- (1) Notwithstanding anything to the contrary contained in these rules, the land reverted to the State Government under

the sub-rule (10) of rule 6 as a result of transfer or alienation of the allotted land in breach of sub-rule (4) of rule 6 of the rules, may be sold by way of special allotment, to the purported transferee who has been a bona fide resident of Rajasthan and has not been involved in anti-national activities, and who is also in possession of the land as on 31st December, 1991 and continues to be in possession till the date of reversion, after holding such enquiry as the Collector deems proper, subject to the ceiling area applicable to the purported transferee under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973).

(2) Application for allotment.- The purported transferee in possession of the land may apply for allotment of land to the allotting authority in the prescribed application Form X on or before 1st date to be notified by the State Government from time to time. An application shall be verified by the applicant as a plaint according to the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) Price and mode of payment.- (a) The allotment shall be made subject to clearance of all dues of the State Government in respect of the land and also subject to the payment of a sum of Rs. 3.00 lakhs per 25 bighas to the State Government by the purported transferee in case of irrigated or command land and a sum of Rs. 1.00 lakh per 25 bighas in case of barani or un-command land. Such purported transferee in possession, shall thereafter be entitled to khatedari rights, under the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955).

(b) If the allottee opts for availing the facility of instalments, the price shall be payable in three instalments, the first instalment of 50% of the price shall be paid at the time of issue of the order of allotment and the remaining amount in two equal half yearly instalments. The due date in respect of the half yearly instalments shall be the date of the month corresponding to the date on which the allotment was made. Interest at the rate of 12% per annum shall be charged in default of the payment of an instalment on the due date: Provided that where the allottee pays to the State Government, the entire price of the land in lump sum at the time of issue of the allotment order, the amount of price payable by him shall be deemed to be 25% less than the price under the rule 3 (a).

(c) Provisions contained in the Rajasthan Colonisation (General Colony) Conditions, 1955 shall apply mutatis mutandis to allotment of land made under these rules.] Earlier the above rule 6-A was inserted by Notification No. F. 1(14) Col./91, GSR 54, dated 12.03.1992-Rajasthan Gazette Part IV-(C) Extraordinary dated 13.03.1992, page 165, w.e.f. 13.03.1992.

7. Scale of price and mode of payment.

(1) For the land allotted under these rules, the allottee shall pay to the State Government the price at the following scales:-

S. No.	Soil Class of allotted land	Price per square of 15.625 acres.
1.	Nali	[Rs. 35,000] [Substituted by Notification dated 13.03.1976-Rajasthan Gazette, Part IV-(C), Extraordinary dated 13.03.1976.]
2.	Light Loam	Rs. 29,531.25
3.	Sandy Loam	Rs. 21,875
4. [[Added by Notification dated 02.03.1973-Rajasthan Gazette Part	Uncommand	Rs. 6,562.50]

IV-(C), Extraordinary dated
02.03.1973.]

(2) For the Johad paitan land the price to be paid shall be double of the above scale as in sub-rule (1). (3) In case the allotted land is developed land and the State Government has paid any development charges for the same, the same together with interest @ 6 p.a. shall also be paid to the State Government together with the price as mentioned in sub-rule (1) and (2). (4) No betterment charges shall be levied on the land allotted under these rules. (5) The price under above sub-rules (1) and (2) shall be paid in 20 annual instalments in the concerned sub-treasury. The first instalment shall be paid and deposited before taking possession of the allotted land under Rule 5(7) of these rules and second and subsequent instalments shall be paid by him on or before the 15th day of July every year. The development charges if any, shall be paid together with the 1st Instalment: [Provided that where order of restoration of the original allotment is made, then the period of 20 years for the payment of all the instalments shall remain the same and shall be reckoned from the date of original allotment but the payment of the price outstanding calculated at the scale of price applicable on the date of original allotment shall be re-scheduled and shall be made in equated annual instalments within the remaining number of years left out of the said total period of 20 years along-with interest at the rate of 6% per annum on the instalments which had become overdue upto the date of order of rescheduling: Provided further that where fresh order of allotment is made under Rule 8-A or Rule 8-AA, the allottee shall pay the price in 20 equal instalments commencing from the date of fresh allotment calculated at the scale of price in force on the commencement of Rajasthan Colonisation (Allotment of Government Land to Pong Dam Oustees in Indira Gandhi Canal Colony) (Amendment) Rules, 1982 and the amount of any instalment deposited by the allottee shall be adjusted.] [Proviso inserted by Notification No. F. 4(3) Revenue/Col/82, dated 22.04.1982-Rajasthan Gazette Part IV-(C), Extraordinary dated 22.04.1982, page 15, and Substituted by Notification No. F. 1(12) Revenue/Col/73, dated 22.10.1984-Rajasthan Gazette Part IV-(C), Extraordinary dated 29.10.1984, page 153, for the following: -'Provided that in the case of those person whose allotments had been cancelled for not paying the instalments as aforesaid and their allotment orders are reviewed and restored, the period of 20 years shall be reckoned from the date on which the original allotment order which was cancelled, had been issued, but the payment of the remaining instalments now due shall be rescheduled and spread over the remaining years in equated annual instalments and interest at the rate of 6% per annum shall be payable by the allottee on instalments which had become over due before such rescheduling.']] (6) The allotting authority shall prepare a demand statement in respect of instalments which may become due and shall proceed to effect recovery of the same till the total price of the allotted lands has been realised from the allottee. For this purpose soon after the allotment of land is made, the allotting authority shall maintain such ledgers and other accounts registers in respect of each allottee as may be prescribed by the Colonisation Commissioner. (7) All dues outstanding against an allottee under these rules shall be recoverable as arrears of land revenue.

7A. [[Inserted by Notification No. F. 4(4) Col./99, dated 27.7.2001-Rajasthan Gazette, Extraordinary, Part IV-C(I), dated 6.8.2002, page 85(4) = 2002 RSCS/Part II/page 134/H. 120.]

Notwithstanding anything contained in these rules, an order of cancellation of allotment passed due to non-payment of any instalment, may be revoked by the Allotting Authority, if the allottee pays interest @ 18% per annum on the amount of such instalment from its due date until its payment plus @ 6% more interest from the date of default by way of compensation unless in the meantime the land has been allotted to someone else.]

8. Cancellation of allotment.

(1) Without prejudice to the provisions contained in the Act or in these rules, if at any time after an allotment, it is found by the allotting authority, either on complaint or otherwise, that an allotment of land under these rules was made upon a false, incorrect or misleading statement of facts or information made or given by the allottee to the allotting authority or to any officer or authority of the Himachal Pradesh Government, such allotment shall be cancelled by the allotting authority and the allotted land shall revert back to the State Government without any payment of compensation. (2) Before passing an order of cancellation under sub-rule (1), the allotting authority shall give to the allottee concerned, an opportunity of being heard. (3) For the purpose of proceeding under this rule, the allotting authority may ask for any relevant information or record from any officer or authority of Himachal Pradesh Government, who shall supply it to the allotting authority within the requisite time.

8A. [Review and Revision. [Inserted by Notification No. F. 4(3) Revenue/Col/82, dated 22.04.1982-Rajasthan Gazette Part IV-(C), Extraordinary dated 22.04.1982, page 15.]

- Notwithstanding anything contained in these rules, the order of cancellation of allotment may be reviewed and, after due enquiry, it may be withdrawn and the order of restoration of the original allotment may be passed by the Allotting Authority on an application presented, within sixty days from the date of coming into force of the Rajasthan Colonisation (Allotment of Government Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules, 1982, by a person who was previously allotted land under these Rules in the following cases:-(i) in which the lands originally allotted were not situated in the command area of the Rajasthan Canal Project, or (ii) in which the lands originally allotted were situated in the command area but are still not irrigable: Provided, however, that in the meanwhile, the lands so allotted were not transferred by the allottees. Explanation. - I. In the cases mentioned at clauses (i) and (ii), alternative command area lands, which are irrigable, shall be allotted to the allottees concerned. II. For the purposes of this rule, the term "irrigable" shall mean that water for irrigation is made available at the outlet of the minor canal concerned, as the construction of field channels is the responsibility of the allottee; (iii) in which the allottee had not brought the entire (culturable) allotted land under cultivation within the prescribed period of six months; (iv) in which the allottee had not taken possession of the allotted land within the prescribed period of 45 days of the receipt of notice of allotments; (v) in which the allottee had failed to pay the prescribed instalments of the reserve price of the land allotted in time; (vi) in which the allottee had not cultivated the land personally; and (vii) in which the allottee had not started living permanently in the Chak Abadi of the allotted land within

six months of date of taking of possession of the allotted land, and:]Provided that no order of restoration of the original allotment shall be passed under any of the above clauses, in any case in which an allottee had transferred the land previously allotted to him:Provided further that upon restoration of the previous allotment, if the land originally allotted has, meanwhile, been allotted to any other person equivalent area of land shall be allotted elsewhere in the command area to the allottee.][Provided further that no order of restoration of the original allotment shall be made unless the allottee had started living permanently in the Chak Abadi of the allotted land or in the chak in which the allotted land is situated, before the order of cancellation of allotment and makes an application for review within 60 days from the commencement of Rajasthan Colonisation (Allotment of Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules 1984:Provided also that no order of restoration of the original allotment shall be made unless the allottee had taken over possession of the allotted land before the order of cancellation of allotment:Provided also that where an allottee had failed to take possession in accordance with sub-rule (7) of Rule 5, a fresh order of allotment shall be made and not an order of restoration.] [Inserted by Notification No. F. 1(12) Revenue/Col/73, dated 22.10.1984-Rajasthan Gazette Part IV-(C), Extraordinary dated 29.10.1984, page 153.]

8AA. [Further review. [Inserted by Notification No. F. 1(12) Revenue/Col/73, dated 22.10.1984-Rajasthan Gazette Part IV-(C), Extraordinary dated 29.10.1984, page 153.]

(1)All applications for review under Rule 8-A pending before the allotting authority on the date of commencement of Rajasthan Colonisation (Allotment of Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules 1984: shall be heard and decided by him under and in accordance with these rules.(2)Where a review application has already been decided by the Allotting Authority under Rule 8-A as it stood immediately before the date of commencement of the Rajasthan Colonisation (Allotment of Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules 1984 and the Allotting Authority is of the opinion that the order made by him on such review application is not consistent with the provisions of these rules, or where the order of restoration made under Rule 8-A before the aforesaid date of such commencement is deemed to have been cancelled in accordance with sub-rule (7) of Rule 5, he shall of his own motion further review the order and shall after giving the affected persons an opportunity of being heard, make an order of restoration or an order of allotment, as the case may be, under and in accordance with these rules.Explanation. - In this rule, the expression "these rules" shall mean the Rajasthan Colonisation (Allotment of Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) Rules 1972 as amended by the Rajasthan Colonisation (Allotment of Land to Pong Dam Oustees in the Indira Gandhi Canal Colony) (Amendment) Rules 1984.](2)Before passing an order of cancellation under sub-rule (1), the allotting authority shall give to the allottee concerned, an opportunity of being heard.(3)For the purpose of proceeding under this rule, the allotting authority may ask for any relevant information or record from any officer or authority of Himachal Pradesh Government, who shall supply it to the allotting authority within the requisite time.

9. Applicability of rules to old allotments.

- All allotments of land to the Oustees in Indira Gandhi Canal Colony made before the commencement of these rules shall be deemed to have been made under these rules and shall be subject to all the provisions, conditions, obligations, rights liabilities and stipulations etc. as mentioned in these rules.

10. Appeal.

- Any person aggrieved by any order passed by an allotting authority under these rules, may appeal to the Colonisation Commissioner within 30 days from the date of such order.

10A.

[x x x] [[Deleted by Notification No. F. 4(24) Revenue/Col./82, dated 26.9.95-Rajasthan Gazette, Extraordinary, Part IV-C(I), dated 31.10.95, page 131(2) = 1996 KSCS/Part II/page 52/H. 36, the existing provision was:'10A. Any person against whom an order cancelling his allotment of land has been passed or whose application for allotment of lands has been rejected by the Allotting Authority has been upheld in the first appeal, shall, if he prefers a second appeal or a revision, deposit 25% of the reserve price of such land as security in the Government Treasury and furnish copy of tire treasury challan with the memo of Appeal, Revision or Review. In case of his failure to make such deposit the second appeal or the revision or review shall not be entertained.']]

11. Powers of Colonisation Commissioner.

- The Colonisation Commissioner shall have powers to issue instructions to all Colonisation Officers subordinate to him regarding laying down the procedure for preparation of records in regard to allotment of land and to carry out the purposes of these rules. Form I[See Rule 3]List of Government Land Reserved for OusteesName of Colony Tehsil

S. No.	Name of Chak/Village	Square No./Khasra No.	Details of areas in Bighas/Kilas	Soil class	Remarks
1	2	3	4	5	6

Signature of Allotting Authority[Form II] [Substituted, added Form No. II, IIA, IV and V by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.][See Rule 5 (2)]No.Date.....CertificateIt is hereby certified:-

1. that Shri/Smt./Kumari Son/Daughter/ widow/wife of..... aged..... by caste..... resident of Tikka/Mauza Tehsil District is an oustee in accordance with the definition given to this expression

in clause (ix) of sub-rule (1) of Rule 2 of the Rajasthan Colonisation (Allotment of Government land to Pong Dam Oustee in the Indira Gandhi Canal Colony) Rules, 1972.

2. that he/she for himself/herself and his/her family is eligible for allotment of one square i.e. 15,625 acres of command land in Indira Gandhi Canal Colony under and in accordance with the provisions contained in Rule 4 of the said rules.

3. that the said oustee is a landowner recorded in the Jamabandi since on or from before 31st March, 1961 and has been residing permanently in the aforesaid Tikka/Mauza which is within the area acquired for the Construction of Pong Dam reservoir, since on or from before the said date. Out of the total lands held by the said oustee landowner % of the land as per details given below, have already been acquired for the said construction and he has been awarded rupees as compensation for the acquisition of his said land [and was paid the said compensation on date.....] [Added by Notification dated 07.01.1974-Rajasthan Gazette, Part IV-(C), Extraordinary dated 07.01.1974.]

Name of Tehsil K.M.A.	Name of village K.M.A.	Name of Tikka K.M.A.	H.B. No.	Total area	Area acquired	Area acquired
1	2	3	4	5	6	7

4. that prior to the issue of this certificate he/she or any member of his/her family have not been made eligible for allotment of any land in Indira Gandhi Canal Colony area and have neither been issued any certificate for allotment of land in the said area nor his/her and of any member of his/her family's application for allotment of land was forwarded to the Allotting Authority and further that no allotment if any, made in his/her or any member of his/her family's favour was previously cancelled.

5. that this Certificate is being issued after having satisfied myself by reference to the relevant record of right and evidence of separate and individual payment of revenue in regard to his title as a separate land owner/co-owner/co-sharer.

Given under my hand and seal on this..... day..... of.....198.....Signature with Seal of the Certifying Authority for and on behalf of the Government of Himachal Pradesh. Enclosures: Identity card of the oustee. [Form II-A] [Substituted and added by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] [See Rule 5(2)] The Certifying Authority, (Deputy Commissioner, and Re-settlement and Rehabilitation Beas Project, Talwara Township) Subject. - application for the grant of certificate under Rule 5(2) of the Rajasthan Colonisation (Allotment of Government land to Pong Dam Oustees in the Indira Gandhi Canal Colony) Rules, 1972. Sir, I Son/Daughter/Widow/Wife of..... by..... age caste resident of Tikka/Mauza Tehsil District Post Office hereby state and submit as under :-(1) That I am a recorded land owner in the jamabandi since on or from before 31st March, 1961 belonging to the area acquired for the construction of Pong Dam Reservoir and I am permanently residing in Tikka/Mauza Tehsil of District Kangra which falls within the said area on or from before the said date. The particulars of land owned by me as such are given below:-

S. No. District Mauza Tehsil Tikka Area

Kanal Marla Acres

Total.....

(2) That in connection with the construction of Pong Dam Reservoir my following land has been acquired for which I have been paid Rs. as compensation [on (date).....] [Added by Notification dated 07.01.1974-Rajasthan Gazette, Part IV-(C), Extraordinary dated 07.01.1974.]

S. No. District Mauza Tehsil Tikka Area

Kanal Marla

Total.....

(3) That after acquisition of my land as mentioned above. Kanal Marla Total acres of land will be left with me as detailed below :-

S. No. District Mauza Tehsil Tikka Area

Kanal Marla

Total.....

(4) That with respect to the land acquired as stated in para 2 above, I have actually been dispossessed therefrom on or I am likely to be dispossessed from the same after the harvesting of the present standing crops. (5) That the details of members of my family are as under:-

S. No. Name of family Members Relation with applicant Age

(6) That I am an oustee in accordance with the definition given to this expression in clause (ix) of sub-rule (1) of Rule 2 of the Rajasthan Colonisation (Allotment of Government land to Pong Dam Oustees in Indira Gandhi Canal Colony) Rules, 1972 and I for myself and my aforesaid family members are eligible for allotment of land under and in accordance with the provisions contained in Rule 4 of the said rules. I, therefore, request for the issue of a certificate under sub-rule (2) of Rule 5 of the said rules in order to enable me to apply for allotment of land to the Allotting Authority under the said rules. Yours faithfully, Signature of the Oustee Address..... Signature of witness..... Address

.....Son/Daughter/Widow/Wife
of.....Tikka.....Mauza.....
by the Certifying Authority

1. Signed by Shri/Smt applicant in my presence on dated..... at place..... hence attested.

2. The contents of the aforesaid application have been checked from the records kept in my office and the same are verified to be true and correct.

SealSignature of Certifying Authority.Form III[See Rule 2(1)(viii) and 5]Identity CardIt is hereby certified that Shri S/o..... by Caste age R/o..... Tehsil..... District..... of Himachal Pradesh, of the following description and photograph is an oustee and is eligible for allotment of land under Rule 5 of the Rajasthan Colonisation (Allotment of Government land of Pong Dam Oustees in Indira Gandhi Canal Colony, Rules, 1972.

Photo	Description of Oustee
(i)Height.....	
(ii)Complexion.....	
(iii) Identificationmarks.....	
(iv)Weight.....	
(Photograph of the oustee attested by certifying authority.)	
Signature of the Oustee.....	Seal and Signature of the Certifying Authority.....
Date.....	

Description of land allotted to the oustees.(1)Area(2)Chak No.(3)Murabba No.(4)Killa No.Date:Seal and Signature of the Allotting Authority[Form IV] [Substituted by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.][See Rule 5(3)]Application For Allotment To The Allotting Authority.....Sub: Application for allotment of land under the Rajasthan Colonisation (Allotment of Government land to Pong Dam Oustees in the Indira Gandhi Canal Colony) Rules, 1972.Sir,I Son/Daughter/Widow/Wife of age by caste resident of Tikka/Mauza Tehsil District..... Post Office..... (Himachal Pradesh) hereby state and submit as under:-

1. that the applicant is recorded in the Jamabandis as land owner since on or from before 31st March, 1961 belonging to the area acquired for the construction of Pong Dam Reservoir and is permanently residing in Tikka/Mauza Tehsil District (Kangra) which falls in the said area on or from before the said date.

- 2. that the applicant's land has been acquired for the construction of Pong Dam Reservoir,**
- 3. that the particulars of the applicants acquired land, compensation paid therefore and land left with him after acquisition together with particulars of the applicant's family members are given in the application in Form II-A presented by him before and verified and forwarded by the certifying authority to you;**
- 4. that the applicant is thus a Pong Dam Oustee and eligible to get allotment under the said rules and he has been so certified by the certifying authority under his Certificate No. date..... in form II which is enclosed herewith.**
- 5. that prior to this application the applicant or any member of his family had neither applied for certificate for allotment of land in Indira Gandhi Canal Colony nor any allotment of land in his/their favour was ever made/cancelled;**
- 6. that the applicant for himself and for his family members as described in the said Form II-A are eligible to allotment of one square i.e. 15.625 acres of land in Indira Gandhi Canal Colony area under and in accordance with the provisions contained in the said rules.**

The applicant therefore requests that one square i.e. 15.625 acres of land may be allotted for him and his family members under and in accordance with the said rules. The applicant's affidavit in support of this application is enclosed herewith. Yours faithfully, Signature of the applicant together with the present address. Dated _____ Identified by Address: son/daughter/widow/Wife of Caste: Tikka: Mauza: Tehsil: [Form V] [Substituted and added by Notification dated 02.03.1973-Rajasthan Gazette Part IV-(C), Extraordinary dated 02.03.1973.] [See Rule 5 (3)] Affidavit I, Son/Daughter/Widow/Wife of age by caste resident of Tikka/Mauza Tehsil District Post Office (Himachal Pradesh) do hereby solemnly affirm and state on oath that the particulars given in paras to of my application for issue of certificate/allotment of land dated are true and correct to my knowledge and belief. Deponent Verification I aforesaid do hereby verify that the contents of this affidavit are true and correct. Nothing has been concealed in the said application and every thing stated therein is true and correct. Deponent Form VI Register of Applications for Allotment [See Rule 5(4)]

S. No.	Date of receipt of application	Name and address of the applicant	Certificate No. and date	Whether application granted or rejected
1	2	3	4	5

Result of appeal with particulars	No. and date of order giving possession	Date of deposit of 1st instalment with challanNo.	Date of giving possession with No. of certificate	Remarks
9	10	11	12	13

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the allottee.....Place.....Date.....