

# APPENDIX -XIV

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

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 (Act No. 18 of 1974);

(b) 'allotable pool' means the land determined and demarcated by the Collector under clause (b) of sub-section (1) of the section 8 for allotment to the eligible persons;

(c) 'eligible person' means a person who is eligible under 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 Naib-Tehsildar of the sub-Tehsil, if the same Tehsil as 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 the commencement of the Act, the Collector shall issue a notice under sub-section (5) of section 3 to the land owner to deliver possession of the shamlat land vested in the State Government under sub-section (1) of the said section within 10 days from the receipt of the notice by him.

2. After the possession of the shamlat is taken under sub-rule (1) and the same is mutated in favour of the State Government under rule 4 the Collector shall cause to prepare a statement of such lands estate-wise in form 'A' through the Tehsil Revenue Officer for the purpose of section 8 of this Act.

Provided that the allotment of land to the landless persons can be made before completion of this form and the demarcation of the area earmarked for allotable pool/after ensuring the minimum area for grazing and other common purposes of the inhabitants.

**4. Mutation of land in favour of State Government**—After the possession of shamlat 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.

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<sup>1</sup>sub for the original rule, by Notification No. 10-1/75 (Rev. A), dated February 1976, published in R.H.P. Extra dated 13th February 1976, p. 549 to be effective from the commencement of the principal rules.

5. <sup>1</sup>Notice to be served on the landowner—The notice to be served on the landowner under section 6 shall be in form 'B'. The notice under this rule or sub-rule (1) of rule 3 shall be served in the manner prescribed under the rules made under the Punjab Land Revenue Act, 1887, for the service of a notice issued by the Revenue Officer.

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 shamlat 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 shamlat lands shall demarcate the land and shall get the separate 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 the file an index map of the village delineating the shamlat land showing the demarcation of the grazing land, the land reserved for allotable pool. The Tehsil revenue Officer shall then submit his proposal of demarcation to the Collector.

(3) The Collector after scrutinising 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 pass the order regarding the percentage of area of land reserved for grazed and common purposes and areas reserve for the allotable pool.

(4) The Collector may amend or vary the percentage as referred to sub-rule (3) with previous approval of the State Government.

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<sup>1</sup> Substituted for the original rule by Notification No. 10-1/75 (Rev. A), dated 12th February, 1976, published in R.H.P. Extraordinary dated 13th, February, 1976, p. 549, to be effective from the commencement of the principal rules.

**7. Preparation of records of unmeasured shamlat land**—In case the shamlat 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 retained 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 there under 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 rule 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 shamlat 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

Particulars of land shown in Revenue Papers under the ownership of Panchayat				
Name of Panchayat	Name of Revenue Estate	Khwat No. Khatauni No. as per Jamabandi	Khasra No.	Total area in acres
1	2	3	4	5

Details of land which is not used for common purposes as per clause (b) of section 3(I) of the Himachal Pradesh Village Common Lands Vesting and Utilisation Act, 1974			Total columns 5 & 8 (Gross area in acres)	Land exempted from vestment under clause (a) of sub-section (I) of section 3 of the Act	
Khwat No. Khatauni No. as per Jamabandi	Khasra No.	Total area in acres		Khasra No.	Total area in acres
6	7	8	9	10	11

Land exempted from vestment under sub-section (2) of section 3 of the Act					
<i>Under clause (a) (Partition)</i>		<i>Under Clause (b) (Transfers)</i>		<i>Under clause (c) (Houses and cow sheds)</i>	
Khasra No.	Total area in acres	Khasra Nos.	Total area in acres	Khasra Nos.	Total area in acres
12	13	14	15	16	17

<i>Total net area vested in the State Government i.e. area shown in column 9 minus total area shown in cols. 11, 13, 15 and 17</i>		<i>Land that had not vested in the Government in view of the Punjab Village Common Lands (Regulation) Act, 1961</i>		<i>Land in the possession of individuals recorded as Hissadar as per last settlement jamabandi and assessed to Land revenue</i>	
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Khasra Nos.	Total area in acres	Khasra Nos.	Total area in acres	Khasra Nos.	Total area in
18	19	20	21	22	23

**Part II—Other Information**

<i>Land in possession of occupancy/Non-occupancy tenants</i>		<i>Land under mortgagees with possession</i>	
Khasra Nos.	Area in acres	Khasra Nos.	Area in acres
24	25	26	27

*Signature of Parwari,*  
 Circle.....  
 Dated.....

I have checked up the statement and satisfied myself that this is correct according to entries last settlement Jamabandi and position on the spot.

Field Kanungo,  
 Circle.....  
 Date.....

**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 land aforesaid, the amount of Rs. \_\_\_\_\_ (in words) the \_\_\_\_\_ is proposed to be paid to you, under sub-section (1) of section 6 of this Act.

Now, therefore, you are called upon to prefer objections, if any above the proposed amount within 60 days from the receipt of this notice.

Description of land:

Name of revenue estate: .....

Khewat and Khatauni No.: .....

Name of landowner as per Jamabandi: .....

Khasra Nos.: .....

Area of land in acres: .....

Annual land revenue: .....

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.