

APPENDIX-XV

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

Short title and commencement 1. (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.

Definitions 2. In this scheme, unless the context otherwise requires,

Act No. 18 of 1974 (a) 'Act' means the Himachal Pradesh Village Common Lands Vesting and Utilisation act, 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.

(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 his 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.

Procedure to be observed by the Tehsil Revenue Officer 3. Immediately after the land vested in the State Government under section 3 of the Act is mutated in favour of the State Government 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.

Enquiry, preparation of statement of land available for allotment 4. When application is made under paragraph 8 or when the Tehsil Revenue Officer suo moto initiates proceedings under the proviso of paragraph 8, 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 each Revenue estate, indicating—

* The H.P. Village Common Lands & Utilisation Rules were published in the Rajpatra, Extraordinary, dated the 20th March, 1975 vide Revenue Department notification No. 10-1/73-Rev.-A, dated 12th February, 1975.

*Amended vide notification No. 10-1/73-Rev.-A dated 18-10-1975.

** Substituted vide Notification No. Rev-2-A(3) 11/77 dated 10-7-1978.

- (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.

Procedure for allotment of land from the allotable pool

5. (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 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 member 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 preference:-

(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 Compensation 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 an revenue estate in which it is available.

Issue of certificate

7. 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.

Delivery of possession

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

Conditions of allotment

9. 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 of 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 years from the date of taking over the possession after allotment, and in the event of violation of the provisions, the land granted to him shall be liable to be resumed by the State Govt. 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 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 bringing 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
- (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 order shall further be recorded in the remarks column of the Jamabandi in which the mutation pertaining to the land is incorporated.

Payment or amount in instalments

10. The amount prescribed in section 8 of the Act shall be paid by the allottee in the following manners:

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.

Cancellation of allotment in certain cases

11. (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.

Manner of payment of amount

12. (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 writing to the Commissioner.

Explanation—In computing the period of thirty days, the time taken in obtaining the copy of the

order appealed against shall be excluded.

(2) On 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) 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.

**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 the estate, Tehsil and district	Area he wants to be allotted with the name of the estate, Tehsil and district	Name of the 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.

*Sign. of Sarpanch/Lambardar or any
Gazetted Officer or a 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 _____ under the provision of the Himachal
Pradesh Village Common Lands Vesting and Utilization Scheme, 1975, subject to the terms and condi-
tions specified therein. The amount payable for such allotment has been determined as _____.

Collector.