

# **APPENDIX-X**

## **The Himachal Pradesh Ceiling on Land Holdings Act 1972**

**(Act No. 19 of 1973)**

**(As amended upto 31-12-1988)**

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# The Himachal Pradesh Ceiling on Land Holdings Act, 1972

(Act No. 19 of 1973)

As Amended by H.P. Act No. 1 of 1974 and 11 of 1987

## An Act

*To consolidate and amend the laws relating to ceiling on land holdings in the State of Himachal Pradesh*

Be it enacted by the Legislative Assembly of Himachal Pradesh in Twenty-third Year of the Republic of India as follows:

### Chapter I Preliminary

#### Short title, extent and commencement

1. (1) This Act may be called the Himachal Pradesh Ceiling on Land Holdings Act, 1972,
- (2) It extends to the whole of Himachal Pradesh
- (3) It shall come into force at once.

#### Declaration as to giving effects to certain directive principles of State policy.

2. It is hereby declared that this Act is for giving effect to the policy of the state towards securing the principles specified in clauses (b) and (c) of article 39 of the Constitution of India.

#### Definitions

3. In this Act, unless there is anything repugnant in the subject or context,—

- (a) "adult" means a person who is not a minor;
- (b) "appointed day" means the 24th day of January, 1971;
- (c) "banjar land" means land which has remained uncultivated for a continuous period of not less than two years immediately preceding the appointed day and includes culturable waste land recorded as banjar in the revenue records;
- (d) "Collector" means the Collector of a District or any other officer not below the rank of an Assistant Collector of the First Grade, empowered in this behalf by the State Government;
- (e) "family" means husband, wife and their minor children or anyone or more of them;

(ee) "handicapped person" means a crippled, or physically or medically deficient person whose annual income from all sources does not exceed rupees seven thousand and five hundred and who, on

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The Act was passed by H.P. Assembly on 21.12.72.

Received the assent of the President of India on 10-7-73 and thereafter the Act was published in Rajpatra H.P. Extraordinary dated 28-7-73 as Act No. 19 of 1973. The H.P. Ordinance No. 4 of 1973 which amended H.P. Act No. 19 of 1973, was published in Rajpatra, H.P. Extraordinary dated 3-10-1973.

The H.P. Ordinance No. 4 of 1973 shall be deemed to have come into force from the date of commencement of the H.P. Act No. 19 of 1973.

The H.P. Ordinance No. 4 was replaced by H.P. Act No. 1 of 1974, which was passed by the H.P. Assembly on 18-10-73, assented to by the President of India on 1-1-1974 and thereafter it was published in Rajpatra, H.P. Extraordinary, dated 22-1-1974 as Act No. 1 of 1974.

Act no. 11 of 1987 published in Rajpatra H.P. (Extraordinary) dated 8th May, 1987.

account of injury, disease or congenital deformity, is substantially prevented from or is incapable of leading a normal life or earning full wages for the work in which he is employed or obtaining or keeping employment or undertaking work on his own, of a kind in view of that injury, disease or deformity which would have suited his age, experience and qualifications.

*Explanation*—For the purpose of this clause, a person who has incurred physical disablement to the extent of fifty per cent or more shall be deemed to be substantially incapable or disabled person;

(eee) "Houseless person" means a person who owns no house or site to construct a house:

Provided that a person whose father is alive or whose annual income from all sources exceeds Rs 3,000/- shall not be deemed to be a houseless person."

(ii) for the sign ";" occurring at the end of clause (h) the sign ":" shall be substituted and thereafter the following proviso shall be added, namely:

(f) "land means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture and includes—

- (i) the sites of buildings and other structures on such land;
- (ii) orchards;
- (iii) ghasnies;
- (iv) banjar land; and
- (v) private forests;

(g) "landowner" means a person defined as such in the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) or the Punjab Land Revenue Act, 1887 (17 of 1887) as the case may be, and shall include the predecessor or successor in interest of the landowner;

(h) "landless person" means a person who, holding no land for agricultural purposes, whether as an owner or a tenant, earns his livelihood principally by manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally;

Provided that a person whose father is alive or whose annual income from all sources exceeds Rs 3,000/- shall not be deemed to be a houseless person; and

(i) "land revenue" means land revenue assessed under any law for the time being in force or assessable under the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), or the Punjab Land Revenue Act, 1887 (17 of 1887) as the case may be;

(j) "minor" means a person who has not completed the age of eighteen years;

(k) "orchard" means a compact area of land having fruit bearing trees grown thereon in such number that they preclude, or when fully grown would preclude, a substantial part of such land from being used for any agricultural purpose (but shall not include land under banana or guava gardens or vineyard);

(l) "other eligible person" means a person.—

(i) who, holding for agricultural purposes land less than one acre whether as an owner or a tenant,

earns his livelihood principally by manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally;

(ii) whose father is not alive; and

(iii) whose annual income from all sources does not exceed Rs 3,000/-;

and shall not include a person who holds a share or a portion of an estate jointly owned or cultivated by two or more persons;"

(m) "permissible area" means the extent of land specified in section 4 of this act;

(n) "person" means the landowner, (tenant and mortgagee with possession,) and includes a company, a family, an association or other body of individuals, whether incorporated or not, and any institution capable of holding property;

(o) "prescribed" means prescribed by rules made under this act;

(p) "private forest" means a forest which is not the property of the Government or over which the State has no proprietary rights or to the whole or any part of the forest produce of which the State is not entitled;

(q) "separate unit" means an adult son or in case of his death his widow and children, if any;

(r) "surplus area" means the area in excess of the permissible area;

(s) "tea estate" means an area under tea plantation and includes such other area necessary for purposes sub-servient to a tea plantation as may be prescribed;

(t) "tenant" means a person who holds land under a landowner, and is, or but for a contract to the contrary would be liable to pay rent for that land to that land owner, and includes—

(i) a sub-tenant; \* \* \* \*; and

(ii) the predecessors or successors in interest of a tenant or a sub-tenant, as the case may be, but it does not include—

(a) a mortgagee of the rights of landowner; or

(b) a person to whom a holding has been transferred or an estate or holding has been let in farm under the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) or the Punjab Land Revenue Act, 1887 (17 of 1887) as the case may be, for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear

(c) \* \* \* \* \*

(u) "tenancy" means a parcel of land held by a tenant of a landowner under one lease or one set of conditions; and

(v) the words and expressions used herein but not defined in this Act shall have the meanings assigned to them in the Himachal Pradesh, Land Revenue Act, 1954, or the Punjab Land Revenue Act, 1887, as the case may be.

6 of 1954  
17 of 1887

## Chapter II

### Ceiling on Land Holdings, Acquisition and Disposal of Surplus Area

#### Permissible area

4. (1) the permissible area of a landowner or a tenant or a mortgagee with possession or partly in one capacity or partly in another of a person or a family consisting of husband, wife and upto three minor children shall be in respect of—

- (a) land under assured irrigation capable of growing two crops in a year—10 acres;
- (b) land under assured irrigation capable of growing one crop in a year—15 acres;
- (c) land of classes other than described in clauses (a) and (b) above including land under orchards—30 acres;

(2) The permissible area for the purposes of clause (c) of sub-section (1) for the districts of Kinnaur and Lahaul and Spiti, Tehsil Pangi and Sub-Tehsil Bharmour of Chamba district, areas of Chhota Bhangal and Bara Bhangal of Baijnath, Kanungo Circle of Tehsil Palampur of Kangra district and area of Dodra Kuwar Patwar Circle of Rohru Tehsil and Pandra-bis Pargana of Rampur tehsil of Shimla district shall be 70 acres.

(3) The permissible area of a family under sub-section (1) shall be increased by one-fifth of the permissible area under sub-sections (1) and (2) for each additional minor member of a family subject to the condition that the aggregate permissible area shall not exceed twice the permissible area of a family under sub-sections (1) and (2).

(4) Every adult son [of a person] shall be treated as a separate unit and he shall be entitled to the land upto the extent permissible to a family under sub-sections (1) and (2) subject to the condition that the aggregate land of the family and that of the separate units put together shall not exceed twice the area permissible under the said sub-sections:

Provided that where the separate unit owns any land, the same shall be taken into account for calculating the permissible area for that unit.

[(5) If a person holds land of two or more categories described in clauses (a), (b) and (c) of sub-section (1) and sub-section (2) of this section, then the permissible area shall be determined on the following basis:-

- (i) in the areas mentioned in sub-section (2) of this section, one acre of land mentioned in clause (a) of sub-section (1) shall count as one and a half acre of land mentioned in clause (b) of sub-section (1) and seven acres of land mentioned in clause (c) of sub-section (1);
- (ii) in the areas other than the areas mentioned in sub-section (2) of this section, one acre of land mentioned in clause (a) of sub-section (1) shall count as one and a half acre of land mentioned in clause (b) of sub-section (1), and three acres of land mentioned in clause (c) of sub-section (1):

Provided that on the basis of ratio prescribed in clauses (i) and (ii), the permissible area shall be converted into the category of land mentioned in sub-section (2) and in clause (c) of sub-section (1) as the case may be, and the total area so converted shall not exceed 70 acres in case of clause (i) and 30 acres in case of clause (ii).

(6) Where a person is a member of the family, the land held by such person together with the land

held by all the members of the family shall be taken into account for the purpose of calculating the permissible area.

### Exemptions

5. The provisions of this Act shall not apply to—

- (a) lands owned by the state Government or the Central Government;
- (b) lands belonging to registered Co-operative Farming Societies;

Provided that the share of a member of such society, together with his other land, if any, does not exceed the permissible area;

[(c) lands belonging to Land Mortgage Banks, the State and Central Co-operative Banks and any other Banks.

Explanation—For purpose of this sub-clause “any other Banks” means a banking Company as defined in section 5 of the banking regulation act, 1949 (10 of 1949), and includes the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955), a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks Act, 1959 (38 of 1959) and a “Corresponding new bank” as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, (5 of 1970), the Agricultural Refinance Corporation and Agro-Industries Corporation, Agricultural Finance Corporation Ltd., a company incorporated under the Companies Act, 1956 (1 of 1956), and any other financial institution notified by the State Government in this behalf;]

(d) lands belonging to or vested in local authorities;

(e) lands belonging to Himachal Pradesh Agriculture University;

(f) lands owned by the Bhudan Yagna Board established under the law in force in the State of Himachal Pradesh; and

(g) tea estates.

### Ceiling on land.

6. Notwithstanding anything to the contrary contained in any law, custom, usage or agreement, no person shall be entitled to hold whether as a landowner or tenant or a mortgagee with possession or partly in one capacity and partly in another, the land within the State of Himachal Pradesh exceeding the permissible area on or after the appointed day.

### Certain transfers not to affect the surplus area.

7. (1) Except in the case of land acquired by the Union Government or the State Government under any law for the time being in force or by a tenant under the Pepsu Tenancy and Agricultural Lands Act, 1955 (13 of 1955), or the Punjab Security of Land Tenures Act, 1953 (10 of 1953), or the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (15 of 1953), no transfer by a person holding land in excess of the permissible area except a bonafide transfer after the appointed day shall affect the right of the State Government to the surplus area to which it would be entitled but for such transfers.

(2) The Collector shall determine whether a transfer is bonafide or not and his decision shall be final:

Provided that the burden of proving the transfers to be bonafide one shall be on the transfer:

Provided further that if a person transfers any land in contravention of the provisions of this section, in case of vestment in the State, the land left with him after such transfer will be taken into account first

and the transferred land will be taken into account only for making up of deficiency of land to be vested.

**Selection of permissible area.**

8. (1) Every person, who on the appointed day or at any time thereafter holds the land exceeding the permissible area shall furnish to the Collector particulars of all his lands and that of the separate unit within a prescribed period and in the prescribed form and manner and stating therein the selection of land not exceeding in the aggregate the permissible area which he desires to retain:

Provided that such person shall state in the return any transfer or other disposition of land made by him after the appointed day.

(2) If the whole or a part of the land selected under sub-section (1) is under tenants, the landowner shall not be entitled to eject the tenants therefrom except on the grounds given in the tenancy laws for the time being in force in the State of Himachal Pradesh.

*Explanation I*—Where the person is a member of the family, he shall include in his declaration particulars of land held by him and also of land, if any, held by other members of the family.

*Explanation II*—In calculating the extent of land owned or held by a person, the share of such person in undivided family, registered farming co-operative society or a company shall be taken into account.

(3) In making a selection of his permissible area under sub-section (1), the landowner may also select land for a separate unit:

Provided that the land selected for the separate unit, after adding the land owned on or after the appointed day by such unit, shall not exceed the permissible area.

**Declaration supported by affidavits to be furnished by certain land-owners and tenants.**

9. (1) Every person required to furnish a return under section 8 whose land is situated in more than one Patwar circle shall furnish to the Collector within a prescribed period a declaration supported by an affidavit in respect of the land owned or held by him in such form and manner as may be prescribed.

(2) If a person fails to select the permissible area in accordance with the provision of section 8, the Collector may after collecting the information in such manner as he may deem fit, by order select the permissible area of such person:

Provided that no such order shall be made without giving the person concerned an opportunity of being heard.

**Submission of statement to Collector.**

10. (1) On the basis of the information given in the return under section 8 or the declaration furnished under sub-section (1) of section 9 which shall be duly verified through such agency as may be prescribed or the information obtained by the Collector under sub-section (2) of section 9, the Collector shall prepare a draft statement in the manner prescribed showing among other particulars the total area of land owned or held by such a person, the specific parcels of land which a person may retain by way of permissible area or exemption from ceiling and also the surplus area.

(2) The draft statement shall be published in the office of the Collector and a copy thereof shall be served upon the person or persons concerned in the form and manner prescribed. Any objection received within 30 days of the service shall be duly considered by the Collector and after affording the objectors an opportunity of being heard, the Collector shall pass such order as he may deem fit.

(3) A draft statement shall be made final in terms of the order of the Collector or the order, if any, passed in appeal, revision or review, as the case may be.

**Vesting of surplus area in the State Government.**

11. The surplus area of a person shall, on the date on which possession thereof is taken by or on behalf of the State Government be deemed to have been acquired by the State Government for a public purpose on payment of amount hereafter provided and all rights, title interests (including the contingent interest, if any) recognised by any law, custom or usage for the time being in force, of all persons in such area shall stand extinguished and such rights, title and interests shall vest in the State Government free from any encumbrance:

Provided that where any land within the permissible area of the mortgagor is mortgaged with possession and falls within the surplus area of the mortgagee, only the mortgagee rights shall be deemed to have been acquired by the State Government and the same shall vest in it.

**Power to take possession of surplus area.**

12. (1) The Collector may, by order in writing, at any time after an area becomes surplus, direct the person in possession of such area to deliver possession thereof within ten days of the service of the order on him to such persons as may be specified in the order.

(2) If the person in possession of surplus area refuses or fails without reasonable cause to comply with the order made under sub-section (1), the Collector may take possession of the surplus area and may for that purpose use such force as may be necessary.

**Power to separate shares of landowners.**

13. (1) Where a landowner owns land jointly with other landowners and his share of such land or part thereof has been, or is to be, declared as surplus area, the officer competent to declare such area, or where such area has been declared, the officer competent to utilise it, may, on his own motion, after summary enquiry and affording to the persons interested in such land an opportunity of being heard, separate his share of such land or part thereof in the land owned by him jointly with other landowners.

(2) Where, after the declaration of the surplus area of any person and before the utilisation thereof, his land has been subjected to the process of consolidation, the officers referred to in sub-section (1) shall be competent to separate the surplus area of such person out of the area of land obtained by him after consolidation.

**Principle for determination and payment of amount.**

14. (1) Where any surplus area has vested in the State Government under section 11, the Collector shall determine the amount payable therefor in accordance with the principles hereinafter set out, that is to say—

- (i) for the land upto ten acres, ninety-five times the land revenue (including rates and cesses);
- (ii) for the land in excess of 10 acres and below 30 acres, seventy five times the land revenue (including rates and cesses); and
- (iii) for the remaining land, forty-five times the land revenue (including rates and cesses); payable for such land:

Provided that if the holding or part thereof comprising surplus area is not assessed to land revenue the land revenue on such land shall be construed to be assessed as on similar land in the estate and if not available in the estate then the adjoining estate or estates as the case may be:

Provided further that the waste land shall be treated as banjar land for the purpose of assessment of land revenue and determination of an amount.

(2) For the purpose of sub-section (1), the collector shall prepare a statement of the amount in such form and manner as may be prescribed and shall after following the prescribed procedure apportion the amount amongst the persons having interests in the land.



(3) Where in the surplus area of any person mortgagee rights have vested in the State Government, the amount payable to the mortgagee shall be mortgage money due to the mortgagee, or the amount payable under this section, whichever is less.

(4) Where on the land there is any building, structure or tube-well or crop, the owner thereof shall, in addition to the amount payable in respect of the land, be entitled to be paid by the State Government an amount therefor which shall be 50% of the market price of such building, structure, tube-well. The landowner shall be entitled to harvest the crop standing on the surplus area.

(5) The amount shall be payable either in lump sum or in six monthly instalments not exceeding ten in the manner prescribed.

**Disposal of surplus area.**

15. (1) The surplus area which has vested in the State Government under section 11 shall be at the disposal of the State Government.

(2) The State Government may, by notification in the Official Gazette, frame a scheme for utilising the surplus area vested in the State Government by allotment—

(a) to a landless person or any other eligible person;

(b) for allotment of a site to a handicapped or houseless person for the construction of a house;

and the allottee shall pay amount—

(i) for the land allotted to him at the rate of ninety-five times the land revenue and rates and cesses, thereof; and

(ii) for building, structure or tube-well, if any, at 50% of the market price of such building, structure or tube-well:

Provided that if the holding or part thereof comprising surplus area is not assessed to land revenue, the land revenue on such land shall be construed to be assessed as on similar land in the estate and if not available in the estate then on the adjoining estate or estates, as the case may be:

Provided further that the waste land shall be treated as 'banjar' land for the purposes of assessment of land revenue and determination of the amount."

[(2.A) For making the allotment of the surplus land under sub-section (2), the first preference among landless persons shall be given to the members of the Scheduled Castes and Scheduled Tribes].

(3) Any scheme framed by the state Government under sub-section (2) may provide for the terms and conditions on which the land comprised in surplus area is to be allotted.

(4) The State Government may, by notification in the official Gazette, add to, amend, vary or revoke any scheme made under this section.

**Utilisation of land for development of the State**

15-A. Notwithstanding anything contained in section 15 of the Act, the State Government may utilise any area of the land vested in it under this Act by lease to any person or by transfer to any Department of the Government in the interests of the development of the State, if the State Government is satisfied that there are sufficient reasons to do so:

Provided that when land is not used by a person for the purpose for which it has been leased, the lease shall stand terminated free from all encumbrances and the Government, shall re-enter on the demised premises and the lease money, if paid to the Government, shall be forfeited and no person shall be entitled

to any compensation for any improvement made and for any building constructed thereon.

**Bar of future acquisition of land in excess of permissible area.**

16. Notwithstanding anything to the contrary in any law, custom, usage, contract or agreement, from and after the commencement of this Act, no person whether as landowner or tenant or a mortgagee with possession shall acquire or possess by transfer, exchange, mortgage, lease, agreement or settlement any land, which with or without the land already owned or held by him, shall in the aggregate exceed the permissible area.

**Future acquisition of land by inheritance or otherwise in excess of permissible area or increase in such area as a result of operation of this Act.**

17. (1) Subject to the provisions of section 15, if after the commencement of this act, any person, whether as landowner or tenant, acquires by inheritance or by bequest or gift from a person to whom he is an heir any land, any person has acquired by transfer, exchange, lease, agreement or settlement any land, or if, after such commencement, any person acquires in any other manner any land, which, with or without the lands already owned or held by him, exceeds in the aggregate the permissible area or any person whose land exceeds the permissible area as a result of the operation of any provision of this Act, then he shall, within the period prescribed, furnish to the Collector, a return in the prescribed form and manner giving the particulars of all lands and selecting the land not exceeding in the aggregate the permissible area which he desires to retain, and if the land of such person is situated in more than one Patwar circle, he shall also furnish a declaration required by section 9.

(2) If he fails to furnish the return and select his land within the prescribed period, then the Collector may in respect of him obtain the information required to be shown in the return through such agency as he may deem fit and select the land for him in the manner specified in sub-section (1) of section 8.

(3) If such person fails to furnish the declaration, the provisions of [Section 9] shall apply.

(4) The excess land of such person shall be at the disposal of the State Government for utilisation as surplus area under section 15 or for such other purpose as the State Government may by notification direct.

*Explanation*—In the case of family, the return may be furnished by any adult member, of the family and in the case of the sole minor by his guardian:

Provided that the Collector shall, before determining the surplus area, give to all the members of the family an opportunity of being heard.

**Bar of jurisdiction.**

18 (1) No civil court shall have jurisdiction to—

(a) entertain or proceed with a suit for specific performance of a contract for transfer of land which affects the rights of the State Government to the surplus area under this Act; or

(b) settle, decide or deal with any matter which is under this Act required to be settled, decided or dealt with by the Financial Commissioner, the Commissioner, the Collector.

(2) No order of the Financial Commissioner, the Commissioner, the Collector made under or in pursuance of this Act, shall be called in question in any court.

**Mode of recovery of amount and penalty.**

19. The amount or other sum payable under this Act and the amount of any penalty imposed under this Act may be recovered as an arrear of land revenue.

**Appeal, review and revision.**

20 (1) Any person aggrieved by any decision or order of the Collector may within sixty days from the date of the decision or order prefer an appeal to the Commissioner:

Provided that the Commissioner may entertain the appeal after the expiry of the said period of sixty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) Any person aggrieved by an order of the Commissioner made under sub-section (1) may, within ninety days from the date of the order, file a revision petition before the Financial Commissioner so as to challenge the legality or propriety of such order and the Financial Commissioner may pass such order as he may deem fit. The order of the Financial Commissioner shall be final.

(3) Notwithstanding anything contained in the foregoing sub-sections, the Financial Commissioner may at any time call for the record of any proceedings or order of any authority subordinate to him for the purpose of satisfying himself as to the legality or propriety of such proceedings or order, and may pass such order in relation thereto as he may deem fit.

**Officers holding enquiries to have powers of Civil Courts.**

21. Any officer or authority holding an enquiry or hearing an appeal or a revision under this Chapter shall have the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) relating to—

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issue of commission

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (5 of 1898).

**Penalty for making false statement.**

22. (1) If any person fails to furnish a declaration as required by section 9 or during the course of any proceeding under this Chapter makes a declaration or statement or furnishes any information which is false or which he knows or has reasons to believe to be false or which he does not believe to be true, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under sub-section (1) except on a complaint made by the Collector.

**Procedure.**

23. In all enquiries and proceedings under this Act, the Collector and any other officer shall have such powers and follow such procedure as may be prescribed.

**Certain officers to be public servants.**

24. Every officer acting under or in pursuance of the provisions of this Act or any rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. (45 of 1860)

**Protection of action taken under this Act.**

25 (1) No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under or in pursuance of this Act or any rules made thereunder.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions contained in this Act or any rules made thereunder.

**Power to make rules.**

26 (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) The power to make any rule under sub-section (1) is subject to the condition of the rules being made after previous publication.

(3) Every rule made under this Act shall be laid as soon as may be after it is made before the State Legislature while it is in Session for a total period of ten days which may be comprised in one Session or two successive Sessions and if before the expiry of the Sessions in which it is so laid or the Session immediately following, the Legislature requires any modification in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Power to remove difficulties.**

27. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions or give such directions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

**Repeal and Savings.**

28. (1) The provisions of the Punjab Security of Land Tenures Act, 1953 (10 of 1953) and the Pepsu Tenancy and Agricultural Lands Act, 1955 (13 of 1955) and the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 (15 of 1954) which are inconsistent with the provisions of this Act are hereby repealed.

(2) The repeal of the enactments referred to in sub-section (1) shall not affect their previous operation.

(3) Subject to the provisions of sub-section (2), anything done or any action taken including any appointment, delegation or transfer made, notification, proclamation, order, instruction or direction issued, authorities and powers conferred, rights acquired and liabilities incurred, rule, regulation, form or scheme framed, date, time and place appointed and other things done under the repealed Acts or Law shall—

(a) be deemed to have been done or taken under the corresponding provisions, if any, of this Act;

(b) continue in force unless and until directed otherwise or superseded by anything done or any action taken under this Act by the State Government or by other competent authority.

(4) Notwithstanding the repeal of the enactments mentioned in sub-section (1) all suits, applications or other proceedings pending disposal at the commencement of this Act, shall be disposed of in accordance with the provisions of the said Act as if these Acts had not been repealed.

**Extracts from the Himachal Pradesh Ceiling on Land Holdings (Amendment) Act, 1987.**

**Section-5**

*Savings*—Where any allotment of land made under any scheme, framed under the principal Act, is found to be inconsistent with the provisions made in the principal Act, as amended by section 2 and 3 of this Act, then notwithstanding anything to the contrary contained in any judgment, decree or order of any court; or any other law for the time being in force it shall be lawful for an officer especially empowered by the State Government in this behalf, to cancel such allotment and take possession of the land so allotted:

Provided that no order under this section shall be passed without affording an opportunity of being heard to the allottee of land in question.