

THE HIMACHAL PRADESH GRANT OF NAUTOR LAND TO LANDLESS PERSONS AND OTHER ELIGIBLE PERSONS SCHEME 1975

GOVERNMENT OF HIMACHAL PRADESH
'REVENUE DEPARTMENT'

"NOTIFICATION"

No. 9-14/75-Rev.A.—The Governor, Himachal Pradesh, is pleased to make the following special scheme for grant of Nautor land to landless persons in the State.

1. Short title and commencement.—(1) This scheme shall be called the Himachal Pradesh Grant of Nautor Land to Landless persons, other Eligible persons scheme, 1975.

(2) It shall come into force at once.

2. Definition.—In the scheme—

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

(b) 'other eligible persons' means persons who hold land less than one acre in the State of Himachal Pradesh as a landowner or a tenant and earns his livelihood principally on manual labour on land and intends to take the profession of agriculture and is capable of cultivating the land personally and includes those land-owners who were either rendered landless or whose holdings were reduced to less than one acre as a result of implementation of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953.

¹Provided that notwithstanding any thing contained in this scheme, a person who has completed training under the TRYSEM Programme and is certified as eligible by the Project Officer/A.D. Agency of the Distt. concerned for allotment of land for construction of a shop or other business premises shall also be deemed eligible and land of the area sufficient for construction of a shop or other business premises, but not exceed 2 biswas as the case may be, may be granted to him by the S.D.O.(C) concerned.

3. Application of Scheme.—The scheme shall apply to Government waste land outside the Reserved and Demarcated Protected Forest.

4. Survey of culturable land.—(1) A survey of culturable land in each estate shall be made immediately by the Tehsildar/Naib-Tehsildar concerned and plots of land in each estate which can be granted as nautor land to the landless persons, other eligible persons marked on the ground.

(2) A register of landless persons in each Patwar circle has already been maintained village-wise under the instructions issued by the State Government. These registers will be verified by the Tehsildars according to the instructions already issued by the Government in this behalf.

(3) In case of other eligible persons a register in each Patwar circle shall be maintained in form 'A' appended to this Scheme.

5. Grant of Nautor Land.—(1) Nautor Land upto 1 acre for the purpose of Agriculture/Horticulture shall be granted to a landless person on a simple application in the Revenue estate in which ordinarily resides or in a nearby revenue estate as far as possible in the following order:—

(i) in the revenue estate;

(ii) in the Patwar circle if no land is available in the Revenue estate;

(iii) in the Kanungo circle if no land is available in the Patwar circle;

(iv) in the Tehsil, if no land is available in the Kanungo circle.

²(2) The allotment of land to eligible persons under the scheme shall be made in the following order of preference.

(i) members of Scheduled castes/Scheduled Tribes, ex-servicemen, Freedom fighters and Ex-INA personnel covered under the Govt. of India scheme and also those freedom fighters who have been awarded commendation certificates by the State Government;

(ii) 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; and

(iii) to remaining eligible persons;

Provided that no land containing more than 40 trees of valuable species per acre shall be granted under this scheme.

¹Inserted vide notification No. 9-14/75-Rev.-A, dated 15.10.1975.

²Added vide Revenue Department Notification No. 9-14/75-Rev.-A, dated 15-10-1975.

(3) If there are trees on the land granted under this scheme and the grantee is not in a position to pay the price of the trees at market rate, the trees shall be cleared by the Forest Department within a month from the date of grant of the land.

6. Delimitation of land.—The nautor land to be granted to a landless person or other eligible persons under this scheme shall be delimited in his presence and also in the presence of the members of the Gram Panchayat as may be available at the time of delimitation.

7. Sanctioning Authority.—¹The Sub-Divisional Officer (Civil) of the Sub-Division and the Tehsildar of the Tehsil in which the land is situated shall be the sanctioning authority for the purpose of this scheme. The sanction order of nautor land shall be made by the Tehsildar on the application and its operative part entered in the register to be maintained for the purpose in the Tehsil. Issue of Patta under the scheme will not be necessary.

8. Nazarana and mode of its payment.—(1) The grant of nautor land under this scheme shall be made against payment of nazarana by:—

(a) a grantee belonging to Scheduled Tribes @ rupees five per bigha;

(b) a grantee belonging to Scheduled caste @ rupees twenty five per bigha;

(c) other grantees @ rupees fifty per bigha.

²(2) The payment of nazarana shall be in lump sum or in ten equal half yearly instalments. The possession of the land shall be given to the grantee immediately after the sanction of land. In case of payment in instalments, the first instalment can be paid within one year of the delivery of possession.

(3) If the grantee fails to pay the total amount of nazarana within a period of five years, the same shall be recovered as arrear of land revenue.

9. There shall be no right of appeal against the grant of nautor land to a landless person or to other eligible persons under this scheme.

³9-A.—Revision.—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 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.

10. Mutation.—The mutation of the land to be granted under this scheme to a landless person or to other eligible persons shall be attested immediately after the payment of nazarana by the grantee either in lump sum or on payment of 1st instalment of the nazarana, as the case may be.

11. Restriction on transfer.—The grantee shall not transfer the land granted under this scheme to any person within a period of 20 years from the date of taking over possession of the land by him. In the event of contravention of the provisions of this para the grant shall be liable to be resumed by the State Government and no further allotment of land should be made to him thereafter. ⁵Similarly if he fails to break up the land within a period of 2 years from the date of taking over of the possession the grant shall be liable to be resumed.

Provided that the land granted under this scheme shall not be subject to fragmentation by way of partition, transfer or by any other mean. The Revenue Officer shall record these conditions in the mutation orders to be passed by him. His orders shall further be recorded in the remarks column of the jamabandi in which the mutation pertaining to the land is incorporated.

Provided the allottee may transfer the land by way of mortgage without possession in favour of Primary Agricultural Cooperative Credit Society, a Bank as defined in the H.P. 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, raising of crops, purchase of bullocks, seed and fertilizers etc. for bringing the land under cultivation.

12. No legal practitioner shall appear, plead or act on behalf of any party before any revenue officer in any case under this scheme.

¹Inserted vide notification No. 9-14/75-Rev., Dated 22-1-76.

²Substituted vide notification No. 9-14/75-Rev.A Dt. 13-2-76.

³Substituted vide notification No. Rev. 9-14/75 dt. 15-10-75.

⁴Substituted vide notification No. Rev. 2A(3) 11/77 dt. 11.9.80.

⁵Substituted vide notification No. Rev. 2A(3)-11/77 dt. 9.12.87

REGISTER

| Tehsil | Patwar Circle | Name & parentage of person holding land below 5 bighas | Whether Scheduled caste /Sch. Tribe or other | Name of the Village where permanently resides | Name of the Village where land is hold with extent of. land | |
|--------|------------------|---|--|--|--|---------------------|
| | | | | | Village | Land held in bighas |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

| No. of family members of the person entered in column 3 | Name of village in which land is granted | Date of sanction | Particulars of land granted | | Price of land charged | Remarks |
|---|--|---------------------|--------------------------------|-------------------|--------------------------|---------|
| | | | Khasra No. | Land in bighas | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |

TOP PRIORITY

No. 9-14/75-Rev.-A
Government of Himachal Pradesh
Revenue Department

From

The Financial Commissioner-cum-
Secretary (Revenue) to the
Govt. of Himachal Pradesh.

To

The Divisional Commissioner,
Himachal Pradesh, Shimla-2.

Dated Shimla-2, the 1st/3rd October, 1975.

Subject:-

Guidelines for grant of land to persons whose existing holdings are less than one acre in the second phase of the programme of providing land to eligible persons.

Sir,

I am directed to refer to this Deptt. letter of even number dated the 8th September, 1975, on the above subject, and to say that with a view to bringing about uniformity in the whole of this Pradesh in the matter of allotment of land to the eligible persons, the following guidelines are hereby issued under the following three schemes:-

1. The H.P. Utilisation of Surplus Area Scheme, 1974.
 2. The H.P. Village Common Lands (Vesting & Utilization) Scheme, 1975;
 3. The H.P. Special Nautor Scheme, 1975 now made applicable to eligible persons.
2. During the second phase of the programme land under all the three schemes will be allotted to those persons whose holdings are less than one acre to make their holdings upto one acre (here-after referred to as eligible persons).
3. Priorities in allotment. The allotment of land to eligible persons under the aforesaid three schemes shall be made in the following order of preference:
- (i) Members of Scheduled Castes/Scheduled Tribes, ex-servicemen, freedom fighter and Ex-INA personnel, covered under the Govt. of India Scheme and also those freedom fighters who have been awarded commendation certificates by the State Government;
 - (ii) To land owners or tenants whose holdings as a result of implementation of Section 104 of the H.P. Tenancy and Land Reforms Act, 1972, is reduced to below one acre;
 - (iii) To remaining eligible persons;
 - (iv) To those land owners in the areas comprised in H.P. immediately before 1st November, 1966, who