

were either rendered landless or whose holdings were reduced to less than one acre as a result of the implementation of the H.P. Abolition of Big Landed Estates and Land Reforms Act, 1953 (only under the H.P. Special Nautor Scheme).

4. The income from other sources upto a limit of Rs. 3000/- per annum should be kept in view while allotting land to eligible persons in the second phase of the programme. No land should be allotted to a person, whose annual income from other sources exceeds Rs. 3000/-.

5. Where, in joint holdings co-sharers live jointly, their per capita share need not be worked out. For example, four brothers are living jointly and they have three acres of land. In such case, it is not essential to make their joint holdings as four acres. Only individual holdings falling short of five bighas will be taken up. Similarly, in a polyandrous family, where the land is in the name of the eldest brother according to the custom of area, the rest of the brothers will not be treated as eligible persons.

6. The distribution, out of shamlat land, since vested in the Govt. shall begin only after the area reserved for grazing and common purposes and allotable pool are properly demarcated and other formalities under the H.P. Village Common Lands (Vesting and Utilization) Act and the Rules and the Scheme made under the Act are completed. The relaxations of the provisions of the Rules and the Schemes allowed as per letter No. 10-4/75-Rev.-A dated the 23rd July, 1975, was allowed only in respect of landless persons.

7. Necessary amendments in all the above mentioned schemes in the light of the above guidelines are being issued very shortly. In the meanwhile you may kindly direct all the Deputy Commissioners to complete the formalities under the laws, Rules and the schemes and also prepare the lists of all the eligible categories mentioned above and thereafter start distribution of land in the second phase in view of the provisions and guidelines given in the letter.

Kindly acknowledge receipt.

Yours faithfully,

Sd/-

(K.C. Chauhan)

Under Secretary (Revenue) to the
Govt. of Himachal Pradesh.

No. 9-14/75-Rev.-A Dated Shimla-2, 1st/3rd October, 1975.

Copy to all the Deputy Commissioners/Settlement Officer, Dharamshala/S.D.O. (Civil)/Tehsildars in H.P. for information and necessary action.

Sd/-

Under Secretary (Revenue) to the
Govt. of Himachal Pradesh

No. Rev.-D(G)6-13/87
Government of Himachal Pradesh
Department of Revenue
'D-Section'

From:

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

To

1. All the Divisional Commissioners in Himachal Pradesh.
2. All the Deputy Commissioners in Himachal Pradesh.

Dated, Shimla-2, the 30.5.88.

Subject:-

Allotment of land to landless/houseless persons as outright grant and allotment of land for the construction of houses etc. on payment of nazrana or on lease basis-A clarification on the points involved.

I am directed to say that as you are aware there are numerous legal, extra legal or purely administrative arrangements under which land is given to a person for various purposes including construction of residential buildings. Due to legal difficulties, separate law/instructions exist for the utilisation of land owned or vested in the Government under the H.P. Ceiling on Land Holdings Act, 1972 and the H.P. Village Common Lands (Vesting & Utilisation) Act, 1974. This land has been treated in the light of the provisions of these Acts and has to be treated as distinct in comparison to other Government land.

2. In so far land vested in the Government under these Acts is concerned, there are following legal arrangements for utilisation of this land:-

LAND VESTED UNDER VARIOUS ACTS:

Land coming to Government under Ceiling and Village Common Land Acts is allotted to the Landless and other eligible persons under two schemes framed by the Government under these Acts, namely:-

- (i) The H.P. Utilisation of Surplus Area Scheme, 1974; and
- (ii) The H.P. Village Common Lands (Vesting & Utilisation) Scheme, 1975.

Section 15 A in Ceiling Act and section 8 A in the Village Common Lands Act authorises the State Government Department or by lease to an individual for initiating developmental works. Besides under a recent amendment in these Acts, land can be allotted to an handicapped person also for his rehabilitation. All these arrangements are in operation and land can be allotted thereunder, of course, subject to availability and entitlement since there is no ban on allotment under these laws, for the above purposes. Thus it should be noted that no sale lease is allowed out of the land coming to us under these Acts. Under the H.P. Common Land Scheme, land can be allotted from the allotable pool only.

2. GOVERNMENT WASTELAND OR CHARAN LAND:

Besides, the above, there is Government waste land popularly known as 'Charand'. While land under Nautor Rules, 1968 has been banned in the Pradesh, except in tribal and difficult areas, land under Rules 5&6 of these Rules is open for being granted upto the extent of 1 Bigha. This has, however, been reduced by the Government to five biswas and that too with the prior approval of Government vide this department letter No. 9-13/71.Rev.-B, dated the 24th August, 1987 as clarified vide letter of the same number, dated the 9th and 11th February, 1988 (copies enclosed). This grant can be made to any estate-right holder provided there are adequate reasons for the grant.

ALLOTMENT OF LAND TO LANDLESS & OTHER ELIGIBLE PERSONS:

Government waste land can be allotted to a landless person or an other eligible person under the H.P. Grant of Nautor Land to Landless and Other Eligible Persons Scheme, 1975. There is no ban on it and land under this scheme can be allotted to a person eligible under the scheme, of course, subject to availability and subject to having been listed in the Surveys done on 30.4.81 and 30.3.83.

HOUSE SITES TO HOUSELESS PERSONS IN RURAL AREAS:

No regular Scheme has been drawn by the Government for the purpose. Allotment of land for house sites is made as part of implementation of 20 point programme. This is also continuing, subject to availability of land and there is no ban on it. Under this head land measuring 100 Sq. yards has to be allotted to a houseless person for the construction of the house. The instructions were issued vide letter No. 9-20/71-Rev.A, dated the 23rd September, 1975 (Copy enclosed).

3. Finally, a new scheme has been launched by the H.P. Govt. to lease out 25 Sq. metres land to Ex-servicemen, IRDP families and handicapped persons with more than 50% disability for the construction of Khokhas/Stalls for starting self employment near their villages on the roadside. The instructions have been issued vide letter No. Rev.-D(G)6-16/86 dated the 8th March, 1988 (copy enclosed).

4. It appears that there is a good deal of confusion about the import of Rules, Schemes and instructions and the land being granted/leased thereunder. I am to clarify that there is no ban either on the grant of land to landless and other eligible persons under the above schemes provided suitable land for allotment is available, or on the grant of land for house sites to houseless person in rural areas. However, it has to be borne in mind that only those landless persons have to be considered for the grant of land who have been listed in the survey with cut off dates on 30.4.1981 and 30.3.1983.

5. It is further clarified that it is only under Nautor Rules, 1968 that grant of land to the estate right holders for the construction of residential house subservient to agriculture has to be given with the prior permission of the Government by the sanctioning authorities and the transfer of land vested in the Govt. under the two Acts mentioned above, is not admissible under the law, in any manner, except as provided in the Acts or Schemes made thereunder.

6. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

(Attar Singh)

Financial Commissioner-cum-Secy.
(Revenue) to the Govt. of
Himachal Pradesh, Shimla-2.

No.Rev.D(G)6-13/87- Dated, Shimla-2, the 30.5.88.

Copy for information and necessary action is forwarded to:-

All the Sub-Divisional Magistrate/Tehsildars/Naib Tehsildars working in Sub-Tehsils in Himachal Pradesh.

Sd/-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh,
Shimla.

No.Rev.(D)(G)6-13/87 Dated, Shimla-2, the

All the Assistants working in Revenue 'B' and 'D' Sections of H.P. Secretariate.

Guard file.

Sd/-

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

Rules governing the grant of Nautor in the undemarcated waste of the Rupi Jagir in the Kulu Sub-Division

1. (1) These rules shall be called the Nautor (Rupi Jagir) Rules.

(2) They shall be applicable to the undemarcated waste of the Rupi Jagir in the Kulu Sub-Division.

2. In these rules (a) "Kothi rightholder" means a land owner recorded as the owner of a holding of agricultural land assessed to land revenue recorded in the Revenue Settlement of 1911-12 in the Kothi in which it is proposed to grant nautor, or persons who have acquired such holding by inheritance from a person so recorded.

(b) "Kothi artisan" means a member of a family of artisans which has been settled in the Kothi in which it is proposed to grant nautor since 1868.

(c) "Kulu rightholder" means a Kothi rightholder who is recorded as holding agricultural land assessed to land revenue in any kothi of the Kulu Sub-Division other than in which it is proposed to grant nautor.

(d) "Kullu artisans" means a member of a family of artisans which has been settled since 1868 and in any kothi of the Kullu Sub-Division other than that in which it is proposed to grant Nautor.

(e) "Outsider" means a person who has no rights of the Kulu Sub-Division or who or whose predecessor in interest has acquired such rights otherwise than by inheritance, if at the time of such acquisition he or his predecessor-in-interest is neither a kothi or a Kulu "rightholder" or "artisan" as defined above.

3. "Nautor" means the grant on payment of Nazarana of an interest in undemarcated waste land owned by the Jagirdar of Rupi as defined in the patta hereto annexed.

4. Grants of nautor will only be made either to Kothi or Kulu rightholders or to Kothi or Kulu artisans.

5. Nautor will be granted to Kothi rightholder or Kothi artisans or to Kulu rightholders or Kulu artisans who do not pay land revenue exceeding Rs. 25/- per annum or income tax.

6. Nautor will only be granted for subsistence or for the construction of a house on necessity proved to the satisfaction of the Jagirdar of Rupi.

Explanation— The grant will not be deemed to be necessary if the applicant for the grant or has arable land in his possession lying uncultivated or in the opinion of the Assistant Commissioner, Kulu, has not adequately safeguarded such land against erosion.