

The Resettlement and Rehabilitation of Bhakra Dam Oustees (Grant of Land) Scheme 1971

Copy (Rules)

HIMACHAL PRADESH GOVERNMENT

No.13-2/68-Rev.I

Dated Simla-2, the 10th May, 1971

NOTIFICATION

Whereas the Government of Himachal Pradesh have issued executive orders from time to time for grant of Government land to the oustees of Bhakra Dam.

And whereas Rules 8-A of Himachal Pradesh Nautor Land Rules, 1968 provided for framing a separate set of scheme to the grant of land for resettlement and rehabilitation of persons displaced as a result of anything done for any public purpose.

And whereas the grant of land made so far under the executive instructions/orders or to be made in future are to be regularised under a set of separate Scheme.

Now, therefore, the Government of Himachal Pradesh hereby makes the following Scheme for the grant of land to the persons displaced on account of acquisition of their land and other properties, for construction of Bhakra Dam Project:-

1. Short title, extent and commencement.-(1) This scheme may be called the Resettlement and Rehabilitation of Bhakra Dam Oustees (Grant of land) Scheme 1971.

(2) It shall extend to the whole of the area affected as a result of construction of Bhakra Dam Project acquisition of land for New Bilaspur Township in Bilaspur District.

(3) It shall be deemed to have come into force immediately before the grant of land to the Bhakra Dam Oustees started under the executive orders of Himachal Pradesh Government, in the year, 1955.

2. Definitions.-In this scheme, unless there is something repugnant in the subject or contest:-

(1) 'Oustees' for the purpose of this scheme, means a person who has been deprived of his house, land or both on account of acquisition proceedings in connection with the Bhakra Dam Project and entitled to compensation in lieu therefor;

(2) The words and expression used in this scheme but not defined under this clause shall have the same meanings as assigned to them in the Himachal Pradesh Nautor Land Rules, 1968.

(3) Existing holdings means into holdings possessed by an oustee immediately after acquisition of his property as well as at the time of applications for grant of land.

(4) 'Dam' means the Bhakra Dam Project.

3. Purpose for which land may be granted.-The land may be granted to an oustee for subsistence purposes, who had interests in the land and other properties acquired for the dam provided he is eligible for grant of land in Bilaspur district under this scheme.

4. Maximum limit of grant.-The maximum limit of grant of land to an oustee shall be as under:-

(1) An oustee of the area upto RL 1280:-

(i) if a land owner, an occupancy tenant requires land in exchange of this land acquired may be granted land in exchange of such land as under:-

(a) for cultivated land in self cultivation; Twice the area of cultivated land held.

(b) for un-cultivated land; and Equal area of land.

(c) for culturable land and Land under tenant at-will. Equal area of land to the land-owner or occupancy tenant and equal area of land to the tenant-at-will.

(ii) Other oustees. Upto 10 bighas provided that holdings of an oustee shall not exceed 10 bighas inclusive of existing holdings, if any.

(2) An oustee of old Bilaspur Town, who does not want to get a plot the New Bilaspur Township may be granted land as under :-

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| (a) An oustee who owned land less than 5 bighas; | * Upto 10 bighas. |
| (b) An oustee who owned land more than 5 bighas. | Upto 12 bighas |
| (c) An Oustee who owned no land; and | 5 bighas of land for home-stead. |
| (d) Gharaties | * Upto 10 bighas. |

* inclusive of land, if any, held by him, above RL 1700' provided that both have not got land by way of grant, sale or gift anywhere in Bilaspur District or outside.

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| (3) An oustee of the area between RL 1280' and RL 1700' (excluding oustees of old Bilaspur Town), who had to be resettled in Hissar District, but could not move to Hissar Dist. because of payment of a meagre amount of compensation upto; 500/- which includes a helpless widow, a minor, a disabled person, or a gharaties etc. | Upto 10 bighas inclusive of land if any held by him, above RL 1700 provided he has not got land by way of grant, sale or gift anywhere in Bilaspur District or outside it. |
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| (4) Any other landless oustee, who has not been able to resettle anywhere. | 5 bighas for dwelling/home stead. |
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Provided that an oustee coming under sub-clause (i)(ii) or (2)(a) & (b) or sub-clause (3) of clause 4 shall be entitled to the grant of land to the extent by which his existing holdings fall short of 10 bighas.

Provided further that the grant of land to an oustee may be subject to the availability of land in Bilaspur District.

5. Eligibility.-An oustee mentioned in clause 4 of this scheme will only be eligible for grant of land in Bilaspur District. An oustee of the area between RL 1280' and RL 1700' (except an oustee mentioned under clause 4(2) and (3) of the scheme), will not be entitled to grant of land under this scheme in Bilaspur District, as he is either eligible for grant of plot in Bilaspur New Township or eligible for allotment of land in Hissar District.

6. Charges.-The grant of land in accordance with this scheme will be made on payment of Nazrana at the uniform rate of Rs.10/- per bigha, plus the market price of trees if any standing thereon.

7. Land Revenue when due.-The land revenue on the land granted under this scheme shall be charged from the date of possession-

The arrears of land revenue and nazrana shall, be recovered in the same manner as arrears of land revenue.

8. Resumption.-The grant of land shall be cancelled and land granted, resumed by the State Government without payment of any compensation in the following events:-

- (a) If in the case of grant of land for agriculture/horticulture, the grantee fails to break up/plant fruit trees within two years from the date of delivery of the possession of land or grant of patta.
- (b) If in the case of water mill or water channel, the grantee fails to set up water mill or dig out the water channel, as the case may, within two years from the date of grant of patta.
- (c) If in the case of grant of land for dwelling/homesteads, the grantee fails substantially to start utilisation of the land for the purpose, within one year of the grant of patta.
- (d) If the grantee or his legal representative/successor sells the land granted, within fifteen years from the date of patta/ delivery of possession, and in the event of other kind of sale, the power of state Government to cancel the grant and to resume the land shall govern the grantee also.

9. **Applications for grant of land.**-An oustee will apply for allotment of land in the prescribed proforma 'A' appended to this scheme, to the Deputy Commission, Bilaspur. The application shall bear Court Fee Stamp of Rs.2.50. The application shall be accompanied by the following documents-

- (i) A copy of the Tatima shajra, showing the area applied for and indicating the boundaries of the land applied for on all sides, with specific references to the permanent boundary marks or fixed marks near enough to identify easily on the spot.
- (ii) A signed statement by the applicant giving complete details of land held by him whether as owner, tenant or land lessee, whether individually or collectively.
- (iii) A declaration that the applicant is an 'Oustee' (to be recognised from the date of issue of Notification under section 4 of Land Acquisition Act).

Note:-The area for allotment to the Oustees will, however, be earmarked by the Deputy Commissioner, Bilaspur.

10. **Procedure.**-On receipt of the application under clause 9 the Forest Department's representative, i.e. the Range Officer will inspect the spot alongwith the Tehsildar/Naib-Tehsildar entrusted with the work by the Deputy Commissioner, on the date to be fixed by the Deputy Commissioner so that there is no delay in granting the land. The joint report of the Range Officer Tehsildar/Naib-Tehsildar, after spot inspection, shall be sent to the D.C. direct to minimise the delay. No notice to the right-holders including Panchayat and the Forest Departments will be issued.

11. **Power to grant land.**-The Deputy Commissioner Bilaspur District shall be competent to grant land to an Oustee upto the prescribed limit and each application shall be disposed of by him within one month from the date of receipt of application in his office.

12. **Procedure after grant of land .-**(1) After the grant of land. Tehsildar/Naib Tehsildar shall communicate the dues payable to the Government by the grantee, as decided by the Deputy Commissioner calling upon him to pay the same in quarterly instalments, not exceeding 4, advising the grantee to deposit the first instalment within one month from the date of receipt of notice by him. In case the grantee chooses to pay the dues in lump-sum, he will have the option to do so. The grant of Patta and mutation in such cases where the grantee will avail himself of the concession of making payment in instalments, will be postponed till payment of last instalment, however, the possession of land grant, shall be delivered to the grantee on deposit of the first instalment. The failure of the grantee to deposit an instalment on due date shall render the grant of land liable to resumption and in such case the amount already paid by the grantee shall be forfeited. Patta will be issued under the seal and signature of the Collector Bilaspur District, in favour of the grantee on pay of all dues in respect of the land granted, after the expiry of the period for filing an appeal.

(2) After issue of the Patta, in the form appended to Himachal Pradesh Nautor Land Rules, 1968, the Deputy Commissioner Bilaspur will issue a Memorandum to the Patwari for entry of mutation in Form "B" prescribed under the said Rules. The amount realised from the grantee shall be credited into the Government treasury in the following manner :-

- (i) Nazrana and Under head "IX-Land R Revenue.
- (ii) Price of trees. as Forest Income

The allottee shall be bound by the conditions of the Patta.

13. **Exchange.**- Notwithstanding anything in the scheme the allotment of land may be made by the Deputy Commissioner Bilaspur in exchange for oustee's land acquired for Bhakra Dam Project, as provided herein before, provided that an oustee, has not received any compensation for his land acquired and that the compensation for his land has been deposited in the Government account.

14. **Appeal.**- An appeal from the order of the Deputy Commissioner Bilaspur under para 11 of the scheme shall lie to the Divisional Commissioner within sixty days from the date of order. A further appeal from the appellate order of the Divisional Commissioner shall lie to the Financial Commissioner within 90 days from the date of the order of the Commissioner.

Provided that no second appeal shall lie when the original order is confirmed on the first appeal.

By order
U.N. Sharma,
Secretary to the Govt. of
Himachal Pradesh Rev. Department.

FORM "A" (See clause 9 of the Scheme for resettlement of Bhakra Dam Oustees).

Application for Grant of Land

1. Name of applicant _____ son of _____
R/C Village _____ Tehsil _____ District _____
2. Particulars of preferences claimed _____
3. Particulars of land previously held by the applicant :-
 - (i) District
 - (ii) Tehsil
 - (iii) Name of the Village & Hadbast No
 - (iv) Whether owner, tenant self cultivating or non-cultivating.
4. Particulars of the land acquired.
 - (i) District
 - (ii) Tehsil
 - (iii) Name of the Village (Hadbast No.)
 - (iv) Whether owner, tenant self cultivating or non-cultivating.
5. Particulars of the area left.
 - (i) District
 - (ii) Tehsil,
 - (iii) Name of the Village (Hadbast No.) area and whether owner, tenant self cultivating or non-cultivating.
6. Particulars of the land applied for with area :-
 - (i) District
 - (ii) Tehsil
 - (iii) Village (Hadbast No.)

I solemnly affirm and declare that whatever has been stated above is true to the best of my knowledge and belief and that nothing relevant has been concealed or suppressed. I hereby promise and undertake that if any grant of land is made in my favour, I shall abide by the terms of such grant.

Dated _____

Singnature of the applicant.

COPY-(Amendment)

GOVERNMENT OF HIMACHAL PRADESH
REVENUE DEPARTMENT

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No. 10-5-73 Reve. Cell. Dated Shimla-2, the 15.12.73

Notification

Whereas the Himachal Pradesh Government vide Notification No. 13-2/68-Rev. I, dated the 10th May, 1971, have framed the Resettlement and Rehabilitation of Bhakra Dam Oustees (Grant of Land) Scheme, 1971 under Rule 8-A of Himachal Pradesh Nautor Land Rules, 1968;

AND WHEREAS, the Government have decided to make amendments/additions in the said Scheme.

NOW THEREFORE, under Rule 8-A of the said Rules the Himachal Pradesh Government is pleased to make the following amendments/additions in the said scheme:-