



## The Himachal Pradesh Land Revenue (Amendment) Act,1989

Act 15 of 1989

**Keyword(s):**

Estate, Land Owner, Holding, Pay, Land Revenue, Arrear of Land Revenue, Defaulter, Rates of Cusses, Village Cess, Agricultural, Encumbrance, Net Assets

Amendments appended: 3 of 1996, 15 of 2000, 3 of 2001

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THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT)  
ACT, 1989

(ACT NO. 15 OF 1989)<sup>1</sup>

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 163.
3. Amendment of section 171.

[Authoritative English text of the Himachal Pradesh Bhoo-Rajsva (Saushodhan) Adhiniyam, 1989 (1989 ka Adhiniyam Sankhyank 15) as required under Clause (3) of Article 348 of the Constitution of India)

(Received the assent of the Governor, Himachal Pradesh, on the 23rd June, 1989 and was published in Hindi in R.H.P. Extra., dated 27-6-1989, P. 1501-02 and in English in R. H. P. Extra., dated 27-6-1989, p. 1503-1504)

*An Act further to amend the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954).*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fortieth Year of the republic of India as follows :—

1. *Short title.*—This Act may be called the Himachal Pradesh Land Revenue (Amendment) Act, 1989.

2. *Amendment of section 163.*—In section 163 of the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) (hereinafter called the principal Act),—

- (a) in clause (d) of sub-section (1), for the words “five hundred” and “one thousand”, the words “one thousand” and “two thousand” shall, respectively, be substituted ;
- (b) after sub-section (2), the following sub-sections (3), (4), (5) and (6) shall be added, namely :—

“(3) When there is a question as to title or to the adverse possession, wherein the possession is claimed by an encroacher for a period beyond thirty years in relation to the land from which ejection is made or is to be made under this section, the Revenue Officer, not below the rank of an Assistant Collector of the First Grade, shall proceed to determine the question, as if he were a civil court and shall exercise all such powers as are exercisable by a civil court.

(4) For the determination of the question under sub-section (3), the Revenue Officer shall follow the same procedure as is applicable to the trial of an original suit by a civil court, and he shall record

<sup>1</sup> Passed in Hindi by the H. P. Vidhan Sabha. For Statement of Objects and Reasons see R. H. P. Extra., dated 3-6-1989 at p. 1277 and 1280.

a judgment and decree containing the particulars required by the Code of Civil Procedure, 1908 (5 of 1908) to be specified therein.

- (5) An appeal from the decree of the Revenue Officer made under sub-section (4) shall lie to the District Judge as if that decree were a decree of a Subordinate Judge in an original suit.
- (6) A further appeal from the appellate decree of a District Judge upon an appeal under sub-section (5), shall lie to the High Court only if the High Court is satisfied that a substantial question of law is involved."; and
- (c) the existing sub-section (3) shall be renumbered as sub-section (7).

3. *Amendment of section 171.*—The existing clause (xxv) of sub-section (2) of section 171 of the principal Act shall be renumbered as (xxvi) and before clause so renumbered, the following clause shall be inserted, namely :—

“(xxv) any question, as to any land or any right to, or title or interest in, the land which is an encroached land or in relation to which any person claims that it has vested or is deemed to have vested in him and that he cannot be ejected therefrom under sub-section (1) of section 163; and ”.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY (ALLOWANCES AND PENSION OF MEMBERS) (THIRD AMENDMENT) ACT, 1988

(ACT No. 3 of 1989)<sup>1</sup>

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 6-B.
3. Addition of Schedule.
4. Transitory provisions.

[*Authoritative English text of the Himachal Pradesh Vidhan Sabha (Sadasyon ke Bhatte aur Pension) (Tritiya Sanshodhan) Adhiniyam, 1989 (1989 ka Adhiniyam Sankhyank 3) as required under clause (3) of the Article 348 of the Constitution of India*]

(Received the assent of the Governor, Himachal Pradesh, on the 4th February, 1989 and was published in Hindi in R.H.P. Extra., dated 7th February, 1989 at page 239-241 and in English in R.H.P. Extra., dated 7th February, 1989 p 242-243)

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 23-12-1988, p. 70 and 73.

period of such vacancy; and whenever there is no such Vice-Chairman, the Government may appoint a person to act as the Chairman during the period of such vacancy and shall pay to such person such remuneration and allowances as may be fixed by them. The person so appointed shall be deemed for all purposes of this Act to be the Chairman."

9. **Amendment of sections 10 and 11.**—In sections 10 and 11 of the principal Act, after the word "Chairman," wherever it occurs, the sign and words "the Vice-Chairman" shall be inserted.

10. **Amendment of section 19.**—In section 19 Act, in clause (c), after the words "in his absence by", the words "the Vice-Chairman and in the absence of both by" shall be inserted.

11. **Amendment of section 52.**—In section 52 of the principal Act, in sub-section (3), in clause (a), after the words "Chairman", the words "and the Vice-Chairman" shall be inserted.

12. **Amendment of section 53.**—In section 53 of the principal Act, in sub-section (1), in clause (c), after the word and sign "Chairman", the words and sign "the Vice-Chairman", shall be inserted.

13. **Repeal and savings.**—(1) The Himachal Pradesh Housing Board (Amendment) Ordinance, 1995 (5 of 1995) is hereby repealed.

(2) Notwithstanding the repeal of the Himachal Pradesh Housing Board (Amendment) Ordinance, 1995 3 of 1995, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force with effect from the 9th day of November, 1995.

#### **AUTHORITATIVE ENGLISH TEXT**

#### **THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT AND VALIDATION) ACT, 1996**

#### **ARRANGEMENT OF SECTIONS**

##### **Sections :**

1. Short title and commencement.
2. Amendment of section 4.
3. Amendment, of section 16.
4. Amendment of section 32.
5. insertion of section 33-A.
6. insertion of section 34-A.
7. Amendment of section 36.
8. Amendment of section 38.

9. Insertion of section 38-A.
10. Insertion of section 47-A.
11. Amendment of section 117.
12. Amendment of section 171.
13. Validation.

**THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT AND  
VALIDATION) ACT, 1996**

(Act No. 3 of 1996)<sup>1</sup>

Received the assent of the Governor on 7th March, 1996 and was published in Hindi and English in R.H.P. Extra., dated the 12th March, 1996 at pages 1001-1004 and 1005-1008).

**An Act further to amend the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954) and to validate certain actions taken in relation to the making or special revision of record-of-rights in the State.**

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-sixth Year of the Republic of India, as follows :-

**1. Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Land Revenue (Amendment and Validation) Act, 1996.

(2) It shall come into force at once except sections 2 (b), 5, 6 and 10 which shall be deemed to have come into force on the 23rd day of September, 1976.

**2. Amendment of section 4.**—In section 4 of the Himachal Pradesh Land Revenue Act, 1954 (hereinafter called the principal Act)—

(a) for clause (4), the following clause shall be substituted, namely:-

"(4) "defaulter" means a person liable for an arrear of land revenue or any tax in lieu thereof and also includes--

(i) a person who is liable as surety for the payment of arrear; and

(ii) a Numbardar or any other person who has collected the land revenue or any tax in lieu thereof but has not deposited the same into the Government treasury;"

<sup>1</sup> Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 15.1.1996, p. 241 and 246.

(b) in clause (5), in sub-clause (c), after the words "State Government", the words "or the Collector making or specially revising the record-of-rights under section 33" shall be added; and

(c) after clause (17), the following clause (18) shall be added, namely:-

"(18) "sub-estate" means a sub-division of an estate by whatever name called like a taraf, patti, up-mohal, pana, thok, thula and shall form the part of that estate;"

**3. Amendment of section.—**In section 16 of the principal Act:-

(a) in sub-section (1), for article and words "A Revenue Officer", the words "Where there is a mistake or error apparent on the face of record or where some new and important fact or evidence is discovered, a Revenue Officer" shall be substituted; and

(b) After sub-section (3), the following sub-section shall be added, namely :-

(4) Save in the cases of clerical or arithmetical mistakes arising from any accidental slip or omission, no application for review shall lie under this section against an order passed by the Financial Commissioner under section 17 of this Act."

**4. Amendment of section 32.—**In section 32 of the principal Act, after sub-section (2), the following sub-section (2A) shall be added, namely :-

(2A) The record-of-rights for sub-estate shall include the documents mentioned in clauses (a), (c) and (d) of subsection (2) of this section."

**5. Insertion of section 33-A.—**After section 33 of the principal Act, the following section 33-A shall be inserted, namely :-

**33-A. Units of measure to be based on metric system.—**In case the measurements of any land in the record-of-rights are recorded in non-metric system, there shall, during making record-of-rights or special revision of record-of-rights under section 33 of this Act, be a complete re-measurement of the estate or sub-estate based on the units of metric system in accordance with the provisions of the Standards of Weights and Measures Act, 60 of 1976."

6. **Insertion of section 34-A.**—After section 34 of the principal Act, the following section 34-A shall be inserted, namely:—

"34-A. **Sub-division of an estate etc.**—Wherever it is expedient to do so in the public interest and smooth implementation of the provisions of this Act, the State Government or the Collector, with the approval of the Financial Commissioner, may, after inviting the public objections, divide an estate into two or more sub-estates or merge two or more estates or sub-estates into one estate, for making record-of-rights or special revision of record-of-rights under section 33, assessment of land revenue under chapter-V and collection of land revenue under chapter VI of this Act :

Provided that a sub-estate shall from the part of the original estate out of which it has been formed and the creation of such estate or sub-estate shall not extinguish or modify the rights of right-holders of that estate."

7. **Amendment of section 36.**—In section 36 of the principal Act, the following proviso shall be added, namely:—

"Provided that no entry in respect of the Government land shall be recorded under clause (a) by the Patwari except under the orders of the State Government or of a Revenue Officer not below the rank of the Collector."

8. **Amendment of section 38.**—In section 38 of the principal Act, after clause (a), the following clause (aa) shall be added, namely:—

(aa) making entries in respect of Government land in accordance with the order made by the State Government or by a Revenue Officer not below the rank of the Collector."

9. **Insertion of section 38-A.**—After section 38 of the principal Act, the following section shall be inserted, namely:—

"38-A. **Correction of clerical errors.**—Clerical or arithmetic mistake or an error apparent on the face of the record, arising from any accidental slip or omission, found in the record-of-rights of an estate or sub-estate during the making of, or special revision of, any record-or-rights or documents mentioned in sub-section (2) of section 32 of this Act, may, either of his own motion or on the application of any of the parties, be corrected by the Collector, making, or specially revising, the record-or-rights.

10. **Insertion of section 47-A.**—After section 47 of the principal Act, the following section shall be inserted, namely :—

"47-A. **Power of the Collector to issue instructions.**—The Collector making record-of-rights or making special revision of record-of-rights, with the approval of the Financial Commissioner, may, for the guidance of the Revenue Officers/Officials, give directions or issue instructions relating to all matters to which the provisions of the chapters IV and V apply; provided that such a direction or instruction shall be consistent with the provisions of this Act and the rules made thereunder".

11. **Amendment of section 117.**—In section 117 of the principal Act, in sub-section (2), for the word "ten", the word "fifty" shall be substituted.

12. **Amendment of section 171.**—In section 171 of the principal Act, in sub-section (2),—

(a) after clause (v), the following clause shall be added, namely:—

"(v-a) order regarding complete remeasurement of an estate or sub-estate under section 33-A of this Act;"

(b) after clause (vi), the following clause shall be added, namely:—

"(vi-a) correction of clerical errors under section 38—A of this Act;"

(c) after clause (xiii), the following shall be added, namely:—

"(xii-a) formation of sub-division of an estate or merger of sub-estates or estates etc. under section 34—A of this Act;"

13. **Validation.**—Notwithstanding anything contained in the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) and rules, instructions, notifications made or issued thereunder, or in any law for the time being in force or in any judgement, decree or order of any court or other authority, where at any time after the 23<sup>rd</sup> day of September, 1976 and before the commencement of the Himachal Pradesh Land Revenue (Amendment and Validation) Act, 1996, if any record -of-rights or special revision of record-of -rights has been made in respect of the lands, situated in the State of Himachal Pradesh, such making or special revision of record-of-rights shall and shall be deemed always to have been valid and shall not be questioned on the ground that the amendments made *vide* sections



2 (b)m 5, 6 and 10 of this Act were not in force at that time when such record-of-rights were made or specially revised.

## NOTIFICATIONS

Under  
THE HIMACHAL PRADESH LAND REVENUE ACT, 1954

### UPGRADATION OF SUB-TEHSIL

(Issued and published in Hindi in R.H.P. Extra., dated 10<sup>th</sup> June, 1996, p.2644).

#### GENERAL ADMINISTRATION DEPARTMENT

(B-Section)

#### NOTIFICATION

*Shimla-2, the 17<sup>th</sup> May, 1996*

**No.GAB-1-A(1)9/85-III**—In exercise of the powers conferred by section 6 of the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954) and section 5 of the Registration Act, 1908 (Act No. XVI of 1908), the Governor, Himachal Pradesh is pleased to order the upgradation of the existing Sub-Tehsil, Sujampur Tihra, District Hamirpur to that of full-fledged Tehsil with the same boundaries and jurisdictions as that of the existing Sub-Tehsil Sujampur Tihra, with immediate effect.

(R.H.P. Extra., dated 10-6-1996, p.2644)

(Issued and published in R.H.P. Extra., dated 26-8-96 p.4082-83)

*Shimla-2, the 6<sup>th</sup> August, 1996*

**No.GAB-I-A(1)-2/85-I**—In exercise of the powers vested in him under Section 6 of the Himachal Pradesh Land Revenue Act, 1954, Section 5 of the Registration Act, 1908 and Sub-Section (3) of Section 7 of the Code of Criminal Procedure, 1973, the Governor of Himachal Pradesh in consultation with the High Court of Himachal Pradesh is pleased to exclude the area of three Patwar Circles namely Kandwari, Rajehar and Dhraman from Tehsil and Sub-Division (Civil) Baijnath, in District Kangra and to include the area of said circles in Tehsil and Sub-Division (Civil) Palampur in District Kangra, Himachal Pradesh with immediate effect.

(R.H.P. Extra., dated 26.8.1996, p.4083)

**THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT)****ACT, 2000****ARRANGEMENT OF SECTIONS**

Sections:

1. Short title.
2. Amendment of section 4.
3. Substitution of section 9.
4. Amendment of section 17.
5. Amendment of section 21.
6. Insertion of sections 23-A and 23-B.
7. Amendment of section 25.
8. Amendment of section 28.
9. Amendment of section 33.
10. Amendment of section 35.
11. Substitution of section 37.
12. Amendment of section 45.
13. Substitution of section 46.
14. Amendment of section 47.
15. Amendment of section 50.
16. Substitution of section 51.
17. Amendment of section 54.
18. Amendment of section 55.
19. Amendment of section 57.
20. Amendment of section 64.
21. Amendment of section 107.
22. Substitution of section 114.
23. Deletion of section 115.
24. Amendment of section 120.
25. Amendment of section 134.
26. Amendment of section 135.

27. Deletion of sections 156, 158 and 159
28. Amendment of section 163
29. Insertion of section 163-A

**THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT)  
ACT, 2000**

( Act No. 15 of 2000 )

(Received the assent of the Governor on 27.5.2000 and was published in Hindi and English in R.H.P. Extra, dated 29.5.2000, p. 1431-1447).

An Act further to amend the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954).

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-first Year of the Republic of India, as follows:-

1. **Short title.**- This Act may be called the Himachal Pradesh Land Revenue (Amendment) Act, 2000.

2. **Amendment of section 4.**- In section 4 of the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) (hereinafter called the 'principal Act'),-

(a) in clause (5), in sub-clause (b), the words and sign, "or would have been so assessed if the land revenue had not been released, compounded for or redeemed," shall be deleted;

(b) clause (12) shall be deleted;

(c) after clause (14), the following shall be added, namely:-

"(14-A) "prescribed" means prescribed by rules made under this Act;"  
and

(d) for clause (17), the following shall be substituted, namely:-

"(17) "Revenue Officer", "Revenue Court", in any provision of this Act means a Revenue Officer or Revenue Court having authority under this Act to discharge the functions of a Revenue Officer or Revenue Court, as the case may be."

3. **Substitution of section 9.**- For section 9 of the principal Act, the following shall be substituted, namely:-

"9. **Appointment of Commissioner etc.**- Commissioner, Additional Commissioner, Deputy Commissioner, Settlement Officer, Additional Deputy Commissioner, Sub-Divisional Officer (Civil),

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 11.4.2000, P. 827 & 838

Assistant Settlement Officer and Assistant Commissioner shall be appointed by the State Government."

**4. Amendment of section 17.-** In section 17 of the principal Act, for sub-sections (3) and (4), the following shall be substituted, namely:-

"(3) If in any case in which a Collector has called for a record and he is of the opinion that the proceedings taken or order made should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Commissioner whose decision shall be final.

(4) The Financial Commissioner or Commissioner may in any case call for by himself under sub-section (1) or under sub-section (2), as the case may be, pass such orders as he thinks fit:

Provided that he shall not under this section pass an order reversing or modifying any proceeding or order of subordinate Revenue Officer and affecting any question of right between private persons without giving those persons an opportunity of being heard:

Provided further that the cases reported to the Financial Commissioner under sub-section (3) as it existed prior to the commencement of the Himachal Pradesh Land Revenue (Amendment) Act, 2000, shall be decided by him as heretofore."

**5. Amendment of section 21.-** In section 21 of the principal Act, after sub-section (5), the following proviso shall be added, namely:-

"Provided that in addition to issuing of summons, a Revenue Officer shall also issue proclamation calling upon the parties concerned to appear before him either in person or through a duly authorised legal practitioner on the day fixed for first hearing, and to file objections, if any."

**6. Insertion of sections 23-A and 23-B.-** After section 23 of the principal Act, the following shall be inserted, namely:-

**"23-A. Revenue Courts and suits to be decided by them.-** (1) When a Revenue Officer not below the rank of Assistant Collector First Grade exercises jurisdiction with respect to any suit under sections 37, 46 and 129 and appeal arising out of such suits under this Act, shall be called a Revenue Court. Suits under sections 46 and 129 shall be decided by Assistant Collector of the First Grade and the suits under sub-section (3) of section 37 shall be decided by the Collector.

(2) There shall be the same classes of Revenue Courts as of Revenue Officers under this Act, and in the absence of any order of the State Government to the contrary, a Revenue Officer of any class having jurisdiction within local limits shall be Revenue Court of the same class having jurisdiction within the same local limits.

**23-B. Procedure of Revenue Courts.-** (1) The State Government may make rules consistent with the provisions of this Act for regulating the procedure of Revenue Courts in matters under this Act, for which a procedure is not prescribed thereby, and may by any such rule direct that any provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall apply, with or without modification, to all or any classes of cases before those courts.

(2) Until rules are made under sub-section (1), and subject to those rules when made, and to the provisions of this Act, the Code of Civil Procedure, 1908 (5 of 1908) shall, so far as it is applicable, apply to all proceedings in Revenue Courts, whether before or after decree.

(3) The provisions of sections 14, 15, 16 and 17 of this Act, regarding appeal, review and revision shall apply mutatis-mutandis to an original or appellate order or decree made by a Revenue Court under this Act."

**7. Amendment of section 25.-** In section 25 of the principal Act, for sub-section (1), the following shall be substituted, namely:-

"(1) Revenue Officers and Revenue Courts shall observe holidays as are notified by the State Government for its employees."

**8. Amendment of section 28.-** In section 28 of the principal Act, after sub-section (3), the following sub-section (4) shall be added, namely:-

"(4) The powers of Assistant Collector First Grade shall not be conferred upon a Revenue Officer under this section unless he has undergone the training, prescribed in the service rules and has also passed the prescribed departmental examination and has also earlier exercised the powers of Assistant Collector Second Grade, at least for a period of six months and the powers of the Collector shall not be conferred upon Revenue Officer unless he has exercised the powers of Assistant Collector First Grade for a minimum period of two years."

**9. Amendment of section 33.-** In section 33 of the principal Act, after sub-section (3), the following sub-sections (4), (5), (6), (7) and (8) shall be added, namely:-

"(4) The record- of- rights to be made or specially revised shall be done in the manner prescribed

(5) When a District or a part thereof for making of special revision of record- of- rights and assessment of land revenue is in process, the duty of preparing and maintaining of record-of-rights shall be transferred to the Settlement Collector who shall exercise all the powers of the Collector under Chapter IV of this Act.

(6) When the record-of rights are made or specially revised, the same shall be published within the estate in the manner prescribed. If any estate right holder files objections, against any entry in the records within a period of 30 days, the same shall be decided by the Revenue Officer within a period of one month. After giving effect to the orders of the Revenue Officer, if any, in the record-of-rights of the estate, the record shall be finally published within the estate in the manner prescribed. The certificate of Settlement Collector about final publication appended to the "Jamabandi Missal Haquiat" shall be conclusive proof of the final publication of the record, the copy of which shall be supplied to each right holder in the form of Kisan Pass Book along with a copy of the old and new "Mussavi".

(7) As soon as the work of making or special revision of record-of-rights and assessment of land revenue of an estate is over, a notification shall be issued declaring the making or revision of record-of-rights, as the case may be, to be closed:

Provided that all the proceedings and applications concerning any dispute regarding rights in land in the estate of a person interested, shall be finally decided by the Revenue Officer within the estate before final publication of the record-of rights.

(8) Where the making or special revision of record-of-rights is declared to be closed under sub-section (7), any dispute or error or mistake arising out of it, at the instance of the right holder at any time, shall be decided by the Collector of the District or any other Revenue Officer specially empowered in this behalf by the State Government."

**10. Amendment of section 35.-** In section 35 of the principal Act, after sub-section (6), the following shall be added, namely:-

"(7) The Revenue Officer shall afford an opportunity of being heard to all the interested parties and also all the co-sharers in a joint holding in a mutation proceedings. After proper identification of the parties he shall get affixed signatures of all the parties. If any party is illiterate, then the Revenue Officer shall get the thumb impression of such party affixed on the foil (Parat sarkar) of the mutation."

**11. Substitution of section 37.-** For section 37 of the principal Act, the following shall be substituted, namely:-

**37. Determination of disputes.-** (1) If during the making, revision or preparation of any record or in the course of any enquiry under this Chapter, a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a Revenue Officer may of his own motion or on the application of any party interested, but subject to the provisions of section 38 of this Act and after proper enquiry, determine the entry to be made as to that matter.

(2) If in any such dispute Revenue Officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, the Revenue Officer not below the rank of an Assistant Collector of the First Grade, shall ascertain through the Gram Panchayat constituted under the Himachal Pradesh Panchayati Raj Act, 1994 (4 of 1994) or any other agency, so prescribed by the State Government by holding proper enquiry in the prescribed manner as to who is the person best entitled to the property and shall by order direct that, that the person be put in possession thereof, and that, an entry in accordance with that order, be also made in the record or register.

(3) A direction of Revenue Officer under sub-section (2) shall be subject to any decree or order which may be subsequently passed by the Collector in exercise of his powers as Revenue Court as an original suit."

**12. Amendment of section 45.-** In section 45 of the principal Act, after the existing proviso, the following proviso shall be added, namely:-

"Provided further that the record-of-rights and periodical record, prepared by means of computerisation in the prescribed manner shall be presumed to be true and shall be deemed to have been prepared under this chapter."

**13. Substitution of section 46.-** For section 46 of the principal Act, the following shall be substituted, namely:-

**"46. Dispute relating to an entry in the record-of-rights etc.-** If any person considers himself aggrieved as to any right of which he is in possession by an entry in a record-of-rights or in a periodical record, he may file a suit or an application before a Revenue Court to decide the same."

**14. Amendment of section 47.-** In section 47 of the principal Act, after clause (e), the following shall be added, namely:-

"(f) for computerisation of record-of-rights and periodical records."

**15. Amendment of section 50 .-** In section 50 of the principal Act, for clause (a), the following shall be substituted, namely:-

"(a) in case of general assessment of land put to an agricultural use in an assessment circle, the following factors shall be taken into consideration:-

- (i) the class of soil;
- (ii) the crops grown;
- (iii) yield per hectare;
- (iv) means of irrigation;

- (v) marketing facilities;
- (vi) transport facilities; and
- (vii) any other factor as may be prescribed;"

**16. Substitution of section 51.-** For section 51 of the principal Act, the following shall be substituted, namely:-

**"51. Limits of assessment.-** In case of general assessment and reassessment of land revenue in an assessment circle, the limit of assessment and the percentage of increase, over previous assessment in force shall not exceed five times, as may be fixed by the State Government by notification, or in case of special assessment on a category of class of sites of land put to non-agricultural use in an assessment circle or part thereof,-

- (a) exceed one-fourth of the estimated average net letting value; or
- (b) exceed two to four per cent of the average market value; or
- (c) in the case of sites lying vacant and out of use, exceed one per cent of the average market value :

Provided that nothing contained in this section shall affect any assessment in force at the time of commencement of the Himachal Pradesh Land Revenue (Amendment) Act, 2000."

**17. Amendment of section 54.-** In section 54 of the principal Act,-

(a) in sub-section (1), the sign, words, brackets and figures, "subject to the provisions of sub-sections (3) and (4)" shall be deleted;

(b) for sub-sections (3) and (4), the following shall be substituted, namely:

"(3) All areas within the limits of Municipal Corporation or Municipal Council or Nagar Panchayats constituted by the State Government under the law for the time being in force, shall be declared to be an urban assessment circle."

**18. Amendment of section 55.-** In section 55 of the principal Act, sub-section (2) shall be deleted.

**19. Amendment of section 57.-** In section 57 of the principal Act, in sub-section (2),-

(a) for the words "forty years", the words "twenty years" shall be substituted; and

(b) in proviso, in clause (ii), for the word, bracket and figure " sub-section (4)", the word, bracket and figure" sub-section (3)" shall be substituted.

**20. Amendment of section 64.-** In section 64 of the principal Act,-



(a) for clause (a), the following shall be substituted, namely:-

"(a) the manner in which the valuation of produce in an assessment circle shall be determined."; and

(b) clause (c) shall be deleted.

**21. Amendment of section 107.**- In section 107 of the principal Act, after sub-section (2), the following shall be added, namely:-

"(3) The Financial Commissioner may, with the approval of the State Government, make rules for defining the limits of any estate, portion of an estate, or of any holding or of any field."

**22. Substitution of section 114.**- For section 114 of the principal Act, the following shall be substituted, namely:-

"**114. Cost of erection and repair of survey-mark.**- (1) Subject to any rules which the Financial Commissioner may make in this behalf, survey-mark shall be erected or repaired at the cost of the State Government.

(2) During the making or special revision of record-of-rights, the Settlement Officer shall get the survey-mark erected, and thereafter it shall be the duty of the Collector of the District to maintain the survey-mark in good condition."

**23. Deletion of section 115.**- Section 115 of the principal Act, shall be deleted.

**24. Amendment of section 120.**- In section 120 of the principal Act, for sub-section (1), following shall be substituted, namely:-

"(1) If any person, wilfully destroys or damages or removes the survey-mark lawfully erected, he may be ordered by a Revenue Officer to pay such fine not exceeding Rs. 2,000/- for each survey mark so destroyed, damaged or removed and in the case of repetition of such an act, a fine not exceeding Rs. 5000/- for each survey-mark, as may, in the opinion of Revenue Officer, be necessary to defray the expenses restoring the same and of rewarding the person, if any, who gave information of the destruction, damage or removal.

*Explanation.*- For the purpose of this Act, the expression "survey-mark" shall include boundary mark and boundary pillars fixed, raised or erected while defining the limits of an estate or portion of estate or any holding and any field under section 107 of this Act."

**25. Amendment of section 134.**- In section 134 of the principal Act, for the words, "decree for immovable property" the words "decree of Civil Court for possession of immovable property" shall be substituted.

**26. Amendment of section 135.**- In section 135 of the principal Act, for sub-section (2), the following shall be substituted, namely:-

"(2) On receiving the application, if the Revenue Officer, after hearing the parties, finds that, the partition has taken place and acted upon, he may make an order affirming the partition and get his order implemented by getting the mutation of private partition attested within one month and he shall also distribute the land revenue and rents involved in the holding in accordance with the shares partitioned therein.

(3) Where all the co-sharers make a report in writing duly signed by all of them to the patwari, that, they have privately partitioned the land and separated the possession thereof amicably, the patwari shall make an entry of such report in his diary and enter the mutation which will be decided by the Revenue Officer after hearing the parties within three months."

**27. Deletion of sections 156, 158 and 159.**- Sections 156, 158 and 159 of the principal Act, shall be deleted.

**28. Amendment of section 163.**- In section 163 of the principal Act,-

(a) for sub-sections (1) and (2), the following shall be substituted, namely:-

"(1) Where Government land or land which has been reserved for the site of the village or for common purposes or uses of the estate right holders or of the co-sharers therein, has been encroached upon by any person or co-sharers for any purpose including the construction of a building or other structures or by planting trees therein, then-

- (a) the Revenue Officer may of his own motion or on the report of the patwari of the circle duly verified by the Kanungo of the Circle or on the application of any estate right holder or co-sharer, after giving reasonable opportunity of being heard, shall eject him from such land by order, in the manner prescribed;
- (b) if the encroacher has erected any building or other structure or has planted trees on the encroached land, the same shall, in the prescribed manner, vest in the State Government free from all encumbrances:

Provided that if the building or structure and attachments thereto are situated partly in the owned land of the encroacher and partly on the encroached land, the Revenue Officer shall be competent to demolish the portion of the building or structure on the encroached land if the encroacher fails to demolish it himself as ordered by the Revenue Officer; and

- (c) the Revenue Officer shall impose upon the encroacher a fine upto Rs. 5000/- per bigha or part thereof, which shall be recoverable, as if it were an arrear of land revenue.

(2) If a person who has been evicted from any land under this section again occupies the land without authority for such occupation, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both:

Provided that no court shall take cognizance under this sub-section of an offence unless a report in writing is made by a Revenue Officer not below the rank of Assistant Collector First Grade."; and

(b) in sub-section (3), for the words, "shall proceed" the words "may proceed" shall be substituted.

29. Insertion of section 163-A.- After section 163 of the principal Act, the following shall be inserted, namely:-

"163-A. Regularisation of encroachment in certain cases.- Notwithstanding anything contained in section 163 of this Act, or any other law for the time being in force, the State Government may make rules regarding the regularisation of the encroachment on Government land."

## NOTIFICATIONS

Under

### THE HIMACHAL PRADESH LAND REVENUE ACT, 1954

#### APPOINTMENTS AND DELEGATIONS

(Issued and published in Hindi in R.H.P. Extra., dated 29.6.2000, p. 1916)

#### REVENUE DEPARTMENT

#### NOTIFICATIONS

Shimla-2, the 17th June, 2000.

No. Rev. B.A.(3)-1/2000.- In exercise of the powers conferred by section 9 of the Himachal Pradesh Land Revenue Act, 1954, the Governor, Himachal Pradesh is pleased to appoint the Commissioner (Revenue) and the Additional Commissioner (Appeal) as "Commissioner" to carry out the provisions of the Act *ibid*.

(R.H.P.Extra., dated 29.6.2000, p. 1917)

6. Amendment of section 46.
7. Amendment of section 51.
8. Amendment of section 163.

**THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT)**

✓ ACT, 2000

(ACT NO. 3 OF 2001)<sup>1</sup>

(Received the assent of the Governor on the 9th February, 2001 and was published in Hindi and English in R.H.P. Extra., dated 17.2.2001, P. 5531-5534)

**An Act further to amend the Himachal Pradesh Land Revenue Act, 1953 (Act No.6 of 1954).**

**BE** it enacted by the Legislative Assembly of Himachal Pradesh in the Fifty-first Year of the Republic of India, as follows:-

**1. Short title.-** This Act may be called the Himachal Pradesh Land Revenue (Second Amendment) Act, 2000.

**2. Amendment of section 7.-** In section 7 of the Himachal Pradesh Land Revenue Act, 1953 (hereinafter called the "principal Act"), for sub-section (1), the following shall be substituted, namely:-

"(1) There shall be the following classes of Revenue Officers, namely:-

- (a) the Financial Commissioner;
- (b) the Commissioner;
- (c) the Additional Commissioner;
- (d) the Deputy Commissioner;
- (e) the Settlement Officer;
- (f) the Additional Deputy Commissioner;
- (g) the Sub-Divisional Officer (Civil);
- (h) the Assistant Settlement Officer;
- (i) the Assistant Commissioner;
- (j) the Collector;
- (k) the Assistant Collector of first grade; and
- (l) the Assistant Collector of second grade."

**3. Amendment of section 33.-** In section 33 of the principal Act,-

(a) in sub-sections (5) and (6), for the words "Settlement Collector", the words "Settlement Officer" shall be substituted; and

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1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 27.12.2000, P. 4770 & 4775.

(b) in sub-section (7), in proviso, for the words "finally decided", the word "decided" shall be substituted.

4. Amendment of section 35.- In section 35 of the principal Act, in sub-section (7), for the words "all the parties", the words "all the parties present" shall be substituted.

5. Amendment of section 37.- In section 37 of the principal Act, in sub-section (3), after the words "an original suit", the words "but it shall not include the matters pertaining to the question of title" shall be added.

6. Amendment of section 46.- In section 46 of the principal Act, after the words "to decide the same", the words "but it shall not include the matters pertaining to the question of title" shall be added.

7. Amendment of section 51.- In section 51 of the principal Act, for the words "exceed five times", the words "exceed two times" shall be substituted.

8. Amendment of section 163.- In section 163 of the principal Act,-

- (a) in sub-section (1), in clause (c), for the figure and sign "5,000/-", the figures and sign "2,000/-" shall be substituted; and
- (b) in sub-section (2), for the words "ten thousand", the words "five thousand" shall be substituted.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 2001, Act No. 8**

**ARRANGEMENT OF SECTIONS**

Sections:

1. Short title.
2. Amendment of section 6.

**THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY  
(ALLOWANCES AND PENSION OF MEMBERS) AMENDMENT  
ACT, 2001**

(ACT NO. 9 OF 2001)

(Received the assent of the Governor on the 14th May, 2001 and was published in Hindi and English in R.H.P.Extra., dated 16.5.2001, P 435-438)

**An Act further to amend the Himachal Pradesh Legislative Assembly  
(Allowances and pension of Members) Act, 1971 (Act No.8 of 1971).**

1. Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see R.H.P. Extra., dated 12.4.2001, P. 73 & 77.