THE HIMACHAL PRADESH LAND REVENUE ACT, 1954
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THE HIMACHAL PRADESH LAND REVENUE ACT, 1954
(ACT NO. 6 OF 1954)

(Received the assent of the President on the 9th April, 1954, and was published in Hindi in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 6th August, 1954, pp. 29-87 and in English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 3rd June, 1955, pp. 121-180.

An Act to amend and declare the Land Revenue Law of the Himachal Pradesh.

Amended, repealed or otherwise affected by,-

(i) H.P. Act No. 11 of 1955[1] , assented to by the President on 26th October, 1955, published in Hindi in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 9th December, 1955, pp. 321-323 and in English in the Rajpatra, Himachal Pradesh dated 24th March, 1956, pp. 185-186.

(ii) H.P. Act No. 12 of 1956[2] , assented to by the President on 28th June, 1956, published in Hindi in the Rajpatra, Himachal Pradesh dated the 11th August, 1956, pp. 467-468 and in English in the Rajpatra, Himachal Pradesh dated 8th December, 1956, pp. 687-689.

(iii) The Adaptation of Laws (No. 5) Order, 1957, published with the Ministry of Law, Notification No. 3514, dated 31st October, 1957, Gazette of India, Extraordinary, 1957, Part II, section 3, p. 2707-2712.

(iv) H.P. Act No. 5 of 1965[3] , assented to by the President on 21st October, 1965, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 22nd November, 1965, pp 395-396.

(v) H.P. Act No. 19 of 1971[4] , assented to by the Governor on 5th November, 1971, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 19th November, 1971, pp. 1428-1430.

(vi) The Himachal Pradesh Adaptation of Laws (State and Concurrent Subjects) Order, 1973, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 20th January, 1973, pp. 91-112. Effective from 25th January, 1971.

(vii) H.P. Act No. 21 of 1976[5] , assented to by the Governor on 30th April, 1976, published in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 8th May, 1976, pp. 1221-1228.

(viii) H.P. Act No.15 of 1989[6] , assented to by the Governor on the 23rd June, 1989, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 27th June, 1989, pp. 1499-1504.

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[1]Passesd in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 2nd September, 1955, p. 275.

[2]Passesd in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 29th March, 1956, p. 70-71.

[3]For Statement of Objects and Reasons see the the Rajpatra, Himachal Pradesh, dated 6th September, 1965, p. 355.

[4]For Statement of Objects and Reasons see the the Rajpatra, Himachal Pradesh, dated 14th September, 1971, p. 1193.

[5]For Statement of Objects and Reasons see the the Rajpatra, Himachal Pradesh, dated 8th March, 1976, p.850.

[6]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 3rd June, 1989, pp. 1277 and 1280.

(ix) H.P. Act No. 3 of 1996[1] , assented to by the Governor on the 7th March, 1996, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 12th March, 1996 pp. 999-1008, effective with immediate effect except sections 2(b), 5, 6 and 10 which shall be deemed to have come into force on 23rd September, 1976.

(x) H.P. Act No. 15 of 2000[2] , assented to by the Governor on the 27th May, 2000, published in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 29th May, 2000, pp. 1429-1447.

(xi) H.P. Act No. 3 of 2001[3] , assented to by the Governor on the 9th February, 2001, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 17th February, 2001, pp. 5529-5534.

(xii) H.P. Act No. 1 of 2004[4] , assented to by the Governor on the 8th January, 2004, published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 9th January, 2004, pp. 2891-2904.

(xiii) H.P. Act No. 25 of 2009[5] assented to by the Governor on the 25th September, 2009, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 5th October, 2009, pp. 4297-4299.

(xiv) H.P. Act No. 41 of 2011[6] assented to by the Governor on the 24th September, 2011, published both in Hindi and English in the Rajpatra, Himachal Pradesh on 29th September, 2011, pp. 3346-3348.

(xv) H.P. Act No. 47 of 2013[7] assented to by the Governor on the 20th September, 2013, published both in Hindi and English in the Rajpatra, Himachal Pradesh, dated 26th September, 2013, pp. 3862-3864.

(xvi) H.P. Act No. 11 of 2022[8] assented to by the Governor on the 14th June, 2022 and published in Rajpatra, Himachal Pradesh, dated 22.06.2022, Pages : 1989-1990.

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[1]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 15th January, 1996, pp. 241 and 246.

[2]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 11th April, 2000, pp. 826-827 and 837-838.

[3]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 27th December, 2000, pp. 4769 and 4773.

[4]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 19th December, 2003, pp. 2739-2740 and 2747.

[5]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 26th August, 2009, pp. 2951 and 2954-2955.

[6]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 26th August, 2011, pp. 2504- 2506.

[7]Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh dated 24th August, 2013, pp. 2924 and 2926.

[8] Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of objects and Reasons, see R.H.P. dated 15th March , 2022, Pages 8965-8966.

(xvii) H.P. Act No. 16 of 2023[1] assented to by the Governor on the 11th December, 2023 and published in Rajpatra, Himachal Pradesh, dated 15th December, 2023, Pages : 10747-10758.

It is hereby enacted as follows:-

CHAPTER I. –Preliminary

1. Title, extent and commencement.- (1) This Act may be called the Himachal Pradesh Land Revenue Act, [2][1954].

(2) It extends to [3][the areas comprised in Himachal Pradesh immediately before 1st November, 1966.]

(3) It shall come into force on such day[4] as the State Government may, by notification, appoint in this behalf.

2. Repeal.- (1) The enactments mentioned in the Schedule are repealed to the extent specified in the third column thereof.

(2) Notwithstanding anything contained in the Himachal Pradesh (Application of Laws) Order, 1948, Acts, Regulations, Rules and Robkars hitherto in force in Himachal Pradesh with respect to the making and the maintenance of record of rights of land, the assessment and collection of land revenue and cesses thereon and other matters relating to land and liabilities incidental thereto are repealed only to the extent to which they are inconsistent with the provisions of this Act.

(3) Any enactment or document referring to any enactment hereby repealed shall be construed as referring to this Act.

3. Savings.- All rules, appointments, assessments, partitions and transfers made, notifications, proclamations, and orders issued, authorities and powers conferred, record of rights and other records framed, rights acquired and liabilities incurred, times and places appointed and other things done under the Acts, Regulations, Rules and Robkars hereby repealed shall be deemed to have been respectively made, issued, conferred, framed, acquired, incurred, appointed and done under this Act.

4. Definitions.- In this Act, unless there is something repugnant in the subject or context-

(1) "agricultural year" means the year commencing on the sixteenth day of June, or on such other date as the State Government may by notification appoint for any local area;

(2) "assessment circle" means a group of estates which in the opinion of the Financial Commissioner, to be recorded in an order in writing are sufficiently homogeneous to admit of a common set of rates being used as a general guide in calculating the land revenue to be assessed upon them;

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[1] Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of objects and Reasons, see R.H.P. dated 15th December, 2023, Pages 10747-10758.

[2]Substituted for the figure '1953' vide H. P. Act No. 12 of 1956.

[3]Substituted for the words "the whole of Himachal Pradesh" vide A.O., 1973.

[4]The Act came into force from. 1st March, 1955 vide Notification No. R.1-1/53, dated 17th February, 1955, published in the Rajpatra, Himachal Pradesh dated 26th February, 1955, pp. 69.

(3) "arrear of land revenue" means land revenue which remains unpaid after the date on which it becomes payable;

[1][(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 responsible as surety for the payment of the 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;]

(5) "estate" means any area:-

(a) for which a separate record-of-rights has been made, or

(b) which has been separately assessed to land revenue, [2][XX] or

(c) which the State Government [3][or the Collector making or specially revising the record-of rights under section 33] may, by general rule or special order, declare to be an estate;

(6) "gazette" means [4]the Rajpatra (e-Gazette), Himachal Pradesh;

(7) "holding" means a share or portion of an estate held by one land-owner or jointly by two or more land owners;

(8) "encumbrance" means a charge upon or claim against land arising out of private grant or a contract;

(9) "land-owner" does not include a tenant or an assignee of land revenue, but does include a person to whom a holding has been transferred, or an estate or holding has been let in farm, under this Act for the recovery of an arrear of land revenue or of a sum recoverable as such an arrear, and every other person not hereinbefore in this clause mentioned who is in possession of an estate or any share or portion thereof, or in the enjoyment of any part of the profits of an estate;

(10) "land-revenue" includes assigned land revenue and any sum payable in respect of land, by way of quit-rent or commutation for service, to the State or to a person to whom the State has assigned the right to receive the payment;

(11) "legal practitioner" means any legal practitioner within the meaning of the Legal Practitioners Act, 1879 (18 of 1879), [5][and the Advocates Act, 1961];

[6][(12) "net assets" of an estate or group of estates means the estimated average annual surplus produce of such estate or group of estates remaining after deduction of the ordinary expenses of cultivation as ascertained or estimated;

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[1]Clause (4) substituted vide H.P. Act No. 3 of 1996.

[2]The words and signs "or would have been so assessed if the land revenue has not been released, compounded for or redeemed" deleted vide Act No. 15 of 2000.

[3]Added vide H.P. Act No. 3 of 1996, effective from 23rd September, 1976.

[4] Subs. the words and sign "the Rajpatra (e-Gazettee), Himachal Pradesh" vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

[5]Added vide H.P. Act No. 21 of 1976. 5. Clause (12) deleted vide H.P. Act No. 15 of 2000 again inserted vide H.P. Act No. 1 of 2004.

[6] Clause (12) deleted vide H.P. Act No. 15 of 2000 again inserted vide H.P. Act No. 1 of 2004.

Explanation.- Ordinary expenses of cultivation include payments, if any, which the land-owner customarily bears whether in kind or in cash either in whole or in part in respect of,-

(i) water rates;
(ii) maintenance of means of irrigation;
(iii) maintenance of embankments;
(iv) supply of seed;
(v) supply of manure;
(vi) improved implements of husbandry;
(vii) concessions with regard to fodder;
(viii) special abatements made for fallows or bad harvests;
(ix) cost of collection of rent;
(x) allowance for shortage in collection of rent;
(xi) interest charges payable in respect of advances made in cash, free of interest, to tenants for the purpose of cultivation; and
(xii) wages or customary dues paid to artisans or menials whose products or labour are utilised for the purposes of cultivation and harvesting, and the share that would be retainable by a tenant if the land were let to a non-occupancy tenant paying rent, whether in cash or in kind, at the normal rate actually prevalent in the estate or group of estates.]

[1][(12-A) "net letting value" of a site put to non-agricultural use means the estimated annual rent of the site remaining after deduction of –

(i) fair remuneration for the capital invested on building or machinery or both after deducting the depreciation on their value;
(ii) house-tax, property-tax; and
(iii) maintenance charges, not exceeding one month's gross rent, as ascertained or estimated in the manner prescribed.

Explanation:-Where no reliable data regarding the cost of buildings and machinery on a site is forthcoming or is otherwise not available, valuation and depreciation shall be based on the standards of the Public Works Department of Himachal Pradesh];

(13) "notification" means a notification published by authority of the State Government in the official gazette;

(14) "pay" with its grammatical variations and cognate expressions, includes when used with reference to rent, "deliver" and "render" with their grammatical variation and cognate expressions;

[2][(14A) "prescribed" means prescribed by rules made under this Act;]

(15) "rates and cesses" means rates and cesses which are primarily payable by land-owners, and includes:-

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[1]Section 12-A inserted vide H.P. Act No. 21 of 1976.
[2]Clause 14-A inserted vide H.P. Act No. 15 of 2000.

(a) The local rate, if any, payable under the law in force in the State and any fee payable to local bodies including the Panchayats formed under [1][the Himachal Pradesh Panchayati Raj Act, 1968 (19 of 1970)] for the use of, or all benefits derived from the following works:-

(i) The construction and repair of embankments and the supply storage and control of water for agricultural purposes;

(ii) The preservation and reclamation of soil and the drainage and reclamation of swamps;

(b) Village officers cesses; and

(c) Sums payable on account of village expenses;

(16) "rent", "tenant", "landlord" and "tenancy" have the meanings, respectively, assigned to those words in [2][the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974)];

[3][(17) "Revenue Officer" in any provision of this Act, means a Revenue Officer having authority under this Act to discharge the functions of a Revenue Officer under that provision;]

[4][(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;]

(19) "survey-mark" includes boundary-mark;

(20) "village-cess" includes any cess, contribution or due which is customarily leviable within an estate and is neither a payment for the use of private property or for personal service nor imposed by or under any enactment for the time being in force;

(21) "village-officer" means a Numbardar, Patwari and any other officer so appointed by the State Government.

5. Exclusion of certain land from operation of Act.- (1) Except so far as may be necessary [5][for the record, recovery, administration of village cesses and for taking action against the encroachers under section 163], nothing in this Act applies to land which is occupied as the site of a [6][XXXXXX] village and is not assessed to land revenue.

(2) A Revenue Officer may define, for the purposes of this Act, the limits of the site of a village.

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[1]Substituted for the words "The Himachal Pradesh Panchayati Raj Act," vide H.P. Act No. 21 of 1976.

[2]The words sign and figure "the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953" was substituted for the words sign and figure "the Punjab Tenancy Act, 1887 as applied to Himachal Pradesh" vide section 147(c) of H.P. Act No. 15 of 1954 and again the words, sign and figures "the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974) substituted for the words, sign and figure "the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953" vide Section 126(c) of H.P. Act No. 8 of 1974.

[3]Clause 17 substituted vide H.P. Act No. 15 of 2000 again substituted vide H.P. Act No. 1 of 2004.

[4]Clause (18) definition of "State Government" was omitted vide A.O. 1973 and again new clause (18) added vide H.P. Act No. 3 of 1996.

[5]Substituted for the words "for the record, recovery and administration of village cesses" vide H.P. Act No. 19 of 1971.

[6]The words "town or" omitted vide H.P. Act No. 5 of 1965.

[1][*Explanation*.- For the purpose of this section, a site within the limits of a Municipal Corporation, Municipal Council, Nagar Panchayat or Cantonment Board, shall not be deemed to be the site of a village.]

6. Power to vary limits and alter number of tehsils,[2][sub-tehsils,] districts and divisions.- The State Government may, by notification vary the limits and alter the number of tehsils, [3][sub-tehsils,] districts and divisions into which the State is divided.

CHAPTER II -Revenue Officers
Class and Powers

7. Classes of Revenue Officers.-[4][(1) There shall be the following classes of Revenue Officers, namely-

(a) the Financial Commissioner;
(b) the Commissioner;
(c) the Collector;
(d) the Assistant Collector of the first grade; and
(e) the Assistant Collector of the second grade.]

(2) The Deputy Commissioner of a district shall be the Collector thereof.

(3) The State Government may appoint any Assistant Commissioner, [5][XXXXXXX] or Tehsildar to be an Assistant Collector of the first or of the second grade, as it thinks fit, and any Naib-Tehsildar to be an Assistant Collector of the second grade.

(4) Appointment under sub-section (3) shall be by notification and may be of a person specially by name or by virtue of his office or of more persons than one by any description sufficient for their identification.

(5) Subject to the provisions of this Act, the jurisdiction of the Financial Commissioner extends to the whole of the Himachal Pradesh and of the Commissioners and of the Collectors and Assistant Collectors to the divisions and districts respectively, in which they are for the time being employed.

8. Financial Commissioner.- (1) There shall be one or more Financial Commissioners, who shall be appointed by the State Government.

(2) Where more Financial Commissioners than one have been appointed, the State Government may make rules as to the distribution among them of business under this or any other Act, and by those rules require any case or class or classes of cases to be considered and disposed of by the Financial Commissioners collectively.

(3) When there is a difference of opinion among the Financial Commissioners as to any decree or order to be made in a case which they are required by rules under the last foregoing sub-section to consider, and dispose of collectively, the following rules shall apply namely:-

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[1] Subs. vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[2] Inserted vide H.P. Act No. 21 of 1976.
[3] Inserted vide H.P. Act No. 21 of 1976.
[4]Sub-section (1) substituted vide H.P. Act No. 12 of 1956, amended vide H.P. Act No. 21 of 1976, H.P. Act No. 3 of 2001 and again substituted vide H.P. Act No. 1 of 2004.
[5]The words "Extra-Assistant Commissioner" deleted vide H.P. Act No. 1 of 2004.

(d) where the case is an appeal or a case on review or revision, it shall be decided in accordance with the opinion of the majority of the Financial Commissioners, or, if there is no such majority which concurs in a decision modifying or reversing the decree or order under appeal, review or revision, that decree or order shall be affirmed; and

(e) where the case is not an appeal or a case on review or revision, matter respecting which there is the difference of opinion shall be referred to the State Government for decision, and the decision of that Government with respect thereto shall be final.

(4) The expression "Financial Commissioner" in this or any other Act shall when there are more Financial Commissioners than one, be construed as meaning one or more of the Financial Commissioners as the rules for the time being in force under sub-section (2) may require.

[1][**9. Appointment of Commissioner etc.-** Commissioners, Additional Commissioner, Deputy Commissioner, Assistant Commissioner, Settlement Officer, Additional Deputy Commissioner, Sub-Divisional Officer(Civil), Assistant Settlement Officer and Assistant Commissioner shall be appointed by the State Government.]

10. Appointment of Tehsildars and Naib-Tehsildars.- The State Government shall fix the number of Tehsildars and Naib-Tehsildars to be appointed.

11. Powers of Revenue Officers.- Except where the class of Revenue Officers by whom any function is to be discharged is specified in this Act, the State Government may, by notification determine the functions to be discharged under this Act by any class of Revenue Officers.

Administrative Control

12. Superintendence and control of Revenue Officers.- (1) The Financial Commissioner shall be subject to the control of the State Government.

(2) The general superintendence and control over all other Revenue Officers shall be vested in, and all such officers shall be subordinate to the Financial Commissioner.

(3) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other Revenue Officers in his division.

(4) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other Revenue Officers in his district.

13. Power to distribute business and withdraw and transfer cases.-

(1) The Financial Commissioner or a Commissioner or Collector may by written order distribute, in such manner as he thinks fit, any business cognizable by any Revenue Officer under his control.

(2) The Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any Revenue Officer under his control, and either dispose of it himself, or by written order refer it for disposal to any other Revenue Officer under his control.

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[1]Section 9 substituted vide H.P. Act No. 15 of 2000.

(3) An order under sub-section (1) or sub-section (2) shall not empower any officer to exercise any powers or deal with any business which he would not be competent to exercise or deal with within the local limits of his own jurisdiction.

Appeal, Review and Revision

14. Appeals.- Save as otherwise provided by this Act, an appeal shall lie from original or appellate order of a Revenue Officer as follows, namely:-

(a) to the Collector when the order is made by an Assistant Collector of either grade;
(b) to the Commissioner [1][XXXXXX] when the order is made by a Collector;
(c) to the Financial Commissioner when the order is made by the Commissioner:

Provided that –

(i) when an original order is confirmed on first appeal, a further appeal shall not lie;
(ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Commissioner on further appeal, if any, to him shall be final:

[2][Provided further that any appeal relating to encroachment on Government land including forest land shall be disposed of within a period of three months from the date of filing thereof.]

15. Limitation for Appeals.- Save as otherwise provided by this Act, the period of limitation for an appeal under the last foregoing section shall run from the date of the order appealed against, and shall be as follows, that is to say:-

(a) when the appeal lies to the Collector	thirty days;
(b) when the appeal lies to the Commissioner	sixty days;
(c) when the appeal lies to the Financial Commissioner	ninety days.

[3]Provided that any appeal may be admitted after the specified period if the appellant satisfies the Collector, Commissioner or the Financial Commissioner as the case may be that he had sufficient cause for not preferring the appeal within such period.

16. Review by Revenue Officers.- (1) [4][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] may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse or confirm, any order passed by himself or by any of his predecessors in office:

Provided as follows:-

(a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, and when a Revenue Officer of class below that of Collector proposes to review any order, whether passed by himself or by any of his predecessors in office, he shall first obtain the sanction of the Revenue Officer to whose control he is immediately subject;
(b) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the

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[1]The words "or the Financial Commissioner, if there is no Commissioner" inserted vide H.P. Act No. 12 of 1956 and deleted vide H.P. Act No. 21 of 1976.
[2]Second Proviso to section 14 inserted vide H.P. Act No. 25 of 2009.
[3] Inserted vide Act No. 18 of The H.P. Land Revenue (Amendment) Act, 2023.
[4]Substituted for article and words "A Revenue Officer" vide H.P. Act No. 3 of 1996.

Revenue Officer that he had sufficient cause for not making the application within that period;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section, the Collector shall be deemed to be the successor in office of any Revenue Officer of a lower class who has left the district or has ceased to exercise powers as a Revenue Officer, and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

[1][(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.]

[2][**17. Power to call for, examine and revise proceedings of Revenue Officers.—**The Financial Commissioner may at any time call for the record of any case pending before or disposed of by any Revenue Officer subordinate to him or instituted before him and may pass such order as he thinks fit:

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

[3][**17-A. Time limit for deciding the appeal, review and revision.-** (1) save as provided in section 14 of this Act, the Collector, Commissioner and the Financial Commissioner shall decide every case of appeal, review or revision, as the case amy be, within a period of four months from the date of filing thereof:

Provided that for the reasons to be recorded in writing the time period may be extended by two months.

(2) If the Revenue Officer fails to decide the case within the extended period, the proceedings shall not become invalid for final adjudication merely on the ground of lapse of the stipulated period. However in the case of Collector and Commissioner he shall submit a report in the manner as may be prescribed citing reasons for such delay to the officer under shoes control he is subjected to and after considering the report and examining the record, if the Controlling Officer is satisfied that threre were valid and genuine reasons for delay in deciding the case, he may accept the report with no further action. In case the Controlling Officer is not satisfied with the report, he shall submit his observations to the Government for such action and in such manner, as may be prescribed against the earring officer.

(3) If the Revenue Officer fails to submit a report required under sub-section (2) he shall be laible for an action under relevant service rules applicable to such officer after following due procedure.]

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[1]Sub-section (4) inserted vide H.P. Act No. 3 of 1996.

[2] Substituted vide H.P. Act No. 11 of 2022.

[3] Inserted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

Procedure

18. Power to make rules as to procedure.- (1) The State Government may make rules consistent with this Act for regulating the procedure of Revenue Officers under this Act in cases in which a procedure is not prescribed by this Act.

(2) The rules may provide, among other matters, for the mode of enforcing orders of ejectment from, and delivery of possession of immovable property, and rules providing for those matters may confer on a Revenue Officer all or any of the powers in regard to contempts, resistance and the like which a Civil Court may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery, or possession of, such property.

[1][(3) Subject to the rules made under this Act, a Revenue Officer may refer any case which he is empowered to dispose of under this Act to another Revenue Officer for investigation and report. The investingating officer after hearing the parties concerned shall furnish a report within two months. The Revenue Officer shall consider the report so submitted and decide the case on merits within the stipulated period after hearing the interested parties.]

19. Persons by whom appearances and applications may be made before and to Revenue Officers.- (1) Appearances before a Revenue Officer, and applications to and acts to be done before him, under this Act may be made or done-

(a) by the parties themselves, or
(b) by their recognised agents or a legal practitioner:

Provided that the employment of a recognised agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer.

(2) For the purposes of sub-section (1), recognised agents shall be such persons as the State Government may, by notification, declare in this behalf.

(3) The fees of a legal practitioner shall not be allowed as costs in any proceeding before a Revenue Officer under this Act unless that officer considers for reasons to be recorded by him in writing, that the fees should be allowed.

20. Power of Revenue Officer to summon persons.- (1) A Revenue Officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a Revenue Officer.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the Revenue Officer may require.

21. Mode of service of summons.- (1) A summons issued by a Revenue Officer shall if practicable, be served

(a) personally, on the person to whom it is addressed or failing him

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[1] Substituted vide Act No. 16 of the H.P. Land Revenue (Amendment) Act, 2023.

(b) his recognised agent [1][or

(c) on any adult member of the family residing with him.

Provided that any such adult member should not be a party to the proceedings of the case to which the summon pertains.

Explanation.- For the purposes of this sub-section, the family shall mean the spouse, sons and unmarried daughter.]

(2) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by [2][affixing] a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that person does not reside in the district in which the Revenue Officer is employed and the case to which the summons relates has reference to land in that district, then by [1][affixing] a copy of the summons on some conspicuous place in or near the estate wherein the land is situated.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the Revenue Officer so directs, be served by delivery of a copy thereof to such of those persons as the Revenue Officer nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

(4) A summons may, if the Revenue Officer so directs, be served on the persons named therein either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the Indian Post Office Act, 1898 (6 of 1898).

(5) When a summons is forwarded in a letter, and it is proved that the letter was properly addressed and duly posted and registered, the Revenue Officer may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.

[3][xxxxxxxxxx]

[4][(6) The summons may, if the Revenue Officer so directs, be served on the persons named therein either in addition to or in substitution for any other mode of service of summons through Short Message Service (SMS) or whatsapp, Electronic Mail (e-mail) or through other electronic mode at the phone number or Electronic Mail address, which shall be available or otherwise known, or made known, to the Revenue Officer:

Provided that if service is effected through any of the modes specified in this sub-section, the applicant or the appellant as the case may be, shall provide proof to the satisfaction of the Revenue Officer of the genuineness of the phone number or Electronic Mail address being that of the receipient and the confirmed delivery report on the Electronic Mail address or mobile number of the party concerned, as the case may be, shall be considered as evidence of proper service and a printout of communication shall be placed on the record:

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[1] Inserted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[2] Substituted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[3]Proviso deleted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[4] Inserted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

Provided further that an affidavit filed by the applicant or appellant shall be sufficient proof regarding the genuineness of the phone number or Electronic Mail address to which the communication is sent as being that of the recipient.]

22. Mode of service of notice, order or proclamation, or copy thereof.- A notice, order or proclamation or copy of any such document, issued by a Revenue Officer for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

23. Mode of making proclamation.- When a proclamation relating to any land is issued by a Revenue Officer it shall, in addition to any other mode of publication which may be prescribed in any provision of this Act, be made by beat of drum or other customary method and by the [1][affixing] of a copy thereof on a conspicuous place in or near the land to which it relates [2][or by publication in the daily newspaper having wise circulation in the area or in the Rajpatra (e-Gazette), Himachal Pradesh.]

[3][XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

Supplemental Provisions

24. Place of sitting.- (1) An Assistant Collector may exercise his powers under this Act, at any place within the limits of the district in which he is employed.

(2) Any other Revenue Officer may only exercise, his powers under this Act within the local limits of his jurisdiction.

25. Holidays -[4][1) Revenue Officers [5][XXXXXX] shall observe holidays as are notified by the State Government for its employees.]

(2) A proceeding had before a Revenue Officer on a day specified in the list as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

26. Discharge of duties of Collector dying or being disabled.- When a Collector dies or is disabled from performing his duties, the Officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the State Government in this behalf shall be deemed to be a Collector under this Act.

27. Retention of powers by Revenue Officers on transfer.- When a Revenue Officer of any class who has been invested under the foregoing provisions of this Act with any powers to be exercised in any local area is transferred from that local area to another as a Revenue Officer of the same or a higher class, he shall continue to exercise those powers in that other local area unless the State Government otherwise directs or has otherwise directed.

28. Conferment of powers to Revenue Officer.- (1) The State Government may by notification confer on any person:-

(a) all or any of the powers of a Financial Commissioner, Commissioner or Collector under this Act, or

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[1] Subs. vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[2] Inserted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[3]Sections 23-A and 23-B inserted vide H.P. Act No. 15 of 2000 and deleted vide H.P. Act No. 1 of 2004.
[4]Sub-section (1) substituted vide H.P. Act No. 15 of 2000.
[5]The words “and Revenue Courts” deleted vide H.P. Act No. 1 of 2004.

(b) all or any of the powers with which an Assistant Collector may be invested thereunder, and may by notification withdraw any powers so conferred.

(2) A person on whom powers are conferred under sub-section (1) shall exercise those powers within such local limits and in such classes of cases as the State Government may direct, and except as otherwise directed by the State Government shall for all purposes connected with the exercise thereof, be deemed to be a Financial Commissioner, Commissioner, Collector or Assistant Collector, as the case may be.

(3) If any of the powers of a Collector under this Act are conferred on an Assistant Collector, they shall, unless the State Government by special order otherwise directs, be exercised by him subject to the control of the Collector.

[1][(4) XXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]

CHAPTER-III.-Kanungos and Village Officers

29. Rules respecting Kanungos and Village officers.- The State Government may make rules to regulate the appointment, duties, emoluments, punishment, suspension and removal of kanungos and village officers.

30. Village Officer's Cess.- (1) The State Government may, by notification, impose on all or any estates in the territories for the time being administered by it a cess, to be called the village officers' cess, at such rate or rates not exceeding [2][five paise] per rupee of the annual value as it may think fit for remunerating Nambardars in those territories and for defraying other expenditure directly connected with the supervision of those officers or with the performance of their duties.

(2) 'Annual value' in sub-section (1) means:-

(a) double the land-revenue for the time being assessed on any land, whether the assessment is leviable or not; or

(b) where the land-revenue has been permanently assessed or has been wholly or in part compounded for or redeemed, double the amount which, but for such permanent assessment, composition or redemption, would have been leviable; or

(c) where no land-revenue has been assessed, double the amount which would have been assessed, if the average village rate had been applied:

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land owing to kulh or other artificial irrigation has been excluded from account in assessing the land-revenue, and a rate has been imposed in respect of such improvement, that rate shall be added to the land-revenue for the purpose of computing the annual value.

(3) The Financial Commissioner may make rules for the collection, control and expenditure of the village-officers' cess.

(4) All cesses now levied in any local area for the purposes mentioned in sub-section (1) shall be deemed to have been lawfully imposed and shall, until the village officers' cess is imposed in that local area under that sub-section, be deemed to be lawfully leviable and, for the purposes of this section, to be that cess.

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[1]Sub-section (4) inserted vide H.P. Act No. 15 of 2000 and deleted vide H.P. Act No. 1 of 2004.

[2]Substituted for the words "half an anna" vide H.P. Act No. 21 of 1976.

31. Restriction on attachment or assignment of remuneration of Kanungos and Village Officers.- (1) The emoluments of a Village Officer shall not be liable to attachment in execution of a decree or order of any civil or revenue court.

(2) An assignment of, or charge on, or agreement to assign or charge, any such emoluments shall be void unless it is authorised by rules made by the Financial Commissioner in this behalf.

CHAPTER IV –Records

Record-of-rights and [1][Periodical] Records

32. Record-of-rights and documents included therein.- (1) Save as otherwise provided by this Chapter, there shall be a record-of-rights for each estate.

(2) The record-of-rights for an estate shall include the following documents, namely:-

(a) Statements showing, so far as may be practicable:-

(i) the persons who are land-owners, tenants or assignees of land revenue [2][in the estate or who] receive any of the rents, profits in the estate, or who are entitled to the produce of the estate, or to occupy land therein;

(ii) the nature and extent of the interests of those persons, and the conditions and liabilities attaching thereto; and

(iii) the rent, land revenue, rates, cesses or other payments due from and to each of those persons and to the Government;

(b) a statement of customs respecting rights and liabilities in the estate;

(c) a map of the estate; and

(d) such other documents as the Financial Commissioner may, with the previous sanction of the State Government prescribe.

[3][(2A) The record-of-rights for sub-estate shall include the documents mentioned in clauses (a), (c) and (d) of sub-section (2) of this section.]

33. Making of special revision of record-of-rights.- (1) When it appears to the State Government that a record-of-rights for an estate does not exist, or that the existing record-of-rights for an estate requires special revision, it may by notification direct that record-of-rights be made or that the record-of-right be specially revised, as the case may be.

(2) The notification may direct that record-of-rights shall be made or specially revised for all or any estates in any local area.

[4][(2-a). The Financial Commissioner may specify the time period, as he may deem fit, for making of or revising the record-of-rights.]

(3) A record-of-rights made or specially revised for an estate under this section shall be deemed to be the record-of-rights for the estate, but shall not affect any presumption in favour of the State, which has already arisen from any previous record-of-rights.

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[1]Substituted for the word "annual" vide H.P. Act No. 21 of 1976

[2]Inserted vide H.P. Act No. 21 of 1976.

[3]Sub-section (2-A) added vide H.P. Act No. 3 of 1996.

[4] Sub-section (2-a) added vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

[1][(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 or 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 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.

(7) If any party interested 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 and 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.

(8) After the final publication of the record-of-rights under sub-section (7), the settlement patwari shall supply to every persons a copy of measurement Jamabandi and Tatima of newely measured Khasra numbers of his holding free of cost.

(9) 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.]

[2]**[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 remeasurement 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, 1976.]

34. [3]**[periodical] record.-** (1) The Collector shall cause to be prepared [4][by the Patwari of each estate] yearly, or at such other intervals as the Financial Commissioner may prescribe, an edition of the record-of-rights amended in accordance with the provisions of this Chapter.

(2) This edition of the record-of-rights shall [5][XXXXXXX] comprise the statements mentioned in sub-section (2) clause (a), of section 32 and such other documents, if any, as the Financial Commissioner may, with the previous sanction of the State Government, prescribe.

(3) For the purposes of the preparation of the [6][periodical] record [7][under this section], the Collector shall cause to be kept up by the patwari of each estate [8][XXXXXXX] a register of mutations and such other registers as the Financial Commissioner may prescribe.

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[1]Sub-sections (4) to (9) inserted vide H.P. Act No. 15 of 2000, amended vide H.P. Act No. 3 of 2001 and again substituted vide H.P. Act No. 1 of 2004.
[2]Section 33-A inserted vide H.P. Act No. 3 of 1996 effective from 23rd September, 1976.
[3]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[4]The words "by the Revenue Officer concerned for each estate" substituted for the words "by the Patwari of each estate" vide H.P. Act No. 41 of 2011 again substituted for the words "by the Revenue Officer concerned for each estate" vide H.P. Act No. 47 of 2013.
[5]The words "be called the annual record for the estate, and shall" deleted vide H.P. Act No. 21 of 1976.
[6]Substituted for the word "annual" vide H.P. Act No. 41 of 2011.
[7]Inserted vide H.P. Act No. 21 of 1976.
[8]The words "and the Revenue Officer" inserted vide H.P. Act No. 41 of 2011 and omitted vide H.P. Act No. 47 of 2013.

[1]**[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 form 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.]

Procedure for making records

35. Making of that part of the [2][periodical] record which relates to land owners [3][etc.] assignees of revenue and occupancy tenants.- (1) Any person acquiring by inheritance, purchase, mortgage, gift or otherwise, any right in an estate as a land-owner [4][etc.] assignee of land revenue, or tenant having a right of occupancy, shall report his acquisition of the right to the patwari of the estate [5][XXXXXXXXXXXXXX]

(2) If the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari [6][xxxxxxxxxxxxxx]

(3) The patwari [7][xxxxxxxxxxxxxx]shall enter in his register of mutations every report made to him under sub-section (1) or sub-section (2) and shall also make an entry therein respecting the acquisition of any such rights as aforesaid which he has reasons to believe to have taken place, and of which a report should have been made to him under one or other of those sub-sections and has not been so made.

(4) No Revenue Court shall entertain a suit or application by the person so succeeding or otherwise obtaining possession until such person has made the report required by this section.

(5) A Revenue Officer shall from time to time inquire into the correctness of all entries in the register of mutations and into all such acquisitions as aforesaid coming to his knowledge of which under the foregoing sub-sections, report should have been made to the patwari [8][XXXXXXXXXXXXXX] and entry made in that register and shall in each case make such order as he thinks fit with respect to the entry in the [9][periodical] record of the right acquired.

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[1]Section 34-A. inserted vide H.P. Act No. 3 of 1996, effective from 23rd September, 1996.

[2]Substituted for the word "annual" Act No. 21 of 1976.

[3]Inserted vide H.P. Act No. 21 of 1976.

[4]Inserted vide H.P. Act No. 21 of 1976.

[5]The words "or the Revenue Officer concerned" inserted vide H.P. Act No. 41 of 2011 and omitted vide H.P. Act No. 47 of 2013.

[6]The words "or the Revenue Officer concerned" inserted vide H.P. Act No. 41 of 2011 and omitted vide H.P. Act No. 47 of 2013.

[7]The words "or the Revenue Officer, as the case may be," inserted vide H.P. Act No. 41 of 2011 and omitted vide H.P. Act No. 47 of 2013.

[8]The words "or the Revenue Officer" ins. vide H.P. Act No. 41 of 2011 and omitted vide H.P. Act No. 47 of 2013

[9]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.

(6) Such an entry shall be made by the insertion in that record of a description of the right acquired and by the omission from that record of any entry in any record previously prepared which by reason of the acquisition has ceased to be correct.

[1][(7) The Revenue Officer through a public notice to be issued in the manner and for such time as may be specified by the Financial Commissioner shall invite objections for the finalization of mutation of acquisition of rights as reported under sub-section (1) or (2) and if objections are received shall pass the final order after hearing the interested parties and deciding the objections. In case no objections are received within the specified time period the Revenue Officer shall pass order as he may deem fit.]

[2][(8) The Revenue Officer shall pass the order under sub-section (5) within a period of one month from the date of report under sub-section (1) or (2) and if the Revenue Officer fails to pass order within the stipulated period the proceedings shall not become invalid for final adjudication merely on the ground of lapse of the stipulated period. However he shall submit a report in the manner as may be prescribed citing reasons for such delay to the officer under whose control he is subjected to and after considering the report and examining the record, if the Controlling Officer is satisfied that there were valid and genuine reasons for delay in passing the order he may accept the report with no further action. In case the Controlling Officer is not satisfied with the report, he shall submit his observations to the Government for such action and in such manner as may be prescribed against the erring officer.

(9) If the Revenue Officer fails to submit a report required under sub-section (8), he shall be liable for an action under relevant service rules applicable to such officer after following due procedure.]

36. Making of that part of the [3&4][periodical] record which relates to other persons.- The acquisition of any interest in land other than a right referred to in sub-section (1) of the last foregoing section shall:-

(a) if it is undisputed, be recorded by the patwari in such manner as the Financial Commissioner may by rule in this behalf prescribe; and

(b) if it is disputed, be entered by the patwari in the register of mutations and dealt with in the manner prescribed in sub-sections (5) and (6) of the last foregoing section:

[5][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.]

[6]**[37. Determination of dispute.-** (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 the next

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[1] Subs. vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[2] Sub-sections (8) and (9) added vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[3]Substituted vide H.P. Act No. 15 of 2000.
[4]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[5]Proviso added vide H.P. Act No. 3 of 1996.
[6]Section 37 amended vide H.P. Act No. 21 of 1976, substituted vide H.P. Act No. 15 of 2000 amended vide H.P. Act No. 3 of 2001 and again substituted vide H.P. Act No. 1 of 2004.

following section and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

(2) If in any such dispute the 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, he shall ascertain through the Gram Panchayat constituted under the Himachal Pradesh Panchayati Raj Act, 1994 (Act No. 4 of 1994) or any other agency so prescribed by the Financial Commissioner or by summary inquiry who is the person best entitled to the property and shall by order direct that, that person be put in possession thereof, and that an entry in accordance with that order, be made in the record or register.

(3) A direction of a Revenue Officer under sub-section (2) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.]

[1][(4) The Revenue Officer other than the Assistant Collector shall decide the proceedings under sub-section (1) or (2) of this section within a period of six months from the date of filing application by any interested party:

Provided that for the reasons to be recorded in writing the time period may be extended by three months.

(5) The Assistant Collector of either grade shall decide such proceedings within a period of two months which may, for the reasons to be recorded in writing, be extended by one month.

(6) If the revenue Officer fails to decide the case within the extended period under this section, the proceedings shall not become invalid for final adjudication merely on the ground of lapse of the stipulated period. However the Revenue Officer shall submit a report in the manner as may be prescribed citing reasons for such delay to the officer under whose control he is subjected to and after considering the report and examining the record, if the Controlling officer is satisfied that there were valid and genuine reasons for delay in deciding the case he may accept the report with no further action. In case the Controlling officer is not satisfied with the report, he shall submit his observations to the Government for such action and in such manner as may be prescribed against the erring officer.

(7) If the Revenue Officer fails to submit a report required under sub-section (6), he shall be liable for an action under relevant service rules applicable to such officer after following due procedure.]

38. Restrictions on variations of entries in records.- Entries in records-of-rights or in [2][periodical] records, except entries made in [3][periodical] records by Patwaris under clause (a) of section 36 with respect to undisputed acquisitions of interest referred to in that section, shall not be varied in subsequent records otherwise than by

(a) making entries in accordance with facts proved or admitted to have occurred;

[4][(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;]

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[1] Sub-sections (4), (5), (6) and (7) added vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.
[2]Substituted for the words “annual” vide H.P. Act No. 21 of 1976.
[3]Substituted for the words “annual” vide H.P. Act No. 21 of 1976.
[4]New Clause (aa) added vide H.P. Act No. 3 of 1996.

(b) making such entries as are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties; and

(c) making new maps where it is necessary to make them.

[1]**[38-A. Correction of clerical errors.-**Clerical or arithmetic mistake of 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-of 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 -of rights.

39. Mutation fees.- (1) The State Government may fix a scale of fees for all or any classes of entries in any record or register under this Chapter and for copies of any such entries.

(2) A fee in respect of any entry shall be payable by the person in whose favour the entry is made.

40. Penalty for neglect to report acquisition of any right referred to in section 35.- Any person neglecting to make the report required by section 35 within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector to a fine not exceeding five times the amount of the fees which, would, have been payable according to the scale fixed under the last foregoing section if the acquisition of the right had been reported immediately after its accrual.

41. Obligation to furnish information necessary for the preparation of records.- Any person whose rights, interests or liabilities are required to be entered in any record under this Chapter shall be bound to furnish, on the requisition of any Revenue Officer or village officer, engaged in compiling the record, all information necessary for the correct compilation thereof.

Rights of the Government and presumptions with respect thereto and to other matters

42. Right of the Government in mines and minerals.- All mines of metal and coal and all earth oil and gold washing shall be deemed to be the property of the Government [2][for the purposes of the State and the State Government shall have all powers necessary, for the proper enjoyment of the Government's rights thereto].

43. Presumption as to ownership of forests, quarries and waste lands.- (1) When in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest, quarry, unclaimed, unoccupied, deserted or waste-land, spontaneous produce or other accessory interest in land belongs to the land-owners, it shall be presumed to belong to the Government.

(2) When in any record-of-rights completed after that date it is not expressly provided that any forest or quarry or any such land or interest belongs to the Government, it shall be presumed to belong to the land owners.

(3) The presumption created by sub-section (1) may be rebutted by showing-

(a) from the records or report made by the assessing officer at the time of assessment; or

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[1]Section 38-A inserted vide H.P. Act No. 3 of 1996.

[2]Added vide H.P. Act No. 21 of 1976.

(b) if the record or report is silent, then from a comparison between the assessment of villages in which there existed, and the assessment of villages of similar character in which there did not exist, any forest or quarry, or any such land or interest; that the forest, quarry, land or interest was taken into account in the assessment of the land revenue.

(4) Until the presumption is so rebutted, the forest, quarry, land or interest shall be held to belong to the Government.

44. Compensation for infringement of rights of third parties in exercise of right of the Government.- (1) Whenever, in the exercise of any right of the State referred to in either of the two last foregoing sections, the rights of any person are infringed by the occupation or disturbance of the surface of any land, the State Government shall pay, or cause to be paid to that person compensation for the infringement.

(2) The compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1894 (1 of 1894).

45. Presumption in favour of entries in record-of-rights and [1][periodical] records.- An entry made in a record of rights in accordance with the law for the time being in force, or a[2][periodical] record in accordance with the provisions of this Chapter and the rules thereunder, shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted thereof:

Provided that notwithstanding anything contained in this section any entry made [3][in the areas comprised in Himachal Pradesh immediately before 1st November, 1966] [4][during the period between the first day of April, 1948 and the first day of April, 1956] in record of rights or in [5][a periodical] record whereby the land is shown as under self cultivation shall not be presumed to be true:

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

[7]**[46 Suit for declaratory decree by persons aggrieved by an entry in a record.-** 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 institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1963 (Act No. 47 of 1963).]

Supplemental Provisions

47. Powers to make rules respecting records and other matters connected therewith.- The Financial Commissioner may make rules-

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[1]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[2]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[3]Inserted vide H.P. Act No. 21 of 1976.
[4]Substituted for the words and figures "after April, 1948" vide H.P. Act No. 11 of 1955.
[5]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[6]Proviso added vide H.P. Act No. 15 of 2000.
[7]Section 46 Amended vide H.P. Act No. 21 of 1976, substituted vide H.P. Act No. 15 of 2000 amended vide H.P. Act No. 3 of 2001 and again substituted vide H.P. Act No. 1 of 2004.

(a) prescribing the language in which records and registers under this Chapter are to be made;
(b) prescribing the form of those records and registers, and the manner in which they are to be prepared, signed and attested;
(c) for the survey of land so far as may be necessary for the preparation and correction of those records and registers;
(d) for the conduct of inquiries by Revenue Officers under this Chapter; and
(e) generally for the guidance of Revenue Officers and village officers in matters pertaining to records and registers mentioned or referred to in this Chapter;
[1][(f) for computerization of record-of-rights and periodical records.]

[2]**[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 Chapter 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.]

48. Record-of-rights and [3][a periodical] records for groups of estates.- (1) The Financial Commissioner, may direct that a record of rights be made for any group of neighbouring estates instead of separately for each of the estates.

(2) The provisions of this Chapter with respect to record-of-rights and [4][periodical] record for an estate shall then, so far as they can be made applicable, apply to a record of rights and [5][periodical] record for a group of estates.

CHAPTER V.- Assessment

49. Assessment of land revenue.- (1) All land to whatever purpose applied and wherever situate, is liable to the payment of land revenue to the State Government except such land as has been wholly exempted from that liability by special contract with the State Government or by the provision of any law for the time being in force and such land as is included in the village site.

[6]*[Explanation.*-For the purpose of this sub-section, the expression "village site" shall have the meaning as is assigned to the expression "Site of Village" in section 5.]

(2) Land revenue shall be assessed in cash.

(3) Land may be assessed to land revenue notwithstanding that revenue by reason of its having been assigned, compounded for or redeemed, as not payable to the State Government.

(4) Land revenue may be assessed-
(a) as a fixed annual charge payable in a lumpsum or by installments;

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[1]Clause (f) added vide H.P. Act No. 15 of 2000.
[2]Section 47-A inserted vide H.P. Act No. 3 of 1996, effective from 23rd September, 1976.
[3]Substituted for the word "an annual" vide H.P. Act No. 21 of 1976.
[4]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[5]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[6]Explanation added vide H.P. Act No. 21 of 1976.

(b) in the form of prescribed rates per acre or other unit of area applicable to the area recorded as sown, matured or cultivated during any harvest or during any year.

[1]**[50. Basis of assessment.-** The assessment of land revenue shall be based on an estimate of

[2][(a) the average money value of the net assets of the estate or group of estates in which the land concerned is situated; or]

(b) in the case of special assessment of land put to non-agricultural use in an assessment circle or part thereof,-

(i) the average net letting value of a category and class of sites, or

(ii) where for any reason it is not possible to ascertain the net letting value, on the average market value of sites as determined in the manner prescribed:

Provided that when a special assessment is made under section 63, notwithstanding the period fixed for the continuance of an assessment or the limit provided in section 51 or the area having been declared to be an urban assessment circle, the land revenue may be assessed as a fixed annual charge payable in a lump sum or by installments in accordance with the rules made under this Act.]

[3]**[51. Limit of assessment.-** If land revenue is assessed as a fixed annual charge the amount thereof, and, if it is assessed in the form of prescribed rate, the average amount which, according to an estimate in writing approved by the State Government will be leviable annually shall not, in the case of any assessment circle exceed one-fourth of the estimated money value of the net assets of such assessment circle or in the case of special assessment on a category and 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 percent of average market value; or

(c) in the case of sites lying vacant and out of use, exceed one percent of average market value:

Provided that nothing contained in this section shall affect any assessment in force at the time of the commencement of this Act.]

General Assessments

52. Notification of intended re-assessment and instructions as to principles of assessment.- (1) Assessment of land revenue may be general or special.

(2) A general re-assessment of the land revenue of any area shall not be undertaken without the previous sanction of the State Government and notification of that sanction.

In granting such sanction the State Government may give such instructions consistent with the provisions of this Act and the rules made thereunder as it may deem fit.

53. Mode of determining assessment.- (1) A general assessment shall be made by a Revenue Officer.

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[1]Section 50 substituted vide H.P. Act No. 21 of 1976.

[2]Clause (a) substituted vide H.P. Act No. 15 of 2000 again substituted vide H.P. Act No. 1 of 2004.

[3]Section 51 substituted vide H.P. Act No. 21 of 1976, substituted vide H.P. Act No. 15 of 2000 amended vide H.P. Act No. 3 of 2001 and again substituted vide H.P. Act No. 1 of 2004.

(2) Before making such assessment the Revenue Officer shall report through the Financial Commissioner for the sanction of the State Government his proposals with regard thereto.

54. Announcement of assessment.- (1) After consideration of the proposals submitted by the Revenue Officer under the provisions of section 53 the State Government shall pass such order as it may deem fit, [1][subject to the provisions of sub-sections (3) and (4)] and on the receipt of such order the Revenue Officer shall make an order determining the proper assessment for each estate concerned and shall announce it in such manner as the State Government may by rule prescribe.

(2) At the time of announcing the assessment the Revenue Officer shall also declare the date from which it is to take effect and, subject to the other provisions of this Act, it shall take effect accordingly.

[2][(3) Subject to the provisions of sub-section (4), the average rate of incidence on the cultivated area of the land-revenue imposed under the provisions of sub-section (1) on any assessment circle forming part of any area in respect of which a notification has been issued under sub-section (2) of section 52 shall not exceed the rate of incidence of the land revenue imposed at the last previous assessment by more than one-third:

Provided that the rate of incidence of the assessment imposed on any estate shall not exceed the rate of incidence of the last previous assessment on that estate by more than three-fourth.

(4) the provisions of sub-section (3) shall not be applicable in the case of Land,-

(a) which has not previously been assessed to land revenue; or
(b) which is under fruit bearing orchards; or
(c) which is under tea plantation; or
(d) in which kuhls or other artificial irrigation has been introduced after the date of the orders passed under the provisions of sub-section (1) at the last previous assessment; or
(e) whose last previous assessment was made under the provisions of clause (b) of sub-section (1) of section 63; or
(f) which has been declared by notification to be urban assessment circle:

Provided that for the purpose of calculating the increase in the incidence of the land revenue for the purpose of sub-section (3), all such land shall be excluded from calculation:

Provided further that all areas falling within the limits of a Municipal Corporation, Municipal Council, or Nagar Panchayat shall be declared as urban assessment circles and the State Government may by notification declare any other suitable area to be an urban assessment circle.]

55. Application for reconsideration of assessment.- (1) The landowner, may, within thirty-days from the date of the announcement of the assessment, present a petition to the Revenue Officer for reconsideration of the amount, form or conditions of the assessment.

[3][(2)XXXXXXXXXXXXXXXXXXXXXXXXXX]

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[1]The words and sign "subject to the provisions of sub-sections (3) and (4)," deleted vide H.P. Act No. 15 of 2000 again inserted vide H.P. Act No. 1 of 2004.
[2]Sub-sections (3) and (4) amended vide H.P. Act No. 21 of 1976, substituted vide H.P. Act No. 15 of 2000 again substituted vide H.P. Act No. 1 of 2004.
[3]Sub-section (2) deleted vide H.P. Act No. 15 of 2000.

(3) The order passed by the Revenue Officer on the petition shall set forth his reasons for granting or refusing it.

56. Confirmation and duration of assessment.- (1) An assessment the undertaking of which has been sanctioned under the provisions of section 52 shall not be considered final until it has been confirmed by the State Government.

(2) At any time before an assessment is so confirmed the Commissioner or Financial Commissioner may subject to the provisions of sub-section (3) modify the assessment of any estate.

(3) Before an enhancement is ordered under the provisions of sub-section (2) the Commissioner or the Financial Commissioner, as the case may be, shall cause reasonable notice to be given to the land owners by proclamation published in the manner described in section 23, to show cause in a petition addressed to the Revenue Officer why the proposed enhancement should not be ordered, and the Revenue Officer shall enquire into any objections raised by any land owner and submit such petition received with his report thereon to the Commissioner or the Financial Commissioner, who shall consider the petition and the report and shall also hear the petitioner if he so desires.

57. Duration of assessment.- (1) The State Government shall, when confirming an assessment under sub-section (1) of section 56, fix a period of time for which the assessment shall remain in force.

(2) The period fixed under sub-section (1) shall be [1][forty years]:

Provided that-

(i) in order to bring the duration of assessment on a uniform basis within a district the State Government may sanction shorter term for any local area;

(ii) nothing in this sub-section shall affect any assessment in force at the time of the commencement of this Act or apply to an area which has been declared to be an urban assessment circle under the provisions of [2][sub-section (4)] of section 54.

58. Assessment to remain till new assessment takes effect.- Notwithstanding the expiration of the period fixed for the continuance of an assessment under the last foregoing section, the assessment shall remain in force till a new assessment takes effect.

59. Refusal to be liable for assessment of an estate and consequences thereof.- (1) At any time within ninety days from the date of the announcement of an assessment of the estate, the land-owner or where there are more land-owners than one, any of them who would be individually or collectively liable for more than half the sum assessed, may give notice to the Revenue Officer of refusal to be liable for the assessment.

(2) When the Revenue Officer receives a notice under sub-section (1), the Collector may take possession of the estate and deal with it himself as nearly as may be, or refer it to the Gram Panchayat as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land-revenue due thereon.

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[1]The words “twenty years” substituted for the “forty years” vide H.P. Act No. 15 of 2000 again substituted for the words “twenty years” vide H.P. Act No. 1 of 2004.

[2]The words, figure and bracket “sub-section (3)” substituted for the words, figure and bracket “sub-section (4)” vide H.P. Act No. 15 of 2000 again substituted for the words, figure and bracket “sub-section (3)” vide H.P. Act No. 1 of 2004.

(3) While the estate is in the possession of the Collector the land-owner or land-owners shall be entitled to receive from the State Government an allowance to be fixed by the Financial Commissioner, which shall not be less than five and more than ten percent of the net income realized by the Government from the estate.

60. Distribution of the assessment of an estate over the holdings comprised therein.- (1) If the assessment announced under section 54 is in whole or in part a fixed assessment of an estate for a term of years, the Revenue Officer shall, before the date on which the first installment thereof becomes payable, make an order distributing it over the several holdings comprised in the estate and make and publish a record of the distribution.

(2) The Collector may for sufficient reason make an order revising that record at any time while the assessment continues to be in force, and publish the record so revised.

(3) If the assessment announced under section 54 is in the form of rates chargeable according to the results of each year or harvest, a Revenue Officer shall from year to year or from harvest to harvest as the conditions of the assessment may require, make and publish not later than one month before the first installment of the land revenue falls due, a record of the amount payable in respect of each holding.

61. Application for amendment of the distribution of an assessment.- (1) Any person affected by a record made under sub-section (1) or sub-section (3) of the last foregoing section or by the revision of a record under sub-section (2) of that section, may, within thirty days from the date of publication of the record, present a petition to the Revenue Officer for a re-consideration of the record so far as it affects him.

(2) The order passed by the Revenue Officer on the petition shall set forth his reasons for granting or refusing it.

62. Appeals from orders under section 55 and 61.- An appeal from an order under the last foregoing section or section 55 shall lie to the Commissioner, and from the appellate order of the Commissioner to the Financial Commissioner.

[1][XXXXXXXXXXXXXXXXXXX]

[2]**[62-A. Exemption from the process of Assessment.-** Notwithstanding anything contained in this chapter, the State Government may, by notification, exempt any assessment circle from the process of assessment of the land revenue during a revised settlement and on the recommendation of the Settlement Collector, fix lump sum land revenue not exceeding ten times of the land revenue assessed during the last settlement.]

Special Assessments

63. Special assessment.- (1) Special assessments may be made by Revenue Officers in the following cases, namely:-

(a) when land revenue which has been released or assigned is resumed;
(b) when lands are sold, leased or granted by the State;

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[1]The proviso added vide H.P. Act No. 12 of 1956 and deleted vide H.P. Act No. 21 of 1976.
[2] Section 62A. added vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

(c) when the assessment of any land has been annulled or the land-owner has refused to be liable therefore, and the term for which the land was to be managed by the Collector or his agent or let in farm has expired;

(d) when assessments of land revenue require revision in consequence of the action of water or sand or of calamity of season or from any other cause;

(e) when revenue due to the State on account of pasture or other natural products of land, or on account of mills, fisheries or natural products of water or on account of other rights described in section 42 or section 43, has not been included in an assessment made under the foregoing provisions of this Chapter;

[1][(f) when assessment of land-revenue requires revision in consequence of the land being put to a use different from that for which an assessment is in force; and

(g) when the land has been put to use for non-agricultural purposes such as brick-kilns, factories, cinemas, shops, hotels, houses, landing grounds and other similar purposes, whether or not already assessed to land revenue:

Provided that in case of clauses (f) and (g) any use of land for purposes of an orchard or for pasture or the use of houses on such land occupied for agricultural purposes or for purposes subservient to agriculture or small-scale cottage industries or for any public, charitable or religious purposes shall not be considered as a use different from that for which an assessment is in force or for non-agricultural purposes:

Provided further that in case of clauses (f) and (g) residential houses, in occupation of the owners, with an annual rental value not exceeding eight hundred rupees shall not be liable to special assessment.]

(2) The Financial Commissioner may confirm any assessment made under this section.

(3) The foregoing provisions of this Chapter with respect to general assessments shall, subject to such modifications thereof as the Financial Commissioner may prescribe by executive instructions issued under the provisions of section 67 regulate the procedure of Revenue Officers making special assessments.

64. Power to make rules.- The State Government shall, subject to the provisions of section 65 from time to time, make rules prescribing:-

[2][(a) the method by which the estimate of the money value of the net assets of an estate or group of estates shall be made;]

(b) the method by which assessment to land revenue shall be made;

(c) the principles on which exemption from assessments shall be allowed for improvements;

(d) the manner in which assessment shall be announced;

[3][(e) the manner in which the rate of incidence of the land-revenue is to be calculated for the purpose of sub-section (3) of section 54.]

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[1]Added vide H.P. Act No. 21 of 1976.

[2]Clause (a) substituted vide H.P. Act No. 15 of 2000 again substituted vide H.P. Act No. 1 of 2004.

[3]Clause (e) omitted vide H.P. Act No. 15 of 2000 again inserted vide H.P. Act No. 1 of 2004.

65. Procedure to be followed in making rules.- Before making any rules under the provisions of section 64, the State Government shall publish by notification, a draft of the proposed rules for the information of persons likely to be affected thereby [1][XXXXXXXXXXXXXXXX].

66. Rules and executive instructions issued before commencement of this Act, to be followed for the purpose of assessment operations begun before issue of rules made under the provisions of section 65.- Notwithstanding anything contained in section 65 for the purpose of all assessment operations begun before the date of publication of rules made after the commencement of this Act, the rules and executive instructions relating to the matters mentioned in clauses (a), (b), (c) and (d) of section 64 which were in force before such publication shall remain in force.

67. Power to issue instructions.- The State Government or the Financial Commissioner with the approval of the State Government may, for the guidance of Revenue Officers, from time to time, issue executive instructions relating to all matter to which the provisions of this Chapter apply, provided that such instructions shall be consistent with the provisions of this Act and the rules made thereunder.

CHAPTER VI.- Collection of Land Revenue

68. Security for payment of land revenue.- (1) In the case of every estate the entire estate and the land-owner or, if there are more than one, the land-owners jointly and severally, shall be liable for the land-revenue for the time being assessed on the estate:

Provided that—

(a) the State Government may by notification declare that in any estate a holding or its owner shall not be liable for any part of the land-revenue for the time being assessed on the estate except that part which is payable in respect of the holding; and

(b) when there are superior and inferior land-owners in the same estate, the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior land-owners shall be liable for the land-revenue, or whether both shall be so liable, and, if so, in what proportions.

(2) A notification under proviso (a) to sub-section (1) may have reference to any single estate or to any class of estate or estates generally in any local area.

69. Further security for payment of land revenue.- The land revenue for the time being assessed on an estate or payable in respect of a holding shall be the first charge upon the rents profits and produce thereof.

(2) Without the previous consent of the Collector, the rents, profits or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the land revenue chargeable against the rents profits or produce, and any arrear of land revenue due in respect of the estate or holding, have been paid.

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[1]The words and sign "at least thirty days before a meeting of the Himachal Pradesh Legislative Assembly. The State Government shall defer consideration of such rules until after the meeting of the Himachal Pradesh Legislative Assembly next following the publication of the draft, in order to give any member of the Assembly an opportunity for introduce a motion for discussing the draft" omitted vide A.O., (5) 1957.

70. Orders to regulate payment of land revenue.- (1) Notwithstanding anything in any record-of-rights, the Financial Commissioner may fix the number and amount of the installments, and the times, places and manner, by, at and in which land revenue is to be paid.

(2) Until the Financial Commissioner otherwise directs, land revenue shall be payable by the installments at the times and place and in the manner, by, at and in which it is payable at the commencement of this Act.

71. Rules to regulate collection, remission and suspension of land revenue.- (1) The Financial Commissioner may make rules consistent with this Act to regulate the collection, remission and suspension of land-revenue and may by those rules determine the circumstances and terms in and on which land revenue may be collected by the assignee.

(2) Where land-revenue due to an assignee is collected by a Revenue Officer, there shall be deducted from the sum collected such a percentage on account of the cost of collection as the Financial Commissioner may by rule in this behalf prescribe.

(3) A suit for an arrear of assigned land-revenue shall not be entertained unless there is annexed to the plaint at the time of the presentation thereof a document under the hand of the Collector specially authorizing the institution of the suit.

72. Costs recoverable as part of arrear.- The costs of any process issued under this Chapter shall be recoverable as part of the arrear of land revenue in respect of which the process was issued.

73. Certified account to be evidence as to arrear.- A statement of account certified by a Revenue Officer shall be conclusive proof of the existence of an arrear of land-revenue, of its amount and of the person who is the defaulter.

74. Process for recovery of arrears.- Subject to other provisions of this Act, an arrear of land-revenue may be recovered by any one or more of the following processes, namely:-

(a) by service of a writ of demand on the defaulter;
[1][(b) by arrest and detention of the person;]
(c) by distress and sale of his movable property and uncut or ungathered crops;
(d) by transfer of the holding in respect of which the arrear is due;
(e) by attachment of estate or holding in respect of which the arrear is due;
(f) by annulment of the assessment of that estate or holding;
(g) by sale of that estate or holding;
(h) by proceedings against other immovable property of the defaulter.

75. Writ of demand.- A writ of demand may be issued by a Revenue Officer on or after the day following that on which an arrear of land revenue accrues.

[2]**[75-A. Arrest and detention of defaulter.-** (1) At any time after an arrear of land revenue has accrued a Revenue officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue-officer.

(2) When the defaulter is brought before the Revenue-officer, the Revenue officer may cause him to be taken before the Collector, or may keep him under personal restraint or in the

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[1]Clause (b) added and the existing Clauses (b) to ((g) re-lettered as (c) to (h) vide H.P. Act No. 21 of 1976.
[2]Section 75-A inserted vide H.P. Act No. 21 of 1976.

revenue lock up for a period not exceeding ten days and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer-in-charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Collector thinks fit.

(4) The process of arrest and detention shall not be executed against a defaulter who is a female, a minor, a lunatic or an idiot.]

76. Distress and sale of movable property and crops.- (1) At any time after an arrear of land-revenue has accrued, the movable property and uncut or ungathered crops of the defaulter may be distrained and sold by order of a Revenue Officer.

(2) The distress and sale shall be conducted as nearly as may be, in accordance with the law for the time being in force for the attachment and sale of movable property under the decree of Revenue Court constituted under the [1][law for the time being in force]:

Provided that, in addition to the particulars exempted by that law from liability to sale, so much of the produce of the land of the defaulter as the Collector thinks necessary for seed grain and for the subsistence, until the harvest next following, of the defaulter and his family, and of any cattle exempted by that law, shall be exempted from sale under this section.

77. Transfer of holding.- (1) At any time after an arrear of land revenue has accrued on a holding, the Collector may transfer the holding to any person being a land owner of the estate in which this holding is situate and not being a defaulter in respect of his own holding, on condition of his paying the arrear before being put in possession of the holding, and on such further conditions as the Collector may see fit to prescribe.

(2) The transfer may, as the Collector thinks fit, be either till the end of the agricultural year in which the defaulter pays to the transferee the amount of the arrear which the transferee paid before being put in possession of the holding, or for a term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer.

(3) The Collector shall report to the Financial Commissioner any transfer made by him under this section, and the Financial Commissioner may set aside the transfer or alter the conditions thereof or pass such other order as he thinks fit.

(4) A transfer under this section shall not affect the joint and several liability of the land owners of the estate in which it is enforced.

(5) In respect of all rights and liabilities arising under this Act, the person to whom the holding is transferred shall, subject to the conditions of the transfer, stand in the same position as that in which the defaulter would have stood if the holding had not been transferred.

(6) When the transfer was for a term, the holding shall, on the expiration of the term, be restored by the Collector to the defaulter free of any claim on the part of the State Government or the transferee for any arrear of land revenue or rates and cesses due in respect thereof.

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[1]Substituted for the words “Himachal Pradesh Abolition of Big Landed, Estates and Land Reforms Act, 1953” vide H.P. Act No. 21 of 1976.

78. Attachment of estate or holding.- (1) At any time after an arrear of land revenue has accrued the Collector may cause the estate or holding in respect of which the arrear is due to be attached and taken under his own management [1][or that of an agent appointed by him for that purpose] or that of a Gram Panchayat.

(2) The Collector [2][or the agent] or Gram Panchayat shall be bound by all the engagements which existed between the defaulter and his tenants, if any, and shall be entitled to manage the land and to receive all rents and profits accruing therefrom to the exclusion of the defaulter until the arrear has been satisfied, or until the Collector restores the land to the defaulter.

(3) All surplus profits of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land revenue and rates and cesses shall be applied in discharge of the arrear.

(4) Land shall not be attached for the same arrear for a longer term than five years from the commencement of the agricultural year next following the date of the attachment, but, if the arrear is sooner discharged, the land shall be released and the surplus receipts, if any, made over to the land-owner.

79. Annulment of assessment of estate or holding.- (1) When an arrear of land revenue has been due for a longer period than one month, and the foregoing processes are not deemed sufficient for the recovery thereof, the Financial Commissioner may, in addition to or instead of all or any of those processes, order the existing assessment of the estate or holding in respect of which the arrear is due to be annulled.

(2) The provision of this section shall not be put in force for the recovery of an arrear of land revenue which has accrued on land:-

(a) while under attachment under the last foregoing section; or
(b) while under the charge of the Court of Wards.

(3) When the assessment of any land has been annulled, the Collector may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in farm to any person willing to accept the farm, for such term and on such conditions as may be sanctioned by the Financial Commissioner:

Provided that the term for which land may be so managed or farmed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of annulment.

(4) At some time before the expiration of that term the Collector shall determine the assessment to be paid in respect of the estate or holding for the remainder of the term of the current assessment of the district or tehsil, and, when that assessment has been sanctioned by the Financial Commissioner, shall announce it to the land owner.

(5) The land-owner may give notice to the Collector of refusal to be liable for the assessment within thirty days from the date on which the assessment was announced to him.

(6) If notice is so given, the Collector may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management or farm it for the remainder of

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[1]Inserted vide H.P. Act No. 21 of 1976.
[2]Inserted vide H.P. Act No. 21 of 1976.

the term of the current assessment of the district or tehsil, or for any period within that term which the Financial Commissioner may fix.

(7) When the assessment of a holding is annulled, the joint responsibility of other land-owners of the estate for the land revenue of that holding becoming due after the annulment shall be in abeyance until a new assessment takes effect.

(8) The Financial Commissioner may direct that any contract made by the defaulter, or by any person through whom the defaulter claims, with respect to any land comprised in an estate or holding of which the assessment has been annulled, shall not be binding on the Collector or his agent or farmer during the period for which the estate or holding remains under the management of the Collector or his agent or is let in farm.

80. Proclamation of attachment or annulment of assessment and consequence of the proclamation.- (1) When any land is attached under section 78, or when the assessment of any land has been annulled under the last foregoing section, the Collector shall make proclamation thereof.

(2) No payment made by any person to the defaulter before the making of the proclamation on account of rent or any other asset in anticipation of the usual time for the payment shall, without the special sanction of the Collector, be credited to that person or relieve him from liability to make the payment to the Collector or his agent or farmer.

(3) No payment made after the making of the proclamation on account rent or any other asset of the estate or holding to any person other than the Collector or his agent or farmer shall be credited to the person making the payment or relieve him from liability to make the payment to the Collector or his agent or farmer.

81. Sale of estate or holding.- When an arrear or land-revenue has accrued and the foregoing processes are not deemed sufficient for the recovery thereof, the Collector, with the previous sanction of the [1][Commissioner], may, in addition to, or instead of, all or any of those processes, and subject to the provisions hereinafter contained, sell the estate or holding in respect of which the arrear is due:

Provided that land shall not be sold for the recovery of:-

(a) any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of wards might have exercised jurisdiction over it under the law in force;
(b) any arrear which has accrued while the land was under attachment under section 78 of this Act; or
(c) any arrear which has accrued while the land was held under direct management by the Collector or in farm by any other person, under section 79, after either an annulment of assessment or a refusal to be liable thereof.

82. Effects of sale on encumbrances.- (1) Land sold under the last foregoing section shall be sold free of all encumbrances, and all grants and contracts previously made by any person other than the purchaser in respect of the land shall become void as against the purchaser at the sale.

(2) Nothing in sub-section (1) shall affect:-

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[1]Substituted for the words "Financial Commissioner" vide H.P. Act No. 21 of 1976.

(a) a tenant's right of occupancy, unless the right was created by the defaulter himself; or

(b) any lease at a fair rent, temporary or perpetual, for the erection of a dwelling house or manufactory, or for a mine, garden, tank, canal, place of worship, or burial ground, so long as the land continues to be used for the purposes specified in the lease; or

(c) any encumbrance, grant, contract or right of occupancy specially saved by order of the Financial Commissioner and proclaimed as hereinafter provided.

83. Proceedings against other immovable property of defaulter.- (1) If the arrear cannot be recovered by any of the processes hereinbefore provided, [1][or if the [2]{Commissioner}]considers the enforcement of any of those processes to be inexpedient, the Collector may, where the defaulter owns any other estate or holding or any other immovable property, proceed under the provisions of this Act against that property as if it were the land in respect of which the arrear is due:

Provided that no interests save those of the defaulter alone shall be so proceeded against, and no encumbrances created, grants made [3][or contracts] entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(2) When the Collector determines to proceed under this section against [4][immovable property] other than the land in respect of which the arrear is due, he shall issue a proclamation prohibiting the transfer or charging of the property.

(3) The Collector may at any time by order in writing withdraw the proclamation, and it shall be deemed to be withdrawn when either the arrear has been paid or the interests of the defaulter in the property have been sold for the recovery of the arrear.

(4) Any private alienation of the property, or of any interest of the defaulter therein, whether by sale, gift, mortgage or otherwise, made after the issue of the proclamation and before the withdrawal thereof shall be void.

(5) In proceeding against property under this section the Collector shall follow, as nearly as the nature of the property will admit, the procedure prescribed for the enforcement of process against land on which an arrear of land-revenue is due.

84. Remedies open to person denying his liability for an arrear.- (1) Notwithstanding anything in section 73 when proceedings are taken under this Act for the recovery of an arrear the person against whom the proceedings are taken may, if he denies his liability for the arrear or any part thereof and pays the same under protest made in writing at the time of a payment and signed by him or his agent, institute a suit in a Civil Court for the recovery of the amount so paid.

(2) A suit under sub-section (1) must be instituted in a court having jurisdiction in the place where the office of the Collector of the district in which the arrear or some part thereof accrued is situate.

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[1]Substituted for the words "and if the Financial Commissioner" vide H.P. Act No. 11 of 1955.
[2]Substituted for the words "Financial Commissioner" vide H.P. Act No. 21 of 1976.
[3]Substituted for the words "and contracts" vide H.P. Act No.11 of 1955.
[4]Substituted for the word" property" vide H.P. Act No. 11 of 1955.

Procedure in sales

85. Proclamation of sale.- (1) On the receipt of the sanction of the[1][Commissioner] to the sale of any immovable property, the Collector shall issue a proclamation of the intended sale, specifying-

(a) the date, time and place of the sale;
(b) the property to be sold, and, if it is an estate or holding, the land-revenue assessed thereon or payable in respect thereof;
(c) if the property is to be sold for the recovery of an arrear due in respect thereof, the encumbrances, grants, contracts and rights of occupancy, if any, specially saved by order of the Financial Commissioner under section 82, sub-section (2), clause (c);
(d) if the property is to be sold otherwise than for the recovery of an arrear due in respect thereof any encumbrance, grant or contract to which the property is known to be liable; and
(e) the amount for the recovery of which the sale is ordered.

(2) The place of sale specified under clause (a) sub-section (1) must be either the office of the Collector or some place appointed by the Collector in this behalf and situate in or near the property to be sold.

86. Indemnity to Revenue Officer with respect to contents of the proclamation.- A Revenue Officer shall not be answerable for any error, misstatement or omission in any proclamation under the last foregoing section unless the same has been committed or made dishonestly.

87. Publication of proclamation.- (1) A copy of the proclamation shall be served on the defaulter and be posted in a conspicuous part of the office of the Tehsildar of the tehsil in which the property to be sold is situate.

(2) After a copy of the proclamation has been served on the defaulter and posted in the office of the Tehsildar, a copy thereof shall be posted in the office of the Collector.

(3) The proclamation shall be further published in manner prescribed in section 23 and in such other manner as the Collector thinks expedient.

88. Time and conduct of sale.- (1) The sale shall not take place on Sunday or other holiday, or till after the expiration of at least thirty days from the date on which the copy of the proclamation was posted in the office of the Collector.

(2) The sale shall be by public auction, and shall be conducted either by the Collector in person or by a Revenue Officer specially appointed by him in this behalf.

89. Power to postpone sale.- The Collector may from time to time postpone the sale.

90. Stay of sale.- If at any time before the bidding at the auction is completed the defaulter pays the arrear in respect of which the property has been proclaimed for the sale, together with the costs incurred for the recovery thereof, to the officer conducting the sale, [2][or proves] to the satisfaction of that officer that he has already paid the same either at the place and in the manner prescribed under section 70 or into Government treasury, the sale shall be stayed.

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[1]Substituted for the word "Financial Commissioner" vide H.P. Act No. 21 of 1976.
[2]Substituted for the words "and proves" vide H.P. Act No. 11 of 1955.

91. Payment of deposit by highest bidder.- When the highest bid at the auction has been ascertained, the person who made that bid shall, on the requisition of the officer conducting the sale, pay to that officer a deposit of twenty-five percent on the amount of his bid, and shall, on payment thereof, be declared to be the purchaser subject to the provisions of this Chapter with respect to the exercise of any right of pre-emption.

92. Consequences of failure to pay deposit.- If the person who made the highest bid fails to pay the deposit as required by the last foregoing section, the property shall forthwith be put up again and sold, all expenses attending the first sale, and the deficiency of price, if any, which may happen on the resale, may be recovered from him by Collector as if the same were an arrear of land revenue.

93. Time for payment in full.- The full amount of the purchase money shall be paid by the purchaser before the close of the fifteenth day from that on which the purchaser was declared

94. Procedure in default of payment.- In default of payment of full amount of the purchase money within the period mentioned in the last foregoing section, the deposit referred to in section 91 shall, after defraying the expenses of the sale, be forfeited to the State Government and, may if the Collector, with the previous sanction of the Commissioner [1][XXXXXXXXX] so directs, be applied in reduction of the arrear and the property shall be resold, and the defaulting purchaser shall have no claim in the property or to any part of the sum for which it may subsequently be sold.

[2]**[95. Report of sale to Commissioner or Financial Commissioner.-** Every sale of immovable property under this Chapter shall be reported by the Collector to the Commissioner [3][XXXXXXXXXXX].

96. Application to set aside sale.-[4][(1) At any time within thirty days from the date of the sale, application may be made to the Commissioner [5][XXXXXXXXXXX] to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it].

(2) But a sale shall not be set aside on that ground unless the applicant proves to the satisfaction of the Commissioner [6][XXXXXXX] that he has sustained substantial injury by reason of the irregularity or mistake.

97. Order confirming or setting aside sale.- (1) After the expiration of thirty days from the date of the sale, if such application as is mentioned in the last foregoing section has not been made, or if such application has been made and rejected, the [7][Commissioner (XXXXXXXXXXX)]

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[1]The words "or the Financial Commissioner, if there is no Commissioner" inserted vide H.P. Act No. 12 of 1956 and deleted vide H. P. Act No. 21 of 1976.

[2]Substituted vide H.P. Act No. 12 of 1956.

[3]The words "or the Financial Commissioner, if there is no Commissioner" deleted vide H.P. Act No. 21 of 1976.

[4]Substituted vide H. P. Act No 12 of 1956.

[5]The words "or the Financial Commissioner, if there is no Commissioner" deleted vide H.P. Act No. 21 of 1976.

[6]The words "or the Financial Commissioner, if there is no Commissioner" were inserted vide H.P. Act No. 12 of 1956 and deleted vide H.P. Act No. 21 of 1976.

[7]The words "Commissioner or the Financial Commissioner, if there is no Commissioner" substituted for the word "Commissioner" vide H.P. Act No. 12 of 1956 and the words "or the Financial Commissioner, if there is no Commissioner" deleted vide H.P. Act No. 21 of 1976.

shall make an order confirming the sale and, if such application has been made and allowed, the [1][Commissioner (XXXXXX)] shall make an order setting aside the sale.

(2) An order made under this section shall be final.

98. Refund of purchase money on setting aside of sale.- Whenever the sale of any property is set aside, the purchaser shall be entitled to receive back his purchase-money within three months of the date of rejection of the sale after which date the purchaser will be entitled to interest at such rate not exceeding three percent per annum as the Financial Commissioner thinks fit on the money deposited.

99. Proclamation after postponement or on resale.- A sale made after a postponement under section 89, and a resale consequent on a purchaser's default under section 94 or on the setting aside of a sale under section 97, shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale.

100. On confirmation of sale, possession and certificate to be granted to purchaser.- (1) After a sale has been confirmed in manner aforesaid the Collector shall put the person declared to be the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property.

(2) The certificate shall state whether or not the property was sold for the recovery of an arrear due in respect thereof, and, if it was so sold, shall set forth the encumbrances, grants, contracts and rights of occupancy, if any, specified in the proclamation of the sale as specially saved by order of the Financial Commissioner under section 82, sub-section (2), clause (c).

(3) The certificate shall be deemed to be valid transfer of the property but need not be registered as a conveyance.

(4) Any suit brought in any Court against the certified purchaser on the ground that the purchase was made on behalf of a person other than the certified purchaser shall be dismissed with costs.

(5) The certified purchaser of any immovable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all installments of land revenue and rates and cesses falling due in respect thereof after that date.

101. Proceeds of sale.- (1) When a sale of immovable property under this Chapter has been confirmed, the proceeds of the sale shall be applied in the first place to the payment of any arrears, including cost incurred for the recovery thereof, due to the State from the defaulter at the date of the confirmation of the sale, whether the arrears are of land revenue, or of sum recoverable as arrears of land revenue, and the surplus, if any, shall be paid to the person whose property has been sold, or, if the property sold was owned by more than one person, then to the owners either collectively or according to the amount of their recorded interests, as the Collector thinks fit.

(2) The surplus shall not except under an order of a Court, be paid to any creditor or a person whose property has been sold.

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[1]The words "Commissioner or the Financial Commissioner, if there is no Commissioner" substituted for the word "Commissioner" vide H.P. Act No. 12 of 1956 and the words "or the Financial Commissioner, if there is no Commissioner" deleted vide H.P. Act No. 21 of 1976.

(3) If the proceeds of the sale fall short of such arrears as are referred to in sub-section (1), the balance remaining due from the defaulter may be recovered from him by further proceedings under this Chapter or by any other means authorised by law.

CHAPTER VII.- Recovery of other demands by Revenue Officers

102. Recovery of certain arrears through Revenue Officer instead of by suit.- When a village officer required by rules under section 29 to collect any land revenue [1][or any sum recoverable as arrears of land revenue] satisfies the Revenue Officer that revenue or sum has fallen due and has not been paid by him, the Revenue Officer may subject to any rules which the Financial Commissioner may make in this behalf, recover it as if it were an arrear of land revenue.

103. Other sums recoverable as arrears of land revenue.- In addition to any sums recoverable as arrears of land revenue under this Act or any other enactment for the time being in force, the following sums may be so recovered, namely:-

(a) fees, fines, costs and other charges, including the village officers cess payable under this Act;

(b) revenue due to the Government on account of pasture or other natural products of lands, or on account of mills, fisheries or natural products of water, or on account of other rights described in section 42 or section 43 in cases in which the revenue so due has not been included in the assessment of an estate;

(c) fees payable to local bodies including the Panchayats formed under [2][the Himachal Pradesh Panchayati Raj Act, 1968 (19 of 1970)] for the use of or benefits derived from the following works:-

  (i) the constructions and repair of embankments and the supply, storage and control of water for agricultural purposes;

  (ii) the preservation and reclamation of soil, and the drainage and reclamation of swamps;

(d) sums leviable by or under the authority of the State Government as water-rates, or on account of the maintenance or management of embankments and other irrigation works, not being sums recoverable as arrears of land revenue under any enactment for the time being in force;

(e) sums payable to the State Government on account of rent and other dues in respect of land; and

(f) sums payable to the State Government by a person who is surety for the payment of any of the foregoing sums or of any other sum recoverable as an arrear of land revenue.

104. Recovery of arrears due from co-sharers paid by Nambardar.- (1) Any Nambardar who has paid an arrear of revenue due on account of the share of any co-sharer whom he represents may, within six months from the date of such payment, apply in writing to the Revenue Officer to recover such arrear on his behalf as if it were an arrear of revenue payable to State Government.

(2) The Revenue Officer shall on receipt of such application satisfy himself that the amount claimed is due to the Nambardar and may then subject to rules made under this Act proceed to

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[1]Substituted for the words "any arrears of land revenue recoverable as land revenue" vide H.P. Act No. 11 of 1955.

[2]Substituted for the words "The Himachal Pradesh Panchayati Raj Act" vide H.P. Act No. 21 of 1976.

recover, as if it were an arrear of land revenue such amount with costs and interests from the said co-sharer or any person in possession of his share.

(3) The Revenue Officer shall not be made a defendant in any suit in respect of an amount for the recovery of which an order has been passed under this section. No appeal shall lie from an order of a Revenue Officer under this section.

105. Application of Chapter VI to sums recoverable under this Chapter.-(1) The provisions of Chapter VI, shall, with respect of any sum mentioned or referred to in this Chapter, apply, so far as they can be made applicable, as if the sum were an arrear of land revenue and the person from whom, either as principal or as surety, it is due were a defaulter in respect of such an arrear.

(2) Unless any such sum is declared by any enactment for the time being in force to be recoverable as if it were an arrear of land revenue due in respect of land charged therewith, the provisions of section 83 shall apply under sub-section (1) to the recovery thereof.

CHAPTER VIII.- Surveys and Boundaries

106. Power of Financial Commissioner to make rules for demarcation of boundaries and erection of survey marks.-(1) The Financial Commissioner may make rules as to the manner in which the boundaries of all or any estates in any local area are to be demarcated and as to the survey-marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters form of survey-marks and the material to be used in their construction.

107. Power of Revenue Officers to define boundaries.- (1) A Revenue Officer may, for the purpose of framing any record or making any assessment under this Act or on the application of any person interested, define the limits of any estate, or of any holding, field or other portion of an estate, and may, for the purpose of indicating those limits, require survey marks to be erected or repaired.

(2) In defining the limits of any land under sub-section (1) the Revenue Officer may, cause survey-marks to be erected on any boundary already determined by, or by order of any Court, Revenue Officer or Forest Settlement Officer, or restore any survey-marks already set up by, or by order of any Court or any such Officer.

[1][(3) The Revenue Officer shall define the limits of boundaries mentioned in sub-section (1) by conducting measurements on the basis of the method of surveys used during the last settlement that is by triangulation system or square system or electronic total station system of measurement etc. as the case may be.

(4) The Revenue Officer shall decide the proceeding of defining the boundaries within two months from the date of filing of application thereof:

Provided that for the reasons to be recorded in writing the time period may be extended by one month.

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[1] Inserted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

(5) If the Revenue officer fails to decide the case within the extended period, the proceedings shall not become invalid for final adjudication merely on the ground of lapse of the stipulated period. Howeve the Revenue officer shall submit a report in the manner as may be prescribed citing reasons for such delay to the officer under whose control he is subjected to and after considering the report and examining the record, if the Controlling Officer is satisfied that there were valid and genuine reasons for delay in deciding the case he may accept the report with no further action. In case the Controlling officer is not satisfied with the report, he shall submit his observations to the Government for such action and in such manner as may be prescribed. Against the erring officer.

(6) If the Revenue Officer fails to submit a report required under sub-section (5), he shall be liable for an action under relevant service rules applicable to such officer after following due procedure.

(7) If all the interested parties have agreed to and accepted the limits defined by the Revenue officer under sub-section (1) and objections have not been raised by any of the interested party during the proceedings, no appeal shall lie against the order of the Revenue Officer in such prceedings.]

108. Power to fix boundary between riverine estates.- (1) When any two or more estates are subject to river action and the limits of any such estates are by any law, custom, decree or order applicable thereto, liable to vary according as variations may from time to time occur in the course or action of such river, the State Government may order a permanent boundary line to be fixed between any such estates or such portion thereof as are liable to river action.

(2) Upon an order being made under sub-section (1), the Collector shall fix a boundary line between such estates or portion of such estates accordingly, and shall demarcate the same, in accordance with the rules (if any) made under section 106 and the provisions of section 107.

(3) Every such boundary line shall be fixed with due regard to the history of the estates and the interests of the persons respectively owning them or possessing rights therein, in such manner as may be just and equitable in the circumstances of each case.

(4) No such boundary line shall be deemed to have been permanently fixed until it has been approved by the Financial Commissioner.

109. Effect of fixing a boundary between riverain estates.- (1) Every boundary line fixed in accordance with the provisions of section 108 shall, notwithstanding any law or custom, or any decree or order of any court of law, to the contrary, be fixed and constant boundary between the estates affected thereby, and the proprietary and all other rights in every holding, field or other portion of an estate situate on each side of the boundary line so fixed shall, subject to the following proviso, vest in the land-owners of the estate which lies on that side of the boundary line on which such holding, field or other portion of an estate is situate:

Provided that, if, by the operation of this section the proprietary or any other rights in any land which at the time a boundary line is fixed is under cultivation, or reasonably fit for cultivation or yields any produce of substantial value would be transferred from the land owners and other right holders of any one estate to the land-owners of any other estate, the Collector shall, by written order direct that the rights in such land shall, subject to the provisions of sections 110 and 111 not be so transferred unless and until the land, in respect of which any such order is made, ceases to be

reasonably fit for cultivation, or to yield any produce of substantial value, and upon any such order being made, the transfer of the rights in such land shall be suspended accordingly:

Provided further that when any portion of the land specified in any such order ceases to be reasonably fit for cultivation or to yield any produce of substantial value, the order shall when the Collector, in writing so directs, cease to operate as to that portion.

(2) The decision of the Collector as to whether for the purposes of the proviso to sub-section (1) of this section, any land is or is not reasonably fit for cultivation or does or does not yield any produce of substantial value shall be final.

110. Application for immediate transfer of rights reserved under the proviso to sub-section (1) of section 109 upon payment of compensation and procedure thereupon. Award of compensation and extinguishment of rights thereby.- (1) When any order has been made under the proviso to sub-section (1) of section 109, the land owners (or any of them) in whom, but for such order, the rights in the land specified therein, would vest, may apply in writing, to the Collector to forthwith transfer the rights, the transfer of which has been suspended by such order, upon payment of compensation for the same.

(2) When an application under sub-section (1) is made, the Collector shall-

(a) fix a day for the hearing of the application;

(b) cause notice of the application and of the day fixed for the hearing thereof, to be served on, or proclaimed for the information of, all persons recorded as having rights in the land specified in the order made under the proviso to sub-section (1) of section 109, and all other persons interested or claiming to be interested therein;

(c) upon the day so fixed for hearing, or any day to which the hearing may be adjourned, inquire into the rights in the land and award compensation in respect of all rights, found established therein, to the persons severally entitled thereto;

(d) inform the applicant of the aggregate amount of compensation so awarded and require him to deposit the amount with the Collector on or before a day to be fixed by him in that behalf:

Provided that, notwithstanding anything in this sub-section contained, it shall be lawful for the Collector, in his discretion and at any time before an award of compensation thereon has been made, to reject any application made under sub-section (1).

(3) In awarding compensation under sub-section (2), the Collector shall be guided by the provisions of section 23 and section 24 of the Land Acquisition Act, 1894 (1 of 1894) so far as the same may be applicable to the circumstances of the case.

(4) Upon the fifteenth day of May next after the whole amount of compensation so awarded has been deposited with the Collector, the order made under the proviso to sub-section (1) of section 109 shall cease to operate, and the rights specified therein shall be transferred and vest in the manner prescribed in sub-section (1) of section 109, notwithstanding anything in the proviso thereof contained, and the Collector shall proceed to tender the compensation to the persons severally entitled to receive the same under his award. If any such person shall refuse to accept the sum so awarded and tendered to him, it shall be placed to his credit in the public treasury.

(5) When any order made under the proviso to sub-section (1) of section 109 shall, under the provisions of sub-section (4) of this section, cease to operate and determine all rights reserved to any person by such order shall be extinguished.

111. Order under the proviso to sub-section (1) of section 109 to cease to apply to rights voluntarily transferred to land-owner of the estate to which the land is transferred by fixing boundary.- When any person possessing any rights in any land, in regard to the rights in which an order has been made under the proviso to sub-section (1) of section 109, voluntarily transfers such rights to any landowners of the estate, in the land-owners of which, but for such order such rights would vest under the operation of sub-section (1) of section 109, the rights so transferred shall forthwith cease to be subject to such order.

112. Rights transferred to be liable to all the incident of tenure of the estate to which the transfer is made.- In every case in which, by the operation of section 109 or section 110 or section 111, proprietary or other rights in land are transferred from the land-owners and other right-holders of any one estate to the land-owners of any other estate, such rights shall be subject to all the incidents of tenure and liabilities which under any law or custom for the time being in force, apply to the rights of the land-owners of the estate to which such rights are so transferred.

113. Meaning of the expression "Collector" in section 108 to 110.- For the purpose of sections 108, 109 and 110, respectively, the expression "Collector" shall be deemed to include any Revenue Officer appointed by the State Government to perform all or any of the functions of a Collector under any of the provisions thereof.

[1]**[114. Cost of erection and repair of survey-marks.-** (1) Subject to any rules which the Financial Commissioner may make in this behalf, survey marks 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.]

[2]**[115.** XXXXXXXXXXXXXXXXXXXXXXXXXXXXX**].**

116. Power of Revenue-officers to enter on land for purpose of survey and demarcation.- Any Revenue Officer, and any person acting under the orders of a Revenue Officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey-marks thereon and demarcate the boundaries thereof, and do all other acts necessary for the proper performance of that duty.

117. Survey for purpose of preparation of records.- (1) When any land is being surveyed in pursuance of rules under section 47, clause (c), any Revenue Officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

(2) If a person to whom the notice or proclamation is addressed fails to comply with the requisition, he shall be liable [1][to a fine, as may be prescribed].

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[1]Section 114 substituted vide H.P. Act No. 15 of 2000.
[2]Section 115 deleted vide H.P. Act No. 15 of 2000.

118. Provision of flag-holders and chain-men for those surveys.- (1) For the purposes of the survey of any land in pursuance of rules under section 47, clause (c), the land-owners shall be bound to provide fit persons to act as flag-holders and chain-men.

(2) If the land-owners fail to provide such persons or to provide them in sufficient number, such other persons as a Revenue Officer considers necessary may be employed and the cost of employing them recovered from the land-owners as if it were an arrear of land-revenue.

119. Professional surveys.- (1) If it is necessary to make a survey by other agency than that of Revenue Officers or village officers, the State Government may publish a notification stating-

(a) the local area to be surveyed and the nature of the survey;

(b) the name or official designations of the officers by whom the survey is to be made; and

(c) the kind of survey-marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under their orders, shall have for the purposes of the survey the powers conferred on Revenue Officers by section 116.

120. Penalty for destruction, injury or removal of survey-marks.-[2][(1) If any person, willfully 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 case of repetition of such an act, a fine not exceeding Rs. 5,000/- 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.]

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code [3][and under the provisions of the Prevention of Damage to Public Property Act, 1984.]

121. Report of destruction or removal of or injury to survey marks.- Every village officer of an estate shall be legally bound to furnish a Revenue Officer with information respecting the destruction or removal of, or any injury done to any survey-mark lawfully erected in the estate.

CHAPTER IX.-Partition

122. Effect of partitions of estates and tenancies on joint liability for revenue and rent.- (1) A partition of land, either under this Chapter or otherwise, shall not, without the express consent of the Financial Commissioner, affect the joint liability of the land or of the land-owners thereof for the revenue payable in respect of the land, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties to the partition.

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[1] Subs. vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

[2]Substituted vide H.P. Act No. 15 of 2000.

[3] Inserted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

(2) A partition of a tenancy shall not, without the express consent of the land-lord, affect the joint liability of the co-sharers therein for the payment of the rent thereof.

123. Application for partition.- Any joint owner of land, or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to a Revenue Officer for partition of his share in the land or tenancy, as the case may be, if-

(a) at the date of the application the share is recorded under Chapter IV as belonging to him, or
(b) his right to the share has been established by a decree which is still subsisting at that date, or
(c) a written acknowledgement of that right has been executed by all persons interested in the admission or denial thereof.

124. Restrictions and limitations on partition.- Notwithstanding anything in the last foregoing section-

(1) Places of worship and burial grounds held in common before partition shall continue to be so held after partition unless the parties otherwise agree among themselves and record their agreement and file it with the Revenue Officer;

(2) Partition of any of the following properties, namely-
(a) any embankment, water course, well or tank, and any land on which the supply of water to any such work may depend,
(b) any grazing ground, and
(c) any land which is occupied as the site of a town or village and is assessed to land revenue, may be refused if, in the opinion of the Revenue Officer, the partition of such property is likely to cause inconvenience to the co-sharers or other persons directly or indirectly interested therein, or to diminish the utility thereof to those persons; and

(3) The fact that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the land comprised in the tenancy of a tenant having a right of occupancy may, unless the tenant assents to the severance, be a sufficient reason for the disallowance of the partition in so far as it would affect that tenancy.

125. Notice of application for partition.- The Revenue Officer, on receiving the application under section 123 shall, if it is in order and not open to objection on the face of it, fix a day for the hearing thereof, and –

(a) cause notice of the application and of the day so fixed to be served on such of the recorded co-sharers as have not joined in the application, and, if the share of which partition is applied for is a share in a tenancy, on the land-lord also; and
(b) issue a proclamation calling on any person who may have objections to the partition to appear before him either in person or by a duly authorised agent on a day fixed for the hearing of the application and to state them.

126. Addition of parties to application.- On the day fixed for the hearing, or on any day to which the hearing may be adjourned the Revenue Officer shall ascertain whether any of the other co-sharers desire the partition of their shares also, and, if any of them so desire, he shall add them as applicants for partition.

127. Absolute disallowance of partition.- After examining such of the co-sharers and other persons as may be present on that day, the Revenue Officer may, if he is of opinion that there is good and sufficient cause why partition should be absolutely disallowed, refuse the application, recording the grounds of his refusal.

128. Procedure on admission of application.- If the Revenue Officer does not refuse the application under the last foregoing section, he shall ascertain the questions, if any, in dispute between any of the persons interested distinguishing between-

(a) questions as to title in the property of which partition is sought; and

(b) questions as to the property to be divided, or the mode of making the partition.

129. Disposal of questions as to title in property to be divided.- (1) When there is a question as to title in any of the property of which partition is sought, the Revenue Officer may decline to grant the application for partition until the question has been determined by a competent Court, or he may himself proceed to determine the question as though he were such a Court.

(2) Where the Revenue Officer himself proceeds to determine the question, the following rule shall apply namely-

(a) If the question is one over which a Revenue Court has jurisdiction, the Revenue Officer shall proceed as a Revenue Court under the provision of [1][Law for the time being in force.]

(b) if the question is one over which a Civil Court has jurisdiction, the procedure of the Revenue Officer shall be that applicable to the trial of an original suit by a Civil Court, and he shall record a judgement and decree containing the particulars required by the Code of Civil Procedure to be specified therein;

(c) an appeal shall lie from the decree of the Revenue officer under clause (b) as though that decree were decree of a Subordinate Judge in an original suit;

(d) upon such an appeal being made, the District Court or[2][High Court] as the case may be, may issue an injunction to the Revenue Officer requiring him to stay proceedings pending the disposal of the appeal;

(e) from the appellate decree of a District Court upon such an appeal a further appeal shall lie to the [3][High Court] if such a further appeal is allowed by the law for the time being in force.

130. Disposal of other questions.- (1) When there is a question as to the property to be divided, or the mode of making a partition, the Revenue Officer shall, after such inquiry as he deems necessary, record an order stating his decision on the question and his reasons for the decision.

(2) An appeal may be preferred from an order under sub-section (1) within thirty days from the date thereof, and, when such an appeal is preferred and the institution thereof has been certified to the Revenue Officer by the authority to whom the appeal has been preferred the Revenue Officer shall stay proceedings pending the disposal of the appeal.

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[1]Substituted for "Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953" vide H.P. Act No. 21 of 1976.

[2]Substituted for the words "Judicial Commissioner's Court" vide H.P. Act No. 21 of 1976.

[3]Substituted for the words "Judicial Commissioner's Court" vide H.P. Act No. 21 of 1976.

(3) If an applicant for partition is dis-satisfied with an original or appellate order under this section and applies for permission to withdraw from the proceedings in so far as they relate to the partition of his shares, he shall be permitted to withdraw therefrom on such terms as the Revenue Officer thinks fit.

(4) When an applicant withdraws under the last foregoing sub-section, the Revenue Officer, may, where the other applicants, if any desire the continuance of the proceedings, continue them in so far as they relate to the partition of the shares of those other applicants.

131. Administration of property excluded from partition.- When any such property as is referred to in section 124, clause (2), is excluded from partition, the Revenue Officer may determine the extent and manner to and in which the co-sharers and other persons interested therein may make use thereof, and the proportion in which expenditure incurred thereon and profits derived therefrom, respectively, are to be borne by and divided among those persons or any of them.

132. Distribution of revenue and rent after partition.- (1) The amount of revenue to be paid in respect of each of the holdings into which land has been divided on a partition, and the amount of rent to be paid in respect of each of the portions into which a tenancy has been so divided, shall be determined by the Revenue Officer making the partition.

(2) The determination of the Revenue Officer as to the revenue to be paid in respect of each holding shall, where the estate in which the holding is situate is subject to a fixed assessment, be deemed to be an order under section 60, sub-section (1).

(3) Where new estates have been created at a partition and the land revenue has been fraudulently or erroneously distributed among them, the State Government may within twelve years from the time of discovery of the fraud or error, order a new distribution of the land -revenue among several estates, on an estimate of the assets of each estate at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

133. Instrument of partition.- When a partition is completed, the Revenue Officer shall cause an instrument of partition to be prepared, and the date on which the partition is to take effect to be recorded therein.

134. Delivery of possession of property allotted on partition.-An owner or tenant to whom any land or portion of a tenancy, as the case may be, is allotted in proceedings for partition shall be entitled to possession thereof as against the other parties to the proceedings and their legal representatives, and a Revenue Officer shall, on application made to him for the purpose by any such owner or tenant at any time within three years from the date recorded in the instrument of partition under the last foregoing section, give effect to that instrument so as it concerns the applicant as if it were a [1][decree of Civil Court for possession of immovable property].

135. Affirmation of partition privately affected.- (1) In any case in which a partition has been made without the intervention of a Revenue Officer, any party thereto may apply to a Revenue Officer for an order affirming the partition.

[2][(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

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[1]Substituted for the words "decree for immovable property" vide H.P. Act No. 15 of 2000.
[2]Substituted for sub-section (2) vide H.P. Act No. 15 of 2000.

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.]

136. Estimates and levy of costs.- (1) When the mode of partition is determined, the Revenue Officer shall cause the cost of making the partition to be estimated, and shall direct that the cost be levied in the first instance from the applicant for partition or from all the co-sharers in such installments and at such times during the progress of the partition as may be prescribed by rules.

(2)If the amount first estimated is found insufficient supplementary estimates may be made from time to time, and the additional amount may be levied as above provided.

(3) The Financial Commissioner shall make rules for determining the cost of partitions under this Chapter and the mode in which such costs are to be apportioned.

137 Re-distribution of land according to customs.- When by established custom any land in an estate is subject to periodical re-distribution a Revenue Officer may, on the application of any of the land-owners, enforce the re-distribution according to the custom, and for this purpose may exercise all or any of the powers of a Revenue Officer in proceeding for partition.

[1]**[138. Officer who may be empowered to act under this Chapter.-** (1) The Revenue Officer by whom proceedings may be taken under this Chapter shall be the Assistant Collector of either grade.

(2) Notwithstanding anything contained in section 129, when there is a question as to title in any of the property of which partition is sought, such question of title shall be determined by the Revenue Officer not below that of Assistant Collector of First Grade under this Chapter.]

[2][**138-A. Time limit for decision of partition cases.-** (1) The Revenue Officer shall decide the partition proceedings within a period of six months from the date of application for partition:

Provided that for the reasons to be recorded in writing the time period may be extended by three months.

(2) If the Revenue Officer fails to decide the partition case within the extended period, the proceedings shall not become invalid for final adjudication merely on the ground of lapse of the stipulated period. However, the Revenue Officer shall submit a report in the manner as may be prescribed citing reasons for such delay to the officer to whose control he is subjected to and after considering the report and examining the record, if the Controlling Officer is satisfied that there were valid and genuine reasons for delay in deciding the case he may accept the report with no further action. In case the Controlling Officer is not satisfied with the report, he shall submit his observations to the Government for such action and in such manner as may be prescribed against the erring officer.

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[1]Section 138 substituted vide H.P. Act No. 25 of 2009.

[2] Section 138A added vide Act No. 16 of the H.P. Land Revenue (Amendment) Act, 2023.

(3) If the Revenue Officer fails to submit a report required under sub-section (2), he shall be liable for an action under relevant service rules applicable to such officer after following due procedure.]

CHAPTER X.- Arbitration

139. Power to refer to arbitration.- (1) Any Revenue Officer may, with the consent of the parties, refer to arbitration any dispute arising before him in any matter under this Act.

(2) A Collector or any Assistant Collector of the first grade may, without the consent of the parties, refer to arbitration any dispute before him with respect to-

(a) any matter of which an entry is to be made in any record or register under Chapter IV;
(b) any matter relating to the distribution of an assessment under section 60;
(c) the limits of any estate or of any holding, field or other portion of an estate;'
(d) the property to be divided at a partition or the mode of making a partition.

140. Order of reference and contents thereof.- (1) In referring a dispute to arbitration a Revenue Officer shall mark an order of reference, and specify therein the precise matter submitted to arbitration the number of arbitrators which each party to the dispute is to nominate, the period within which arbitrators are to be nominated, and the period within which the award is to be delivered.

(2) The number of arbitrators which each party may nominate must be the same and must not exceed two.

(3) If from any cause arbitrators are not nominated, or an award is not delivered within the period fixed therefore in the order of reference, the Revenue Officer may from time to time enlarge that period or may cancel the order of reference.

141. Nomination of arbitrators.- (1) When an order of reference has been made, the parties may each nominate the number of arbitrators specified in the order [1][and the revenue officer shall nominate one other arbitrator on behalf of the State Government].

[2][(2) The revenue officer may for reasons to be recorded by him make an order disallowing any nomination made by either party and require that party to make another nomination within a period to be specified in the order and if such other arbitrator is not nominated within the period so specified, the revenue officer, may, from time to time, enlarge that period or may cancel the order of reference].

(3) An order under the last foregoing sub-section shall be final.

142. Substitution of arbitrators by parties.-If an arbitrator nominated by a party dies, desires to be discharged or refuses or becomes incapable to act, the party may nominate another person in his stead.

143. Nomination and substitution of arbitrators by Revenue Officers.- In any of the following cases, namely:-

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[1]Added vide H. P. Act No. 11 of 1955.
[2]Sub-section (2) substituted vide H. P. Act No. 11 of 1955.

(a) if either of the parties fails to nominate an arbitrator under sub-section (1) of section 141 within the period fixed in the order of reference, or

(b) if the nomination of an arbitrator has been disallowed under sub-section (2) of section 141, and another arbitrator is not nominated within the time specified in the order under that sub-section or, having been so nominated, his nomination is also disallowed, or

(c) if a party entitled to nominate an arbitrator in the place of another arbitrator under section 142 fails to nominate him within one week from the date of the communication to him of a notice requiring him to make the nomination, or

(d) if an arbitrator nominated by the Revenue Officer dies, desires to be discharged or refuses or becomes incapable to act, the Revenue Officer may nominate a person as arbitrator.

144. Process for appearance before arbitrators.- (1) The Revenue Officer shall, on the application of the arbitrators, issue the same processes to the parties and witnesses whom the arbitrators desire to examine as he may issue in any proceeding under this Act before himself.

(2) Any such party or witness shall be bound to appear before the arbitrators in obedience to a process issued under sub-section (1) either in person or by agent, as the arbitrators may require.

(3) The person attending in obedience to the process shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as may be specified in the process.

145. Award of arbitrators and presentation thereof.- (1) The arbitrators shall make an award in writing under their hands concerning the matters referred to them for arbitration, and state therein their reasons therefor, and any arbitrator dissenting from award made by a majority of the arbitrators shall state the grounds of his dissent.

(2) The arbitrators shall present the award to the Revenue Officer in person unless that officer permits them to present it by agent.

146. Procedure on presentation of award.-When the award has been received, the Revenue Officer shall, if the parties are present, consider forthwith any objections which they may have to make thereto, and, if they are not present, fix a date for the consideration thereof.

(2) Where a date has been fixed for the consideration of an award the Revenue Officer shall on that date, or on any subsequent date to which an adjournment may be made, hear any objections which the parties may have to make to the award.

(3) The Revenue Officer may also, if he thinks fit, question the arbitrators as to the grounds of their award.

147. Effect of award.- (1) The Revenue Officer may accept modify or reject the award, recording his reasons for doing so in his decision, respecting the dispute which was referred to arbitration.

(2) An appeal shall lie from the decision as if arbitrators had not been appointed.

CHAPTER XI.- Special jurisdiction with respect to land

148. Power to invest officer making record-of-rights or general re-assessments with powers of Civil Courts.- (1) The State Government may, by order published in the Official Gazette, invest any Revenue Officer making or specially revising records-of-rights in any local area in pursuance of a notification under section 33 or making a general re-assessment of land revenue in any local area in pursuance of a notification under section 52 or any Revenue Officer to whose control that officer is subject, with all or any of the powers of any Court constituted under the Himachal Pradesh Courts Order for the purpose of trying all or any specified classes of suits or appeals relating to land arising in the local area.

(2) The State Government may cancel an order under sub-section (1) wholly or in part.

(3) While an order or any part of an order under that sub-section continues in force, the powers conferred thereby shall be exercised by the officers invested therewith and not otherwise.

(4) Any cases pending before that officer under the order or a subsisting part of the order at the time of cancellation thereof may be disposed of by him as if the order or that part of it continued in force, unless the State Government directs, as it is hereby empowered to do, that those cases shall be transferred for disposal to the courts by which they would have been disposed of if the order had not been published.

149. Control over such officers and appeals from and revision of their decree and orders.- (1) The State Government may by notification direct that the provisions of [1][this Act] with respect to the superintendence and control over Revenue Officers shall, subject to any modification of those provisions which the State Government thinks fit, apply to any Revenue Officer, except the Financial Commissioner, who has been invested with powers of Civil Court of any of the classes specified in the Himachal Pradesh Courts Order and that appeal shall lie from his decrees and orders to, and his decrees and orders be subject to revision by a Revenue Officer invested under the last foregoing section with the powers of a Court which would be competent under the Himachal Pradesh Courts Order to hear appeals from or revise such decrees and orders if they had been made by a Court with the powers of which the Revenue Officer who made them has been invested.

(2) In the absence of any such notification, a Revenue Officer invested under [2][sub-section (1) of section 148] with the powers of any such Civil Court as foresaid shall, with respect to the exercise of those powers, be deemed to be such a Civil Court for the Himachal Pradesh Courts Order.

CHAPTER XII - Supplemental Provisions Revenue deposits

150. Power to deposit certain sums other than rent.- (1) In either of the following cases, namely:-

(a) when a Nambardar of other landowner, or assignee of land revenue, to whom any sum other than rent is payable on account of a liability under this Act, refuses to receive the sum from or to grant a receipt therefor to the person by whom it is payable,

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[1]Substituted for the words “this Chapter” vide H. P. Act No. 11 of 1955.
[2]Substituted for the words “the last foregoing sub-section” vide H.P. Act No. 11 of 1955.

(b) when the person by whom any such sum is payable is in doubt as to the Nambardar or other landowner or the assignee of land revenue, entitled to receive it, that person may apply to a Revenue Officer for leave to deposit the sum in his office, and the Revenue Officer shall receive the deposit if, after examining the applicant, he is satisfied that there is sufficient ground for the application, and if the applicant pays the fee, if any, which may be chargeable on any notice to be issued of the receipt thereof.

(2) When a deposit has been so received, the liability of the depositor to the Nambardar or other landowner or the assignee of land revenue, for the amount thereof shall be discharged.

151 Procedure in case of deposit on account of a payment due to Government- If the deposit purports to be made on account of deposit on account of any payment due to the State, it may be credited accordingly.

152. Procedure in case of other deposits.- (1) A Revenue Officer receiving a deposit purporting to be made on any other account shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled to the same, or may, if he thinks fit, retain the deposit pending the decision of a Civil Court as to the person so entitled.

(2) No suit or other proceeding shall be instituted against the State or against any officer of the State, in respect of anything done by a Revenue Officer under this section but nothing in this sub-section shall prevent any person entitled to receive the amount of any such deposit from a person to whom it has been paid by a Revenue Officer.

Execution of order of Civil and Criminal Courts by Revenue-Officers

153. Orders of Civil and Criminal Courts for execution of processes against land or the produce thereof to be addressed to Revenue Officer.- Orders issued by any Civil or Criminal Court for the attachment, sale or delivery of any land, or interest in land, or for the attachment or sale of the produce of any land, shall be addressed to the Collector or such Revenue Officer as the Collector may appoint in this behalf, and be executed by the Collector or that officer in accordance with the provisions of the law applicable to the Court issuing the orders and with any rules consistent, therewith made by the Financial Commissioner with the concurrence of the [1][High Court] and the previous sanction of the State Government.

154. Attachment of assigned land-revenue.- (1) Notwithstanding anything in any other enactment for the time being in force, an order issued by any Court for the attachment of assigned land-revenue shall require the person by whom the revenue is payable to pay it to the Collector, and the Collector to hold it subject to the further orders of the Court.

(2) A payment to the Collector under sub-section (1) shall be an effectual discharge to the person making it.

Preservation of attached Produce

155. Preservation of attached produce.- (1) The attachment of the produce of any land in pursuance of an order of any Court or other authority shall not prevent the person to whom the

[1]Substituted for the words "Judicial Commissioner" vide H.P. Act No. 21 of 1976.

produce belongs from reaping, gathering or storing it or doing any other act necessary for its preservation.

(2) The attaching officer shall do or cause to be done all acts necessary for the preservation of the produce if the person to whom it belongs fails to do so.

(3) When sale of -produce follows on its attachment, the purchaser shall be entitled, by himself or by any person appointed by him in this behalf to enter on the place where the produce is and do all that is necessary for the purpose of preserving and removing it.

[1]**[156. XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX]**

Miscellaneous

157. Village cesses.- At any of the following times, namely-

(a) when a record-of rights is being made or specially revised for an estate;
(b) when the local area in which an estate is situate is being generally reassessed and before the assessment has been confirmed;
(c) at any other time on an order made with respect to any estate by the State Government;

a Revenue Officer shall prepare a list of village-cesses, if any, levied in the estate which have been generally or specially approved by the State Government or the title to which has, before the passing of this Act, been judicially established.

(2) The State Government may impose on the collection of any village-cess comprised in the list such conditions as to police or other establishment connected with the village, market or fair in or on account of which the cess is levied, as it thinks fit.

(3) The State Government may declare whether any cess, contribution or due levied in an estate is or is not a village-cess.

(4) A declaration of the State Government under the last foregoing sub-section shall be conclusive, and shall not be liable to be questioned in any Court.

[2]**[158. XXXXXXXXXXXXXXXXXXXXXXXX**

159. XXXXXXXXXXXXXXXXXXXXXXXXXXX]

160. Recovery of cost of assessing assigned land revenue.-(1) When land of which the land revenue has been assigned in whole or in part is reassessed the assignee shall be liable to pay such a share of the cost of making the reassessment as the Financial Commissioner may determine to be just.

(2) That share may be recovered by the Collector by deduction of the amount thereof from the land-revenue due to the assignee.

161. Power to cancel the remission or assignment of land revenue.- (1) Notwithstanding anything contained in any law or agreement, the State Government may in accordance with rules, cancel any remission or assignment of land revenue, sanctioned before the enforcement of this Act.

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[1]Section 156 deleted vide H.P. Act No. 15 of 2000.
[2]Sections 158 and 159 deleted vide H.P. Act No. 15 of 2000.

(2) The State Government may, for the purpose of sub-section (1), make rules after previous publication in the Official Gazette.

162. Penalty for failure to attend within limits of estate in obedience to order of Revenue-officers.- If a person required by a summons, notice, order or proclamation proceedings from a Revenue Officer to attend at a certain time and place within the limits of the estate in which he ordinarily resides, or in which he holds or cultivates land, fail to comply with the requisition, he shall be liable [1][to a fine, as may be prescribed.]

[2]**[163. Prevention of encroachment on lands.-**[3][(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-sharers, after giving reasonable opportunity of being heard, shall eject him from such land by order [4][within six months from the date of taking of cognizance or from the date of receipt of such report or from the date of filing of such application, as the case may be, however, the period may further be extended upto three months for the reasons to be recorded in writing], 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

(a) the Revenue Officer shall impose upon the encroacher a fine upto Rs. [5][20,000/- or the prevalent market value of the land, whichever is higher] 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 [6][fifty thousand rupees or double the prevalent market value of the land, whichever is higher] or with both:

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[1] Substituted vide Act No. 16 of The H.P. Land Revenue (Amendment) Act, 2023.

[2]Section 163 substituted vide H.P. Act No. 19 of 1971.

[3]Sub-sections (1) and (2) substituted vide H.P. Act No. 15 of 2000.

[4]Inserted vide H.P. Act No. 25 of 2009.

[5]The figure and sign “20,000/-“ substituted for the figure and signs “5,000/-” vide H.P. Act No. 25 of 2009.

[6]The words “five thousand ” substituted for the words “ten thousand” vide H.P. Act No. 3 of 2001 and again substituted for the words “five thousand rupees” vide H.P. Act No. 29 of 2009.

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.]

[1][(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 ejectment 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, [2][may 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 a judgement 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.]

[3][(7) No suit or other legal proceeding shall lie against the Revenue Officer or any person acting under this section in respect of anything in good faith done or purported to have been done under the provisions thereof or the rules made thereunder.

Explanation.- For the purposes of this section, any person who holds land under a lease granted by the Government for a fixed term and continues to be in possession of the land beyond the expiry of the period of lease shall be deemed to be an encroacher unless such person gets the lease extended or renewed.]

[4]**[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.]

164. Papers kept by village officers to be deemed public documents.- (1) Any record or paper which a village officer is required by law, or by any rule under this Act, to prepare or keep shall be deemed to be the property of the State Government.

(2) A village officer shall, with respect to any such record or paper in his custody, be deemed for the purpose of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect.

165. Costs.- (1) A Revenue Officer may give and apportion the costs of any proceeding under this Act in any manner he thinks fit.

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[1]Sub-sections (3), (4), (5) and (6) added vide H.P. Act No. 15 of 1989.
[2]Substituted for the words" shall proceed" vide H.P. Act No. 15 of 2000.
[3]Existing sub-section (3) renumbered as (7) vide H.P. Act No. 15 of 1989.
[4]Section 163-A inserted vide H.P. Act No. 15 of 2000.

(2) But, if he orders that the cost of any such proceeding shall not follow the event, he shall record his reasons for the order.

166. Computation of periods limited for appeals and application for review.- In the computation of the period for an appeal from, or application for the review of, an order under this Act the limitation therefor shall be governed by [1][The Limitation Act, 1963].

167. Restriction on Revenue Officer's bidding at auction or trading.- (1) A Revenue Officer, or a person employed in a revenue office shall not

(a) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which any Revenue Officer or Revenue Court in the district in which he is employed has ordered to be sold, or

(b) in contravention of any rules made by the State government in this behalf, engage in trade in that district.

(2) Nothing in sub-section (1) shall be deemed to preclude any person from becoming a member of a company incorporated under the [2][Indian Companies Act, 1956] or other law.

168. Power to make rules.- (1) The Financial Commissioner may, in addition to the other rules which may be made by him under this Act, make rules consistent with this Act and any other enactment for the time being in force-

(a) fixing the number and amount of the installments, and the times and places and the manner, by, at and in which any sum other than rent or land revenue which is payable under this Act or of which a record has been made thereunder is to be paid;

(b) fixing the dates on which profits are to be divisible by Nambardar or other persons by whom they are realised on behalf of co-sharers;

(c) prescribing the fees to be charged for the service and execution of processes issued by Revenue Officers and Revenue courts, the mode in which those fees are to be collected, the number of persons to be employed in the service and execution of those processes, and the remuneration and duties of those persons;

(d) regulating the procedure in cases where persons are entitled to inspect records of Revenue Officers, or records or papers in the custody of village officers, or to obtain copies of the same and prescribing the fees payable for searches and copies;

(e) prescribing forms for such books' entries, statistics and accounts as the Financial Commissioner thinks necessary to be kept, made or compiled in revenue offices, or submitted to any authority;

(f) declaring what shall be the language of any of those offices; and

(g) generally for carrying out the purposes of this Act.

(2) Until rules are made under clauses (a) and (b) of sub-section (1) the sums therein referred to shall be payable by the Installments at the times and places, and in the manner by, at and in which they are now payable.

(3) Rules made by the Financial Commissioner under this or any other section of this Act, shall not take effect until they have been sanctioned by the State Government

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[1]Substituted for the words "the Indian Limitation Act, 1908" vide H.P. Act No. 21 of 1976.

[2]Substituted for "Indian Companies Act, 1913", H.P. Act No. 21 of 1976.

169. Rules to be made after previous publication.- The power to make any rules under this Act is subject to the condition of the rules being made after previous publication.

170. Powers exercisable by the Financial Commissioner from time to time.- All powers conferred by this Act on the Financial Commissioner may be exercised from time to time as occasion requires.

Exclusion of Jurisdiction of Civil Courts

171. Exclusion of jurisdiction of Civil Courts in matters within the jurisdiction of Revenue Officers.- Except as otherwise provided by this Act-

(1) A Civil Court shall not have jurisdiction in any matter which the State Government or a Revenue Officer is empowered by this Act, to dispose of or take cognizance of the manner in which the State Government or any Revenue Officer exercises any powers vested in it or him by or under this Act; and in particular-

(2) a Civil Court shall not exercise jurisdiction over any of the following matters, namely-

(i) any question as to the limits of any land which has been defined by a Revenue Officer as land to which this Act does or does not apply;

(ii) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any Revenue Officer as such;

(iii) any claim to the office of kanungo, or village officer, or in respect of any injury caused by exclusion from such office, or to compel the performance of the duties or a division of the emoluments thereof;

(iv) any notification directing the making or revision of a record-of-rights;

(v) the framing of a record-of-rights or [1][periodical] record or the preparation, signing or attestation of any of the documents included in such a record;

[2][(v-a) order regarding complete re-measurement of an estate or sub-estate under section 33-A of this Act;]

(vi) the correction of any entry in a record-of-rights, [3][periodical] record or register of mutations;

[4][(vi-a) correction of clerical errors under section 38-A of this Act;]

(vii) any notification of the undertaking of the general reassessment of a district or tehsil having been sanctioned by the State Government;

(viii) the claim of any person to be liable for an assessment of land-revenue or of any other revenue assessed under this Act;

(ix) the amount of land revenue to be assessed on any estate or to be paid in respect of any holding under this Act;

(x) the amount of, or the liability of any person to pay, any other revenue to be assessed under this Act, or any cess, charge or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force;

(xi) any claim relating to the allowance to be received by a land-owner who has given notice of his refusal to be liable for an assessment, or any claim connected with, or

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[1]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[2]Clause (v-a) inserted vide H.P. Act No. 3 of 1996.
[3]Substituted for the word "annual" vide H.P. Act No. 21 of 1976.
[4]Clause (vi-a) inserted vide H.P. Act No. 3 of 1996.

arising out of, any proceeding taken in consequence of the refusal of any person to be liable for an assessment under this Act;

(xii) the formation of an estate out of wasteland;

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

(xiii) any claim to hold free of revenue any land, mills, fisheries or natural products of land or water;

(xiv) any claim connected with, or arising out of, the collection by the State Government, or the enforcement by the Government of any process for recovery of land revenue or any sum recoverable as an arrear of land revenue;

(xv) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land revenue or any sum recoverable as an arrear of land revenue;

(xvi) the amount of, or the liability of any person to pay any fees, fines, costs or other charges imposed under this Act;

(xvii) any claim for partition of an estate, holding or tenancy, or any question connected with, or arising out of proceedings for partition not being a question as to title in any of the property of which partition is sought;

(xviii) any question as to the allotment of land on the partition of an estate holding or tenancy, or as to the distribution of land subject by established custom to periodical redistribution or as to the distribution of land revenue on the partition of an estate or holding or on a periodical redistribution of land, or as to the distribution of rent on the partition of a tenancy;

(xix) any question connected with or arising out of or relating to any proceedings for the determination of boundaries of estates subject to river action under sections 108, 109, 110 and 111 respectively of Chapter VIII;

(xx) any claim to set aside or disturb a division or appraisement of produce confirmed or varied by a Revenue Officer under this Act;

(xxi) any question relating to the preparation of a list of village cesses or the imposition by the State Government of conditions on the collection of such cesses;

(xxii) any proceeding under this Act for the commutation of the dues of a superior land-owner;

(xxiii) any claim arising out of the enforcement of an agreement to render public service in lieu of paying land-revenue;

(xxiv) any claim arising out of the liability of an assignee of land revenue to pay a share of the cost of collecting or reassessing such revenue, or arising out of the liability of an assignee to pay out of assigned land revenue, or of a person who would be liable for land revenue, if it had not been released, compounded for, or redeemed, to pay on the land revenue for which he would, but for such release, composition or redemption, be liable, such a percentage for the remuneration of a village officer as may be prescribed by rules for the time being in force under this Act; or

[2][(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

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[1]Clause (xii-a) inserted vide H.P. Act No. 3 of 1996.

[2]Clause (xxv) inserted vide H.P. Act No. 15 of 1989.

deemed to have vested in him and that he cannot be ejected therefrom under sub-section (1) of section 163; and]

[1][(xxvi)the ejectment of any person under section 163 or the recovery of damages or fine payable under sub-section (1) of that section.]

THE SCHEDULE

(See Section 2)

Enactments repealed

Number & year	Title or subject of enactment	Extent of repeal
(1) Act-XVII of 1887.	The Punjab Land Revenue Act, 1887 as applied to Himachal Pradesh vide Himachal Pradesh (Application of Law) Order, 1948 [2][and as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966.]	The whole
(2) Act III of 1952.	The Punjab Land Revenue (Himachal Pradesh Amendment) Act, 1952.	The whole
[3][(3) Act I of 1899.	The Punjab Riverine Boundaries Act, 1899, as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966.]	

[1]Clause (xxv) inserted vide H.P. Act No. 19 of 1971, renumbered as clause (xxvi) vide H.P. Act No. 15 of 1989.

[2]Added vide H.P. Act No. 21 of 1976.

[3]The sign "," substituted for the sign "." and "and as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966." added vide H.P. Act No. 21 of 1976.