

## **Himachal Pradesh Cancellation Of Remission Or Assignment Of Land Revenue Rules, 1966**

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## **Himachal Pradesh Cancellation Of Remission Or Assignment Of Land Revenue Rules, 1966**

### **1. Title And Commencement :-**

These rules may be called the Himachal Pradesh Cancellation of Remission or Assignment of Land Revenue Rules, 1966.

### **2. They Shall Come Into Force At Once :-**

### **3. Definition :-**

In these rules, unless there is anything repugnant in the subject or context, -

- (a) "Act" means the Himachal Pradesh Land Revenue Act, 1954 (Act No. 6 of 1954).
- (b) "Financial Commissioner" means the person appointed as such by the State Government under Section 8 of the Act.
- (c) "Deputy Commissioner" means the person appointed as such by the State Government under Section 9 of the Act.
- (d) "Section" means a section of the Act.
- (e) "Muafi" means a remission of land revenue to the landowner, that is to say, the term "maufi" implies that the holder of the land is excused from paying the Government land revenue and usually he is a person who owns the land but is exempted from payment of land revenue or the grant of land has been made revenue free.
- (f) "Jagir" means an assignment of land revenue which is collected and paid to the Jagirdar. He Jagirdar may subsequently acquire the

property and if he does, the grant technically becomes a muafi, though it always continues to be shown as jagir.

#### **4. Categories Of Muafis And Jagirs :-**

The following categories of muafis and jagirs exist in Himachal Pradesh:-

- (a) (1) Perpetual, (2) Life time, (3) For a number of generations, (4) Till the currency of settlement, (5) Religious grants in favour of Deities, (6) Jagirs granted by the ex-rulers to their family members from a common ancestor or to their relatives, (7) Muafis/Jagirs granted to the military personnel for their service in the army, (8) Charitable grants for the maintenance of garden or "Sarai", (9) Muafis and Jagirs sanctioned in lieu of meritorious service, (10) Service inams.
- (ii) Petty assignment of land revenue conferred on village officials like "Batwals".

#### **5. Basic Principles For The Resumption Of Muafis And Jagirs :-**

Notwithstanding anything contained in any Patta or Sanad of grant or the terms and conditions of a grant made before the Act came into force, the State Government shall have the power to cancel such grant/grants in the light of the following guiding principles:-

- (a) In the case of grants for service, the primary test is whether the grantee is and will be in fact any longer rendering any service to the public or the State (as distinct from service to the ruler.)
- (b) In respect of charitable grants, the criteria is whether the grant is, and will be, still in public interest.
- (c) Grants purporting to be in perpetuity are to be considered in the light, firstly, of the fact that, as is well known perpetuity had little of its true meaning in practice during the previous regime notwithstanding what sanads or other papers said, the tenure of every so-called perpetual grant being tacitly subject to renewal at the will of every new ruler and secondly, on the consideration that modern trends are not much in favour of perpetual grants of public revenue.
- (d) In deserving cases some leniency may be shown as a matter of grace.
- (e) All such muafis and jagirs which are not in public interest and conditions whereof have become redundant in the changed circumstances of to-day may be resumed forth with.

(f) In most deserving cases, the jagirs/muafis may be allowed till life time of the present assignees, but it should be in very rare cases and the Deputy Commissioners should send their recommendations in this behalf.

(g) Muafis and jagirs assigned in favour of Deities and temples should be allowed to continue on the following terms:-

(i) the existence of the temple in good condition and its proper management;

(ii) the existence of adequate number of the followers of the God and Goddess;

(iii) the servants of the God or Goddess should bear good moral character and should be loyal to the Government;

(iv) the muafi lands should not be alienated without prior approval of the Government;

(v) the servants of God or Goddess would be trustees of the property of the temples.

(h) Jagirs granted by the ex-Rulers to their family member may be allowed to continue till life time of the present assignees. Muafis granted to those persons who volunteered their service for the Indian Army at the time of national crises, e.g., during external aggression or internal commotion should be allowed to continue till life time of the present assignees. Muafis will be resumed if -

(1) the muafidar is declared deserter from the Army, or

(2) the muafidar is punished by court martial, Civil courts for anti-national activities.

(i) Muafis granted for the maintenance of garden or Sarai and for good conduct, loyalty and obedience of the muafidar may be allowed to continue as the same are for common good of the people.

(j) Muafis granted as inam lands may be allowed to continue on the conditions that the inamdar should bear good moral character and be loyal to the Government. The inamdar cannot alienate the inam without prior approval of the Government. Resumption or further continuance of the assignments will be reviewed by the Government after the death of the present inamdar.

(k) "Where right, title and interest in the land under Sections 11, 14 and 27(4) have been acquired by a tenant or vested in the State Government under Section 15 or 27(1), (3) of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953, the muafi of the land revenue attached to such land shall automatically stand resumed with effect from the date of right, title and interest of the landowner is extinguished."

## **6. Duties Of Collector In Connection With Assignments :-**

The main duties of Collector of the district in connection with revenue free grants are as under:-

- (1) as regards term expired grants to see that lapses are enforced without delay, or a recommendation made for a reconsideration of the original order should resumption appear undesirable;
- (2) as regards other assignments:-
  - (a) on the death of the existing holder to enquire promptly about the succession;
  - (b) to satisfy himself that the conditions of the grants are substantially fulfilled by the assignee;
- (3) the proceeding preliminary to orders creating or resuming assignments of land revenue, or continuing them to successors or transferees should in all cases be submitted after the usual recital of the substance with the recommendation of the Collector alongwith the recommendation of the Commissioner if any to the Financial Commissioner for orders of the State Government.

## **7. Procedure :-**

On the death of muafidar or on the lapse of terms of a muafi, it is the duty of the Patwari of the area in which the muafidar has died or term of muafi expired to report the facts to his immediate superior, i.e. Tehsildar who will make necessary enquiries in the matter and submit his report to the Collector of the district. The Collector of the district after examination of the case shall refer the matter to the State Government with his recommendations for cancellation or for continuance of the muafi/jagir in question. The State Government will pass necessary orders with regard to resumption or continuance of the muafi. The entries as to cancellation of remissions or assignment of land revenue will be affected in accordance with the procedure laid down in para 7.28 of the Himachal Pradesh Land Records Manual.