

Himachal Pradesh Abolition Of Payment Of Haq-Chuharam Act, 2011

(Act No. 27 Of 2011)

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(Received the assent of the Governor on the 6th April 2011 and was published in Rajpatra, Himachal Pradesh both in Hindi and English on 8th April, 2011 at pages 230-236).

An Act to provide for abolition of provision for payment of Haq-Chuharam to Khewatdars, Lambardars and Rakhas pursuant to the enforcement of the Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974.

Whereas, under para 61 of the Forest Settlement Report of Kangra, written by Anderson, the village community (Khewatdars) and servants (Rakha, Patwari and Lambardar) has got the provision of payment of one-fourth share of the gross income from the sale of trees as voluntary grant, to be divided among them;

And Whereas, this was not a malikana, paid in recognition of their proprietary rights in the soil, but was a voluntary grant made to secure their interest and co-operation in forest conservancy;

And Whereas, this Haq-Chuharam system existed in five Forest Divisions of the Himachal Pradesh i.e. Dharamshala, Dehra, Palampur, Nurpur and Hamirpur falling under the jurisdiction of Kangra and Hamirpur Districts;

And Whereas, the share of Patwari was scrapped in 1948, when the post of Patwari was declared as Government post and payment of share of the village communities (Khewatdars) was scrapped in 1976, with the enforcement of the Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974, vide which village common lands were vested in the Government free from all encumbrances;

And Whereas, the payment of Haq-Chuharam to Lambardars was also stopped in 1976, pending issuance of a policy decision, but due to some misconception in view of letter No.3-61/69-SF-IV dated 10.07.1981, Rakhas continue to get their share as per Forest Settlement till date, but this share is also required to be scrapped as they are not rendering any service in forest conservation or protection or to the

Forest Department;

Now, therefore, it has been decided to stop/abolish the share of Khewatdars and Lambardars retrospectively from the year 1974-75, because they are not rendering any assistance in forest conservancy.

Himachal Pradesh Abolition Of Payment Of Haq-Chuharam Act, 2011

(Act No. 27 Of 2011)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixty-second Year of the Republic of India as follows:—

1. Short title, commencement and extent.-

(1) This Act may be called the Himachal Pradesh Abolition of Payment of Haq-Chuharam Act, 2011.

(2) It shall and shall always be deemed to have come into force on the 1st day of April, 1974.

(3) It shall extend to the Kangra and Hamirpur Districts of Himachal Pradesh.

2. Definitions.-

In this Act, unless the context otherwise requires,—

(a) "Haq-Chuharam" means the one-fourth share of the gross income from the sale of trees as indicated in para 61 of the Kangra Forest Settlement Report of Anderson (1887), to be divided among proprietors i.e. Khewatdars and the village servants i.e. Lambardars, Patwaris and Rakhas; and

(b) The words "Khewatdar", "Lambardar" and "Rakha" shall have the same meaning and expression as assigned to them in the Report on Forest Settlement of the Kangra Valley.

3. Abolition of system of Haq-Chuharam.-

With the vestment of shamlat lands with the State Government under the Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974, the Khewatdars, Lambardars and Rakhas have been left with no role in forest conservancy and stand relieved of the duties and obligations towards the forest conservation. The Khewatdars, Lambardars and Rakhas are not rendering any service to forest conservation or to the Forest Department after the vestment of shamlat lands with the State Government under the Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974, and shall not be entitled to any payment of Haq-Chuharam in pursuance of para 61 of the Forest Settlement Report of Kangra Valley.

4. Vesting of Rights of Rakhas, Lambardars and Khewatdars in the Government.-

(1) All rights, titles and interests of the Khewatdars, Lambardars and Rakhas in respect of conservancy and management of Forests, prior to the coming into force of the Himachal Pradesh Village Common Lands (Vesting and Utilization) Act, 1974, shall stand vested in the State Government free from all encumbrances.

(2) The system of payment of Haq-Chuharam to the Rakhas shall stand abolished with effect from 1st April, 2010 and they shall stand relieved of the duties and obligations attached to them and shall have no liability in this behalf.

(3) Notwithstanding anything contained in any law for the time being in force, or any report or contract, decree or order of any court, the Khewatdars and Lambardars shall not be entitled to any payment of Haq-Chuharam with effect from 1st April, 1974 and they shall stand relieved of their duties and obligations attached to them and shall have no liability in this regard.

5. Protection of action taken in good faith. -

No suit, prosecution or other legal proceeding shall lie against the Government or any employee of the Government, in respect of anything which is in good faith done or intended to be done in pursuance of this Act.