

Dist Kangra (H.P.).

56 /SDM-Jmkhi/SDK Dated 09/02/2023

The Divisional Forest Officer,
Forest Division Dehra, District Kangra (H.P.).

Subject: - Clarification regarding status of land prior to
implementation of HP Ceiling on land holding Act,
1972 and HP Village common land Vesting and
Utilization Act, 1974.

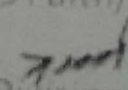
Sir,

Please refer to your office letter no. 9490, HP Forest
Department, Dated Dehra 28-01-2023, on the subject cited above.

In this regard, a report has been sought from Tehsildar
Jawalamukhi. The report of concerned Tehsildar, has been received in this office
vide letter no. 197/OK dated 08/02/2023. As per report, it is submitted that the said
land i.e. khasra number 136 area calculated 08-79-49 Hect., type of land, recorded
as "Gair Mumkin Dariya" in the ownership of Sarkar Himachal Pradesh under
possession of Kabja Sabyam Tabe Hakuk Baratan-Bartan daran (Reserve Pool), in
present revenue record of Mohal Bharoli Kutlara Mouza Bharoli Tehsil Jawalamukhi
District Kangra (H.P.). As per report it is also submitted that the said land is not
recorded as Forest land in current revenue record, as well as prior to the
implementation of HP Ceiling on land holding Act, 1972 and HP Village common
land Vesting and Utilization Act, 1974. It is also submitted that, the said land vest
in Government, as per the provisions of the HP Village common land Vesting and
Utilization Act, 1974.

The report hereby submitted for your kind information and
further necessary action on your end please.

Yours Faithfully,


Sub-Divisional officer (Civil),
Sub-Division, Jawalamukhi.
Jawalamukhi

Department of Revenue

From

F.C.-cum-Secretary (Revenue) to the
Government of Himachal Pradesh.

To

1. The Divisional Commissioners
Shimla/Mandi/Kangra at Dharamshala H.P.
2. All the Deputy Commissioners
in Himachal Pradesh.
3. The Settlement Officer,
Shimla/Kangra at Dharamshala, H.P.
4. All SDO (Civil),
in Himachal Pradesh.
5. All Tehsildars/Naib Tehsildars
in Himachal Pradesh.

Dated: Shimla-2, the 21-11-2004

Subject: Clarification regarding implementation of notification issued
by the Forest Department in the year of 1952.

Sir,

I am directed to say that issue regarding applicability of provisions of notification issued in the year 1952, by the Forest Department, under Indian Forest Act, 1927, was under consideration of the Government and a Committee under the Chairmanship of Chaudhary Bhanu Ram, IAS (Retd.) was constituted by the Government to examine complications arising out of notification issued by the Forest Department in 25.2.1952 and subsequent notifications and interim direction/order issued by the Hon'ble Supreme Court dated 12.12.1993 in WP(Civil) No. 202 of 1995- In case Shri T.N. Godavarman Thirumulkpad Vs. Union of India and Ors.

The recommendations of the said Committee were also by a Sub-Committee constituted under the Chairmanship of the

2
Director, Land Record in which the representatives of the Forest Department and Revenue Department were associated as members.

Thereafter, the matter has been examined at length at Government level in consultation with the Law Department and it has been concluded/decided that notification issued in the year 1952 by the Forest Department under the provisions of Indian Forest Act 1927 will not apply to the lands vested in the State Government under the provisions of the H.P. Ceiling on Land Holdings Act, 1972 and H.P. Village Common Lands Vesting and Utilization Act, 1974 as the land vested under these statutes was belonging to the people before vestment and has to be utilized by the Government for the benefit of weaker section of the society as per schemes framed under these statutes to achieve the objective behind the enactment of aforesaid enactments. However, if any land, which was vested in the State Government under the aforesaid enactments, was recorded as forest land in the revenue record before vestment then even after vestment such land shall continue to be treated as Forest land and the provisions of Indian Forest Act 1927 and the Forest (Conservation) Act, 1980 are applicable on such land and such land can be utilized for non-forest purpose only with the prior approval of the Central Government. 1/

Further, the forest law shall also apply to surplus area if any which has been demarcated by the Forest Department in consultation with the Revenue Department in terms of clause 8 of the H.P. Utilization of Surplus Area Scheme, 1974.

In view of above decision, you are request to direct the field agencies that despite the notification issued in the year 1952 by the Forest Department, the provisions of Indian Forest Act, 1929 and Forest Conservation Act, 1980 will not apply to the lands vested in the State Government under the provisions of the H.P. Ceiling on Land Holdings Act, 1972 and H.P. Village Common Lands Vesting and Utilization Act, 1974 unless any land which vested in the State Government under the aforesaid enactments was recorded as forest land in the revenue record before vestment or any land which has been demarcated by the Fore