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राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार 9 जनवरी, 2012/19 पौष, 1933

हिमाचल प्रदेश सरकार
REVENUE DEPARTMENT
NOTIFICATION

Shimla-2, 9th January, 2012

No. Rev.B.A.(3)-1/2004-Vol-I.—The Governor, Himachal Pradesh is pleased to amend Chapters 8 and 28 of the Himachal Pradesh Land Records Manual, 1992 notified vide notification No.Rev. (LR) A (58)/89 dated 3rd December, 1992, as follows:-

(a) In the Himachal Pradesh Land Records Manual, 1992, after para 8.1 the following paras shall be added, namely:-

"8.1A (i) Section 35 of the H.P. Land Revenue Act, 1954 provides for register of mutations to be maintained by the Revenue Officer concerned as that maintained by the patwari concerned. The register to be maintained by the Revenue officer may be in an electronic form besides in manual form in a format as may be prescribed by the Financial Commissioner under section 34 of the Act *ibid*. The Revenue Officer shall maintain a separate register for each revenue estate which shall be serially numbered for the term of one settlement. However, to distinguish between the mutation registers of a particular revenue estate maintained by the patwari and the Revenue Officer, the latter shall have a distinct serial number.

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(5039)

(ii) A person requiring a mutation regarding any right which he/she has acquired in any land/property shall have an option to get the mutation entered either by the patwari concerned at the patwar circle or by the Revenue officer concerned at the Tehsil/ Sub Tehsil headquarters.

8.1B The following documents shall be submitted to the Revenue officer by a party acquiring a right in a property:

(1) In case of acquisition of a right through a registered deed i.e. Sale deed, Gift deed, Lease deed, Mortgage with or without possession, exchange deed, family settlement deed, release/relinquishment deed and any other registered deed, the following documents shall be required to be furnished, namely:-

(i) The original deed.

(ii) Affidavit(s) of the transferor/parties concerned admitting the factum-of possession having passed to the transferee(s). In case the transferor(s) or the parties concerned are themselves present and admit before the Revenue Officer the factum of the transfer, affidavit of such persons shall not be required.

(2) In case of orders of courts/authorities including orders of revenue courts/ revenue authorities, the following documents shall be required to be furnished, namely:-

(i) Certified copy of such order.

(ii) An affidavit of the person presenting such order to the effect that the same has not been set aside or stayed by the court or authority of a higher jurisdiction.

(3) In case of mutual partition, the following documents shall be required to be furnished, namely:-

(i) A copy of the partition agreement duly signed by all parties in presence of two witnesses.

(ii) Affidavit of the parties concerned to the effect that the partition has been executed on spot and possessions taken as per the partition agreement. In case any one or more of the parties concerned are themselves present and admit before the Revenue officer the factum of the transfer, affidavit of such party(ies) shall not be required. Identification of the parties present shall be done on the basis of any one of the documents specified by the Government for such identification required for registration/ attestation of documents presented before a Sub Registrar/ Revenue Officer.

(4) In case of inheritance by "Will", the following documents shall be required to be furnished, namely:-

(i) Copy of death certificate of landowner.

(ii) The original "Will" or a certified copy thereof.

(iii) An affidavit of the person presenting the 'Will' that the same is the last 'Will' of the testator.

(iv) Copies of jamabandi of the land concerned In addition to the above documents, the witnesses to the Will, if still alive, may, if the Revenue officer deems fit, shall testify the authenticity of the 'Will'.

(5) In cases of intestate inheritance, the following documents shall be required to be furnished, namely;

- (i) Copy of death certificate of landowner.
- (ii) Affidavit of the person making the report naming therein all the legal heirs of the deceased or a report from the concerned panchayat secretary or the patwari naming all possible legal heirs of the deceased, or a succession certificate obtained from a court of competent jurisdiction.
- (iii) copies of jamabandi of the land concerned

8.1C Procedure for attestation of mutation at Tehsil/Sub-Tehsil Headquarter.- The Revenue Officer shall attest a mutation at the Tehsil/Sub-Tehsil headquarter in the following manner, namely:-

(i) Whenever a document is registered whereby a transfer of title is involved which requires a mutation to be entered and attested so as to incorporate the entry in the revenue record, at the option of the parties, a mutation shall be simultaneously entered for the said transfer by the Revenue officer on the basis of the document registered. The proforma of such mutation can be electronically generated alongwith the registered deed and part or all entries may be printed simultaneously. Any remaining portion will be filled up manually at the Tehsil/Sub-Tehsil office from the available electronic record. The Revenue Officer shall pass a brief order on the mutation wherein details of the documents on the basis of which the same has been entered and the names of parties present shall also be mentioned. In case the Revenue Officer requires any further inquiry to be made before attesting the mutation, he may after recording a brief order specifying the basis for the same, direct the necessary parties to be present before him at a subsequent date, place and time and he shall attest the mutation at such date recording a brief self speaking order thereon. Identification of the parties present shall be made on the same basis on which the deed was registered. A brief note of the changes occurring in pursuance to the mutation shall also be recorded in the remarks column of the relevant jamabandi.

(ii) Any person acquiring any right as mentioned in section 35(1) of the H.P. Land Revenue Act, 1954, may report such acquisition of right to the Revenue Officer concerned. The report shall be accompanied by the requisite documents as prescribed in para 8.1B. The Revenue officer shall have entries made on the mutation proforma on the basis of the report and the documents accompanying the same. He shall then proceed to verify the claim made by the applicant on the basis of the documents submitted before him and after satisfying himself about the factual and legal correctness of the same or otherwise, he shall accept or reject the entries made in the relevant mutation proforma by recording a brief order to this effect. In case the Revenue Officer requires any further inquiry to be made before attesting the mutation, he may, after recording a brief order specifying the basis for the same, direct the necessary parties to be present before him at a subsequent date, place and time. He shall attest the mutation at such date recording a brief self speaking order thereon. A brief note of the changes occurring in pursuance of the mutation shall also be recorded in the remarks column of the jamabandi.

(iii) A list of all mutations attested at Tehsil/Sub-Tehsil headquarter shall be generated patwar circle-wise every month and copies thereof be pasted at a conspicuous place of 'patwarkhana' as well as the 'panchayat ghar' concerned for information of the general public. A copy of the mutations so attested shall be provided to the patwari which shall be kept by him as the 'parat patwar' of the same." and

(b) for Chapter 28 the following shall be substituted, namely:-

"Chapter 28

No.Rev.B.A.(3)1/2004-II
Government of Himachal Pradesh
Department of Revenue

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From The Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

To All the Deputy Commissioners
in Himachal Pradesh.

Dated: Shimla-171002,

28/1/2012

Subject:- Instruction for attestation of mutation at Tehsil level.

Sir,

In continuation of this department letter of even number dated 13.12.2011 regarding above cited subject I am directed to say that as you are aware that amendments in the provisions of Section 34 and 35 of the HP. Land Revenue Act, 1954 have been carried out in order to provide an option to the citizens to opt for attestation of mutation at Tehsil level. Subsequently, the provisions of chapter 8 of the Land Records Manual have also been amended vide notification of even number dated 9.1.2012.

The matter has also been taken up with National Informatic Centre, H.P. State Centre to make necessary changes in the existing software. The National Informatic Centre vide letter No.NICHP/Gr1/Project/HIMBhoomi(1)-2003/47, dated 18th January, 2012 has informed required changes have been carried out in the HimBhoomi and HIMRIS software. The updated soft ware versions have also been transferred to the District Informatic Officers of NIC on 14th January, 2012. Hence, the new soft ware has become operational in the State.

You are, therefore, requested to kindly direct all the Tehsildars/Naib Tehsildars to attest the mutation at Tehsil/Sub-Tehsil level if individual desire so.

Yours faithfully,

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

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FAX MESSAGE

No.Rev.B.A.(3)1/2004-II-Loose
Government of Himachal Pradesh
Department of Revenue

From The Principal Secretary (Revenue) to the
Government of Himachal Pradesh.

To All the Deputy Commissioners
in Himachal Pradesh.

Dated: Shimla-171002, 4/2/2012.

Subject:- Instruction for attestation of mutation at Tehsil level.

Sir,
In continuation of this department letter of even numbers dated 13.12.2011 and 28.1.2012, regarding above cited subject I am directed to say that it has been observed that mutations are not being entered and attested at Tehsil level despite of provisions made in Sections 34 and 35 of the HP. Land Revenue Act, 1954 and Chapter 8 of the Land Records Manual and subsequent changes in software.

You are, therefore, requested to kindly make ~~the~~ publicity of this facility and encourage the general public to get benefit. A notice may be displayed on each Tehsil Office within two days mentioning therein that **"Mutations Can Now Be Entered and Attested at Tehsil Level"**.

This issue will be discussed in next video conference and the Deputy Commissioners will be asked to explain the Tehsil-wise progress of mutation entered and attested at Tehsil level.

Yours faithfully,

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

Endst. No. As above. Dated: Shimla-2, the 4/2/12
Copy forwarded to the Under Secretary (Revenue-A) to the Government of H.P. with the request that this item may kindly be included in agenda for next Video Conference.

Deputy Secretary (Revenue) to the
Government of Himachal Pradesh.

DC Bilaspur - 13:39
DC Chamba - 13:41
DC Hamir - 13:43
Page 01
Date 4/2/12
Central Record, HP. Sectt.
DC Kangra - 13:45
DC Kinnaur - 13:48
DC DeLKS - 13:51
Page 01
Date 4/2/12
Central Record, HP. Sectt.
DC Kullu - 13:49
DC Mandi - 13:54
DC Sidmou - 14:03
DC Una - 14:06
DC Sdg - 14:08

हिमाचल प्रदेश भू-राजस्व (संशोधन) अधिनियम, 2013

(राज्यपाल महोदया द्वारा तारीख 20 सितम्बर, 2013 को यथाअनुमोदित)

हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 (1954 का अधिनियम संख्यांक 6) का और संशोधन करने के लिए अधिनियम।

भारत गणराज्य के चौंसठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. संक्षिप्त नाम.—इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश भू-राजस्व (संशोधन) अधिनियम, 2013 है।
2. धारा 34 का संशोधन.—हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 (जिसे इसमें इसके पश्चात् "मूल अधिनियम" कहा गया है) की धारा 34 में,—
 - (क) उपधारा (1) में, "प्रत्येक सम्पदा के सम्बद्ध राजस्व अधिकारी से" शब्दों के स्थान पर "प्रत्येक सम्पदा के पटवारी से" शब्द रखे जाएंगे; और
 - (ख) उपधारा (3) में, "और राजस्व अधिकारी" शब्दों का लोप किया जाएगा।
3. धारा 35 का संशोधन.—मूल अधिनियम की धारा 35 में,—
 - (क) उपधारा (1) में, "या सम्बद्ध राजस्व अधिकारी" शब्दों का लोप किया जाएगा;
 - (ख) उपधारा (2) में, "या सम्बद्ध राजस्व अधिकारी" शब्दों का लोप किया जाएगा;
 - (ग) उपधारा (3) में, "यथास्थिति, पटवारी या राजस्व अधिकारी" शब्दों और चिन्ह के स्थान पर "पटवारी" शब्द रखा जाएगा; और
 - (घ) उपधारा (5) में, "या राजस्व अधिकारी" शब्दों का लोप किया जाएगा।

AUTHORITATIVE ENGLISH TEXT

Act No. 47 of 2013

THE HIMACHAL PRADESH LAND REVENUE (AMENDMENT) ACT, 2013

(AS ASSENTED TO BY THE GOVERNOR ON 20TH SEPTEMBER, 2013)

AN

ACT

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

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

1. **Short title.**—This Act may be called the Himachal Pradesh Land Revenue (Amendment) Act, 2013.

2. **Amendment of section 34.**—In section 34 of the Himachal Pradesh Land Revenue Act, 1954 (hereinafter referred to as “the principal Act”),—

- (a) in sub-section (1), for the words “by the Revenue Officer concerned for each estate”, the words “by the Patwari of each estate” shall be substituted; and
- (b) in sub-section (2), the words “and the Revenue Officer” shall be omitted.

3. **Amendment of section 35.**—In section 35 of the principal Act,—

- (a) in sub-section (1), the words “or the Revenue Officer concerned” shall be omitted;
- (b) in sub-section (2), the words “or the Revenue Officer concerned” shall be omitted;
- (c) in sub-section (3), the words and signs “or the Revenue Officer, as the case may be,” shall be omitted; and
- (d) in sub-section (5), the words “or the Revenue Officer” shall be omitted.

Objections of
Mutation being
omitted

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION -
SHIMLA**

NOTIFICATION

Shimla, the 25th September, 2013

No. HPERC/F(5)(3)(1)(Gen).—In exercise of the powers conferred by clauses (zd), (ze) and (zf) of sub-section (2) of section 181 read with sections 61, 62 and 86, of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Himachal Pradesh Electricity Regulatory Commission (hereinafter called the “Commission” or “the HPERC”) proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Determination of Hydro Generation Tariff) Regulations, 2011, published in the Rajpatra, Himachal Pradesh, dated 2nd April, 2011 and hereby publishes the proposed draft amendment regulations, as required by sub-section (3) of section 181 of the said Act, read with rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft amendment regulations will be taken into consideration after the expiry of 21 days from the date of their publication in the Rajpatra, Himachal Pradesh, together with any objections or suggestions which may within the aforesaid period be received in respect thereto. The draft Regulations and the explanatory memorandum to the proposed amendments shall also be made available on the HPERC website www.hperc.org.

The objections or suggestions in this behalf can be sent by post to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Keonthal Commercial Complex, Khalini, Shimla-171002, or by e-mail to hperc@rediffmail.com or by fax to +91-177-2627162.

NOTIFICATION

Shimla-2, 22nd October, 2013

No. Rev.B.A.(3)-5/2013.—Paras 8.1A, 8.1B & 8.1C were added to Chapter 8 of the Himachal Pradesh Land Records Manual, 1992 (notified vide notification No. Rev. (LR) A (58)/89 dated 3rd December, 1992), vide notification No.Rev.B.A.(3)-1/2004-Vol-I, dated 9.1.2012 to prescribe procedure for instant mutations at Tehsil/Sub-Tehsil level.

Consequent upon the amendments carried out Section 34 and 35 of the Himachal Pradesh Land Revenue Act, 1954 vide Himachal Pradesh Land Revenue (Amendment) Act, 2013, the Governor, Himachal Pradesh is hereby pleased to delete the aforesaid paras 8.1.A, 8.1B & 8.1C from the said Chapter.

By order,
TARUN SHRIDHAR,
Principal Secretary (Revenue).

Decision withdrawn by Govt.
by deleting Para 8.1.A
through which Mutation was
mandated with registration

EXCISE AND TAXATION DEPARTMENT

ADDENDUM

Shimla-171002, the 01/11/2013

File No. EXN-F(10)-4/2004-I.—The Governor, Himachal Pradesh, is pleased to add the following names in the list of Non-official members of H.P. Traders Welfare Board constituted vide Notification of even number dated 16.9.2013:—

1. Sh. Hans Pal Singh, President, Registered Dealer's Societies Gohar Block, Tehsil Chachiot, Distt. Mandi, H.P.
2. Sh. Narottam Naresh Walia, VPO & Tehsil Dehra, Distt. Kanga, H.P.
3. Sh. Rajesh Kumar Sharma (Ex-Pradhan), VPO Jawalamukhi, Tehsil Jawalamukhi, Distt. Kangra, H.P.
4. Sh. Rajesh Seth, Ruby Electricals, Akhara Bazar, Kullu, H.P.
5. Sh. Harbhajan Singh Namdhar, Karyana Merchant, Ward No.1, Tehsil Nagrota Distt. Kangra, H.P.

By order,
Sd/-
Principal Secretary (E&T).