

No. 1(18)/Spl.Cell/CSC/71.
Government of India
Ministry of Labour & Rehabilitation
(Department of Rehabilitation)
Office of the Chief Settlement Commissioner.

Jaisalmer House, New Delhi.
Dated the 31st July, 1971.

From

Shri W.G. Pathak,
Joint Secretary to the Govt. of India,
and Chief Settlement Commissioner,
Ministry of Labour & Rehabilitation,
Department of Rehabilitation,
New Delhi.

To

The Secretary to the
Govt. of Himachal Pradesh,
Revenue Department,
Simla.

Subject:- Administration and management of the remaining
acquired evacuee agricultural lands/properties
and realisation of rental demands etc.

Sir,

I am directed to state that the question of administration and management of evacuee agricultural lands/properties acquired under Section 12 of the Displaced Persons, (Compensation & Rehabilitation) Act, 1954, and still remaining undisposed of with the Settlement Organisation as also the realisation of arrears of rent, leases etc. in respect thereof vis-a-vis the expenditure which is being incurred by the Settlement Organisation has been engaging the attention of the Govt. of India for some time past. It has been observed that only a limited number of acquired evacuee agricultural lands/properties remain to be disposed of and the expenditure which is being incurred for the purpose is out of proportion to the volume of work and the receipts from their disposal. Further, arrears on account of rent or leases in respect of such agricultural lands and properties have become over-due for recovery and their realisation is presenting great difficulty besides entailing substantial expenditure without any comparable results.

2. With a view to effecting economy in the expenditure which is being incurred by the Government of India, it has been decided, in the public interest, to make administrative and financial arrangements with the State Government of Himachal Pradesh for the disposal of the residuary assets in a more satisfactory manner consistent with the purpose of the

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Displaced Persons (Compensation & Rehabilitation) Act, 1954, and the Rules framed thereunder. I am, therefore, directed to convey the sanction of the President to the following administrative and financial arrangements being made with the State Government of Himachal Pradesh for the management and disposal of remaining acquired evacuee agricultural lands/ rural and urban properties and realisation of arrears of rental demand in accordance with the provisions of the said Act and the Rules framed thereunder. These properties shall continue to vest in the 'Compensation Pool' as heretofore and shall be disposed of in accordance with the provisions of the Act and Rules aforesaid.

(i) Recovery of arrears of rent of evacuee properties.

According to available information, a sum of about Rs. 3.45 lakhs is reported to be outstanding on this account. The work of recovery of this amount shall be transferred to the State Govt. The latter shall pay to the Govt. of India a sum equal to 5% of this amount. A short fall, if any, in recovery shall not be made up by the Govt. of India nor shall it claim any amount recovered by the State Govt., in excess of the amount paid to it by the latter. The expenditure incurred on making the recoveries shall be borne by the State Govt.

(ii) Urban acquired properties.

All undisposed of urban evacuee properties shall henceforth be managed and disposed of under the provisions of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 and the Rules framed thereunder by the State Govt. and the State Govt. shall pay to the Central Govt. a sum equal to 15% of the reserve price of these properties. The State Govt. shall carry out verification of the pending undisposed of urban acquired evacuee properties at their own expenses and send a report to this effect to the Govt. of India.

(iii) Urban acquired evacuee agricultural land.

Urban acquired agricultural lands which have still not been disposed of shall be managed and disposed of in the same manner as indicated at Sub-para (ii) above by the State Govt. which shall pay to the Central Govt. a sum calculated at the following rates:-

- (a) Evacuee land Rs. 1000/- per acre or
 Rs. 200/- per bigha.
- (b) Land held by Rs. 500/- per acre or
occupancy tenants. Rs. 100/- per bigha.
- (c) Evacuee share of Rs. 500/- per acre or
land jointly owned
by evacuees and non- Rs. 100/- per bigha.
evacuees.

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The state Government shall carry out verification of the remaining lands available for disposal at their own expenses and send a report to the Central Government.

(iv) RECOVERY OF DAMAGES FOR USE AND OCCUPATION OF URBAN AGRICULTURAL LANDS

The State Govt. will carry out verification at their own expenses of the amount recoverable on account of damages for use and occupation of urban agricultural land and after assessment the State Govt. shall pay to the Central Govt. 5% of the total amount recoverable.

(v) RECOVERY OF INSTALMENTS IN RESPECT OF PROPERTIES ALREADY DISPOSED OF BY THE SETTLEMENT ORGANISATION

This item of work will stand transferred to the state Govt. on an "on account basis" and the state Govt. will work out at their own expenses the exact amount recoverable in each individual case on account of instalments outstanding and interest, if any, payable thereon and take suitable steps to effect recovery of such amount. A quarterly statement indicating the names of individuals from whom the amounts are recovered, the total amount recovered and the particulars of the property in respect of which the amount has been recovered, will be forwarded to the Central Govt. by the State Govt. 25% of the amount so realised during each quarter ending 31st Oct, 1971, 31st January, 1972, 30th April, 1972, and 31st July, 1972, will be credited by the State Government to the account of the Central Government by 15th of the month following each quarter and an intimation to this effect will be sent to the Department of Rehabilitation/Regional Settlement Commissioner (Central) New Delhi.

In pursuance of this decision, the Regional Settlement Commissioner (Central) will transfer the individual files to the State Govt.

(vi) UNLISTED AND UNSURVEYED URBAN EVACUEE PROPERTIES AND LANDS.

The State Govt. will carry out a survey at their own expenses and prepare the lists of urban evacuee properties and urban evacuee agricultural lands which had not yet been listed/surveyed and shall manage and dispose of the same in the manner indicated in sub-para(ii). The State Govt. shall pay to the Central Govt. 10% of the reserve price of such urban evacuee properties and sums calculated at the following rates in respect of urban agricultural lands:-

- (a) Evacuee lands
 - Rs. 1000/- per acre or
 - Rs. 200/- per bigha.
- (b) Lands held by occupancy tenants.
 - Rs. 500/- per acre or
 - Rs. 100/- per bigha.
- (c) Evacuee share of land jointly owned by evacuee and non-evacuee.
 - Rs. 500/- per acre or
 - Rs. 100/- per bigha.

5. The arrangements detailed above shall not in any way effect the payment of compensation to unsatisfied claimants, if any, in accordance with the provisions of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 and the Rules framed thereunder. Their claims shall as usual, be dealt with by the officers of the Central Govt.

6. In respect of all unsatisfied claims of compensation of displaced persons from West Pakistan that are adjusted by the transfer of lands/properties under their occupation to which they might be entitled, in accordance with the provisions of the Displaced Persons (Compensation & Rehabilitation) Act, and the Rules, the Govt. of India shall pay the amounts so adjusted to the Govt. of Himachal Pradesh.

7. The aforesaid arrangements shall take effect from 1st August, 1971. The entire amount payable by the State Govt. under the aforesaid arrangement in respect of the above mentioned in sub-para (i) to (vi) of paragraph 4 of this letter but excluding those which are at present unsurveyed and unlisted shall become payable on 1st September, 1971, and shall be paid by the State Govt. to the Central Govt. in six half yearly instalments (first instalment will fall due after six months from the date indicated above) on 1.3.1972, 1.9.72, 1.3.73, 1.9.73, 1.3.74 and 1.9.74. No interest shall be charged on sums outstanding out of the amount due from the State Govt. but instalments of which have not fallen due. However, if an instalment is not paid in full on the due date as mentioned above, the same or part thereof which is outstanding shall be payable with interest for the period from the due date upto the date of payment, the rate of interest being that as fixed by the Central Govt. from time to time.

8. The actual amount payable by the State Govt. to the Govt. of India under this arrangement shall finally be worked out by the Regional Settlement Commissioner (Central), New Delhi, after the State Govt., has verified the properties/lands on the spot after receipt of lists of the properties from the Regional Settlement Commissioner (Central). The valuation of the properties as recorded in the books of Regional Settlement Commissioner (Central) will not, however, be called into question nor will the fact that the title to some properties is in dispute be a valid reason for rejecting the debits for such properties.

9. The amounts payable to the Central Govt. under these arrangements will be credited to the amount of the Central Govt. under the Head L-II Misc. Receipts on account of Displaced Persons - Receipts forming part of Compensation Pool Receipts on account of acquired evacuee properties-Adjustable by the Chief Pay & Accounts Officer, Rehabilitation, New Delhi. This

10. This letter issues with the concurrence of the Ministry of Finance (Deptt. of Expenditure vide their U.O.No.4633/FLR/71 dated the 31st July, 1971.

Yours faithfully,

Sd/- W.G.Pathak.

Joint Secretary to the Govt. of India and
Chief Settlement Commissioner.

Copy to:-

1. Ministry of Finance(L&R) with two spare copies
2. The R.S.C.(Central) Jamnagar House, New Delhi. with 5 spare copies.
3. Deputy Secretary (Revenue)Govt. of Himanchal Pardesh, Simla with 5 spare copies.
4. The Pay and Accounts Officer, Department of Rehabilitation, New Delhi with two spare copies.
5. The Accountant General Himanchal Pardesh Simla with two spare copies.
6. A.G.C.W.& M, New Delhi with two spare copies.
7. Budget & Accounts Section D.OR. N.Delhi with two spare copies.

Copy to:- PS toM(R)/DM(R)/Secretary CSC
2. PA toSC(A)/SC(C)/3.ASC(A)/ASC(P)/
ASC(L). 4. OSD(A)/SO(V)/ASO(L)/
ASO(J). 5. C&P Section/I&R Section.

Sd/- D.N.Asija
for Chief Settlement Commissioner