
Himachal Pradesh Land Revenue (Surcharge) Act, 1974**21 of 1976****[17 September 1974]****CONTENTS**

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Himachal Pradesh Land Revenue (Surcharge) Act, 1974**21 of 1976****[17 September 1974]**

An Act to provide for the levy and payment of surcharge on land revenue in the State of Himachal Pradesh. Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty Seventh Year of the Republic of India as follows:- Footnote: 1. For Statement of Objects and Reasons, see R.H.P. Extra, dated 1st May, 1974 (page 756).

1. Short Title And Commencement :-

- (1) This Act may be called the Himachal Pradesh Land Revenue (Surcharge) Act, 1974.
- (2) It extends to the whole of the State of Himachal Pradesh.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context, -

- (a) Landowner shall have the same meaning as is assigned to it in the Punjab land Revenue Act, 1887 (17 of 1887), or the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), as the case may be,

and includes a mortgagee with possession.

(b) land revenue shall have the same meaning as is assigned to it in the Punjab Land Revenue Act, 1887 (17 of 1887) or the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), as the case may be; and

(c) all other words and expressions used, but not defined in this Act shall have the same meanings as are assigned to them in the Punjab land Revenue Act, 1887 (17 of 1887), or the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), as the case may be.

3. Levy Of Surcharge :-

(1) With effect from Rabi harvest of the agricultural year 1973-74 and notwithstanding anything to the contrary contained in the Punjab Land Revenue Act, 1887 (17 of 1887), or the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), every landowner who pays land revenue shall be liable to pay surcharge thereon to the extent of -

(a) in the areas where land settlements have not been done during the last 40 years :

(a) in the areas where land settlements have not been done during the last 40 years:				
(i)	on land revenue up to rupees fifteen		...	50 per cent
(ii)	on land revenue upto rupees twenty-five on first rupees fifteen		...	50 per cent
	on next rupees ten		...	75 per cent
(iii)	on land revenue upto rupees fifty			
	on first rupees fifteen		....	50 per cent
	on next rupees ten		....	75 per cent
	on next rupees twenty-five		....	100 percent
(iv)	on land revenue upto rupees fifty			
	on first rupees fifteen		....	50 per cent
	on next rupees ten		....	75 per cent
	on next rupees twenty-five		....	100 percent
	on the remaining amount			125 per cent

	(b) in the areas where land settlements have not been conducted during the last 40 years :			
(i)	on land revenue up to rupees fifteen		...	25 per cent
(ii)	on land revenue upto rupees twenty-five on first rupees fifteen		....	25 per cent
	on next rupees ten		...	50 per cent
(iii)	on land revenue upto rupees fifty			
	on first rupees fifteen			25 per cent
	on next rupees ten			50 per cent
	on next rupees twenty-five			75 percent
(iv)	on land revenue upto rupees fifty			
	on first rupees fifteen			25 per cent
	on next rupees ten			50 per cent
	on next rupees twenty-five			75 percent
	on the remaining amount			100 per cent

(2) If in a district or any part thereof, the land revenue is reassessed as a result of settlement in such a district or a part there of after the commencement of this Act, then the rates of surcharge prescribed in clause (b) of sub-section (1) of this Section shall apply to such a district or any part there of as the case may be, from such harvest of the agricultural years as may be notified by the State Government in this behalf in the Official Gazettee:

Provided that the levy of surcharge shall not have the effect of adding to the value of any Jagir or any assignment of land revenue

4. Submission Of Returns :-

(1) A landowner who is liable to pay surcharge under this Act and whose land is situated within the jurisdiction of more than one Kanungo, shall within such time as may be prescribed, give written information of the details of the total land revenue payable by him to the Patwari in whose jurisdiction he holds land with the largest land revenue and shall also submit a copy thereof to the tehsildar having jurisdiction.

(2) The provisions of sub-section (1) of this section shall apply mutatis mutandis to a landowner who becomes liable to pay surcharge under this Act as a result of acquisition of land by purchase or inheritance or by bequest or by gift or by exchange or by mortgage or in any other manner whatsoever (under any law for

the time being in force in the State of Himachal Pradesh) after the commencement of this Act and in his case the period of return shall be thirty days from the date of such acquisition.

5. Failure To Submit Information :-

(1) If a landowner fails to furnish the information required under Section 4 or furnishes the information which is wrong in material particulars, the tehsildar of the tehsil shall make assessment of the surcharge payable by the landowner after collecting the required information in the manner to be prescribed.

(2) A landowner who fails to furnish the information required under Section 4 or furnishes the information which is wrong in material particulars, he may be charged a penalty upto twelve times the amount of surcharge recoverable from him under this Act, by the Tehsildar.

6. Recover Of Surcharge :-

The surcharge and the amount of penalty, if any, shall be recoverable as arrears of land revenue.

7. Power To Make Rules :-

(1) The State Government may, by notification in the Official Gazette subject to previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a total period of seven days which may be comprised in one session or two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislature requires any modification in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity, of anything previously done under that rule.