
Himachal Pradesh Land Revenue (Surcharge) Rules, 1974

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Period For Giving Information Under Section 4(1)
4. Manner In Which Information Required From Landowners To Be Given
5. Assessment Of Surcharge
6. Collection Of Surcharge
7. Collection Charges
8. Manner In Which Tehsildars To Collect Information

Himachal Pradesh Land Revenue (Surcharge) Rules, 1974

Whereas the draft Himachal Pradesh Land Revenue (Surcharge) Rules, 1974 were published as required by subsection (1) of Section 7 of the Himachal Pradesh Revenue (Surcharge) Act, 1974 (19 of 1974) in Rajpatra Himachal Pradesh Extraordinary, dated 28th September, 1974 under the notification of even number, dated 20.9.1974 of the Government of Himachal Pradesh, Revenue Department for inviting the objections and suggestions from all persons likely to be affected there by within a period of 15 days from the date of publication of the draft rules in the Rajpatra. And whereas, the Government has considered the objections and suggestions received from the public on the said draft rules within the prescribed period. Now, therefore, in exercise of the powers conferred by sections 7 of the said Act, the Governor, Himachal Pradesh hereby makes the following rules, namely:-

1. Short Title, Extent And Commencement :-

- (1) These rules may be called the Himachal Pradesh Land Revenue (Surcharge) Rules, 1974.
- (2) They shall extend to the whole of the Himachal Pradesh.
- (3) They shall come into force at once.

2. Definitions :-

In these rules, unless there is anything repugnant in the subject or

context, -

- (a) "Act" means the Himachal Pradesh Land Revenue (Surcharge) Act, 1974;
- (b) "form" means the form appended to these rules; and
- (c) "selection or sub-section" means the section or sub-section of the Act.

3. Period For Giving Information Under Section 4(1) :-

The time under sub-section (1) of Section 4 of the Act for giving written information of the details of total land revenue payable by a landowner shall be 30 days from the commencement of these rules.

4. Manner In Which Information Required From Landowners To Be Given :-

The information under rule 3 shall be given in Form A. The landowner shall, at the same time furnish it on as many additional copies of the form, one copy each for each Patwari, as there are patwari circles in which his land is situated and shall also submit a copy thereof to the Tehsildar having jurisdiction.

5. Assessment Of Surcharge :-

The Tehsildar or the Naib-Tehsildar, as the case may be, on receipt of the copies of the particulars of land revenue, shall send copies of the form to the concerned patwari for verification of the particulars furnished by the landowner with instructions to return the same within 15 days through the Field Kanungo who shall also satisfy himself about the correctness of the particulars of the land and revenue. The Tehsildar or the Naib-Tehsildar on receipt of the copies from the concerned patwaris shall make assessment of the surcharge payable by the respective landowners and send the same to the patwari in whose jurisdiction, the landowner holds the largest area of land.

(2) If the land owner owns land in more than one partwar circle and within the same Kanungo Circle, then Tehsildar or the Naib-Tehsildar shall get the surcharge calculated by the Field Kanungo of the Circle in accordance with the provisions of section 3 of the Act. Thereafter, he shall make the assessment and intimate the same to the patwari in whose jurisdiction, the landowner owns the largest area.

(3) In cases, other than those covered under sub-rules (1) and (2)

above, the calculation of the surcharge shall be made by Patwari of the circle in which the land is situated in accordance with the provisions of section 3 of the Act.

6. Collection Of Surcharge :-

(1) After making the assessment of surcharge at his own level or after the receipt of assessment made by the Tehsildar or the Naib-Tehsildar, the Patwari shall prepare a demand statement and hand over the same to the Lambardar in whose jurisdiction, the landowner holds largest area of land.

(2) The recovery of surcharge shall be made in the same manner as is described for the collection of land revenue in rules 52 to 58 and 64 to 70 of the Punjab Land Revenue Rules.

7. Collection Charges :-

For collection charges for which the Lambardar shall be entitled on account of recovery of surcharge, the rules under the Punjab Land Revenue Act, 1887 shall apply mutatis mutandis.

8. Manner In Which Tehsildars To Collect Information :-

(1) Where any person liable to pay surcharge under the Act fails to furnish the details of the land revenue payable on the prescribed form provided in rule 4, the Tehsildar or the Naib-Tehsildar shall cause the written information to be prepared in the said form from all the patwaris in whose jurisdiction the land of the landowner is situated with the instructions to send the information within 15 days through the respective Field

(2) On receipt of the information from the patwaris, the Field Kanungo shall, after examination attest the entries made by the patwari in Form A and forward it to the Tehsildar or the Naib-Tehsildar concerned, as the case may be.

(3) After satisfying himself as to the correctness of the particulars mentioned in the form, the tehsildar the Naib-Tehsildar, shall make assessment of the surcharge payable by the landowner in accordance with the provisions of section 3 of the Act and intimate the same to the patwari of the circle in which the landowner holds the largest area of land.