

Rajasthan Discontinuance Of Cesses Act, 1959

21 of 1959

[16 May 1959]

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An Act to provide for the discontinuance of the collection of certain cesses and other charges in the State of Rajasthan. Be it enacted by the Rajasthan State Legislature in the Tenth Year of the Republic of India, as follows :-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Rajasthan Discontinuance of Cesses Act, 1959.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Interpretation :-

Unless the subject or context other-wise requires, words and expressions defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), and in the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), shall wherever used in this Act, have the meanings assigned to them by those Acts.

3. Discontinuance Of Certain Cesses And Other Charges :-

(1) Notwithstanding any custom, practice, usage or agreement to the contrary in force in any part of the State, all cesses and other charges, by whatever appellations known, other than those specified in section 5 or imposed by some specific law or approved by the State Government, which are being collected, in addition to rent, from tenants of agricultural holding or from other persons, whether known as agriculturists or village workers or shopkeepers, are hereby abolished and shall, as from the date of the commencement of this Act, cease to be so collected.

(2) Notwithstanding as aforesaid, no landholder shall, as from the date of such commencement, collect any cess or other charge which has been abolished by sub-section (1).

4. Compensation For Illegal Exactions :-

(1) If any landholder infringes the provisions of section 3, he shall be deemed to have made an illegal exaction and the person from whom such illegal exaction is made shall be entitled to recover from such landholder such compensation not exceeding five hundred rupees as the court, having regard to the circumstances of the case, may decree in addition to any amount which may have been so collected.

(2) A suit under sub-section (1) shall be filed within one year from the date on which the illegal exaction was made in the court of the Assistant Collector having jurisdiction and the plaint shall bear a court fee of twenty-five naye paise.

5. Savings :-

Nothing contained in section 3 shall apply, to the recovery, according to law and procedure, of the following, namely-

(i) grazing dues and Sayar from unoccupied lands, whether known as Ghasmari, Ginti, Pancharai, Kirkhari bab, Dashera, Dig, Ghas Neelam, Dash dan, Pancharia, Salt, Bhunga or otherwise,

(ii) Cesses or charges, if any, payable by jagirdars whose jagir lands have not been resumed under the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act 6 of 1952), or any other corresponding law in force in the Abu, Ajmer and Sunel areas.

(iii) Cesses levied under the Rajasthan District Boards Act, 1954, by whatever name known,

(iv) the Siwai cess levied in the Alwar district and the local rate levied in the Bharatpur district which, though not levied under any

specific law, form part of the settlement made with the Zamindars or Biswedars of those districts and are in the nature of local development cesses.

6. Repeal :-

The Jaipur Discontinuance of Cesses Act, 1948, the United State of Rajasthan Abolition of Lagats Ordinance, 1948, and all other corresponding laws in force in any part of the State are hereby repealed.