

Rajasthan Land Revenue (Surcharge) Act, 1960

16 of 1960

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PREAMBLE

An Act to provide for the levy of Surcharge on land revenue in the State of Rajasthan

Be it enacted by the Rajasthan State Legislature in the Eleventh Year of the Republic of India as follows :

1. Published in Raj. Govt. Gaz., Exty., Part 4(A), dated 26.4.1960.

1. Short title, extent and commencement :-

- (1) This Act may be called the Rajasthan Land Revenue (Surcharge) Act, 1960.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless the subject or context otherwise requires -

- (1) Chahi land shall mean land irrigated from the waters of a well and recorded as such in the assessment parcha and the current annual registers;
- (2) Land Revenue shall have the meaning assigned to the term revenue by cl. (34) of Sec. 5 of the Rajasthan Tenancy Act, 1955

(Rajasthan Act 3 of 1955) and shall include rent as defined in cl. (32) of the said section of the said Act and payable directly to the State Government but shall not include assigned land revenue; and (3) Word and expression defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) shall wherever used herein, be construed to have the meanings assigned to them by those Acts.

3. Levy of Surcharge :-

¹[²[(1)] ³[There shall be levied by the State Government on each instalment of land revenue payable on or after the 1st day of April, 1969, a surcharge calculated at the rates specified below, namely-
Amount of land revenue Rate of Surcharge

(a) Where the amount of land revenue payable is less Nil than Rs. 75/- per annum.

(b) Where the amount of land revenue payable is Rs. 50 paise per rupee on the 75/- or more, but less than Rs. 100/- per annum. total amount of land revenue.

(c) Where the amount of land revenue payable is Rs. 75 paise per rupee on the 100/- or more but less than Rs. 150/- per annum. total amount of land revenue.

(d) Where the amount of land revenue payable is Rs. Equal to the total amount 150/- per annum or more. of land revenue.

Provided that nothing contained in this section shall apply to any holding the area of which does not exceed 10 acres:

Provided further that in the case of Chahi land only one third of the land revenue payable thereon shall be taken into account for the purposes of calculating the total land revenue on which surcharge shall be levied:

Provided also that surcharge shall not be levied on the land revenue payable by the Gram Sabhas established under Sec. 8 of the Rajasthan Gramdan Act, 1960 (Rajasthan Act 3 of 1960) in respect of Gramdan lands vesting in such Sabhas.]

⁴[(2) Where a holding is held by more tenants than one and separate defined shares of all or any of the co-tenants have been recorded in assessment parchas issued during the course of settlement though no actual physical partition has taken place, the amount of land revenue payable by each such co-tenant, or the area of his share of the holding, in proportion to his recorded share in the holding shall, notwithstanding anything contained in sub-sec.

(1), be taken into consideration for the purpose of-

(a) allowing exemption under item (a) of the Table given in sub-sec. (1) or the first proviso to that sub-section, as the case may be, or

(b) determining the rates of surcharge applicable thereto, and

(c) calculating the amount of surcharge payable, as if such share had been separated by metes and bounds and rent had been distributed over the several portions so separated in accordance with the provisions contained in Sec. 53 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955); provided that any such calculation shall be without prejudice to the joint and several liability of the co-tenants to pay the sum total of surcharge calculated as aforesaid on the total amount of land revenue payable in respect of such holding or anything contained in Sec. 224 and sub-sec. (2) of Sec. 225 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956).]

⁵[(3) Notwithstanding anything contained in sub-sec. (1), but subject to the first and third proviso, there to surcharge in respect of a holding the area of which is thirty standard acres or more shall be 3[equal to one and a half times the land revenue payable thereon].]

Explanation. - The expression "Standard acre" shall have the same meaning as given to it by the Explanation to Sec. 36-C of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).]

1. Substituted by Raj. Act 11 of 1963, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 29.4.1963.

2. Renumbered by Raj. Act 17 of 1964, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.5.1964.

3. Substituted by Raj. Act 11 of 1969, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 2.5.1969.

4. Substituted by Raj. Act 17 of 1964, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 14.5.1964.

5. Inserted by Raj. Act 4 of 1967, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 24.7.1967.

4. Determination of surcharge :-

The Tehsildar shall every year determine the amount of the surcharge payable by every person after making such inquiry, if any, as he consider necessary and such amount shall be paid

alongwith and in addition to each installment of land revenue in the same proportion as such installment bears to the total demand of land revenue for the year.

5. Surcharge recoverable under Chapter X of Rajasthan Act 15 of 1956 :-

For the collection and recovery of the amount of surcharge payable under this Act, the provisions of Chapter X of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and the rules made thereunder shall apply.

6. Power to make rules :-

The State Government may, by notification in the official gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may make provision for-

(a) the furnishing of information required for the purposes of this Act,

(b) the production of documents, and

(c) the holding of inquiries and the enforcement of the attendance of persons at such inquiries and their examination on oath or affirmation.

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive Sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature make any modification in any of such rules or resolves that any such rules should not be made, such rules 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 thereunder.

7. Power to remove difficulties :-

If any difficulty arise in giving effect to the provisions of this Act, the State Government may by order make such provisions, not inconsistent with the purpose of this Act, as appear to it to be necessary of expedient for removing such difficulty.

