

## CHAPTER-IV: LAND REVENUE

### 4.1 Tax administration

Assessment and collection of land revenue are governed under the Rajasthan Land Revenue Act, 1956 and rules framed thereunder. Land revenue mainly comprises rent on land, lease rent, premium, conversion charges and receipts from sales of Government land.

The Revenue Department functions as the Administrative Department of the Government and it administers all matters relating to assessment and collection of land revenue. The overall control of revenue related judicial matters along with supervision and monitoring over revenue officers vests with the Board of Revenue (BOR). The BOR is assisted by 33 Collectors at the district level, 289 Sub-Divisional Officers (SDOs) at the sub-division level and 314 *Tehsildars* at the *Tehsil* level. The BOR is also the State level implementing authority for computerisation of land records in Rajasthan.

The Rajasthan Land Revenue Act, 1956, the Rules made thereunder and the notifications issued by the Government from time to time govern the allotment of land and other related issues.

### 4.2 Internal audit conducted by the Department

The Financial Adviser, BOR is the head of the Internal Audit Wing. There were 14 internal audit parties. The position of number of units due for audit, number of units actually audited and number of units remaining unaudited during the period from 2009-10 to 2013-14 is as under:

Year	Units pending for audit	Units due for audit during the year	Total units due for audit	Units audited during the year	Units remaining unaudited	Shortfall in per cent
2009-10	134	570	704	532	172	24
2010-11	172	570	742	707	35	5
2011-12	35	624	659	589	70	11
2012-13	70	672	742	670	72	10
2013-14	72	672	744	586	158	21

Source: Information provided by the Board of Revenue, Ajmer.

The Department stated that the arrear in audit was due to addition of 48 new auditable units during the year 2011-12 and deployment of staff in general election.

It was noticed that 19,731 paragraphs were outstanding at the end of 2013-14. Year-wise break up of outstanding paragraphs of internal audit wing is as under:

Year	Upto 2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	Total
<b>Paras</b>	9,450	815	1,062	1,756	2,788	3,860	<b>19,731</b>

Source: Information provided by the Board of Revenue, Ajmer.

9,450 paragraphs of internal audit wing pertaining to period upto 2008-09 were pending for want of compliance/corrective action.

The Government may take steps to ensure expeditious compliance with the outstanding observations raised by the Internal Audit Wing.

### 4.3 Results of audit conducted by the Comptroller and Auditor General of India

During test check of records of 38 units of Land Revenue Department conducted during the year 2013-14, audit noticed non-recovery, non-regularisation and other irregularities amounting to ₹ 41.03 crore in 611 cases which fall under the following categories:

(₹ in crore)

Sl. No.	Category	No. of cases	Amount
1.	Non-recovery of cost of land in command area	28	0.09
2.	Non-regularisation of cases of trespassers on Government land/realisation from Government land/encroachment cases	58	25.00
3.	Non-recovery/short recovery of premium and lease rent from State Government Departments	106	11.57
4.	Non-recovery/short recovery of conversion charges from <i>khatedars</i> <sup>1</sup>	409	3.51
5.	Other irregularities	10	0.86
	<b>Total</b>	<b>611</b>	<b>41.03</b>

During the year 2013-14, the Department accepted audit observation of ₹ 337 crore in 6,620 cases, of which one case involving ₹ 2.58 crore was pointed out in audit during the year 2013-14 and the rest in earlier years. The Department recovered ₹ 13.41 crore in 244 cases during the year 2013-14 which related to the earlier years.

A few illustrative cases involving ₹ 8.22 crore are discussed in the paragraphs from 4.4 to 4.8.

<sup>1</sup> *Khatedars* are tenants on Government land to whom land is given for agricultural purpose.

#### 4.4 Non-recovery of lease rent

As per Government's notification dated 13 October 2005, an annual lease rent at the rate of 10 *per cent* of the cost of land is payable for Government land allotted to certain Companies/Corporations/Institutions mentioned in the notification.

During test check of allotment files of District Collector, Jodhpur, it was noticed (July 2013) that land measuring 250 *bigha* bearing *Khasra* no. 1/1 in village Narava Khinchyan was transferred (July 2008) to Rajasthan Co-operative Dairy Federation Limited, Jaipur. Though the possession of the land was given, no lease agreement was found to have been executed, resulting in non-realisation of lease rent of ₹ 22.50 lakh<sup>2</sup> till July 2013.

The matter was brought to the notice of the Department (October 2013) and reported to the Government (May 2014); their reply has not been received (December 2014).

#### 4.5 Short recovery of cost of land

**4.5.1** As per Clause 3 (ii) (a) of terms of Allotment of Unoccupied Government Agricultural Lands for Buildings of Public Utility as notified on 20 July 1963, allotment to Non-Government institutions shall be made at the rates recommended by the District Level Committee (DLC). The cost of land depends on the location/distance of the land from highway. The cost of the land located at a distance of 100 metre is more than that of land located at more than 100 and 200 metre.

During test check of records of District Collector, Barmer, it was noticed (February 2014) that 7.10 *bigha* Government land<sup>3</sup> was allotted (July 2011) to a trust<sup>4</sup> for construction of Public Community Centre, etc; at a cost of ₹ 25.88 lakh. The Department applied the DLC rate of ₹ 3.45 lakh per *bigha* prescribed for land located beyond 200 metre from highway.

However, records revealed that the land was situated within 100 metre from Barmer-Gadra Highway Road for which the DLC rate was ₹ 6.90 lakh per *bigha*. The leviable cost of land, therefore, works out to ₹ 51.75 lakh. This resulted in short recovery of cost of land amounting to ₹ 25.87 lakh.

The matter was brought to the notice of the Department (March 2014) and reported to the Government (May 2014); their reply has not been received (December 2014).

**4.5.2** As per Government's circular (November 1996), the cost of Government land allotted to Rajasthan Housing Board (RHB) shall be charged at the rate of agricultural land of same class situated in neighborhood.

During test check of records of District Collector, Ajmer, it was noticed (March 2014) that 360 *bigha* land bearing *khasra* No. 961/2 situated at village Madanganj, *Tehsil*, Kishangarh was allotted (December 2012) to RHB at a

<sup>2</sup> Lease rent at the rate of ₹ 4.50 lakh per year, being 10 *per cent* of the value of land was not demanded by the Collector since July 2008.

<sup>3</sup> Land bearing *khasra* No. 3157/1589 situated at Barmer City.

<sup>4</sup> *Shri Jain Shwetamber Murtipujak Oswal Shri Sangh*, Barmer.

cost of ₹ 22.77 crore at the rate of ₹ 6.32 lakh per *bigha* considering the adjoining land situated between 1 km to 2 km from turning point on Khoda Ganesh Road.

It was found that a portion of land was in fact situated on Khoda Ganesh Road within one km from turning point for which the DLC rate of ₹ 7.59 lakh per *bigha* was applicable. The leviable cost of land accordingly works out to ₹ 27.32 crore. This resulted in short recovery of cost of land amounting to ₹ 4.55 crore.

The matter was brought to the notice of the Department (April 2014) and reported to the Government (May 2014); their reply has not been received (December 2014).

#### **4.6 Non-recovery/short recovery of conversion charges**

As per Rule 7 of Rajasthan Land Revenue (RLR) (Conversion of Agricultural Land for Non-agricultural purposes in Rural Areas) Rules, 2007, premium for conversion of agricultural land for non-agricultural purpose shall be charged at the rates prescribed by the Government from time to time.

During test check of records of Collectors (Land Records), Ajmer, Jaisalmer, Bundi and Sriganganagar, it was noticed (December 2013 and January 2014) that *Khatadari* land was used for industrial, commercial and institutional purposes.

- In 66 cases of Ajmer, Jaisalmer and Sriganganagar conversion charges amounting to ₹ 95.23 lakh were neither demanded nor paid by the owners of the land. This resulted in non-recovery of conversion charges amounting to ₹ 95.23 lakh.
- In Sriganganagar and Bundi, it was noticed (between October 2013 and December 2013) in 74 cases that 8.48 lakh square metre agricultural land was used for industrial purpose for establishment of brick kiln industry. Conversion charges of ₹ 64.82 lakh were short recovered from 59 brick kiln units while in 15 cases brick kilns were set up on 1.37 lakh square metre land without converting the land for industrial purposes. Conversion charges of ₹ 27.35 lakh were leviable. Thus, conversion charges of ₹ 92.17 lakh were either short recovered or not recovered.

The matter in all the above cases was brought to the notice of the Department (November 2013 and January 2014) and reported to the Government (May 2014). The Government replied (October 2014) that demands of ₹ 59.36 lakh had been raised in 46 cases and in 18 cases involving revenue of ₹ 16.37 lakh the demands were being raised. It was also stated that stay had been granted by court in three cases, while reply was awaited in seven cases of Bundi.

#### **4.7 Non-remittance of Government's Share**

As per Government's notification (December 2010), two *per cent* of the capitalized value of land disposed of by the Municipal Councils through sale, allotment or regularisation has to be deposited in the State Government account.

During test check of the records of District Collector and Municipal Council (MC), Jaisalmer, it was noticed (March 2014) that MC had collected ₹ 17.86 crore on disposal of land through sale and allotment during the year 2011-12 and 2012-13. However, MC did not deposit ₹ 35.72 lakh in Government account.

The matter was brought to the notice of the Department (April 2014) and reported to the Government (May 2014); their reply has not been received (December 2014).

#### **4.8 Short recovery of cost of land due to allotment of land in excess of maximum allotable land at concessional rate**

The Clause 14.2.2 of the Solar Energy Policy, 2011 provides that the Government land required for Solar Power Plant shall be allotted to Solar Power Producer at a concessional rate of 10 *per cent* of the rate recommended for agricultural land by the District Level Committee (DLC). Further, as per Clause 14.2.8 of the policy, maximum area of land for setting up of Solar Power Plant on different technology was specified.

During test check of records of Collector (Land Records), Jaisalmer, it was noticed (March 2014) that in three cases, 1,363.25 *bigha* land was allotted to Solar Power Producers against the maximum allotable land of 942.085 *bigha*. Thus, 421.165 *bigha* land was allotted in excess of the limit prescribed for allotment of land at concessional rate of 10 *per cent* of DLC rates resulting in short realisation of ₹ 95.90 lakh.

The matter was brought to the notice of the Department (April 2014) and reported to the Government (May 2014); their reply has not been received (December 2014).

