

केवल भारतीय लेखा एवं लेखापरीक्षा विभाग के प्रयोग हेतु
FOR USE OF INDIAN AUDIT AND ACCOUNTS DEPARTMENT ONLY

कार्यालय
महालेखाकार (आर्थिक एवं राजस्व क्षेत्र लेखापरीक्षा)
राजस्थान, जयपुर

OFFICE OF

**THE ACCOUNTANT GENERAL (ECONOMIC & REVENUE SECTOR AUDIT)
RAJASTHAN, JAIPUR**

राजस्व लेखापरीक्षा नियम पुस्तक
(भू-राजस्व)

**REVENUE AUDIT MANUAL
(LAND REVENUE)**

महालेखाकार (आर्थिक एवं राजस्व क्षेत्र लेखापरीक्षा) राजस्थान, जयपुर
द्वारा जारी की गई

Issued By
**THE ACCOUNTANT GENERAL (ECONOMIC & REVENUE
SECTOR AUDIT)
RAJASTHAN, JAIPUR**

PREFACE

This Manual was first brought out in 2003 with the aim to provide guidance to those entrusted with audit of land revenue receipts. In this Manual the basic provisions of laws, relating to levy, assessment and collection of land revenue have been discussed. In the course of audit, if any reference has to be made to a particular provision of law such reference should be made to the provisions of the Rajasthan Land Revenue Act, 1956 and the Rajasthan Tenancy Act, 1955. The major changes made in the Act/Rules are as under:-

1. Section 90 B of Land Revenue Act, 1956 had been deleted and some new sub-sections inserted in the section 90 A of this Act. These Sub-Section deals with termination of rights in the land and vesting of this land in favour of State Government. There after, this land shall be deemed to have been placed at the disposal of local authority and available for allotment by local authority for any permissible non-agricultural purpose.
2. The Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposed in rural areas) Rules, 2007 introduced vide notification No. F6 (6) Rev 6/92/Pt. 14 dated 2.4.2007 repealing the earlier Rules, 1992. These rules have been amendend vide notification No F6 (6) Rev-6/92 pt 4 dated 16.7.2012, F6(26) Rev-6/2014/33 dated 06.10.2016 and ण. 9(28) Raj-6/17/14 dated 06.11.2017.

The Rajasthan Land Revenue (Allotment of Unoccupied Government Agricultural Lands for the Construction of Schools, Colleges, Dispensaries, Dharamshalas & Other Buildings of Public Utility) Rules, 1963 were formed and amendments were made in these rules vide notification f.14(1) revenue-6/2005/35 dated 06.11.2015 notification f.14(1) revenue-6/2005/3 dated 12.01.2016, notification F.14(1) Rev-6/2005/07 dated 24.02.2016 and Rajasthan Land Revenue (Industrial area allotment) Rules, 1959 were made and in which amendments were made vide notification 11(4) Rev. 6/2014/7 dated 22.05.2015 and provisions for Entrapreneurship development institute were made vide notification 11(4) Rev.6/2014/4 dated 29.01.2016.

This Manual should be treated only as a guide and audit checks indicated therein should not be taken as exhaustive.

This volume is corrected upto 31.3.2018. State Revenue Audit Section concerned dealing with the audit of land revenue at the Headquarter will be responsible for keeping the manual upto date.

Suggestions for the improvement of the manual and bringing out of errors and omissions are welcome.

Jaipur
Date:

(Anadi Misra)
Accountant General (E&RSA),
Rajasthan, Jaipur

CONTENTS

Revenue Audit Manual

(Land Revenue)

	Page No.
Chapter 1 Introduction	4
Chapter 2 Historical and Legislative background	6
Chapter 3 Organisational set up and accounting functions.	8
Chapter 4 The Rajasthan tenancy Act 1955.	13
Chapter 5 The Rajasthan Land Revenue Act 1956.	24
Chapter 6 Procedure for Raising of Demand, Collection of Revenue, Remittance of collections in treasuries and reconciliation.	49
Chapter 7 The Accounting methods and Records.	57
Chapter 8 Procedure of Audit.	62
Chapter 9 Best International Practices of Audit Approved by INTOSAI and ASOSAI	71
Appendix 1 to 29	77
 Glossary of terms	 165
Important Circulars and Notifications	170

CHAPTER - 1

INTRODUCTION

1.1 The Comptroller and Auditor General of India has been entrusted with the duty to audit all receipts which are payable into the Consolidated Fund of India and of each State and of each Union Territory having a Legislative Assembly and to satisfy himself that the rules and procedure in that behalf are designed to secure an effective check on assessment, collection and proper allocation of revenue and are being duly observed and to make for this purpose such examination as he thinks fit and to report thereon.

1.2 Accordingly, regular audit of land revenue receipts and refunds had been under-taken by the Indian Audit and Accounts Department from February 1973.

1.3 The audit of land revenue receipts and refunds remains subject to the general principles governing the audit of receipts as laid down in chapter 3 of section II of the Comptroller & Auditor General's Manual of Standing Orders (Audit). This Manual enumerates the position specifically in regard to Land Revenue Receipts in same detail.

1.4 The most important function of audit in regard to revenue receipts and refunds is to see that adequate regulations and procedure have been framed by the Revenue Department to secure an effective check on assessment, collection, etc. and to satisfy itself by adequate test-check that such regulations and procedure are actually being duly observed. Audit should also make such examination as it thinks fit in regard to the correctness of the sum brought to account. In audit of receipts, ordinarily the general is more important than the particular.

1.5 It is primarily the responsibility of the department authorities to see that all revenues or other amount due to Government which have to be brought to account are correctly and promptly assessed, realised and credited to Government account. During the audit of receipts, it should, however, be seen that all receipts which have entered in the books of a department are correctly calculated and are, in fact credited to Government account in time. It should be seen that the internal procedure adequately secures correct and regular accounting of demands collection and refunds and no amounts due to Government are left outstanding on its book without sufficient reasons and that the executive have not granted unjustified or unauthorised remissions.

1.6 Audit of revenue receipts differs from that of expenditure in that in the former, attention must be given not only to examining the records of amounts actually received but also to ascertaining that adequate precautions are taken to ensure that all the amounts received or due to be received during a particular period of accounts, are properly and promptly brought to account.

1.7 Audit Department should not in any way substitute itself for the Revenue Authorities in the performance of their statutory duties, but audit should satisfy itself in general that the departmental machinery is sufficiently safeguarded against errors and frauds and, so far as can be judged, the procedural is calculated to give effect to the requirements of law.

1.8 Audit of receipts will be regulated mainly with reference to the statutory provisions or financial or other rules or orders, which may be applicable to the particular receipts involved. If the test-check reveals any defect in such rules, the advisability of an amendment should be brought to notice.

1.9 To discharge these functions effectively the auditor must be thoroughly conversant with the processes and procedures relating to the levy and collection of taxes and the laws and the rules governing such processes and procedures.

1.10 In the subsequent chapters of this Manual the basic provisions of law and the rules governing the assessment and collection of land revenue are set out. Being only a summary, this Manual should in no sense, be regarded as a substitute for the Acts themselves and therefore, it should be treated merely as a preliminary step to enable the auditor to grasp the essentials of the Rajasthan Tenancy Act 1955, the Rajasthan Land Revenue Act 1956, the Rajasthan Land Revenue (Surcharge) Act 1960 and the Rajasthan Ceiling on Holdings Act, 1973. For a further and comprehensive study as also while raising audit point, he should refer to the provisions of the Acts, the rules made thereunder, and to the instructions issued by the State Government and the Board of Revenue from time to time.

CHAPTER - 2

Historical and Legislative Background

2.1 Before dealing with the basic provisions of the laws and rules governing the assessment and collection of land revenue and tenancies, it would be necessary to review briefly the historical and legislative background of the main enactments, which regulate the substantive and procedural laws relating to the land revenue and tenancies in Rajasthan.

2.2 At the time of formation of Rajasthan the various erstwhile princely States, that were unified varied in agricultural development. In these states the rulers had assigned most part of the land to various classes of persons (e.g. Zamidar, Malik, Biswadar, Jagirdar or Thekedar etc.) and religious institutions, about only 40 per cent of the land being held directly by tenants.

2.3 With the formation of Rajasthan, the first problem was to abolish the various types of intermediaries and resume the land other than khudkast land and the second was to bring uniformity in the tenancy legislation. To achieve the first objective various legislations were passed, including:-

- (i) The Rajasthan Land Reforms and Jagir Resumption Act, 1952 and
- (ii) The Rajasthan Zamindari and Biswadari Abolition Act, 1959 under which the various types of intermediaries were abolished.

2.4 To achieve the second objective, various ordinances were issued and enactments passed in piecemeal. A comprehensive legislation was passed in 1955, which is known as the Rajasthan Tenancy Act 1955. It absorbed in it all earlier enactments on the subject defining classes of tenants, conferring rights on tenants, providing for devolution, transfer and diversion of holdings, laying down conditions for ejection from Government land etc.. This Act has been amended a number of times to provide for new ideas about agricultural tenancies that sprang up as a result of abolition/resumption of intermediaries and to provide for the charges reflecting the progressive outlook on land reforms.

2.5 The various provisions in the Rajasthan Tenancy Act 1955, regarding classes of tenants, their rights and liabilities, the land in which khatedari rights shall not accrue, transfer of holdings, determination of rent etc. are set out in chapter 4 of this Manual.

2.6 Another piece of legislation enacted in the Rajasthan Land Revenue Act 1956. It came into force with effect from 1st July 1956. It deals with the establishment of all grades of revenue courts and officers; their powers and procedure, survey and records and settlement operations partition of estates and collection of land revenue.

The various important provisions of the Rajasthan Land Revenue Act 1956 and the rules framed thereunder have been given in the subsequent chapters.

2.7 The Government of Rajasthan in order to realise more revenue from bigger tenants introduced the concept of surcharge on the land revenue above a certain amount or above certain size of land holdings. Details in this regard would be found in Chapter 6.

CHAPTER - 3

Organisational set up and Accounting Functions

3.1 For the purpose of the revenue and general administration of the State, the State has been divided into 7 divisional commissioners. Each Divisional Commissioner has been further divided into four or more districts and each districts into one or more Sub-Division, and each Sub Division into two or more Tehsils. There are 33 districts, 289 sub-Divisions and 314 Tehsils. A few Tehsils have also been Sub divided into sub Tehsils. All these Divisional Commissioner, Districts, Sub-Divisions, Tehsils and Sub-Tehsils constituted under Section 15 of the Rajasthan Land Revenue Act, 1956 has been notified in the official gazette. A list showing the number of Divisional Commissioner, Districts, Sub Divisions, Tehsils and Sub Tehsils as existed on 31.3.08 is given in appendix-1. Similarly, there are 11 colonisation Tehsils in Rajasthan. After closure of the colonisation work, the function and records of these colonisation Tehsils are to be transferred to the revenue Tehsils. A complete list of the colonisation Tehsils is given in Appendix 2. As regard settlement operation. There are 11 settlement offices, under the control of settlement commissioner as detailed in Appendix 3.

3.2 The control of all non Judicial matters connected with revenue in the State other than matters connected with settlement is vested in the State Government (acting through the Revenue Department) and the control of all judicial matters and matters connected with the settlement of land revenue is vested in the Board of Revenue.

3.3 The Board of Revenue is the highest revenue court of appeal, revision and reference in Rajasthan. However, in all matters where there is a doubt or dispute involving the determination of the jurisdiction of a civil or a revenue court, the decision of the High court shall be final and binding on all civil and revenue courts in the State including the Board of Revenue. Besides, the general superintendence and control over all revenue courts and over all revenue offices vest in and all such courts and offices are subordinate to the Board. The jurisdiction of the board is exercised by the chairman or any other member of the Board sitting singly or by a Bench of Board consisting of two or more members.

3.4 The State Government may appoint: -

- (a) A Settlement Commissioner and also as many additional Settlement Commissioners, as it may consider necessary.
- (b) A Director of Land Records and as many Additional and Assistant Directors of Land Records as it may consider necessary.
- (c) A Divisional Commissioner in each Division and as many Additional Divisional Commissioner, as it may deem fit.
- (d) A Collector in each district who is also District Land Records Officers.
- (e) A Sub Divisional Officer and or Assistant Collector in charge of one or more sub division of a district.

- (f) A Tehsildar in each Tehsil, and
- (g) A Tehsildar or a Naib Tehsildar in charge of one or more sub tehsils of a Tehsil.

The State Government may also appoint: -

- (a) An Additional Land Records Officer to a District
- (b) A Settlement Officer for one or more districts.
- (c) One or more Additional Tehsildar in a Tehsil.
- (d) A Rent Rates Officer, not below the rank of Assistant Collector for a particular area as and when deemed necessary.

3.5 The Settlement Commissioner is in charge of all matters relating to settlement through out the State and in respect thereof exercise such powers and discharges such duties as are conferred and imposed on him by or under the Land Revenue Act, 1956. The Settlement Officer, Assistant Settlement Officers and other settlement staff work under the administrative control of the settlement commissioner.

3.6 The Board of Revenue has also been constituted as the Director of "Land Records". In the capacity of Director of 'Land Records' the Board is in-charge of all matters relating to survey, preparation revisions and maintenance of all the land records through out the State.

3.7 The Divisional Commissioner is the head of each division and controls the Collector under the jurisdiction in regard to revenue matters. Similarly, A collector is the head of each revenue district. He is also the Land Records officer for the district. A Sub-divisional officer is placed in charge of a sub division and Tehsildar in charge of a tehsil.

3.8 At the apex of revenue administration in the district is the collector, within his district, he exercises all the powers and discharges all the duties conferred and imposed on him by or under the Rajasthan Land Revenue Act, 1956 or the Rajasthan Tenancy Act, 1955 or any other Law for the time being in force.

Appeals lie to him under the Land Revenue Act, from original orders passed by Tehsildars in matter not connected with settlement or Land Records. The collector is the Land Record officer of the district. The statutory obligation of maintaining the records of rights and rental as well as agricultural statistics lies on the collector. His main duties in connection with land records fall under the following heads:-

- (i) General supervision and control
- (ii) Disposal of Inspection notes and other reports
- (iii) Investigation and record of fluctuations in agricultural prosperity
- (iv) Alteration in the number and limits of patwaris and inspector's circles.
- (v) Submission of periodical reports.

3.9 The Collector has been given the following main duties and powers under the Land Revenue and Tenancy Laws:-

- (i) To dispose of all land in the district (subject to orders of Government in such manner as may be prescribed subject always to the rights of way and all other rights of the public or at individuals legally subsisting)
- (ii) To pass an order deciding the claim of a person in any property against the State or of State against any person.
- (iii) To delegate to any person the powers of enjoyment of rights over minerals, mines, quarries and fisheries in land. The right to mines and quarries includes right at access to land for the purpose of mining and quarrying.
- (iv) To set apart land for special purposes.
- (v) To order cutting of dying and blown-down road side trees.
- (vi) To auction abadi land
- (vii) To undertake survey and land record operations in the district and work connected there to.
- (viii) To settle disputes as to the entries in record of rights.
- (ix) To attach and sell movable property for recovery of arrears of revenue.
- (x) To attach land or to sell land in default of revenue payment.

3.10 The Tehsildar is one of the 'Land Revenue officers' under the Rajasthan Land Revenue Act, 1956. The main duties of a Tehsildar as laid down in the Rajasthan Land Revenue (Duties of Tehsildars and Naib Tehsildars) Rule 1958 are :-

- (i) To collect land revenue, rent cesses and other Government dues and perform other duties connected there-with as may be prescribed.
- (ii) To supervise and test check, the land records work in his tehsil in accordance with Rajasthan Land Revenue (Land Records) Rule 1957.
- (iii) To ensure that duties prescribed for Inspectors of Land Records Office Quanungos and patwaris are properly carried out by them.

- (iv) To act as Sub Treasury Officer.
- (v) To keep the Collector and the Sub Divisional Officer in touch with all important social, economic or political movement in the Tehsil and to act generally as the executive officer of Government under the direction of the Collector and Sub Divisional Officer in all matters connected with the land revenue and general administration of the Tehsil.

Some of the important powers of Tehsildar under the Rajasthan Land Revenue Act, 1956 and the Rajasthan Tenancy Act, 1955 are as follows:-

- (a) To evict trespassers on Government land.
- (b) To sell with the approval of the Sub Divisional Officer small strips of land adjoining existing buildings at the prescribed rate of premium to the trespassers and in addition to impose penalty for trespass.
- (c) To resume land granted for receptacles of house-hold refuse etc. and for storing fodder under certain circumstances.
- (d) To decide the mutation cases.
- (e) To order removal of disturbance on land.
- (f) To grant or refuse permission for making improvements on land.
- (g) To decide disputes involving the right to plant, trees or as to the manner of planting trees or as to its owner ship or as to the right to remove it.
- (h) To eject tenants for non-payment of arrears of rent.

3.11 The Sub Divisional Officer shares with the Collector but subject to his control, the responsibility for the correct maintenance of maps and records of his sub division. He is empowered to order alteration and to decide all disputed cases of mutation, transfers and changes which come before him.

Under the Rajasthan Land Revenue Act, 1956, a Sub Divisional Officer has been empowered to grant in village, Towns or Cities, free of premium or rent, land to serve as receptacles for the house-hold refuse, cattle dropping and other rubbish and manure and for storing fodder for cattle. He is also empowered to allot land for agriculture purposes.

3.12 Field Staff:- The following officials/Officers assist the administration in the collection of land revenue:-

- (1) Patwari:- Villages in each district are grouped in patwar circles. One or more than one Patwari is appointed to each patwar circle. There are 10832 patwar circles in Rajasthan. A Patwari is mainly responsible for:-
 - (i) The maintenance and correction of prescribed registers connected with the land revenue.

- (ii) The collection of all rents, revenue and other demands due from the land holders and tenants of his circle;
- (iii) The remittance of collections in the Government treasury/sub treasury;
- (iv) To report encroachment on the public paths and roadways in his circle;
- (v) To report encroachment on unoccupied Government land and unauthorised cutting of wood from any waste land;
- (vi) To report -
 - (a) the abandonment of any holding,
 - (b) the non-payment of rent of revenue or any other demand,
 - (c) any circumstances which indicate that default in payment thereto is likely to be made.
- (vii) to assist revenue officers in all matters connected with survey, settlement and preparation of record of rights and annual village registers;
- (viii) To give to any applicant certified extracts from his records except settlement records on payments of prescribed fee.

(2) Inspector of Land Records :- To ensure proper supervision, maintenance and correction of prescribed registers and records by Patwaries the Board of Revenue have arranged the patwar circles of each district into inspection circles. The inspection is carried out by the Inspector of land Records/Girdawar/Quanungo.

The following are the important functions of the Inspector of Land Records in connection with the maintenance of accounts/records, etc.:-

- (i) General supervision over Patwari's and management of proper and timely preparation of land records:
- (ii) Supervision over village maps.
- (iii) checking of patwari's records and statistics, e.g. comparison of the new, khasaras and khatauni, Zamabandi with the expiring ones, to check girdawari work, dhal banch, jamabandi, Siyaha and to check survey instrument etc.
- (iv) Detection of agricultural deterioration.
- (v) Supervision of collection work.
- (vi) Local enquiries.

CHAPTER - 4

The Rajasthan Tenancy Act, 1955

4.1 The Rajasthan Tenancy Act 1955 came into force with effect from 15th October 1955. In Tehsils Abu, Amer and Sunel This Act was implemented w.e.f. 15th June 1958. Under this Act the intermediaries have been totally abolished and all the tenants in Rajasthan now hold land directly under the State. The state is deemed to be owner of all lands. In other words, the State is de jure owner and the tenant is de facto owner of the land

The provisions of the Tenancy Act and rules made there-under, however in no way affect the provisions of the Rajasthan Bhoodan Yojna Act 1954 and the rules made thereunder or anything done or deemed to have been done under or in pursuance of those provisions. The Bhoodan Yojna Act is a complete legislation on the subject and provides for the constitution of Bhoodan Yojna Board, donation of land to the said Board, distribution of land received in donation to landless persons or for community purpose and to provide for matters ancillary there to. Under section 11 of that Act any person, being the owner of land may donate and grant such land to the Board by declaration in writing. The ownership of land shall vest in the Board. (Section 260 of the RTA, 1955).

4.2 **Classes of tenants :-** The law lays down the following classes of tenants:-

- (i) Khatedar Tenants
- (ii) Gair khatedar Tenants
- (iii) Maliks
- (iv) Tenants of khud-kasht.

4.3 **Khatedar Tenants:-** Although there are four classes of Tenants the rights and liabilities of (iii) and (iv) of above are either as laid down for khatedar tenants or as for Gair khatedar tenants

4.4 It would be seen from the above that the most important and pre dominant class of tenants are 'khatedar tenants' as under:-

"Every person who admitted as tenant on the commencement of the Act or who acquires khatedari rights shall be entitled to all the rights conferred and be subject to all the liabilities imposed on khatedar tenants by the Rajasthan Tenancy Act, 1955, no khatedari rights shall, however, accrue under this section to any tenant to whom land is or has been let out temporarily in Rajasthan Canal, Gang Canal, Bhakhara, Chambal or Jawai Projects areas or any other area notified in this behalf by the State Government.

4.5 **Lands in which khatedari rights shall not accrue-**The khatedari rights shall not accrue in :-

- (i) Pasture land.

- (ii) Land used for casual or occasional cultivation in the bed of river or tank.
- (iii) Land covered by water and used for the purpose of growing singhara or other like produce.
- (iv) Land under shifting and unstable cultivation.
- (v) Land comprised in gardens owned or maintained by the State Government.
- (vi) Land acquired or held for a public purpose or a work of public utility.
- (vii) Land set apart for military encamping grounds.
- (viii) Land situated within the limits of a cantonment.
- (ix) Land within the boundaries of any Government Forest.
- (x) Land included within railway or canal boundaries
- (xi) Municipal trenching grounds.
- (xii) Land held or acquired by educational institutions for purposes of instruction in agriculture or for play grounds.
- (xiii) Land within the boundaries of a Government Agricultural or grass form and
- (xiv) Land which has been set apart or is, in the opinion of the Collector, necessary for the flow of water thereon into any reservoir or tank of drinking water for a village or for surrounding villages.

The State Government may, however, by notification in Rajasthan Gazette declare that certain land subject to conditions as specified in proviso to section (16) of the Act shall be available for the grant of khatedari rights.

Note-1 Khatedari rights shall not accrue in land in land held as tenant by any artificial person such as institutions, as corporation, temples, mosques (Board of Revenue RRR No. 125 of 1955) or agricultural co-operative Societies to which land has been allotted under Rajasthan Land Revenue (Allotment of land to co-operative societies) Rules, 1959.

Note-2 Land held under Gurudwaras has in some cases been recorded in the khatedari of Granthis such lands were attached with religious institutions and by recording them in the name of Granthis. These institutions have been deprived of their annual income. In connection with allotment of land to Granthis and Maulvis it was decided by the Government that the lands of Gurudwaras already (upto 23.3.1970) recorded in khatedari of Granthis may be allowed to stand in their names on payment of market price to the Government. It should be ensured that such lands in further area recorded in the khatedari of religious institutions only.

Government of Rajasthan Revenue Colonisation Department's order No. F.4(a) Rev. Col.167 dated July 1970 see appendix 4.

4.6 Succession to tenants

When a tenant dies intestate, his interest in his holding shall devolve in accordance with the personal law to which he was subject at the time of his death.

In the case of a tenant who died before the commencement of Tenancy Act. Succession would be governed by the law prevalent in the respective covenanting States.

There can be no succession to Idol or deity as they have perpetual existence in law.

(Authority:- Ramdeen V/s Noora 1961 RRD 57, 1966 RRD 332).

4.7 A khatedar tenant has the right to transfer by sale or gift his interest in the whole or a part of his holding to any person subject to certain conditions given in section 42 of the Act. He can also dispose of his interest in the holding by a request. He has the right to:-

- (i) Mortgage land under certain circumstances.
- (ii) Sub-let his holding at any one time for a period upto 5 years.
- (iii) Plant, trees under certain circumstances and to remove them on his own accord for his domestic or agricultural use.
- (iv) Make improvement in his holding by
 - (a) erecting a dwelling house for his own occupation or a cattle shed or a store house or any other construction for agricultural purposes.
 - (b) any work which adds materially to the value of the holding and which is consistent with the purpose for which it was let.
- (v) keep land in possession so long as he continues to pay rent and does not do any act detrimental to the land.

(Section 161 p 162) on non payment of rent he can be evicted.

Note:- The restrictions on sale, gift or bequest by a khatedar tenant are, however, laid down in section 42 of the Rajasthan Tenancy Act 1955

4.8 **Gair khatedar** Tenant:- Every tenant of land other than a khatedar tenant or a sub tenant is regarded as Gair khatedar tenant. They fall under the following classes:-

- (i) Those who have been granted land in such khatedari rights can not accrue by reason of section 16 of the Act.

Rule 14 of the Rajasthan land revenue Rule 1970 (see Appendix 5)

(ii) Those tenants who have been granted land in a colony under the rules framed under the Rajasthan Colonisation Act, 1954 and

(iii) Those who have/are granted land under the allotment rules framed under section 101 of the Rajasthan Land Revenue Act, 1956.

The interest of those tenants, in their holdings as stated above is heritable but not transferable. Except in the colony area they can sub let their land for a term not exceeding one year. They can make improvements and plant and remove trees under certain conditions laid down in Section 79 and 84(3) of the Act.

4.9 According to section 15 of the Rajasthan Tenancy Act, 1955 khatedari rights accrue to tenants recorded as such on the 15th October 1955; Section 19 of the Rajasthan Tenancy Act 1955 provides for conferment of khatedari rights on sub tenants and tenants of khudkasht. There are other provisions contained in the Rajasthan Land Revenue Rules 1970 According to these provisions an allottee who has completed 10 years without any breach of condition of allotment can apply for conferment of khatedari rights.(see Appendix 6)

An allottee to whom land has been allotted upto 31 December 1969 is entitled to be conferred khatedari rights even before expiry of aforesaid period subject to payment by him of premium at $2\frac{1}{2}$ times the land revenue for every years of the remaining period.

*

4.10 **Divisions of holdings:-** Section(53)(1) of the Rajasthan Tenancy Act provides that no holding shall be divided so as to result in holding of less area than the minimum prescribed by the State Government for each district or part of the districts.

Provided that w.e.f. 12.7.78 nothing contained in this sub-section shall apply to the holdings divided for industrial, residential, or commercial purposes.

Under section 53(2) a division of a holding can be effected by arrangement between co tenants in respect of such division of the holding and the distribution of rent over the several portions into which the holding is so divided or by the decree or order to competent court in a suit by one or more of the co tenants for the purpose of dividing the holding and distributing the rent thereof over the several positions into which it is divided.

(Govt. Notification No. F.6(38)Rev/Gr.4/73 dated 7.4.1973).

4.11 Chapter III B of the Tenancy Act lays down restrictions on holding of land in excess of ceiling area. The ceiling area for a family consisting of 5 or less than 5 members is 30 standard acres of land and the ceiling area in respect of family consisting of more than 5 members is to be increased by 5 standard areas for each additional member subject to maximum ceiling area of 60 standard acres of land.

With the enactment of the Rajasthan Imposition of ceiling on agriculture holding Act, 1973. The ceiling area applicable to the primary unit of a family consisting of five or less than five members shall be in respect of:-

* For revised allotment orders dated 15.9.2001-please see page 259

- (a) Land under assured irrigation capable of growing at least two crops in a year - 18 Acres
- (b) Land under assured irrigation capable of growing at least one crop in a year -27 Acres
- (c) Land under orchard existing on 23rd July 1972 - 54 Acres
- (d) Land not within categories specified in clauses (a) to (c) and falling in fertile zone e.g. land irrigated by well - 48 Acres
- (e) Land not within categories specified in clauses (a) to (d) and falling in semi fertile zone - 54 Acres
- (f) Land not within categories specified in clauses (a) to (e) and falling in hilly zone - 54 Acres
- (g) Land not within categories specified in clauses (a) to (f) and falling in semi desert zone - 125 Acres
- (h) Land not within categories specified in clause (g) and falling in desert zone - 75 Acres.

In cases where members of a family exceed 5, the ceiling area in relation thereto would be increased by one fifth for each additional member so, however, that the total ceiling area applicable to such a family does not exceed twice the ceiling area applicable to a family consisting of five or less than five members.

4.12 The person in possession of land more than the ceiling area has to surrender the land to the Government. The land surrendered to Government is allotted to landless persons. Compensation is payable to persons surrendering the land. The persons to whom the land acquired under the ceiling law was allotted before 1st January 1973 were liable to pay the price of the land at the following rates:-

(a) Un irrigated (Barani)	30 times the sanctioned rent rates, for the lowest class of Barani land in the village.
(b) Well irrigated (Chahi)	30 times the sanctioned rent rates for the Chahi soil class to which the land belongs.
(c) Land falling under some or Minor Irrigation Project	40 times the sanctioned rent medium rates for the soil class to which the land belongs
(d) Land falling under some Major Projects.	60 times the sanctioned Irrigation rent rates for the soil class to which the land belongs.

10 per cent of the price was payable immediately on allotment and the balance either in lump sum within one month thereof at the option of the allottee or in nine equal instalments. In the case of payment by instalments, simple interest at the rate of two and half per annum had to be paid alongwith the principal.

(3) The amount of acquisition payable to a person for surplus land vesting in the State Government under section 16 of Rajasthan Imposition of ceiling on Agriculture Holding Act 1973 after 1.1.1973 shall be determined by the Authorised officer according to the following scales:-

1. For the Ist 7.5 Acres of surplus land

(a) Nehari	Rs. 1600 per Acre
(b) Chahi	Rs. 1000 per Acre
(c) Fertile zone as described in the	Rs. 500 per Acre Schedule
(i) Fertile zone as described in the schedule	Rs. 500 per Acre
(ii) Semi fertile zone	Rs. 300 per Acre
(iii) Hilly zone	Rs. 300 per Acre
(iv) Semi desert zone	Rs. 100 per Acre
(v) Desert zone	Rs. 75 per Acre

2. For the next 7.5 Acres of surplus land

(a) Nehari	Rs. 1400 per Acre
(b) Chahi	Rs. 880 per Acre
(c) Dry (Barani) Land	
(i) Fertile zone	Rs. 400 per Acre
(ii) Semi Fertile zone	Rs. 260 per Acre
(iii) Hilly zone	Rs. 260 per Acre
(iv) Semi desert zone	Rs. 88 per Acre
(v) Desert zone	Rs. 65 per Acre

3. For the remaining surplus land

(a) Nahari	Rs. 1280 per Acre
(b) Chahi	Rs. 800 per Acre
(c) Dry (Barani) land	

(i) Fertile zone	Rs. 400 per Acre
(ii) Semi fertile zone	Rs. 240 per Acre
(iii) Hilly zone	Rs. 240 per Acre
(iv) Semi Desert zone	Rs. 80 per Acre
(v) Desert zone	Rs. 65 per Acre
	Rs. 60 per Acre

(Authority:- Rajasthan Gazette for the year 1981)

4. Under the Rajasthan Imposition of ceiling on agriculture holding Rules, 1973, the allottees have to pay the price of the land allotted to them at the rate at which the amount of acquisition was paid by the Government for such land to the persons from whom the land had vested in the State Government.

5. The payment of price of the allotted land is to be made in the following manner:-

(a) If the price of the land is Rs. 500 less than	In lump sum
(b) If the price of the land exceed Rs. 500 but does not exceed Rs. 5000/-	In 5 equal annual instalments
(c) If the price of land exceed Rs. 5,000/-	In 10 equal annual instalments.

6. When the price of the land is paid in instalments under the above rule, it carries simple interest at two and a half percent per annum from the date of allotment till the payment of full amount of price. The amount of price remaining outstanding against an allottee after the due date is recoverable as arrears of land revenue.

7. Price of wells and Permanent structures:- An allottee has to pay the price of wells, and payment structures, if any, existing on the land, as well as the price of trees growing on the land at the rates prescribed for the purposes of section 80 and 81 of the Act.

Note 1:- In accordance with new provisions inserted in sub rule (I) of Rule 18 of the Rajasthan Imposition of ceiling on Agricultural Holding Rules, 1973 the allottee of the land in colony area as defined in Rajasthan Colonisation Act 1954 has to pay the price of the land allotted to him fixed as reserve price for different kinds of land in the colony area.

(Authority:- Revenue, Group (iv) Department)
(Notification No. F.7(15) Rev/Gr. IV/78 dated 1.5.78)

Note 2:- A person retaining possession of land in excess of ceiling area applicable to him, shall be a trespasser liable to ejectment from such excess land in the scheme of section 30 E Sub section (4) it makes the land holder, by virtue of legal fiction, a trespasser in respect of the excess land even though possession of land had not been transferred to the State under the provision of sub section (3) of the said section and such a person will assume the character of a trespasser right from the date that person unauthorisedly retained the possession of the land in excess of the ceiling area and did not surrender the same within the period prescribed by law to the State.

Consequently, the penalty under sub section (4) of section 30 E of the Tenancy Act can be imposed and the corresponding demand created and realised from such defaulting land-holders, except in those cases where on appeal, penalty order of the lowest courts in this behalf are reversed by higher courts.

(Authority:- P/Revenue (Gr. II) Department letter No. F.8(216)/Rev/Gr.-II/75 dated 9.4.1981 to all collectors in Rajasthan).

4.13 Tenants rights to plant trees:- A tenant may plant trees on his holding provided that such trees do not diminish the productive value of the land and such tenants continues to pay the full rent for holding. No trees standing on occupied or unoccupied land can be removed therefrom except in the following circumstances:-

- (1) A khatedar tenant holding land below the ceiling area may of his own accord remove trees standing on his holding for any purpose.
- (2) A Gair khatedar tenant may with the previous permission of the Tehsildar, remove any trees standing on his holding for his own domestic or agricultural use.
- (3) A sub-tenant may with the previous permission of the person from whom he holds land remove any trees standing on his holding for his own domestic or agricultural use.
- (4) A khatedar tenant holding land in excess of the ceiling area desiring to remove any trees which vest in him or are his property or are in his possession may do so under a licence to be granted by the Sub-Divisional Officer.

Whoever contravenes the above provisions is punishable.

- (a) In the case of Ist contravention where a tree has been removed with fine which may extended to one hundred rupees for each tree that has been removed and in other case, with fine up to one hundred rupees.
- (b) In the case of a second or subsequent contravention with fine which may extend double the amount of fine that can be imposed under (a) above and any tree or timber thereof in respect of which such contraventions have been committed may be forfeited to the State Government.

4.14 Determination and modification of rent:- Every tenant is liable to pay rent in accordance with the provisions of the Act. The maximum amount recoverable as cash rent from a tenant holding any land directly from the State Government should not exceed:-

- (a) Where rent in respect of such land has been settled, the rent rate sanctioned therefore during the last settlement and
- (b) Where rent in respect of such land has not been settled the rent rate sanctioned during the last settlement for similar land in the neighbourhood.

4.15 Rent for a holding is calculated ordinarily in accordance with the rent rates determinate and sanctioned for the area in which such holding is situated.

The rent of a tenant may be enhanced or abated only.

- (a) by a registered agreement, or
- (b) by a decree or order of a competent revenue court passed in a suit, or in case of land held directly from state Government on application by a tenant or report by the Tehsildar.

4.16 Grounds for enhancement of rent:- The rent of a tenant is liable to enhancement on one or more of the following grounds namely:-

- (i) that the rent payable by the tenant is substantially less than the rent calculated at the sanctioned rent rates appropriate to him, or
- (ii) that the productive powers of the land held by the tenant have been increased by fluvial action, or
- (iii) that the productive powers of the land held by the tenant have been increased by an improvement effected by or at the expense of the land holder, or
- (iv) that the area of the tenant's holding has been increased by alluvium or otherwise.

The rent of the tenant cannot be enhanced by more than one fourth of his existing rent subject to the condition that the rent fixed is in no case less than three quarters of the rent calculated at the appropriate rent rates.

If the tenant from whom enhancement of rent is claimed proves that the whole or any portion of the enhancement so claimed is due to an improvement which was made by him within the last twenty years and which he was entitled to make, orders would be passed by the court only for such enhancement if any, as it might have passed if the tenant had made no improvement. Also see paragraph 5.44 to 5.67 of this Manual

4.17 Remission or suspension of rent during agricultural calamities:- On the occurrence of a famine or scarcity in any area or an agricultural calamity affecting the crops of any area, the State Government or any authority empowered by it may remit or suspend for any period the whole or any portion of the rent

payable by a tenant in such area in accordance with the rules made by the State Government in that behalf. The powers of the revenue authorities to remit revenue are given in Appendix 7.

4.18 Payment and recovery of rent:- The produce of a holding is deemed to be hypothecated for the rent payable in respect thereof and until the demand for such rent has been satisfied, no other claim on such produce can be enforced by sale in execution of a decree of any civil or revenue court or otherwise.

4.19 A payment of money rent may be made by the tenant to the land holder either direct or by postal money order or by a deposit in tehsil.

4.20 Any instalment of rent not paid on or before the day when it falls due becomes an arrear on the day following the day on which it fall due and the tenant thereupon becomes liable to pay simple interest on the arrears at the rate of 6.25 per cent per annum. The areas of revenue or rent for which a write of demand has been issued shall be recoverable in instalments under the orders of the collector; not exceeding a period of three years under the provisions of Section 229 'A' of Rajasthan Land Revenue Act, 1956.

4.21 Ejectment for areas of rent:- Whenever rent due from a tenant is in arrear for two years or for a longer period the Tehsildar may suo-moto in case of land held directly from the State Government and on an application by the land holders in other cases issue a notice to such a tenant calling upon him within 30 days of the service of the notice to pay the amount of the arrear or to appear and admit or contest the same, indicating that the tenant would be liable to ejectment from the holding in default of his paying the arrears. If the Tenant does not appear or appears and admits the arrear claimed, the Tehsildar shall pass an order directing him to pay such arrears. If the tenant fails to pay the amount of the arrears, the Tehsildar or the court executing the decree, as the case may be, shall order that the Tenant be ejected from the whole or part of the holding and he shall be ejected accordingly

4.22 Ejectment for illegal transfer or sub-letting:- If a tenant transfers or sub-lets the whole or any part of holding otherwise than in accordance with the provisions of the Act and the transferee or sub lessee has entered upon or is in possession of such holding or such part in pursuance of such transfer or sub lessee, both the tenant and any person who may have thus obtained, or may thus be in possession of the whole or any part of the holding shall, on the application of the land holder, be liable to ejectment from the area so transferred or sub-let.

4.23 Ejectment for detrimental act or breach of condition:- A tenant is liable to ejectment from his holding:-

- (a) on the ground of any act or omission detrimental to the land in that holding or inconsistent with the purpose for which it was let, or
- (b) on the ground that he or any person holding from him has broken a condition on the breach of which he is liable to be ejected.

The planting of trees or the making of an improvement in accordance with the provisions of the Act does not constitute a ground for ejectment.

4.24 Ejectment of Khud kasht or Gair khatedar Tenants or sub tenants:- A tenant of khud kasht or Gair khatedar Tenant or Sub tenant becomes liable on application to ejectment on the ground that the land held by such a tenant or sub-tenant is in excess of the minimum area prescribed by the State Government for the minimum area prescribed by the State Government for the district or part of the district in which such land is situated and ejectment from the excess area is sought by the land holder for the purpose of his personal cultivations.

4.25 Ejectment of certain trespassers:- A trespasser who has taken or retained possession of any land without lawful authority is liable to ejectment on the suit of the person or persons entitled to eject him as tenant and he becomes liable to pay as penalty for each agricultural year during the whole or any part whereof he has been in such possession a sum which may extend to fifty times (fifteen times up to 14-8-1975) of the annual rent.

In case of land held directly from the state Government or to which the State Government acting through Tehsildar is entitled to admit the trespasser as tenant, action will be taken by the Tehsildar in accordance with the provisions of Section 91 of the Rajasthan Land Revenue Act, 1956. The relevant provisions have been given in para 5.25 of this Manual.

4.26 Arrear demand upon ejectment:- When a khatedar tenant is ejected from the whole or any portion of his holding in execution of a decree or order for ejectment for non payment of rent, all arrear of rent, due in respect of such holding on the date of delivery of possession is deemed to have been paid. On ejectment of a tenant, the compensation for any improvement made by him, if claimed and admissible would be assessed and if the compensation determinate exceeds the amount recoverable from the tenant as arrears of rent, the decree or order for ejectment shall be conditional on payment of the balance due to the tenant, within such time as may be prescribed.

4.27 Increase in assessment of Irrigated Lands prior to settlement:- The Rajasthan Land Revenue Act, 1956 has been amended by insertion of new Sections 177A. In accordance with provisions of this section the rates of assessment of land in areas irrigated from canals have been increased (see Appendix 7 for reference).

CHAPTER - 5

The Rajasthan Land Revenue Act., 1956

5.1 The Rajasthan Land Revenue Act, 1956 came into force from 1st July 1956. This "Act also extended to Abu, Ajmer and Sunel area which merged into the state of Rajasthan under Section 10 of the State Reorganisation Act, 1956 (Central Act No-37 of 1956) but this Act was extended to such Abu, Ajmer and Sunel areas w.e.f. 15.6.1958 by a notification No.F-1 (281) Rev.II/56 dated 23.3.1958". It deals with the establishment of all grades of revenue courts and offices, their powers and procedure, land and its use, survey, control and settlement operations, partition of estates collection of revenue and other miscellaneous matters e.g. recovery of cost etc.

Provisions regarding establishment of the Board of Revenue the highest revenue court, and its powers and procedures have been explained in Chapter-3. In this chapter, provisions regarding the land and its use and survey, control and settlement operations have been dealt with.

A Land and its use under the Rajasthan Land Revenue Act.

5.2 According to the provisions of Section 88 of the Act all public roads, lanes paths bridges and ditches, all fences on or beside the same, all rivers, streams, nallas. Lakes and tanks, all canals and water sources all standing and flowing water and all lands where ever situated, which are not the properties of individuals or of bodies or persons legally capable of holding property, are the property of the State with all rights therein. The collector disposes them subject to the orders of the State Government.

Note:- The cases where permission is granted or enjoyment of rights in the above described property are to be examined keeping in view the orders issued in each case.

5.3 Section 89 of the Act gives all powers to the state Government necessary for enjoyment of right to all minerals, mines and quarries and to all fisheries, Navigation and irrigation in and from a river.

Any person who without lawful authority extracts or moves minerals from any minor or quarry is liable on collector's orders to pay a penalty not exceeding a sum calculated at the rate of fifty rupees per ton, or a fraction thereof, of the mineral so extracted or removed. In the cases where the sum so calculated is less than one thousand rupees, the penalty of a larger amount not exceeding one thousand rupees may be imposed by the collector. In this context the term 'minerals' includes sand or clay having Commercial value or used for any public purpose.

5.4 As per decision of State Government the holders of mining leases are described as "Holders of mining leases and not Gair khatedars".

(State Government's letter No. F.6(64) Rev/8/Gr.I/58 dated 23.8.1969 to the Collector Bikaner- See Appendix 8).

5.5 All land to whatever purpose applied and wherever situated liable to the payment of revenue or rent to the State Government. No length of occupation of any land can release such a land from the liability to pay revenue or rent. Exemption can be granted by the State Government from such liability by special grant or contract or under the provisions of any other law for the time being in force. Revenue or rent assessed on all land even though such revenue or rent may not be payable to State Government being assigned released, compounded for or redeemed
(Section 90 of the Act)

5.6 It is with a view to facilitating the collection of revenue or rent chargeable by the State Government that the land is surveyed and record-of-rights, prepared with in the meaning of section 114 of the Act.

5.7 In cases where the land is granted for agricultural purpose alongwith other purpose. The land does not cease to be agricultural land. Portion of the land used for the agricultural purposes is liable for rent.

(Seth Mansukh Rai more V/s State of Rajasthan R.L.W. 478)

5.8 In case of land having remained under Sub-mergence of tank or of river demand of land revenue at full rate can be made but in respect of such land which is not cultivated due to land having remained under sub-mergence of water of tank or river only one fourth of demand is recovered and sanction for reduction of the remaining 3/4th is accorded by the authority as per delegation appearing in Appendix IV of the G.F. & A.R..

Surcharge of land revenue would, however, be chargeable from a tenant if 30 standard acres or more of his land remains under sub-mergence. The amount of surcharge would be equivalent to one and half times the land revenue.

(Authority:- revenue Deptt. Letter No. F4(2)Raj/Gr.II/77 dated 3.11.1978)

Finance Department Recovery Section letter No. F.O.6/67/Raj./३/66 dated 10.12.1969 addressed to Collector, Banswara and Copy endorsed to all Collector. See appendix 9.

5.9 In regard to recovery of land revenue or rent from Government departments the following procedure is required to be observed:-

(a) Where land has been given for urban purposes to any Government Department statutory body or public sector company under companies Act. The Government is required to be moved to finally approve conversion of agricultural land into abadi with retrospective effect and to reduce the demand of land revenue.

(b) Where land has been given for agricultural purposes land revenue should continue to be payable by the following:-

(i) Statutory bodies like universities

(ii) Central Government Departments, like Suratgarh Farm, Delhi Milk Scheme

(iii) State Government Department which operates on commercial lines viz Sheep & wool Department, Jaipur Milk Scheme.

(iv) State Government Statutory Bodies like proposed wool, Board and Agri. Industries corporation.

(v) Central Government statutory Bodies like Seed corporation, Food Corporation etc. and

(vi) State or Central Government Public Sector Companies registered under Companies Act or corporations like Ganganagar Sugar Mills Ltd. cooperative sugar Mills etc.

5.10 Bilanam land given to Panchayats for increasing their income is liable to land revenue or rent assessment and surcharge thereon. Government of Rajasthan Revenue Department Group 4 letter No. 6(20) Raj/67 dated 23.12.1972.

5.11 **Use of agricultural land for non-agricultural purposes:-** Section 90 'A' of the Act lays down that no person holding any land for the purpose of agriculture and no transferee of such land or any part thereof can use the same or any part thereof, for construction of building thereon or otherwise for any other purpose except with the written permission of the state Government. Whenever any such land is permitted to be so used for any purpose other than that of agriculture, the person to whom such permission is granted is liable to pay to the state Government:-

(a) An urban assessment levied at the rates laid down in the rules made in this behalf by the State Government or

(b) premium as may be prescribed by the State Government; or

(c) both.

If, however, such land so used by any person for unagricultural purposes:-

(a) without obtaining prior written permission of the State Government, or

(b) otherwise than in accordance with the terms & conditions of such permission; or

(c) after such permission having been refused; or

(d) without making payment of urban assessment and premium

Such a person is deemed to be a trespasser, liable to ejectment from such land in accordance with Section 91 of the Act. The State Government may in lieu of having such person ejected from the land in question allow him to retain such land and use it for non-agricultural purpose on payment of urban assessment and premium and also such fine by way of penalty as may be prescribed.

Amendment in the Rajasthan Land Revenue Act, 1956

1. **Amendment** of Section 90-A, Rajasthan Act No. 15 of 1956- After the existing sub-section (5) of Section 90-A of the Rajasthan land Revenue Act, 1956(Act No. 15 of 1956), hereinafter in this Chapter referred to as the principal Act, the following new sub-sections shall be added, namely-
“(6) Where permission under this section is sought with respect to a land situated in an urban area, the permission shall be granted only if the desired non-agricultural purpose is permissible in accordance with the law applicable in that area and is in consonance with the master plan or any other development plan or scheme, by whatever name called, in force, if any, in that area.
(7)Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, when in order granting permission under this Section is passed with respect to a land situated in an urban area, on and from the date of such order:-
(a) Tenancy rights over such land of the person to whom permission under this Section is granted shall stand extinguished; and
(b) The land shall be deemed to have been placed at the disposal of the local authority under Section 102-A and shall be available for allotment to the person to whom permission is granted under this section, or to the successors, assigners or transferees of such person, by the local authority for any permissible non-agricultural purposes in accordance with the rules, regulations or bye-laws made under the law applicable to the local authority, subject to the payment to the local authority, subject to the payment to the local authority of urban assessment for premium or both leviable and recoverable under sub-section (4).
(8)Notwithstanding anything to the contrary contained in this Act and the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) where before 17th June, 1999 any person, holding any land for agricultural purposes in an urban area on within the urbanisable limits or peripheral belt of an urban area, has used or has allowed to be used such land or part thereof for non-agricultural purposes or, has parted with possession of such land or part thereof for consideration by way of sale agreement to sell and/or by excuting power of attorney and/or Will or in any other manner for purported non-agricultural use, the rights and interests of such person in the said land or holding or part thereof, as the case may be, shall be liable to be terminated and the officer authorized by the State Government in the behalf, shall after affording an opportunity of being heard to such person and recording reasons in writing for doing so, order for termination of his rights and interest in such land and thereupon the land shall vest in the State Government free from all encumbrances and be deemed to have been placed at the disposal of the local authority under Section 102-A and shall be available for allotment or regularization by the local authority for any permissible non-agricultural purposes in accordance with the rules, regulations or bye-laws made under the law applicable to the local authority to the persons having possession over such land or part thereof, as the case may be, on the basis of allotment made, or patra given, by a Housing Co-operative Society or on the basis of any document of sale or agreement to sell or power of attorney or a Will or any other document

purporting transfer of land to them either by the person whose rights and interest have been ordered to be terminated under this sub-section on by any there person claiming through such person, subject to the payment to the local authority of urban assessment or premium provided that:-

- (i) Nothing in this sub-section shall apply to any land belonging to deity, Devasthan Department, any public trust or any religious or charitable institution or a wakf,
- (ii) No proceedings or orders this sub-section shall be initiated or made in respect of lands for which proceedings under the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan imposition of Ceiling on Agricultural Holdings Act, 1973 (Act No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending.
- (9) Any person aggrieved by an order of an officer or authority made under this section may appeal within thirty days from the date of such order to such officer not below the rank of Collector as may be authorized by the State Government in this behalf, who shall, as far as practicable, dispose of such appeal within a period of sixty days from the date of its presentation and if he is unable to dispose or the appeal within the aforesaid period, he shall record reasons therefore. An order passed under this sub-section shall be final.

Explanation – For the purposes of this section-

- (a) “ local authority”, in relation to a local area, means an authority constituted or designated for, or entrusted with the function of, planned development of that area and includes an Urban Improvement Trust Constituted under the Rajasthan Urban Improvement Act, 1959 (Act, No. 35 of 1959), the Jaipur Development Authority constituted under the Jaipur Development Authority Act, 1982 (Act, No. 25 of 1982), the Jodhpur Development Authority Constituted under the Jodhpur Development Authority Act, 2009 (Act, No. 2 of 2009) or a Municipality constituted under the Rajasthan Municipalities Act, 2009 (Act, No. 18 of 2009)
- (b) “ urban area”, means an area falling within Jaipur region as defined in clause (8) of Section 2 of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), Jodhpur region as defined in clause (8) of Section 2 of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009) or a municipal area as defined in clause (xxxix) of Section 2 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) or an area specified as such in a notification issued under Section 3 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) or an area for which a local authority is constituted or designated under any law for the time being in force;
- (c) “urbanisable limits” means the urbanisable limits indicated in the master plan or master development plan of a city or town prepared under any law for the time being in force and where there is no master plan or master development plan, the outer limits of the municipal area;
- (d) “peripheral belt”, means the peripheral belt indicated in the master plan o master development plan of a city or town prepared under any

law for the time being in force and where there is no master plan or master development plan or where peripheral belt is not indicated in such plan, the area as may be notified by the State Government from time to time.”

Amendment in the Rajasthan Urban Improvement Act, 1959

6. Amendment of Section 60, Rajasthan Act No. 35 of 1959.- For the existing sub-section (4) of Section 60 of the Rajasthan Improvement Act, 1959 (Act, No. 35 of 1959), the following shall be substituted, namely—

“(4) Any land deemed to have been placed at the disposal of the Trust under Section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) shall be available for allotment or regularization by the Trust to the person or persons, as the case may be, specified in that section subject to the terms and conditions prescribed, and on payment to the Trust of the urban assessment or premium or both leviable and recoverable, under that section.”

Amendment in the Rajasthan Municipalities Act, 2009

7. Amendment of Section 71, Rajasthan Act No. 18 of 2009.- For the existing sub-section (1) of Section 71 of the Rajasthan Municipalities Act, 2009 (Act, No. 18 of 2009), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely--

“(1) Any land deemed to have been placed at the disposal of the Municipality under Section 60-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), shall be available for allotment or regularization by the Municipality to the person or persons, as the case may be, specified in that section subject to the terms and conditions prescribed, and on payment to the Municipality of the urban assessment or premium or both leviable and recoverable, under that section.”

8. Amendment of Section 337, Rajasthan Act No. 18 of 2009.- The existing clause (xviii), of sub-section (2) of Section 337 of the principal Act shall be deleted.

5.12 The agricultural land held by a tenant may be used for non-agricultural purposes after obtaining permission of the competent Authority mainly for:-

- (i) Construction of residences in rural and urban areas;
- (ii) Construction of shops etc. for commercial purposes in rural and urban areas;
- (iii) Construction of factory or mill or setting up of small industry.
- (iv) Establishment of brick kiln.
- (v) Setting-up of lime kiln
- (vi) Manufacture of salt
- (vii) Construction of seed store.
- (viii) Establishment of petrol pumps.

The state Government have issued different sets of rules for the purposes mentioned above which have been discussed else where in this compilation

5.13 Khatedar tenants are entitled to make improvement in their holdings under section 66 of the Rajasthan Tenancy Act, 1955. The term improvement as defined in sub clause (a) of clause (19) of section 5 of the said Act includes erection of a dwelling house by the tenant on his holding for his own use or a cattle shed a store house or any other construction for agricultural purposes erected or set up by him on his holding. The State Government has, however, laid down certain restrictions for such improvements separately for rural and urban areas as given in the subsequent paragraphs.

5.14 Conversion of agricultural lands for non-agricultural purposes in rural areas:-

Under Rajasthan Land Revenue (Conversion of agricultural land for non agricultural purposes in Rural area) Rules, 2007, which may be permitted to use for residential, Commercial, industrial, salt manufacturing and public utility intuitional and medical facilities, SEZ, agro-processing and Agro business unit and solar power plant purposes on payment of conversion charges at the prescribed rates. No permission for conversion shall be required where a *Khatedar* tenant desires to establish micro small scale industrial unit, Kjava (small brick kiln) or desires to use land for the purpose of institutional, medical facilities or land for the purpose of institutional, medical facilities or public utility on his own Khatedari land upto an area not exceeding one acre. (Notification F6(26) Rev6/2014/33 dated 06.10.2016).

5.15 Though under the provision of the Rajasthan Tenancy Act, 1955, the khatedari Tenants are entitled to make improvement in their holdings, but due to certain restrictions imposed in 1955 under section 66 of the said Act, no improvement could be made in the areas falling within the prohibited limits.

Looking to the difficulties of the tenants the Government lifted the restrictions in 1965 as a result of which tenants could make improvement on their holdings on area up to 400 sq. yards within the prohibited limits except Jaipur. In case of Jaipur the prohibited limits for the purposes of improvements have been reduced and re-fixed as under:-

(a) Jaipur- Agra Road	Beyond Nasia i.e. 2 mile 7 furlongs (Jaipur)
(b) Jaipur Jamwaramgarh Road	Beyond Bandha Ghata i.e. 4 miles, 4 furlongs.
(c) Jaipur Chomu Road	Beyond the 5th milestone i.e. beyond Dher ka Balaji.
(d) Amer Road	Beyond Police Station.
(i)	Government notification No. F.6(64) Rev./13/Gr./64 dated 29.4.1969
(ii)	Government notification No. F.6(Rev./B/70 dated 23.1.1971
(iii)	Government notification No. F.6(8) Rev/B/70 dated 9.6.1973

The limits of improvement in prohibited area has been further restricted to 400 sq. yards or 1/50th of the total area of holdings whichever is less

5.16(1) According to the Rajasthan Land Revenue (Conversion of agricultural into non-agricultural land) (Repeal) Rules, 2003, permission for use of agricultural land for non agricultural purposes as specified therein granted after obtaining no objection certificate from the respective village panchayat, Municipal Board or urban Improvement Trust as the case may be after charging the premium and/ or urban assessment chargeable under the rules.

No conversion of agricultural land for non-agricultural purposes is allowed in the area not shown as reserved for industries within the approved master plan, if any, prepared for the city or town except after prior consultation with the Town Planning Department. In case the master plan has not been prepared and approved for any of the cities of Jaipur, Jodhpur, Ajmer, Udaipur, Kota, Bikaner and Ganganagar; the conversion of agricultural land for non-agricultural purposes is permitted by Government only after prior consultation with the Town Planning Department.

In the cases where the area involved exceeds 10 Acres of un-irrigated land, the permission for conversion is not granted by the Collector without obtaining the approval of the State Government in Revenue Department. Government notification No. F.6(55) Rev/B/71 dated 25.4.1979 See Appendix 11. Consequent upon surrender of khatedari/tenancy rights the land is allotted for any of the following purposes subject to the payment of the premium and urban assessment as per terms and conditions prescribed in rule 5 of the said rules:-

- (i) Construction of factory, mill or the setting-up of some small industry.
- (ii) Establishment of brick kiln.
- (iii) setting up of lime kiln.
- (iv) Manufactures of salt.

The amount of premium is payable in lump sum immediately on grant of permission, and the urban assessment is payable in two half yearly instalments.

The State Government has exempted the khatedar and Gair khatedar tenants for making brick kiln up to 150 yards as it is not considered detrimental to agriculture under the Rajasthan Tenancy Act.

In the cases where unauthorised constructions have been made prior to 1st December, 1973 for the purposes stated above and or poultry farm, the regularisation could be made by the collector in consultation with the District Industries Officer and Town Planner and representatives of the Municipalities, Urban Improvement Trust if the land is situated within the limits of the Municipal Board/Council. The penalty is leviable at the following rates:- Government circular No. F.8(5)Rev/B/70 dated 28.2.1970.

- (1) Rs. 150/- per acre for the land situated in rural area.
- (2) Rs. 3000/- per acre for the land situated within the limits of the Municipal Board/Council of Jaipur, Kota, Ajmer, Jodhpur, Udaipur and Ganganagar
- (3) Rs. 500/- per acre for the land situated within the limits of the other Municipal Board/Council/Towns.

In other cases the fine is calculated at the rate of not less than five times the prevalent highest market price for abadi land in the neighbourhood. The fine is, however, leviable equal to the market price of land in the vicinity only in addition to premium in the town and villages not having municipalities where the population does not exceed 8000.

5.16(2) Provided further that no application for conversion shall be required where tenant desires to establish, small scale industrial unit, k Jawa (small brick kiln), or desire to use of land for industrial purpose, medical facilities purpose or public utility purpose on his own khatedari land upto an area not exceeding one area and such land shall be deemed to have been converted for such a micro, small scale industrial unit, k Jawa (small brick kiln), industrial purpose, medical facilities public utility purpose. No conversion charge shall be payable for such conversion.

5.17 A Insertion of Rule 2 B of Rajasthan Land Revenue (Conversion of Agricultural in to Non-Agricultural land) (Repeal Rules 2003, use of agricultural land for setting up of small industry):-

Whenever any person holding any land for the purpose of agricultural wishes to use it or part thereof for the purpose of construction of a factory or a mill or for setting up of a small factory he shall be able to do so subject to the following conditions:-

- (1) The area so used shall not be more than 500 sq. Metres or two percent of the holding, whichever is higher
- (2) For all conversions for putting agricultural land to the aforesaid purpose, the premium and Urban assisment as provided in the rules shall be payable. On such payment, the land shall be deemed to have been converted automatically and shall be so entered in the revenue records.
- (3) The facility provided in condition No. 2 shall not be available for lands situated within the municipal limits of town or city.
- (4) In case of towns or cities having a population of one lakh or more the facility shall not be available within a distance of 8 miles of the municipal boundary.
- (5) In case the land is so used for a person who has obtained the same in violation of the clause as of Section 42 of the Rajasthan Tenancy Act 1955 he shall have to seek exemption under this provision to Section 42(a) of the said Act.

(Notification No F.5(13)Rev/Gr IV/73 dated 21.11.1978 published in Rajasthan Gazette dated 30.11.1978)

5.18 Nazul land or abadi land can be allotted to village cooperative societies for the construction of seed stores under the Rajasthan Land Revenue (Allotment and conversion of land for the construction of Seed Stores) Rules, 1965. In case such land is not available, unoccupied Government agricultural land classified as Banjar or Gair Mumkin may be allotted. If request for conversion of Barani or unirrigated land held under khatedari rights is made. The collector can permit such conversion.

5.19 In town or villages, where no area has been reserved and set apart for the purpose of setting up an industry or industries or where no Government land is available in an industrial area. The industrialist requiring land for industrial purpose may negotiate for purchase of any land approved by the Collector for the purpose and purchase the same at a reasonable price. After surrender of the land to the Government it is allotted to the industrialist on the terms and conditions laid down in the Rajasthan Industrial Area Allotment Rules, 1959. For the allotment of Government agricultural land in industrial area, the price of the land shall also be charged from the allottee which shall be equivalent to the prevailing marked price of the same class of agricultural land in the vicinity shall be determined accordingly by the collector concerned area.

5.20 Whenever the Food Corporation of India desires to purchase any agricultural land for the purpose of construction of storage Godowns, the Collector, may consider such applications for allotment of land under the Rajasthan Industrial Area Allotment Rules, 1959 after surrender of the tenancy rights by the khatedar. The land to be allotted in such cases should not exceed 5 acres and the allotment will be made by the State Government on the recommendation of the Collector of the District in which such land is situated

(Government of Rajasthan letter No. F.6(5)Rev/B/69 dated 7.11.1969 See Appendix 10)

5.21 If any person having a legal right to an agricultural land, intends to construct a Cinema House, or a Hotel or to establish a Petrol Pump thereon or if any person who has trespass upon Government agricultural land, or has utilised such land for the construction of a cinema or a Hotel or establishment of Petrol Pump wants to acquire lease rights in the land so used for construction of a Cinema or a Hotel or for establishment of Petrol Pump the agricultural land may be allotted, converted and regularised, under the terms and conditions of the Rajasthan Land Revenue (Allotment, Conversion and Regularisation of Agricultural land for construction of Cinema and Hotels and Establishment of Petrol Pumps) Rules, 1978, allotment of such lands will be on lease hold basis. In all cases in which a holder of private agricultural land applies for conversion and use of his land under those rules, the land holder shall have to surrender his tenancy rights in respect of such land in order to obtained lease-hold rights. If the land is leased to him under these rules, he shall be required to pay the prescribed lease rent.

For conversion of private agricultural lands for cinemas, establishment of medical facilities¹ and Petrol Pumps, Towns have been divided in the three categories. The lease rent chargeable for a standard size plot of 4000 sq. yards of agricultural land for Cinema and hotels, is as under:- **w.e.f. 11.04.2016

(i)	For towns in category No. I	Rs. 2500/- p.m. ²	Rs. 5000 p.m.
(ii)	For towns in category No. II	Rs.1250/- p.m.	Rs. 2500 p.m.
(iii)	For towns in category No. III	Rs. 600/- p.m.	Rs. 1200 p.m.

The lease rent for a standard size plot of 1200 sq. yards of agricultural land for Petrol Pump is as under:-

(i)	For towns in category No. I	Rs. 500 p.m.♦	** Rs. 1000 p.m.
(ii)	For towns in category No. II	Rs. 300 p.m.	Rs. 600 p.m.
(iii)	For towns in category No. III	Rs.200 p.m.	Rs. 400 p.m.

¹ Amended vide Notification No. F 6 (10) Rev. 6/99/16 dated 15.2.2001.

² Substituted vide No. F 6 (31) Rev./4/87 dated 21.11.1987.

♦ Substituted vide No. F 6 (31) Rev./4/87 dated 21.11.1987.

** Amended vide notification no. F9(45)rev.6/2016/09 dtd. 11.04.2016

Lease rent of periphery villages shall be half of the rates prescribed for adjoining zone and the rates of lease rent for rural areas shall be half of the rates prescribed for category No. III.

For Government agricultural land in addition to the lease rent at the above rates, the price of the land shall also be charged from the lessee which shall be based on the sale price of agricultural land in neighbourhood with effect from the date of conversion of the land all kahtedari rights; title and interest in the land shall be deemed to have been surrendered to the state Government and deemed to have vested in the State Government. No land revenue on such land shall be payable. The applicant shall have to execute a lease deed in prescribed form for a period of 20 years.

The category-wise list of towns appears in Schedule of I. Notification dated 26.10.1978 referred to below:-

The rates of lease shall also apply to all conversions effected during the period starting from 16.12.1960. The amount already paid as premium shall be adjusted against the total amount payable.

(Authority – Notification No. F6(63) Rev/Gr. IV/75 dated 26.10.1978 published in extraordinary Gazette dated 26.10.1978)*

5.22 Unauthorised occupation of Government land:-

Section 91 of the Act Confers powers on the Tehsildar to evict summarily a person who occupies or continues to occupy and land without lawful authority after making due enquiry as laid down there-in and to forfeit, any building or other construction erected, or anything deposited, if not removed within reasonable time. In lieu of forfeiture of building or other construction, the Tehsildar may, however, order demolition of the whole or part thereof. Such person is regarded as trespasser and is liable to pay for each agricultural year, during the whole or any part whereof, he has been in such unauthorised occupation of land a penalty which may extend to fifty times (15 times upto 14.8.1975) the annual rent or assessment, as case may be for the first act of trespass. In the case of each subsequent act of trespass, he may be committed to civil prison by the Tehsildar for a term which may extend to three months and also to pay penalty to the extent aforesaid. The amount of such penalty is recoverable as an arrear of land revenue.

Note:- previously in terms of the principal proviso to Section 91 (2), the trespasser had a right of tending, gathering and removing any ungathered crops, on payment of such penalty, as might be levied under the provisions. This proviso was withdrawn vide Section 3 of the Rajasthan Act No. 5 of 1964 (published in Rajasthan Gazettee Part IV-A Extra ordinary dated 26.3.1964). Accordingly, the trespasser has no right of tending, gathering and removing any un-gathered crops from Government land, W.e.f. 26.3.1964

5.23 The tehsildar may, however, with the previous approval of the Sub Divisional Officer instead of ejecting the trespasser, allot small strips of land adjoining existing buildings to the trespassers on payment of premium fixed by the state Government for Nazool and other lands within the abadi area. In addition

* For revised orders dated 30.1.2003, 31.1.2003, 25.3.2003

to the premium the trespasser is required to pay penalty equal to fifty times the rent for the whole period of unlawful occupation.

5.24 The land may be occupied unlawfully for agricultural and non agricultural purposes. In the cases where the land is occupied unlawfully for agricultural purposes, the fine under Section 91 of the Act is worked out with reference to the sanctioned rent of the land as shown in the settlement purchase. Government have clarified in their letter No. F6 (7) Rev./Gr IV/ 76 dated 20.2.1979 that in cases where the rent of land is not fixed an assessment shall have to be made keeping in view the prevailing rent rates, situation, type of land and the vicinity . In these cases the penalty would be up to 50 times the assessment so made. If, however, the land is occupied for non-agricultural purposes e.g. establishment lime kilns, brick kilns, industries etc. the amount of the fine to be levied is worked out with reference to the rates of rent prescribed under the relevant allotment rules.

5.25 The state Government have issued directions from time to time indicating the manner in which the problem of trespass should be tackled. Certain important directions are indicated in the subsequent paragraphs.

5.26 Extent of Regularisation of trespass on land for agricultural purposes in non- project area:-

Rule 20 of the Rajasthan Land Revenue (Allotment of Agricultural purposes) Rules 1970 provides regularisation of certain cases of trespass. Instead of ejecting a trespasser from the land he can be allowed to retain such land if he is a landless person and the total area of land held by him including the land so trespassed does not exceed fifteen bighas of unirrigated or 7 bighas of irrigated land. Cases of land, except lands in colony areas up to 1.7.1975 can be regularised without payment of any penalty or premium upon regularisation, the trespasser shall be bound by conditions of allotment in the rules and Khatedari rights shall accrue to him as if his case was of allotment under the rules.

(Authority F6(20)Rev./B 71 dated 13.4.1971 and F6 (7) Rev.Gr.IV/ 77 dated 14.4.77 copies of these orders are given in Appendix 11)

5.27 A number of tenants, agricultural workers and village artisans unauthorisedly constructed houses/Baras either on Government vacant land or pasture land or unculturable land. In July 1971, the State Government decided that such constructions made by them up to 18th February, 1955 for their own use might be regularised free of charge if the construction was not made within the prohibited limits. The cases of those who constructed houses/baras after 18th February, 1955 but before 31st December 1970 could be regularised free of charge if the construction was made on an area not exceeding 500 Sq. yards. The constructions made on land exceeding 500 Sq. yards but not exceeding 1000 Sq. yards could also be regularised on payment of premium at the rate of 25 paise per Sq. yards but no premium would be charged for the first 500 Sq. yards. On regularisation a Sanad is issued after recovering Rs.5/= from the persons concerned.(State Government letter No:-F-6/17/Raj/Kha/71/part Dt:-09.2.76. (See Appendix 12).

5.28 Section 91 of the Rajasthan Land Revenue Act 1956, clearly provides that the crops of a trespasser on unoccupied Government land should be forfeited to the state. The imposition of such a penalty can be possible if the cases of trespass are reported to the Tehsil Office well in time by the patwaries and Revenue Inspector and each are decided promptly by the Tehsildar or naib Tehsildars concerned. Generally the cultivators remove their crops from the field in October (Kharif) and March/April (rabi). As such all reports of trespass should be decided by the Revenue authorities before Crops are actually removed by the cultivators.

The patwaries are required to make three field inspections every year of every village in the circle as per following programme :-

Name of crops	Date of commencement	Date of completion
Kharif(Shials)	Ist October	31st October
Rabi(unhalu)	16th February	15th March
Zaid(vishesh unhalu)	16th April	15th May

The cases of trespass as may be noticed by the patwaries at the time of their field inspection as stated above or anything coming to their notice are to be reported to the office Quanoongo at the time of their monthly attendance in Tehsil office. If this duty is performed by the patwaries, it would be possible to comply with the requirement of section 91 ibid. Experience has, however shown that primarily the cases of trespass are not reported to the Tehsil office in time and if reported delay in decision of the cases is made by the Tehsildars and Naib-Tehsildars with the result that the penalty of forfeiture of crops cannot be made effective. In some cases this type of penalty is altogether omitted in the decision of the revenue officer concerned. The section also provides that the penalty, in addition to that of forfeiture of crop, should be imposed for each agricultural year up to 50 time of the assessed rent rate of the land but in certain cases lump-sum penalty is imposed. Audit parties should therefore, check such cases in greater details to assess the financial implication. The losses occurring due to non-forfeiture of crops may also be pointed out in the inspection reports on the basis of average yield per case or per bigha as may be conveniently ascertainable from the Tehsildar and should be multiplied by the area actually trespassed for a particular crop. If this is not possible, the average per case may be worked out by selecting a few cases decided by the Tehsildar in which the crops were actually forfeited and with that average cost the loss due to non-forfeiture of crops in other cases may be worked out.

5.29 Land may be set apart for special purposes :-

Under section of 92 of the Act, land may be set apart by the Collector for any special purpose such as for free pasturage of cattle, for forest reserve for development of abode, or for any other public or municipal purpose the allotment of the land is made under the various rules framed under the provision of the Act. The land so allotted cannot be used for any purpose other than that for which it

has been allotted.(State Government letter No:- F-6/17/Rajasthan B Capital Dt:- 03.7.71. (See Appendix 13).

5.30 With a view to preventing deforestation the State Government framed the Rajasthan Land Revenue (Control and Management of Forest Growth) Rules 1960, according to which the control and management of forest growth on land of any estate or village is regulated. For breach of these rules a penalty not exceeding one thousand rupees or if the breach be a continuing one, a penalty not exceeding rupees fifty for each day during which such breach continued, may be imposed on any person who has been convicted by a criminal court of competent Jurisdiction, for the said offence.

5.31 No one can occupy any land in abadi area without first paying the premium fixed under the Act. The persons occupying some land in the abadi area with limited rights at the commencement of the Act could also acquire full proprietary rights over such land upon payment of such premium as may be fixed under the Act.

5.32 **Sale of land in Industrial area :-** Section 100 of the Rajasthan Land Revenue Act, 1956 empowers the State Government to make rules regulating sale of lands in industrial and commercial areas and to impose an annual assessment on such lands where ever necessary. The expression "Industrial Areas" shall mean an area of land which may have been reserved and set apart and may hereafter be reserved or set apart under section 92 of the Rajasthan Land Revenue Act, 1956 for the purpose of setting up an industry or industries.

The Rajasthan Industrial Areas Allotment Rules, 1959 provides for allotment of land in an industrial area for setting up an industry on lease for a period of 99 years on payment of development charges and the annual rent by the lessee at the rates prescribed there in. The land for industrial purposes allotted by the State Government in Industrial Department. The annual rent and development charges are, how ever, recoverable by the Revenue Department. For allotment of Government Land in Industrial area the price of Land shall also be charged from the allottee which shall be egrivalent to the prevailing market price of same clause of agrucultural land in the veinity and shall be determined accordingly by the Colonisation Commissioner in the Rajasthan Colony Project Area and by the Collector concerned in other area.

In town where the Rajasthan Industrial & Investment Corporation have been developing industrial area, the development charges for the land, allotted by the Industries Department in such towns are to be recovered at the same rates as are prescribed by the R.I.I.Co. in respect of their industrial areas. The rates prescribed by the R.I.I.Co. in industrial areas developed by them are given in Appendix 14.*

5.33 Allotment of land for agricultural purposes :- Unoccupied Government land may be allotted for agricultural purposes under section 101 of the Act. If there are more than one person requiring the same land, the allotment is made in the following order :-

* For revised orders dated 19.8.2000 and 10.3.2003

- (i) to co-shares of the holding if it forms part of a compact block or is irrigated from the same source, preference amongst such co-shares being given to the one having land less than the area prescribed under the Rajasthan Tenancy Rules.
- (ii) to person residing in the village in which the land is situated, Preference is given to persons having no land or less land than the area prescribed under the said rules.
- (iii) by drawing lots.

In order to give effect to the aforesaid provisions of the said section of the Act, the State Government has framed the (i) Rajasthan Land Revenue (Allotment of land for agricultural purposes) Rules, 1970 (ii) Rajasthan Land Revenue (Allotment of land for agricultural purposes by sinking Tube wells) Rules, 1969 and (iii) Rajasthan Land Revenue (Allotment of land to Co-operative societies) Rules, 1959. The important provisions of these rules are summarised below :-

- (i) Allotment of land can be made by the Sub-Divisional officer on the advice of an Advisory Committee.
- (ii) No premium is charged for the land allotted.
- (iii) The land allotted only to a landless person as defined in the Rajasthan Tenancy Act. The allotment of land is made to the extent of 10 acres and as far as possible not less than 5 acres of irrigated land.

The allottee is given Gair-Khatedari rights and Khatedari rights are conferred after 10 years provided in terms and conditions of allotment are fulfilled during this period.

The allotment of unoccupied Government land in the area declared as "Colony" is made under the statement of conditions and rules made for allotment and sale of land issued under the Rajasthan Colonisation Act, 1954.

*5.34 The Government of Rajasthan had issued separate set of rules for the allotment of agricultural land of Muslim evacuees situated in the Districts of Alwar and Bharatpur which are termed as the Rajasthan Land Revenue (Permanent Allotment of Evacuees Agricultural Lands) Rules, 1963. While auditing the land revenue records of the Tehsils situated in these districts, the provisions of these rules should care-fully be kept in view specially with regard to the recovery of the price of land at appropriate rates applicable to each class of allottee. In the case of allottee who opt to pay the price in instalments penal rate of interest of 12% is invariably recoverable from an allottee who fails to pay instalments regularly but possession of land is continued.

5.35 Under section 260 and 261 of the Rajasthan Land Revenue Act, 1956, the Government framed the Rajasthan Land Revenue (Allotment of Tube well Land) Rules, 1968, which extend to the Districts of Jaisalmer, Barmer and Bikaner. The tube well lands in these districts are auctioned to the highest bidders only for agricultural purposes and the price of such land is payable under rule 7 *ibid*. If the

* For revised orders dated 15.9.2001

payment is not made under the provision of that rule, interest at the rate of 9% per annum is chargeable on the amount which remains unpaid. The recovery of the price of land and interest, where necessary, should be made from the allottees, in addition to the payment of such rent as may be fixed in respect of the Tube well land allotted to him .*

5.36 In order to recognise rewarded members of the Defence Services in the country, who have distinguished themselves by conspicuous acts of gallantry and are rewarded gallantry decoration by the President of India, the Rajasthan Government also decided to grant lands to such persons as per Government of Rajasthan Finance (Group VI) Notification Dated 21.06.08 cash awards and 25.00 Bighas irrigated land will be allotted in Indira Gandhi Nahar Pareyोजना Phase-II or Rs. 2.00 Lak in lieu of land at the scales prescribed in the Rajasthan Gallantry Awards (Cash rewards and land Grants) Rules, 1966. Although no premium of reserved price is charged from the allottee, rent is chargeable from them after the first two years of allotment (For the Ist three years ½ and thereafter full rent at the sanctioned rent rates applicable to the land). Betterment levy is also chargeable at the rates applicable to Rajasthan Canal Colony area.

5.37 Allotment for purposes other than agriculture :-Section 102 of the Act empowers State Government to allot land for the purpose of an industry or for any purpose of public utility Some of the important notifications and rules issued/made by the State Government in exercise of the powers conferred by this section are enumerated below :-

(i) Allotment of land for construction of Power Houses at various place by the Rajasthan State Electricity Board.

- (1. Govt. Notification No. F.6(34) Rev./B56 dated 17.12.1960- as amended by No. F.6(12) Rev Gr.iv/76 dated 6.7.1976.
2. Govt. Notification No. F.6 (101) Rev./B/Gr.I/61 dated 14.7.1962
3. Govt. Notification dated 20.7.1963 published in Rajasthan gazettee dated 10.10.1963 Part IV C.)

(ii) Allotment of land to a youth club established in rural areas under the Community Development Programme for establishment of model agricultural farms for growing of fodder or manurial plant, demonstration of improved varieties of food crops or of improved agricultural practices, making of composted, yards, etc.

- (1. Govt. Notification No. F.6(34) Rev./B56 dated 17.12.1960- as amended by No.F.6(12)RevGr.iv/76dated6.7.1976.
2. Govt. Notification No. F.6 (101) Rev./B/Gr.I/61 dated 14.7.1962
3. Govt. Notification dated 20.7.1963 published in Rajasthan gazettee dated 10.10.1963 Part iv.c).

(iii) Allotment of unoccupied Government agricultural lands for construction of school, colleges, dispensaries, Dharmashalas and other buildings.

- (1. Govt. Notification No. F.6(34) Rev./B56 dated 17.12.1960- as amended by No. F.6(12) Rev Gr.iv/76 dated 6.7.1976.
2. Govt. Notification No. F.6 (101) Rev./B/Gr.I/61 dated 14.7.1962

* For revised orders dated 18.4.2002

3. Govt. Notification dated 20.7.1963 published in Rajasthan gazettee dated 10.10.1963 Part iv.c).
 - (iv) The Rajasthan Land Revenue (Allotment of Land to Dairy and Poultry Farms) Rules, 1958.
 - (v) The Rajasthan Land Revenue (Allotment of unoccupied Government land for lime kilns) Rules, 1965.
 - (vi) The Rajasthan Land Revenue (Brick Kiln leases in non-project areas) conductions, 1960
 - (vii) Rajasthan Land Revenue (allotment of land to Gaushala) Rules 1957.
 - (viii) Rajasthan Land Revenue (paper khar Shaji and salt, petro, producing areas leases) Rules, 1964.
 - (ix) Rajasthan Land Revenue (Saline Areas Allotment) Rules, 1970-
 - (x) Rajasthan Land Revenue (Allotment and Conversion of lands for construction of seed store Rules, 1965.
 - (xi) Allotment of land for construction of depots and workshops at various places by the Rajasthan State Transport Corporation.
- * (1. Govt. Notification No. F.6(34) Rev./B56 dated 17.12.1960- as amended by No. F.6(12) Rev Gr.iv/76 dated 6.7.1976.
2. Govt. Notification No. F.6 (101) Rev./B/Gr.I/61 dated 14.7.1962
3. Govt. Notification dated 20.7.1963 published in Rajasthan Gazettee dated 10.10.1963 Part iv.c).
- (xii) Allotment and conversion of agriculture land for establishment of Petrol Pump Rules, 1973.
- The allotment of land for the above purposes are made in accordance with the provisions of the relevant allotment rules. The premium rent and penalty is recovered where required under the rules.
- (Government of Rajasthan Revenue (Gr-vi) Deptt. Letter No. F.6(12) Trb/Ht/iv/76 dated 12.7.1976)
- (xiii) Conversion of agricultural land non agriculture purposes in Rural areas Rules, 2007.
- (Govt. of Rajasthan Revenue (Group-VI) Deptt. Letter F.6(6) Rev-VI/92/PT-VI/13 Dated 15.5.08 (P 212-P213 C of Manual)
- (xiv) Land allotment for central government department and corporations Circular No. P-4(16)Rev/4/85 dated 02.03.87
 - (xv) Land revenue for electricity board, roadways, Rajasthan state warehousing corporation, Rajasthan co-operative Notification no. 6(12)Rev 6/99/pt/23 dated 13.10.2005

* For revised orders dated 13.2.2001

5.38 Land entrusted to local authorities: Section 102 'A' of the Act provides for placing of nazul land and land set apart under Section 93 of the Act, at the disposal of local authority. Such local authority can take over such land for and on behalf of the state Government or may use the land for the special purpose for which it has been set apart to such extent and subject to such conditions and restrictions as may be laid down by the State Government. In exercise of the powers conferred by the said section, the State Government placed at the disposal of Municipal Authorities, all nazul lands lying within their jurisdictions. Further all nazul lands lying within the jurisdiction of municipalities of the towns of Ajmer, Bikaner, Jaipur, Jodhpur and Udaipur except the area inside the city walls of Jaipur have been placed at the disposal of the Urban Improvement Trust constituted for these towns. The following important instructions have been laid down in this behalf:-

- (i) The amount of urban assessment as prescribed by the Government and collected by the municipalities/Urban Improvement Trusts shall be credited to the Consolidated fund of the State. The urban assessment chargeable is 2.5 % of reserve price in respect of residential plots and 5% of reserve price in case of Commercial/Industrial plots given on lease hold basis.
- (ii) Outright sales of land shall not be permissible in towns having population of over 25,000 and towns where medium and large scale industries are being established and in investment exceeding Rs.50 lakh has to be made.
- (iii) The amount of premium in respect of the land sold shall be credited to a development funds on established and constituted. However, such receipts in respect of municipalities of Ajmer, Alwar, Bikaner, Bhilwara, Ganganagar, Jaipur, Jodhpur and Udaipur shall be credited to the Development Fund only to the extent of 50 % and the other half shall be credited to the Consolidated Fund of the State (Government notification No.F7(187) LSG/58-II dated 8.10.1959 and No.7(187)LSG/58 dated 9.5.1963).

5.39 under section 104 of the Act, all powers exercisable by the Collector or other revenue officer under section 97 and 98 of the Act in respect of land set apart under section 92 of the Act would be exercised by the local authority concerned whenever such land is placed at the disposal of the local authority in accordance with the rules made by the State Government in this behalf.

5.40 (i) In order to make more land available for residential purposes, due to increase in population, the State Government ordered in 1961 that the Collector may set apart unoccupied by Government agricultural land for development of abadi in exercise of the powers conferred on him by section 92 of the act. Such land may be converted into abadi and placed at the disposal of the local authorities vis. Urban Improvement Trust, Municipal Board / Corporation, Gram-Panchayats etc. for development of abadi after recovering capitalised value thereof. The capitalised value of the land in such cases is to be calculated at the rate of 40 times of the sanctioned rent rates if such land is situated in the towns having population of 50,000 and above and at the rate of 20 times of the sanctioned rent rates in respect of land in other towns. In case such land is un-assessed the capitalised value would be calculated at the sanctioned rent rates applicable to the lowest class of Barani land in their neighbourhood of such land.¹

¹ Substituted vide Notification No. F 6 (9) Rev./96 part-10 dated 6.1.2006

(ii) In this case also the provisions regarding transfer of Nazul land contained in Government notification No. F7(187) LSG –58-11 dated 8.10.1959 referred to in para 5.43 above are applicable.

(iii) The villages and dhanis established prior to 15.10.1955 on Sivai Chak / Gair Mumukim/Agore or forest lands can be regularised by the S.D.O. without charging or premium or penalty. In the case of villages and dhanis established between the period 15.10.1955 and 8.4.1977, the same can be regularised under section 92 of the Land Revenue Act, 1956 on payment of capitalised value calculated at the rate of 20 times of sanctioned rent rates but in case of Khatedari land, the same can be regularised on surrender of Khatedari rights without charging any amount of capitalised value.

(Authority:- Revenue (Group-IV) Department letter No.F-6 (11) Rev./Gr.4/77 dated 23.4.1977).

(iv) The Sawai Chak land falling in project can be allotted by the District Collector to the Improvement Trust / Municipal Board or village Panchayat for abadi purposes on payment of capitalised value calculated as per table given below:

S. No.	Name of Towns and Cities	Rate
1.	Towns and Cities with population of 10 thousand and above according to latest available census.	40 times of the sanctioned rates.
2.	Other Towns and Villages	20 times of the sanctioned rates.

5.41 The State Government decided in August 1970.that the urban lands may be allotted for petrol pumps by the urban Improvement Trusts in Rajasthan. The value of the petrol pumps sites should be based on market-price of land and rent should be:-

- (i) 6 percent of the value of the petrol pumps per annum for Indian Oil Corporation pumps given to unemployed engineers and
- (ii) 9 percent of the value of the petrol pump per annum in all other cases

The leases would be for 30 years and urban assessment will be payable at 5 percent of the reserve price by all including unemployed engineers (Government of Rajasthan Town Planning Department letter No. F-3/9/7P/70 dated 20.8.70 Referred Appendix 15).

(B) Determination of Land Rent and Survey Record and Settlement operations.

5.42 With a view to facilitating the collection of revenue or rent chargeable by the State, the land is put under survey, records and settlement operations. The important provisions regarding determination and modifications of rent as per the Rajasthan Tenancy Act, 1955 are given in para 4.19 to 4.20 of the Manual.

The term 'Survey' has not been defined in section 3 of the Act, which deals with the various terms generally used in the Act and in Chapter VII thereof dealing with 'Survey and Record Operations'. Its literal meaning, however, is the determination of boundaries, size, position, shape, ownership etc. In other words, it means an enquiry into something condition. The survey operations in respect of any local area or part thereof when undertaken aims at preparing for each village or portion of a village comprised in such area a map and field book called Khasara. The main object of undertaking record operations is the preparation of annual registers, which comprised of (i) Record of rights and (ii) the register of villages. The main purpose of undertaking settlement operations is the evolution of rent rates which when sanctioned by the State Government become the basis for determination of rent for each holding in the district or area under settlement operations. The term of each settlement or resettlement is twenty years and it commences from such date as the State Government may by notification in the Official Gazette, direct. The term of settlement may be extended further or terminated earlier by the State Government in the circumstances mentioned in section 175 *ibid*. Thus, the settlement of any district becomes due normally after the expiry of the existing term of twenty years.

5.43 In any area all or any of these operations may be undertaken after declaration by the State Government to be published in the Official Gazette that the area would be under such operation or operations and from the date of such declaration that area is considered to be under such operation or operations. The operation may be declared closed by another notification by the State Government.

Thus, three operations are undertaken from time to time in a particular area. Nevertheless maintenance of records is a continuous process as it aims at keeping the records of rights up-to-date and for that purpose changes in records of rights are made:-

(a) Operations

5.44 The above three operations are really combined in practice and are conducted by the Settlement Officer. During the settlement operations the duty of maintaining the maps and field books and preparing annual registers is transferred under the orders of the State Government from the land record officer (*viz* Collector) to the settlement officer who thereupon exercises all powers conferred on the land record officer by Chapter VII of the Rajasthan Land Revenue Act, 1956.

5.45 The different stages in determination of revenue or rent are described below:-

All lands in the possession of individual are shown as separate units on the map. The map also shows the land in the possession of the State, roads, pathways, canals, hillocks, etc. Survey number (Khasara) is attached to each unit and a register (known as field book or Khasara) is prepared giving the survey number and the area of each unit. Besides, the following records are also prepared:-

- (1) Khatauni
- (2) Dastoor Ganwai
- (3) Register of villages etc.
- (4) Khewat i.e. register of estate holders in the area under survey.

‘Khatauni’ is a register of all persons cultivating or otherwise holding or occupying land in such area specifying the following particulars as to each tenant.

- (a) The nature and class of tenure.
- (b) The date of Khatedari parcha and transfers if any made by him together with all the particulars of such transfers.
- (c) Khasara No. of each field comprised in his holding and the area thereof.
- (d) The annual rent payable by him,
- (e) In the case of a person other than Khatedars, the number of years during which he held the land in his possession.
- (f) Amount of the premium, if any, paid by him for the acquisition of Khatedari rights.

5.46 The register of villages contains a list of villages in the area showing therein:-

- (i) The area liable to fluvial action
- (ii) The area having precarious cultivation
- (iii) The revenue or rent assessed thereon and the person through whom it is payable.
- (iv) The area of which the revenue or rent has either wholly or in part been released, remitted, redeemed assigned or compounded specifying the authority therefor and the conditions thereof.

5.47 The ‘Dastoor Ganwai’ (or Wajah-ul-Arj) contains all cases payable by tenants of the village, the various customs regarding utilisation of land in the village concerned, rights of villagers to the common land in the village, the rights to irrigation, rights of way and other easements etc.

5.48 The land record officer in the case inhabited village ascertains and determines the area to be reserved for residences of the inhabitants thereof or for purposes ancillary thereto and such area is deemed to be abadi of such village.

The State Government in this connection, asked the Settlement Commissioner to issue directions to all the settlement officers not to extend the demarcated abadi area of previous settlement unless valid order are there to authorise it (Government letter No. F-6(2) B / Gr.-I / 60 dated 20.5.1969).

5.49 All disputes regarding the class and tenure of the tenant as to entries made in the “Khatauni” (Record of rights) are decided by the Land Record Officer under the powers conferred on him by section 123 to 125 of the Act.

5.50 After the survey and record operations are over, the maps and field books, register of villages and Khataunies are maintained by the Collector of the area concerned. The Collector is also responsible for recording all changes that take place and any transaction that may effect any of the rights or interest of tenant.

(b) **Determination of rent**

5.51 After any area is placed under the survey and record operation, the settlement officer adequately tours the area and makes a note of (i) the General physical and economic character of area, rainfall, changes in population communication, agricultural wages (ii) means of irrigation (iii) changes in cultivating tenures (iv) rent, rates fixed at the last settlement.

5.52 He then carries out the economic survey of the condition of the tenants with special regard to:-

- (i) increasing in irrigation facilities, if any, since last settlement.
- (ii) standard of cultivation and increase or decrease in cultivated area since last settlement.
- (iii) expenses of cultivation and the cost of cultivator of maintaining himself and his family.
- (iv) existence of market.
- (v) means of communication and improvements since last settlement, if any.
- (vi) size of holding.
- (vii) extent of indebtedness among the tenants and credit facilities.

5.53 After the economic survey is over, the settlement office forms assessment groups or assessment circles in the area under settlement. In forming settlement groups regard is paid to:-

- (i) physical configuration.
- (ii) climate and rainfall.
- (iii) Population and availability of labour.
- (iv) agricultural resources.
- (v) nature of principal crops grown along with quantity of produce and then prevailing market prices;
- (vi) the rates at which rents are being paid for holdings, and
- (vii) the assessment circles / groups formed during last settlement, if any.

5.54 Thereafter, the settlement officer divides villages in each assessment group into various soil classes in accordance with the rules made by Government viz. the Rajasthan Land Revenue (Survey, Record and Settlement) Rules 1957.

The broad divisions of soils in Rajasthan are as follows:-

A. Irrigated:-

- (i) Chahi – irrigated by well.
- (ii) Nahari and Talabi – irrigated by canal of tanks.
- (iii) Deegar – irrigated by other sources.

B. Dry-cultivated:-

- (i) Dehri Sewaj or Khareendu Area in depression of Sailabi
collecting rain water.
- (ii) Talabi peta Tauk-bed areas.
- (iii) Kachhar or Khatali Area in river beds.
- (iv) Barani or Barsati or Mal Depending on rain

C. Dry-uncultivated:-

- (i) Parat or Banjar Uncultivated or fallow
- (ii) Beer Areas reserved for growing grass.

D. Dry-uncultivable:-

Ghair Mumkin

Land unfit for village.

The settlement officer then evolves suitable rent rates for each class of soil in each assessment circle / group. While evolving the rent rates regard is paid to:-

- (i) Collection from rent during the twenty years preceding the settlement excluding such years as the State Government may by notification in the official Gazette declare to be abnormal.
- (ii) average of the prices of agriculture produce prevailing during the twenty years preceding settlement excluding such years as the State Government may by notification of the Official Gazette declare to be abnormal.
- (iii) the nature of crops grown and average quantity of the produce.
- (iv) the value of such produce at the average price.
- (v) expenses of cultivation and cost to the cultivator of maintaining himself and his family.
- (vi) rent rates of last settlement.
- (vii) rent rates of similar classes of soil, if any, in adjoining area etc.
- (viii) the frequency of remissions, suspension and short collections.
- (ix) the area of land kept fallow each year out of each holding, rotation followed and period of rest.

5.55 The rent rates evolved by the settlement officer should not exceed one sixth of the value of the produce at the average price.

5.56 The settlement officers then submit to the Settlement Commissioner the schedule of rent rates proposed by him together with a brief and simple explanation of the basis of the rent rates evolved by him. The Settlement Commissioner, if he finds no preliminary objections to the proposals, approves the publication of the proposed rent rates along with the basis in Government Gazette.

5.57 When the rent rates have been published, the settlement officer issues a note which is published in official gazette, calling upon land holders and tenants to file, within one month, objection, if any, to the proposed rent rates.

5.58 Objection received, if any, are considered and necessary orders are passed thereon by him and thereafter his proposals with objections received and orders passed thereon are submitted to the Settlement Commissioner.

5.59 After making enquiry into the matter, if any, the Settlement Commissioner submits proposals to the Revenue Board along with his remarks and recommendations. On receipt of proposals, the Revenue Board may make enquiries, as deemed fit and then submit the proposals for sanction to the Government. The Government then accords sanction to the proposals with such modifications as it may deem necessary.

(c) Determination of rent for each holding

5.60 On the basis of sanction rent rates, the settlement officer proceeds to assess the rent payable for each holding in the area under settlement operations.

5.61 The following types of areas are not assessed to rent by the settlement officer:-

- (i) land occupied by buildings with their appurtenances.
- (ii) permanent threshing floors.
- (iii) grave yards, cremation grounds and play grounds.
- (iv) permanent roads and pathways.
- (v) uncultivable land.

5.62 If the newly assessed rent of a holding exceeds the existing rent, such existing rent cannot be enhanced by more than one fourth thereof subject to the condition that rent so assessed is to be in no case less than three fourth of the valuation of the holding at the appropriate sanctioned rent-rates.

5.63 Where the rent so assessed for a holding exceeds one-fourth of its existing rent and three quarters of its valuation at appropriate sanctioned rent-rates, such excess is ordered to take effect by annual increments extending over a number of years not exceeding three and the full rent, assessed becomes payable on the expiry of such number of years.

5.64 When rents have been assessed the settlement officer arranges for the preparations and distribution tenants concerned of the “Assessment Parchas” in respect of all holdings. The parchas show the prescribed particulars. After parchas have been distributed, the settlement officer issues a proclamation, which is published in the Official Gazettee inviting objections from the tenants. The objections are to be presented within 30 days of the issue of proclamation. The settlement officer disposes of the objections received, if any, in accordance with the provisions of the Act and after recording his orders determines the rent payable of the holding.

5.65 The rent of the holding fixed by the orders of the settlement officer is payable from the date of commencement of settlement and is not liable to variations during the terms of settlement.

5.66 Ordinarily the term of a settlement is 20 years where after the area concerned should be brought under re-settlement by issuing gazette notification unless the term is extended by the Government issuing such a notification, the Government, besides other factors, should keep in view that increase in revenue as result of re-settlement will recoup the expenditure incurred on resettlement in a period of ten years.

5.67 **Intermediary settlement and enhancement of rent rates:-** Amongst so many factors detailed above for enhancement of rent rates, one important factor is the increase in the productive powers of land held by a tenant as a result of improvement effected by or at the cost of the land holder viz., the Government. In the past irrigation facilities for agricultural land have been extended over rest area by constructing band has, digging canals sinking tube wells, lift irrigation schemes etc. as a result of which the productive powers of the agricultural lands have definitely increased. While conducting the audit of revenue tehsils, besides looking into the cases of allotment of unoccupied (Sawai Chak) lands in the command areas and / or grant of Khatedari rights to the allottees on payment of premium at the prescribed rates, it should also be seen whether the rent of Khatedari lands, where such or other types of improvement have been made at the expense of the State, have suitably been enhanced. The work of revision in the rent rates in such cases can be entrusted to any officer, not below the rank of an Assistant Collector, even before the expiry of the term of existing settlement for the district as a whole or any part of thereof. The rent-rates in such a case may be enhanced to the extent indicated in para 5.62 of the Manual. The omissions for not increasing the rent rates as prescribed under the law should invariably be pointed out by our local audit parties through the inspection reports, where necessary. For working out financial results in such cases the agricultural statistics (Krishi Talika), and Milan Khasara available in the land records sections of tehsil offices may be referred to.

5.68 As already stated elsewhere in this chapter, the rent-rates for each class of soil in each assessment circle or group are mainly based on the soil factors, average of the prices of agricultural produce prevailing during the preceding 20 years, expansion of cultivation, nature of crops grown, rent-rates prescribed for similar class of soil in the adjoining area, condition of paths and roads and marketing facilities for agricultural produce available in a particular area. As a matter of principle the rent-rates of similar class of soil in the similar circumstances should normally be the same, if not, at least there should not exist a wide variation between the two. It is the duty of the audit to detect the cases of wide variation in the rent rates of similar type of soils in similar circumstances.

It should also be kept in mind that the land revenue is based on the rent rates of land of various classes and categories as determined during settlement. As such the method of arriving at the rent rates by settlement officers should be properly scrutinised and it should be ensured that the rates arrived at in a normal course are recommended for Government sanction and there is no reduction in the rent rates without adequate reasons kept on record.

5.69 Sometimes it happens that the proposals made by the Settlement Officers are abnormally delayed at various stages viz. by Settlement Commissioner, Board of Revenue, Administrative Department of the Government without cogent reasons or the rent-rates are not given effect from the date of commencement of the term of settlement or from an earlier date as the case may be (section 167 of Land Revenue Act refers). Consequently Government is put to substantial loss of revenue. There should ordinarily be no delay in applying the revised rent rates from the prescribed date as per provisions of section 167 *ibid*.

5.70 If the land is added alluvium to a holding or its area is diminished by fluvial action or otherwise and if the value of any land in any holding is altered in consequence of its diversion from an agricultural purpose to non-agricultural purpose and vice versa the Collector or permanent settlement officer may revise the assessment.

Chapter - 6

Procedure for Raising of Demand collection of Revenue, Remittance of collection in treasuries and Reconciliation

A. RAISING OF DEMANDS

6.1 Rule 107 of the Rajasthan Land Revenue (Land Records) Rules, 1957, provides for the preparation of demand slips (Form P 31) containing all kinds of agricultural Government demands due from a tenant every year along with the preparation of Dhal Banchh and supply of it to each person, liable to pay, before the date fixed for the collection. These are prepared in two foils of which one is given to the person liable to pay and on the other, to be retained by the patwari, his receipt is obtained.

6.2 **Fixed demand** – The demand in respect of fixed revenue is prepared on the basis of rent rates settled as shown in settlement parches already given to the tenants at the time of settlement operations of the area under section 164 of Rajasthan Land Revenue Act, 1956.

6.3 **Fluctuating demand** – Similarly, the demands in respect of fluctuating assessment is prepared after girdawari on the basis of Dhal Banchh Reports. In order to assess the fluctuating demands Khasara Parivartansheel (Form P.14) is prepared as prescribed in Rule 89 of the Rajasthan Land Revenue (Land Records) Rules, 1957.

Jamabandi for fluctuating assessment is prepared where rent or revenue is realised on the measurements of cultivated area, the area newly cultivated, additional irrigation and extension of irrigation on the basis of rates prescribed at the time of settlement. Additional irrigation does not cover the area irrigation by canal for which water rates are separately charged. It applies only to such areas irrigated by wells which were not classed as chahi or irrigated at the time of settlement and has been extended there to subsequently. This practice is prevalent in Kota district and is known as Jadid Pivat. In Ganganagar district rent is collected on the area of matured crops and is known as “Hoi Boi” consequently, the assessment fluctuates from crop to crop and year to year. The demand in respect of temporary allotment of Siwai Chak land, tank and riverbeds are also classified under fluctuating demands.

6.4 **Surface rent** – The surface rent on mining lease is assessed and recovered from the mining on the areas actually under operation leaseholders by the Revenue Department. The surface rent is equal to the rent assessed on land and if no such rent is already assessed, it is equal to the rent assessed on the land of neighborhood. The Tehsildar is required to obtain a list of mining leases in his jurisdiction from the Director of Mines and Geology and the concerning Mining Engineers and ensures that the demands have been assessed and raised in all cases. The Patwaris are also required to prepare Khasara Parivartan-sheel Jamabandi Parivartan-sheel. Titumba Shajra and field book in respect of the mining leases so as to enable assessment of the surface rent as prescribed in Rules 61, 62, 89 and 103 of the Rajasthan Land Revenue (Land Records) Rules, 1957*.(see Appendix 16)

*Board of Revenue, Ajmer circular No. F 3(7) A. Rev. / 65 / 123686- 24018 dated 17-9-1969 and Revenue department letter Nos. F 6 (64) Rev. B dated 1.5.1972 and 2.5.1973. See appendix 16, 17 and 18 respectively

6.5 Miscellaneous demand – Natural produce – The Tehsildar is responsible for management of land not occupied by any tenant or village as a whole. As such land is not assessed and included in any Khata It is managed by the Tehsildar himself directly by letting it out temporarily or permanently on by selling its natural products by auction. In almost all cases natural produce available in the area under Tehsil Jurisdiction, e.g., grass, Maui, Pala, Papri, gum, Fuel Wood, mangoes and mahuwa fruits etc. is auctioned after obtaining reports about their availability from Patwaris. The office Quanoongo is required to open every year village wide fields of the natural produces on the basis of the reports of the Patwari and also on register in Form 0.14 which shows the arrangements made in respect of such lands. Income from auction of natural produce is collected in accordance with the orders of revenue officers. In almost all cases one-fourth money of the final bid is recovered on the spot and the remaining three-fourth are deposited within one month from the date of approval of the auction on before giving possession of the natural produces which is collected as and when the auction is made.

Auction of the Natural produces is made by the revenue officers as indicated below:

(i)	Tehsildar	upto	Rs.300 in each cases
(ii)	Sub-divisional officer	upto	Rs.500 in each cases
(iii)	Collectors	upto	Rs.50, 000 in each cases

In case the amount of auction money is less than the average money of such auction during last three years, it requires approval of the next higher authority. In cases of the Collector's approval of the Board of Revenue is to be obtained in such contingency. Interest @ 6¼ % p.a. is also chargeable in all arrears of natural produce revenue as it is within the definition of "Sayar" which is a rent.

6.6 Copying Fee – The Patwari is required to give certificate extracts form his records, e.g. Jamabandi Khasara and Siyaha, diary, Shajra Nasab and trace, etc. except the settlement records and collect copying fees at the rates laid down in Rule 2d of the Rajasthan Land Revenue (Land Records) Rules, 1957. One-fourth amount of tax fees realised is credited to the Government account as cost of printed forms and three-fourth retained by the Patwari as copying charges.

It was noticed by the Board of Revenue that in a large number of cases the Government shares of copying fees had not been credited to the Government account it was, therefore, enjoined that the register should be maintained in Form P.35 showing the fees realised and each entry attested by the Qanoongo as provided in Rule 28(d) *ibid**. see Appendix 19)

*Board of Revenue No. BR / LR / 3953 / 724 – F 16(6) 47 / 63 dated 11 June 1963 (See Appendix No.22)

6.7 Penalty and Premium:- The cases of encroachment on Government land or unauthorised conversion of agricultural land for non-agricultural purposes are examined under sections 91 and 90-A of the Rajasthan Land Revenue Act, 1956. The cases in which the trespass could be regularised as per Government orders issued from time to time are regularising directing the trespass to pay the appropriate amount of penalty and premium. In other case, the trespass is ejected and penalty imposed for each agricultural year of trespass. The demand of penalty, premium and rent is raised as per orders of the Revenue officers and the demand is included under miscellaneous demand^{**}. According to the instructions issued by the Board of Revenue, Ajmer, the cases of penalty levied on trespasser under section 91 of the Rajasthan Land Revenue Act, 1956, are required to be sent to the Tehsil Revenue Accountant for noting the corresponding demand in register 'Gha'. Simultaneously, instruction are required to be issued to the Patwaris for noting the demand in Dhal Banchh.

6.8 Sanad Fee:- A Sanad Fee of Rs.5 is recoverable from the allottee when the land is allotted for agricultural purposes or when the trespass is regularised. The demand is raised on the basis of allotment/regularisation orders issued by the Revenue Officers.

6.9 Premium and rent:- Land is also allotted for non agricultural purposes by the Revenue authorities e.g. for establishment of brick-kilns, lime kilns, setting up of industries manufacture of salt, construction of power houses by Rajasthan State Electricity Board, Construction of Godowns by the Food Corporation of India^{*}, construction of hotels and cinema etc. In these cases the allotment/ conversion is made in accordance with the terms and conditions prescribed under the relevant rates by the State Government and the allottees are liable to pay premium and rent in accordance with the rules or orders formed/issued by the State Government in regular there to. Immediately after such allotment the demand of premium and rent is assessed and raised,

6.10 Mutation Fee:- Every person obtaining possession by succession transfer or otherwise of any property or other right or interest in any land or the properties there of, is required to bring the fact to the notice of the patwari and report it to the Teshildar of the Teshil in which such land is suitable within three months from the date on which he obtains such possession. Any person neglecting to make the said report, is liable to a fine not exceeding rupees ten. The mutation fees is leviable as per scale of mutation fees prescribed in Appendix II to Part I of the Rajasthan Land Revenue (Land Records) Rules 1957, from the person in whose favor the mutation entry is made. Separate fees are leviable in respect of each holding created by partition proceedings. The demand of mutation fees and fine is raised on the basis of each mutation order passed and the whole amount of mutation fees is created to the Government account.

^{**}Board of Revenue No.BR / LR / 3953 / 724 - / F-16 (6) GI/ 63 dated 11 June 1963 (See Appendix No.22)

^{*}Government of Rajasthan, Town Planning Department (Cir II) Notification No. F 3(2/61 T.P/72 dated 10.10.1974

6.11 Consolidation fees:- According to the Rajasthan Holding (Consolidation and Prevention of Fragmentation) Act, 1954, and the rules framed there under, the consolidation fees recoverable from each cultivator is assessed by the consolidation officer in accordance with the rule 16 ibid whenever such work is under taken and intimated to Revenue Teshildar. On receipt of the details of consolidation fee from the consolidation Officer the demand is raised.

6.12 Surcharge:- The State legislature with a view to increasing the revenue of the State passed in the year 1960 an Act called the Rajasthan Land Revenue (Surcharge) Act, 1960. It comes into force with effect from 1.4.1960. It provided for levy of Surcharges on land revenue in the State of Rajasthan at the rate specified therein, the smaller tenants having holdings of not more than ten acres and also those required to pay land revenue less than Rs.75/- per annum were kept out of the ambit of this Act. The limit of rupees seventy five was however, lowered subsequent to rupees fifty with effect from 1.4. 1963 but the original limit of rupees seventy-five was restored with effect from 1.4.1969. The rate of surcharge which made applicable from time to time are as specified below:-

Period	Amount of Land Revenue payable per annum	Rate of surcharge
1.4.1960 to 31.3.1963	(i) Less than Rs.70 per annum	Nil
	(ii) Rs.75 or more but less than Rs. 250.	6. Paise per rupees
	(iii) Rs. 250.00 or more	12 Paise per rupees
1.4.1963 to 31.3.1966	(i) Less than Rs. 50	Nil
	(ii) Rs. 50 or more but less Rs.250	25 paise per rupees
	(iii) Rs. 250 or more	50 paise per rupees
1.4.1966 to 31.3.1969	Same as above but the surcharge at the rate equal to the amount of land revenue was levied in respect of holdings of 30 standard acres or more	
1.4.1969 onwards	(i) Less than Rs. 75	Nil
	(ii) Rs.75/- or more but less than Rs.100	50 Paise per rupees
	(iii) Rs.100 or more but less than Rs.150	75 Paise per rupees
	(iv) Rs.150 or more	Equal to the total amount of land Revenue

The Act as amended on 1.4. 1969 provided that:

- (i) in the case of chahi land only one third of the land revenue payable thereon should be taken into account for the purpose of calculating the total land Revenue on which surcharge is to be levied.

(ii) No surcharge is to be levied on land revenue payable by the Gram-Sabhas established under section 8 of the Rajasthan Gramdan Acts 1960 in respect of Gramdan lands vesting in such sabhas.

(iii) Where the holding is held by more tenants than one and separates 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 then each of such co tenants should be treated as a separate tenant and the surcharge levied in proportion to his share in the holdings. But all the co-tenants remain jointly or severally liable to pay the sum total of surcharge calculated on the total amount of land revenue payable in respect of such holdings.

Interest on arrears of surcharge is recoverable at the same rate at which interest is recovered on the arrears of Land Revenue. If the recovery of interest on arrears of Land Revenue is suspended or remitted owing to floods, drought etc., the recovery of interest on arrears of surcharge is treated in the same way. It should be ensured in audit that whenever interest on arrears of Land Revenue is recovered, the interest on arrears of surcharge thereon, if leviable, is also recovered at the same prescribed rate at which the interest on arrears of land revenue is recovered. The State Government has prescribed the rate of 6¼ % for the recovery of interest on arrears of land revenue.

Note: The Co-operative Farming Societies are also exempted from payment of surcharge alike.

(iv) In respect of a holding the area of which is thirty hundred acres or more irrespective of the fact that it is comprised of chahi land or not, the surcharge leviable is equal to one and a half times the land revenue payable thereon. Here, the concession attached to chahi land as pointed out in (i) above, is not available.

(v) The tehsildar should determine every year the amount of surcharge payable by every person and arrange for its recovery alongwith and in addition to each instalment of Land Revenue in the same proportion as such instalment bears to the total demand Land revenue for the year. As such there should be no arrears of surcharge alone. The arrears of surcharge, if any, should be shown in column 23 of the dhal bandh and the action of its recovery taken simultaneously with the action for a recovery of arrears of land revenue.

Whenever the collection of land revenue on rent is suspended or remitted by the State Government, the surcharge is treated in the same way as the land revenue* .

6.13 Irrigation demands:- The demands of irrigation dues in respect of tanks having irrigation by the Tehsildar as per Government orders. In case of the tanks which have got irrigation capacity of more than 2500 acres the demand of irrigation dues was previously prepared by the Irrigation Department but the dues were realised by the Revenue Department. With effect from August, 1974 the work of realisation of irrigation dues of tanks having irrigation capacity of more

• Government of Rajasthan notification No. G.S.R. 33 dated 26.11.1969 published in Rajasthan Gazette U/ (CA) (1) dated 11.6.1990

than 2500 acres and for which booking or assessment in dues, by Irrigation Department has been under taken by that Department. (see Appendix 20)

The demand of irrigation dues is prepared at the rates prescribed in schedule II to the Rajasthan Irrigation and Drainage Rules, 1958, as amended from time to time. The rates per acre per crop in Gang canal, Bhakra Project, Ghaggar Canal, Rajasthan Canal area, Chambal canal and all works constructed after Ist January, 1952 and all works in the area of former states of Banswara. Dungarpur and Pratapgarh as amended and applicable from 1971-72 Rabi crop are as under:(see Appendix 21)

<u>Name of crop</u>	<u>Rate per acre (in Rs.)</u>
(i) Wheat	12.00
(ii) Sugarcane	30.00
(iii) Cotton	20.00
(iv) Rice	14.00
(v) Jawar	7.00
(vi) Gochani and Bajra	12.00
(vii) Goram with watering	12.00

In respect of tanks where land revenue and water rates had been combined, 40% of the consolidated revenue is given to the Irrigation Department. The recovery of the consolidated rates is effected by the Revenue Patwaris and while depositing the consolidated amount with treasury, credit to the extent of 40% of the consolidated rates is given to the Irrigation Department* .

6.14 Approval of demands:-As per provisions of Chapter VII of the District Manual volume I any decrease or increase in fixed demand requires approval of the Government. The fluctuating demands of the Tehsil are also submitted for each agricultural years to the Collector/Board of Revenue for approval explaining reasons for increase/decrease. In case there is decrease of more than 25% as compared to the average demand of fluctuating demand of previous there years, it requires approval of the Board of Revenue.

6.15 Remission / Suspension / Reduction and Refusal of rent:-Orders are issued under Section 126 of Rajasthan Tenancy Act, 1955 and rules 26 to 41 of Rajasthan Tenancy (Government) Rules, 1955 for suspension or remission of rent on account of occurrence of famine or scarcity or of an agricultural calamity affecting the crops of any area. Sometimes reduction in demand of land revenue becomes necessary due to surrender on abandonment of land by the tenant land remaining submerged in tank or river or the land being used by Government Department as stated in Chapter V. All such sanctions are issued by the Revenue Authorities in experience of the powers delegated to them under the General Financial and Accounts Rules given in Appendix in 22 and 23 of this Manual.

*Rev. (Gr. II) Department letter No. F11 (79) Rev. Gr. II / 72 dated 23.6.1977.

Any uncollected in excess of the proper demand is refunded under the orders of the Collector. In the cases where refund is sought of the items credited to different heads of account, as separate application is made for each item. The orders of refund given by the Collector are noted in the cash book, Siyaha of village Patwari so as to avoid double refunds.

(B) Procedure for collection and remittance into treasury

6.16 Collection of revenue is made twice in a year i.e. in two instalments, once in the months of November and December in respect of Kharif crop and again during the period from 15th March to 30th June, in respect of Rabi crop. After distribution of the demand slips, the Patwaris are required to start land revenue collection for each village in this Patwari circle, the Patwari informs his revenue collection programme to the cultivators and to the Inspector of Land Records. The Patwari collects the revenue from the tenants and gives them proper receipt under his own signatures, the receipt is prepared in triplicate, the third copy is handed over to the depositor, the second copy is attached with “Arz Irsal” (challan) to be presented to the Tehsil Revenue Accountant and the first copy is retained by the Patwari. The procedure for depositing the revenue collected and checks to be applied by the supervising officers are contained in rules 35, 36, 104 to 118, 143, 144, 194, 195 and 358 of the Rajasthan Land Revenue (Land Records) Rules, 1957. The Arz Irsal is prepared in Form P.34 for each remittance. After the Arz Irsal has been checked by the Tehsil Revenue Accountant, the money is deposited in the sub-treasury or the Bank through Arz Irsal. One copy of the Arz Irsal remains with Patwari and one with the Tehsil Revenue Accountant. The Patwari pastes his copy in remarks column of Siyaha where the entry of remittance is made.

6.17 The realisation of revenue made by the Patwari should be deposited into sub-treasury/treasury/Bank after every fifteen days or earlier whenever the collections amount to Rupees Two Thousand. If, however, the collection is less than Rs.250 it may be deposited when the Patwari attends Tehsil for monthly meeting.

6.18 In respect of demands which remain unrealised by the Patwari, necessary action for its recovery as arrears of land revenue is required to be taken by the Tehsildar as per provision of Chapter X of the Rajasthan Land Revenue Act, 1956. An arrear of revenue of rent may be recovered by one or more of the following processes:-

- (a) by serving a writ of demand or a citation to appear on any of the defaulters;
- (b) by attachment and sale of his movable property;
- (c) by attachment of specific area, share patti or estate in respect of which the arrear is due.
- (d) by transfer of such share or patti to a solvent co-share;
- (e) by sale of immovable property of the defaulter.

6.19 According to the provision of Section 152 of the Rajasthan Tenancy Act, 1955, an instalment of rent not paid on or before the day when it falls due on which it fell due and the tenant becomes liable to pay interest on the arrears at the rate of 6.25 percent per annum simple interest.

6.20 According to the instructions issued by the State Government land reforms scheme, a passbook is issued to every cultivator on payment of Rupees Five out of this amount Rs.2.70 to be credited to the Government account and the remaining Rs. 2.30 is retained by the Patwari concerned. All payments made by the tenants are entered in their passbooks.

(C) Reconciliation of figures

6.21 Patwari is required to reconcile the entries in Siyaha every month with the entries made in Tehsil registers. He brings with him Siyaha and receipt books of all the villages whenever he attends the Tehsil and reconciles all the amounts deposited earlier. In case of the deposits by the estate holders of tenants made direct to Tehsil, one copy of the Arz Irsal is returned by the Tehsil Revenue Accountant who sends it to the Patwari or delivers it to him when latter visits Tehsil. Necessary entries of such deposits are made by the Patwari in his records. In token of reconciliation of entries in Siyaha with Tehsil registers the Tehsil Revenue Accountant signs the village-wise Siyaha.

6.22 The District Revenue Accountant is responsible, in respect of his district, for proper reconciliation of figures of revenue collected and deposited in all the Tehsils of the district with the figures booked in the district Treasury every month.

6.23 Under the General Financial and Accounts Rules, departmental officers are primarily responsible for reconciliation of figures of receipt with those appearing in treasury accounts. The District Revenue Accountant submits monthly statement of Revenue receipt, duly reconciled with the treasury figures to the Board of Revenue. Those figures are compared with statement of treasury figures furnished.

Chapter - 7

The Accounting Methods and Records

7.1 The initial accounts of land revenue demands and collections are maintained by the Patwari. He is responsible to collect the revenue from the tenants of the Patwari circle to which he is appointed and to pay the amount into the sub-treasury or the Bank as the case may be.

7.2 The forms in which the accounts are to be maintained and the manner in which these are to be filled in have been prescribed in the Rajasthan Land Revenue (Land Records) Rules, 1957.

7.3 The Accounting year for land revenue started (upto Smt. 2030 Kharif crop) from 1st October, every year and ended on 30th September of the following year. From Smt. 2031 onwards (i.e. 1.4.1974) it corresponds to the financial year beginning from 1st April and ending on 31st March of the following year. According to the land Records Rules, separate registers are kept by the Patwari in respect of each village for each accounting year.

7.4 Register of demand, collection and balance (Dhal Banch):- The register (Form P.30) was being prepared previously immediately after the Kharif Girdawari upto 15th November. But due to change in the accounting year from 1.4.1974 it is now prepared by 15th May. The register shows, in respect of each tenant, details of arrears demand, current demand remissions, collections made and the balance outstanding at the end of accounting period. The basic records from which it is prepared are “Dhal Banch” of the previous year and changes of right noted in “Jamabandies”, Mutation register and field book (Khasara Girdawari).

7.5 Collection of revenue is entered in this register as and when made. The balance outstanding against each tenant is struck at the end of the year. A column has been provided in it for the number and date of entry in the cash book (called Siyaha).

7.6 The inspector of Land Records is required to check cent percent entries in Dhal Banch and sign it in token of its correctness. The Tehsildar and Naib Tehsildar are also required to check at least 25% entries and sign it.

7.7 Cash Book (Siyaha):-This register is maintained in form P.32. It shows details of collections and the remittances made into the Tehsil sub-treasury. As and when the revenue is realised from a tenant, a receipt in form P.33 is given to him. The realisation is entered in the cash book along with the number of receipt issued. A column for reference to Khata number of Dhal Banch is also provided in the cashbook so as to indicate the moneys received in respect of particular Khata (ledger account). As and when cash realisation is entered in cashbook, an entry is also made in the Dhal Banch against the respective Khata, where a cross reference of the entry in the cashbook is also given.

7.8 The daily and progressive totals are struck in the cashbook. The collections are required to be deposited by the Patwari in the Tehsil Sub-Treasury after every fifteen days or earlier whenever the collection amount to Rs.2000. The moneys are deposited in the Government treasury through the challan.

7.9 The cashbook remains current for one accounting year. It is kept by the Patwari in his possession for one year after it has been closed. It is then filed with the office Kanongo. Previously it was being opened on 1st October every year and closed on 30th September of the following year. But due to change in the agricultural year it is now opened on 1st April and closed on 31st March. This change has been made from 1.4.1974. In the agricultural year 2030 a separate cashbook for the period from 1.10.1973 to 31.3.1974 was ordered to be maintained.

7.10 Receipt book and Arz-Irsal:- A receipt in support of each realisation is issued by the Patwari in form P.33. Receipts are found in receipt books and are prepared in triplicate (by carbon process). The triplicate copy is handed over to depositor and the duplicate copy is attached with the challan (Arz Irsal). The duplicate copy is meant for record of the Tehsil Revenue Accountant. The original is retained by the Patwari. At the back of the original copy signature or thumb impression of the depositor is obtained in token of receiving the third copy. For depositing money into the treasury, the Patwari prepares a challan in form P.34. The form provides space for noting thereon major, minor and detailed heads of account to which the receipt is creditable, name of the depositor (Patwari's name) name of village and details of receipts enclosed etc.

7.11 Each challan is prepared in three foils. The Patwari takes it with the amount of collection to the Tehsil Revenue Accountant also compares the number of receipts attached with the Arz Irsal by totalling the entries on the accompanying receipts and the reference to his register (of Para 7.24). The Accountant also compares the number of receipts attached with the Arz Irsal with the preceding Arz Irsal and sees that no intervening receipt has been withheld by the Patwari. He then makes an endorsement over Arz Irsal to the effect that comparison has been made by him and thereafter he returns the Arz Irsal to the Patwari.

7.12 The Patwari thereafter hands over the Arz Irsal and money to the cashier in the Tehsil, sub-treasury / bank, as the case may be. The cashier receives the amount, makes requisite entries on the Arz Irsal gets it signed by the Tehsildar and then returns one copy of the Arz Irsal to the Tehsil Revenue Accountant who makes necessary entries in his register, makes an endorsement about this on the copy and returns it to the Patwari. The Patwari pastes it in his Siyaha (cashbooks).

7.13 In paragraph 8.04 above, reference has been made to records viz. Jamabandi, Mutation register and field book (called Khasra Girdawari). The manner in which these records are to be prepared and maintained is explained in subsequent paragraphs.

7.14 **Jamabandi or Khatauni:-** It is record of rights to be prepared and maintained in respect of each village by the Land Records officer, i.e. Collector in pursuance of the provision of Section 114 and 132 of the Rajasthan Land Revenue Act, 1956 read with Section 121 *ibid*. It is maintained quadrennially in Form P.26. It records the names of all persons who are liable to pay land revenue or rent and who cultivate any land or are in possession in any other way together with the nature of their tenure and interest in land.

7.15 It is prepared at the end of every fourth year and completed by the end of March. For its preparation the Patwari has to visit all holdings in a village and make on the spot enquiries from the right holders to ascertain any changes that may have occurred against the entries made in the last Jamabandi. The inspection of Land Records is required to check the new Jamabandi cent percent and record on it a certificate in token of check.

7.16 It is prepared in duplicate; one copy remains with the Patwari for the ensuing four years while the other copy duly attested by the Inspector Land Recorded in the Tehsil office.

7.17 All mutations on which final arrears have been passed upto 15th June of the year in which the Jamabandi is prepared are to be recorded therein. The Tehsildars, Naid-Tehsildars and the Sub-Divisional officers are required to check certain percentages of entries appearing therein.

7.18 **Mutation register:-**It is maintained in form P.21. The register is prescribed for the entry of every acquisition of any right or interest in a tenant and for disputed acquisition of other rights.

7.19 The register consists of a counterfoil and foil. The former is the Patwari's copy of register, while the latter is removed after orders have been passed and sent to the Tehsil to be filed with the Jamabandi when it is prepared.

7.20 Whenever a mutation case is entered in this register, a note is correspondingly made in pencil in the "Remarks" column of the Jamabandi. As and when the mutation is sanctioned a detailed note is made in red ink.

7.21 **Khasara Girdawari (Field Book):-** Khasara Girdawari is prepared by the Patwari for each village at the end of every fourth year in form P.13. It is the record in which are entered the details of rental and tenancy rights agricultural statistics and the changes occurring therein within the period for which it is prescribing for each plot of land which is numbered on the village map. The changes which occur each year in the interim period are prepared in the columns provided for each year columns 1 to 8 of this are copied from the last Jamabandi columns 9 to 40 refer to crops grown in the holdings.

7.22 The Jamabandi for fluctuating assessment is prepared on form P.25 for (i) those villages only where the rent or revenue is realised on the measurements of cultivated area, the area newly cultivated and (ii) The areas which are occupied and included in the Khata of any tenant and temporary cultivation in beds of tanks and rivers. The details of cultivator and rent realisable are entered in this register.

7.23 Part II Tehsil Accounts:-At Tehsil level the following registers are maintained by the Tehsil Revenue Accountant in the office of the tehsildar.

- (i) Form 'Ka' (Challan Register);
- (ii) Form 'Kha' (Village-wise register of various incomes);
- (iii) Form 'Ga' (Village-wise register of fluctuating demands of Revenue);
- (iv) Form 'Gha' (Register of village-wise demands of miscellaneous revenues).

7.24 Form 'Ka':-This register records all challan tendered at the sub-treasury / bank by the Patwari. The method of checking the challan by Tehsil Revenue Accountant when received from Patwaris has been described in paragraphs 7.11 and 7.12 of this Manual. All the challans with amounts are recorded in the register. On receipt of challans from the cashier of the sub-treasury or from the bank as the case may be. Simultaneously, the payment is entered in register 'Kha' in the account of the concerned village. The register shows the total revenue realised for the Tehsil as a whole on any date.

7.25 Circle Register 'Kha':-This Register is maintained Patwari circle-wise and village-wise. One page is allotted for each village. The register shows the arrears demands, current demands, collections and balances of all types of land revenue. The register is meant to watch the collection against various demand in respect of each village. The demand collected during the month is reconciled with the demand recorded by the Patwari in his register (Dhal-Banch).

7.26 Register 'Ga':-The fluctuating demands are recorded village-wise in this register. Since all the entries in 'Kha' are included in register 'Kha', the register 'Ga' is generally not maintained in Tehsils. (see appendix 24)

7.27 Register 'Gha':-Entries in regard to demands of miscellaneous nature, i.e. sale/auction of natural produce, penalty and fines imposed on persons, are made in this register. As soon as files indicating sanctions to sale contract, auctions are received by the office Kanongo from the Revenue officers, they are handed over to the Tehsil Revenue Accountant and copies of the orders are given to the concerned Patwaris. The Tehsil Revenue Accountant notes the demands of miscellaneous revenue from these files and return these files to the office Kanongo for record with amendment that the demand has been entered in this register.

7.28 Collection is made by the Patwari on the basis of order received by him. At Tehsil level demand is watched by the Tehsil Revenue Accountant through this register[@].

[@] Board of Revenue circular No.8501-05/BR dated 23.11.1955 – see appendix 24.

7.29 **Part III District Accounts:-** Two important records relating to land revenue collections are maintained by the District Revenue Accountant in the office of the District Collector. These are (i) Kishat Bandi demand statement of fixed land Revenue (form 1) and (ii) Register of compilation of Land Revenue demand, collection and balance (form no.2).

7.30 **Form 1:-**Towards the close at September each year the Tehsildar used to send in duplicate, a copy of Kishat Bandi or demand statement (form) of the fixed revenue of the Tehsil showing therein increases or decreases / supported by orders for such increases / decreases. From the financial year 1974-75 beginning from 1.4.1974 the Kishat Bandi was ordered to be sent to the Collectorate by the end of March instead of September*. The District Revenue Accountant is required to scrutinise such statements and to ensure the correctness of the demand statement. One copy thereof is sent to the Revenue Board by the Collector. The formal sanction of the Board, when received is conveyed to the Tehsil in original and the other copy of the demand statement is retained in the district office. The Tehsil makes collections according to the sanctioned Kishat bandis.

7.31 **Form 2:-**A monthly statement showing the demands, collections and balances remaining to be realised is received in the District office from each Tehsildar in respect of his Tehsil. From these statements, the District Revenue Accountant compiles in the register (form 2) figures of demands collections and balances in respect of land revenue for the entire district.

7.32 **Reconciliation:-**The District Revenue Accountant is also responsible for the reconciliation of figures of revenue realised as appearing in the records of the District office with the figures of revenue booked in the treasury records. This work is performed on the basis of realisations compiled on the basis of statements received from the Tehsildar and those booked in the Treasury accounts.

7.33 **List of Records to be checked by Audit party in Audit of Land Revenue Department:-**

- (i) Old outstanding Inspection Report and Internal Audit Report.
- (ii) Register regarding conversion U/S 90 A and Allotment of land to Corporation Bodies and Gram Panchayat.
- (iii) Register regarding Construction of Govt. or Khetedari land.
- (iv) File regarding allotment of land to Central Govt. Offices for Corporation Bodies/ Mess/Godown.
- (v) File regarding S. 90&91 of the court of Tehsildar & Nayab Tehsildar.
- (vi) Records of Patwar Mandals A/Cr.
- (vii) Natural Corps.
- (viii) Challan Register and challan files.
- (ix) Files of Hotel, Cinema Halls and Petrol Pumps.
- (x) File regarding of allotment of Govt. Land.

* Rev. Deptt. Order No. 8 / (2) / 73 / 71/ dt. 14-11-1973

Chapter - 8

PROCEDURE OF AUDIT

(1) Scope of extent of audit

8.1 The main object of audit is to see that all holdings are correctly noted in the Jamabandi and the Register of demands, collections and balances and that accounts due from the holders / tenants are collected and deposits in treasuries promptly. The records maintained in the following offices are audited.

- (i) Office of Settlement Officer
- (ii) Tehsil Office
- (iii) District Office

8.2 Records in settlement offices:- It is to be seen that survey has not become over due unless postponed by the orders of Government on grounds sanctioned by law. The basis on which land is classified under different categories should be examined to see that due regard has been paid to the factors specified in Rajasthan Land Revenue Act and other criteria laid down by the State Government in fixing the standard rates. Comments from this angle should, however, be made with due care para, if any, in this regards may be prepared separately and sent to Revenue Audit headquarters for further processing for taking up a case with the government orders of the Sr. Dy. Accountant General (RAS) should be obtained.

8.3 Records in Tehsil office:- it should be verified that demand have been correctly calculated in accordance with the rates noted in the Khataunis which is prepared by the settlement office and that the demands have been correctly transcribed in the demands. Collection and Balances Register, from the last years register with increases and decreases authorised by the Competent Authority.

The position of arrears of land revenue should be scrutinised to satisfy that proper action has been taken for the recovery of arrear. It should be seen that all the recovery challans received from Patwaris have been entered in the register of the challans (form 'Ka') and that at the end of each month reconciliation has been done with reference to treasury returns and the treasury challans submitted by the Patwaris.

The register of receipt books should be checked to see that a proper account has been kept of all receipt books.

The periodical returns submitted by the Tehsildar to the Collector may be checked to determine their correctness.

It should also be seen that suspensions / remissions of land revenue have been sanctioned by the competent authority for the reasons recorded in writing.

The account maintained by the Patwari may be scrutinised to see that the amounts shown as recovered in the counterfoils have been noted in the cashbook and that

all collections are deposited in the treasury without any delay and are supported by copy of the Treasury challan as endorsed by the Tehsil Revenue Accountant.

8.4 Records in District offices:- In the District office general review of the records maintained by the District Revenue Accountant may be conducted. The records maintained in District office have been shown in paragraphs 7.29 to 7.31.

8.5 Extent of Audit:-(i) Extent of audit of accounts of Patwaris is regulated in accordance with orders issued from time to time.

(ii) General review of Patwaris cashbook (Siyaha), Tehsildar's cashbook with detailed check for the selected month(s) for each year with reference to the receipts, treasury challans, etc. may be conducted. This will include verification of remittances into treasury with treasury records.

(iii) Cases of conversion or remission of rent should be checked cent percent.

(iv) General examination of Demand, collection and balance register, Khataunies, Jamabandi and other records maintained at the Tehsil and the patwar levels should also be conducted*.

8.6 The records maintained by a Patwari have been mentioned in Chapter 7. The accounts records susceptible to audit are:-

- (i) Dhal Banch;
- (ii) Siyaha (Cashbook);
- (iii) Jamabandi; of fixed demand;
- (iv) Khasara;
- (v) Jamabandi of fluctuation assessments;
- (vi) Register of mutation fee;
- (vii) Copying fee register etc.

8.7 Check of Siyaha (Cashbook):-The cashbook records the collection made by the Patwari from all the tenants in a village and their remittance into the treasury it may be ascertained in audit:-

- (i) That all the receipts have been entered into the cashbook. These can be vouched with counterfoils of the receipt books.
- (ii) That the receipts have been entered on the dates on which these were issued.
- (iii) That the totals of receipts for remittances into treasury have been correctly worked out.

*Group order No. Rev. / 10 of 1973 (SRLR) See Appendix 28.

(iv) That the copies of challans (arzirsal) in support of the moneys remitted into treasury duly checked by the Tehsil Revenue Accountant and duly received by the cashier of the sub-treasury or bank as the case may be, exist.

(v) That receipts entered in the cashbook have been posted in the appropriate khata (ledger account) of the Dhal Banchh.

(vi) That the remittances have been made into the treasury in time.

(vii) That the remittances tally with remittance entries in register 'kha' of the Tehsil Revenue Accountant.

(viii) That the amount entered in the arzirsal (challan) have been classified into minor and detailed heads.

(ix) That interest has been worked out correctly and charged for late payment of demand.

(x) That the Arzirsals (challans) have been posted in the siyaha at the appropriate page.

8.8 Audit of Dhal Banchh :- In this register are posted all types of demands (arrears and current challan against the demands and balances outstanding against each tenant at the end of accounting year, it should be seen.

(i) that all arrear dues have been correctly brought forward in each khatas (Ledger Accounts) of the tenant from the khatas of Dhal Banchh of the Previous year.

(ii) That all the current demands have been correctly entered in it from the Dhal Banchh of previous year, from Jamabandi of fixed demands and from the Jamabandi of fluctuating demands.

(iii) That fluctuating demands accruing during the current year and the miscellaneous revenue demands are entered as and when intimated by the Tehsildar .

(iv) That the balance outstanding at the end of accounting year has been correctly worked out in each khata.

(v) That the collection in each khata are in accordance with demand raised and recorded.

(vi) That the total demand and total collections of the village as abstracted at the end of the register tally with the demand and collection entered in register 'kha' of the Tehsil Revenue Accountant.

(vii) That the fluctuating and the miscellaneous demands entered in register 'Ga' and 'Gha' of the Tehsil Revenue Accountant in respect of a village find place in the patwari's Dhal Banchh of that village.

8.9 Other register:- (a) Jamabandi:- This is a quadrennial record- of rights prepared in respect of each village and shows the details of all tenants and rentals due for each field lying in area of the village. It should be checked to ensure that all the fields and their rentals have been entered in khatahs of the respective tenants. The current Jamabandi should be checked with the old Jamabandi and with the mutation register for changes occurring against the rights of each holding.

(b) Khasra and Jamabandi of Fluctuating assessment of land revenue:- Khasra for fluctuating assessment (Gair Mustaqil khat in Form P.14) is prepared by the Patwari during each inspection tour. It should be ensured that all un-authorized cultivations recorded in the khasra have been reported to the Tehsildar at once by the Patwari. Simultaneously, it should be seen from the records of the Tehsil that action for imposition of penalty under the law and action for eviction is taken by the Tehsildar. Jamabandi for fluctuating assessment is prepared in Form P.25 by the Patwari where rent of revenue unrealized on the measurement of cultivated area, the area newly cultivated, on the basis of rates prescribed at the time of settlement. It should be reviewed to see that the demand entered in it have been carried to respective khatahs in the Dhal Banchh.

(c) Audit of receipts issued:- A receipt is prepared by the Patwari for each realisation in triplicate. It should be ensured:-

(i) that the first copy remains in the receipts books the second copy is attached with the challan to be despatched to the Tehsil Revenue Accountant and the third copy is given to the tenant whose signature or thumb impression is obtained at the back of first copy of the receipt in token of receiving the third copy.

(ii) The used receipt books are returned to the Tehsil office in time.

(iii) One receipt book is meant for one village. It should be ensured that several receipt books are not used for the same village.

(d) Audit of mutation fee register:- Every year in the month of September, the Patwari is required to prepare in Form P.23, for each village in his circle, a list of the fees due on mutations attested during the past year and of the persons from whom the fees are due. In audit it should be seen:

(i) that all entries of mutation register, in respect of which fees are due, have been entered in the list prepared.

(ii) That fees for mutations have been charged in accordance with the rates prescribed in Appendix-II to Part I of the Land Records Rules, 1957.

(iii) That the Inspector Land Records has signed the list in token of his checking the entries with the original sheets of accepted mutations.

(iv) That the mutation fees are realised and paid into the sub-treasury along with the first instalment of the next Kharif land revenue.

(e) **Copying fee Registers:-** The Patwari is required to give on demand to any applicant certified extracts from his records except the Settlement records. These certified extracts are given on the printed form prescribed for each kind of records. The charges payable by the applicants for the certified extract copies of Patwari records are as prescribed in Rule 28 of the Rajasthan Land Revenue Rules, 1957. An account of the fees realised by Patwaris is kept in a register in form P.35. In audit it may be seen:

(ii) that the fees have been charged in accordance with the prescribed rates.

(iii) That the Patwari has credited one fourth of the fees realised by him into the Government treasury. Necessary entries shall also be traced in the siyaha.

8.10 Accounts kept in Tehsil office:- At each Tehsil accounts are compiled by the Tehsil Revenue Accountant. The accounts records maintained by him are:-

(i) Register of challans (Form 'ka')

(ii) Register of Village-wise revenue Income (Register 'kha')

(iii) Register of fluctuating demands (register 'Ga')

(iv) Register of village wise demands of miscellaneous Revenue (Form 'Gha').

All entries in the register 'Ga' are included in the register 'kha'. Hence in practical the register 'Ga' is not generally being maintained by the Tehsil Revenue Accountant. Thus, registers 'Ka', 'Kha' and 'Gha' are the important accounts records available which are to be audited.

The registers 'Kha' and 'Gha' are the demand and collection registers for the Tehsil and the register 'Ka' is the register in which all each realisations remitted into the Treasury by the Patwari are entered.

8.11 Register of challans Form 'Ka':- The Land Revenue is collected in two installments first in November/December and second installment during the period from 16th March to 30th June. The entries for the selected months should be verified direct from the books of sub-treasuries clerk or of treasury as the case may be. The entries for the selected months should also be traced in the Register 'Kha' against the accounts of each village.

8.12 Register 'Ka' and 'Kha' :- Towards the close of September each year the Tehsildar used to send to the collector two copies of kisht Bandi known as 'demand statement' of fixed revenue of the Tehsil showing therein increases or decreases as well. But as stated in Para 7.30 and the Kisht Bandi from the year 1974-75 is sent by him to the collector in the month of March. The Collector sends the statements to Revenue Board for sanction. The sanction when received is conveyed to the Tehsil in original. The sanctioned demand of each village is entered in the register 'Kha' on the pages assigned to respective village. All collections are made according to the demand thus sanctioned. Similar sanction is

received in regard to demand for fluctuating assessment. The demand on this account is also entered in the Register.

The dues of various kinds which may not be of a permanent nature and which can not be ascertained at the beginning of the agricultural year is entered in the Register 'Gha'. At the beginning of every agricultural year (which is now the same as the Financial year) the balance recoverable of such arrear demand is brought forward in this register from the register of previous year and then the demand of this nature for the current year when ordered by the competent authority is added to the amount of balance.

8.13 Register 'kha':- In audit of this register, it should be seen that:

- (ii) arrear demand has been correctly worked out and brought forward.
- (iii) current demand has been correctly entered as per sanction of the Collector, Revenue Board.

8.14 Audit of Register 'Gha':-Most of the entries in this register pertain to the amounts of penalty imposed for un-authorised occupation of land and un-authorised use of land for non-agricultural purposes. Individual case files pertaining to entries selected for audit, may be examined to ensure that the amount of penalty has been worked as per classification of land. The Tehsildar is empowered to evict the un-authorised occupants and to impose penalty under Section 91 of the Rajasthan Land Revenue Act, 1956.

8.15 In order to facilitate audit, it is necessary to have information on certain points from the Tehsil records. In this connection it is suggested that the information may be had in the proformas given in Appendix 26 An intelligent study of the information contained in these proformas will give an idea to the auditor to find out position of each case and would enable him to examine cases in details from the Tehsil records with reference to the relevant provision of the Rajasthan Land Revenue Act and various rules framed/instructions issued there under. These proformas would also enable the auditors to pinpoint the cases of the possible leakage of revenue. Some important points to be seen from these statements are discussed in subsequent paragraphs.

8.16 These statements, *inter alia*, show the location of land in Tehsil area where petrol pumps, Rajasthan State Electricity Boards, Sub-stations, brick/lime-kilns, industries, Food Corporation of India's godowns, etc. have been established. In these cases the amounts of premium and rent prescribed by Government under the relevant rules from time to time are recoverable. It may be examined during audit whether the amounts have been correctly assessed, demand raised and recovered.

8.17 In cases of un-authorised occupation of land it may be examined whether action under Section 91 of the Rajasthan Land Revenue Act has been taken. Where proceedings have not been instituted or are pending, appropriate amount of rent and penalty recoverable may be worked out, similarly, in case of un-authorised conversion of agricultural land, the conversion charges and penalty recoverable under the relevant rules/Government orders may be worked out.

Separate rules have been prescribed by the Government for various types of conversion in each locality.

8.18 The settlement showing land received under ceiling Act would indicate extent of allotment of such land. Reasons for non-allotment may be examined. The allottees of the land are liable to pay price as specified in para 4.17 of this Manual. It may be verified whether the demand of price recoverable has been correctly worked out, raised and timely recovered.

8.19 The settlement of tanks and rivers in Tehsil area would indicate location and total area falling under riverbed/tank-bed. These areas are allotted for temporary cultivation on gair Khatedari basis for one/five years and the rent is recoverable at the rent rate sanctioned for these during last settlement or where rent for such land has not been settled, the rent sanctioned for similar Nehri or Talabi or Kacchar or Khatli land.

8.20 The settlement of mining leases may be used to examine whether the surface rent has been assessed in all cases and whether the demand has been raised at the appropriate rate. In this connection also refer para 5.8 of this Manual.

8.21 The following audit check may also be applied while conducting local audit:-

(i) Interest on arrears of land revenue as well as on arrears of surcharge thereon if leviable has been duly levied at the prescribed rate, unless its recovery has been suspended/remitted by the State Government for reasons to be recorded (i.e. Flood, draught etc.).

(ii) Miscellaneous revenue and other money due to the State Government are recoverable by the Tehsildar as an arrear of revenue under Section 256 of the Rajasthan Land Revenue Act, 1956. It is to be seen that arrears of such revenue or moneys with or without interest thereon as per the relevant Acts or Rules made there under have been duly recovered and the same deposited in the Government treasury by credit to the relevant head of accounts.

(iii) Provisions if any, in respect of exemption from payment of land revenue etc. in respect of un-economic holdings have been properly implemented. Further Government orders sanctioning remission/suspension of land revenue have been properly carried out.

(iv) No irregularity in any lease/settlement of Nazul land, nautor land, bhoodan land, land held by trust and co-operative societies, educational societies exist and any irregularity exists it should be suitably commented in the local Audit Report.

(v) Losses due to (i) resettlement operations not under taken after the expiry of the normal period of settlement in different Tehsils (ii) non-renewal or delay in renewal of leases of Government land and (iii) non-revision of rent rates in respect of irrigation dues etc. should be examined.

(vi) Arrears of land revenues, defects in the Administrative machinery cases of misappropriation due to non-observance of rules or otherwise and non-reconciliation of figures of receipts need to be closely examined at the time of local audit.

(vii) It should also be ensured that co-relation between various records right from the village Patwari to the Collector exists.

8.22 The Register 8.14 or record relating to the surplus land vested in the State Government under Section 30-E of the Rajasthan Tenancy Act, 1955 or under Section 16 of Rajasthan Imposition of ceiling on agricultural holdings Act, 1973 should be subjected to the following audit checks viz. that:

(i) the record relating to land vested in the Government under above acts has been properly maintained showing details of land acquired and allotted i.e. area of land in ordinary areas, Khasara No. soil classification etc.

(ii) the Tehsildar had taken over the possession of surplus land without delay and also taken immediate steps for getting the land cultivated pending for its allotment to the cultivators/societies. Undesirable delay in getting the land cultivated or in allotment of surplus land is to be suitably commented showing the details of loss of revenue. In case of refusal to surrender or deliver possession of the land declared surplus, within prescribed period, the person will be deemed trespasser. It is also to be seen that Section u/s 91 of the Rajasthan Land Revenue Act, 1956 has been taken against him by the Tehsildar.

(iii) it is to be ensured that the allotment of vested surplus land were made in accordance with the Rajasthan land Revenue (Allotment of land for Agriculture purpose) rules 1970 in non project areas and under the Rajasthan colonisation Act, 1954 in Project Areas.

(iv) further it is also to be seen the terms and conditions provided under rule 47 of the Rajasthan Tenancy (Fixation of ceiling of land) Government Rules, 1963 or under Rules. 17 to 21 of the Rajasthan Imposition of ceiling on Agricultural Holding Rules, 1973 have been complied with in allotment of the surplus vested land to the cultivators/societies.

(v) while checking the record regarding recovery of the price of land allotment, it is to be seen that:-

(a) the demand of the proper amount has been raised in all cases and interest at appropriate date was charged in all cases of delayed payments.

(b) the price of well, permanent structures, trees etc, had been included in the demand against allottee.

(c) action for ejection from allotted land had been taken against allottee on non cultivation of land within prescribed period.

(d) the sanad fee of Rs.5/- was recovered from all allottees as required under Rules 47 (vii) of the Rajasthan (Fixation of ceiling of land) Govt. Rules, 1963.

(e) No Khatedari right was conferred unless full price of land has been paid by the allottee.

8.23 A questionnaire containing important points to which the audit parties should concentrate more particularly while conducting the Audit of land Revenue receipts, is given in Appendix 27 to this manual. the same may be carefully studied by all concerned before commencement of audit of an office. The questionnaire is illustratively prepared for guidance of the field parties and should not in any way be deemed to be exhaustive.

8.24 Appendix 28 of this compilation containing a gist of important decision relating to land Revenue which may be referred to by the parties where necessary.

8.25 Appendix 29 of this manual containing distribution of audit work amongst the members of field audit parties.

8.26 Appendix 25 of this manual containing drafting of paras of receipt audit requires special attention of field parties of revenue (see Appendix 25)

CHAPTER – 9

Best International Practices of Audit approved by INTOSAI and ASOSAI

9.1 Internal Control

Components of Internal control and role and responsibilities of audit

9.1.1 Components of internal control

Internal control is designed to provide reasonable assurance that the entity's general objectives are being achieved. Therefore, clear objectives are prerequisite for an effective internal control process.

Internal control consists of five inter-related components i.e. control environment, risk-assessment, control activities, information and communication and monitoring.

The **control environment** is the foundation for the entire internal control system. It provides the discipline and structure as well as the climate which influences the overall quality of internal control. It has overall influences on how strategy and objectives are established, and control activities are structured.

Having set clear objectives and established an effective control environment, an **assessment of the risks** facing the entity as it seeks to achieve its objective provides the basis for developing an appropriate response to risk.

The major strategy for mitigating risk is through internal control activities. Corrective actions are necessary complement to **internal control activities** in order to achieve the objectives. Control activities and corrective actions should be value for money. Their cost should not exceed the benefit resulting from them (cost effectiveness).

Effective **information and communication** is vital for an entity to run and control its operations. Entity management needs access to relevant, reliable, timely communication related to internal as well as external events. Information is needed throughout the entity to achieve its objectives.

Finally, since internal control is a dynamic process that has to be adapted continuously to the risks and changes an organisation faces, **monitoring** of the internal control system is necessary to ensure that the internal control remains tuned to the changed objectives, environment, resources and risks.

These components define the recommended approach for internal control in government and provide a basis against which internal control can be evaluated. These components apply to all aspects of an organisation's operation.

9.1.2 Roles and Responsibilities

Everyone in an organisation has some responsibilities for internal control.

Managers are directly responsible for all activities of an organization, including the internal control system. Their responsibilities vary depending on their function in the organisation and the organisation's characteristic.

Internal auditors examine the effectiveness of internal control and recommend improvement, but they don't have primary responsibility for establishing or maintaining it.

Staff members contribute to internal control as well. Internal control is an explicit or implicit part of everyone's duties. All staff members play a role in effecting control and should be responsible for reporting problems of operations, non-compliance with the code of conduct or violation of policy.

External parties also play an important role in the internal control process. They may contribute in achieving the organisation's objectives, or may provide information useful to effect internal control. However, they are not responsible for the establishment or operation of the organisation's internal control system.

Supreme Audit Institutions (SAIs) encourage and support the establishment of effective internal control in the government. The assessment of internal control is essential to the SAI's compliance, financial and performance audit. SAIs should communicate their findings and recommendations to the departments.

External Auditors audit government departments. They and their professional bodies should provide advice and recommendations on internal control.

9.2 Fraud and corruption

Some of the most typical fraud and corruption categories identified by ASOSAI are as follows:

Bribery is the giving, receiving, offering or soliciting of any "thing of value" in order to influence a person in the performance of, or failure to perform, his/her duties.

False statements and false claims occur whenever a person knowingly and wilfully falsifies a material fact or makes a false or fictitious representation or files a false or fictitious claim that results in economic or financial loss to the person to whom the false representation has been made.

Embezzlement is the fraudulent conversion of personal property by a person in possession of that property where the possession was obtained pursuant to a trust relationship. Examples of means to conceal embezzlement are the use of kiting or lapping scheme.

Kiting occurs when a person withdraws cash from bank on cheques deposited by a person for which the cash has not yet been collected by the bank. To conceal the fraud, the person continuously writes cheques against non-existent account balances ("kites" cheques from bank to bank).

Lapping occurs when a person steals cash from payment of accounts receivable and continuously use cash from other payments receivable to conceal the initial theft.

Conflict of interest occurs when a person has an undisclosed economic or personal interest in a transaction that adversely affects that person's employer.

Phantom contractor is a non-existent company whose invoice is submitted for payment by a person involved in the purchase process.

Purchases for personal use: A person may purchase items included for personal use or may make excess purchases of items needed, some of which are then diverted to personal use.

Split purchases: Contracts are split into two or more segments to circumvent the procurement authority limitations, and thus to avoid competitive bidding. This may involve bribery from the contractor to a person of the other party.

Collusive bidding, price fixing or bid rigging: Groups of prospective contractors for a contract from an agreement or arrangement to eliminate or limit competition. This agreement may also involve bribery.

Progress payment fraud: The contractor requests progress payments based on falsified information submitted to the other party.

Over or under invoicing occurs when there is deliberate misstatement of the invoice value as compared with goods or services received or supplied.

Extortion is the use of authority to secure unlawful pecuniary gain or advantage.

Nepotism and favoritism: Unlawful use of public office to favour relatives and friends.

Loss of revenue on account of tax or duty evasion can include different situations where revenue due to the government is not received or paid.

Unfair recruitment favoritism exercised in the process of recruitment for unlawful gain.

Computer fraud is any fraudulent behavior connected with computerisation by which a person intends to gain a dishonest advantage. For instance, salami slicing is a computer fraud where fractions of interest calculations are transferred to a personal account.

9.3 Computer fraud

1. With the increased use of information technology in the function of entities and increased introduction of IT systems, the auditors need to understand that the perpetration of fraud and corruption and consequently detection of such instances become more complicated.
2. Computer fraud could involve the manipulation of a computer or computer data by whatever method in order to dishonestly obtain money, property or some other advantage of value or to cause loss.
3. The auditor has to be particularly aware of the audit trail, of the checks and balances of IT systems, of the levels of control and needs to also have a fair idea of how processing controls can be circumvented by the perpetrator of fraud and how data can be assessed and manipulated. It is particularly important for the auditor of the IT system to assess in his audit the level of security controls built in and if these are in tune with the sensitivity of data.
4. Audit evidencing in an IT environment is often more complex than traditional manual audit. In an IT environment not only it is necessary to understand the techniques of assessing system and data soundness but also necessary to establish means of collecting evidence. The standards of audit evidence collection have to be set in consonance with the legal framework and regulations in which the audit is carried out.
5. Since this is an emerging field of audit and is also undergoing rapid changes, the desirability of pooling of information on the IT audits conducted and techniques adopted may be considered.

9.4 Audit of Receipts

9.4.1 Audit of arrangements for detection/prevention of frauds and other irregularities

In the audit of receipts it would be necessary in the case of a department which is a receiver of public monies to ascertain whether arrangements are in place to ensure the prompt detection, investigation and prevention of irregularities, double refunds, fraudulent or forged refund vouchers or other loss of revenue through fraud, error or willful omission or negligence to levy or collect taxes or to make refunds. For instance, the department could be requested to undertake a comparison of a sample set of counterfoils of receipts with those available with the tax payers or other debtors, the results of comparative study being made available to Audit. Audit may also suggest any appropriate improvements in procedure.

9.4.2 Audit of effectiveness of rules and orders governing collection of receipts

Audit of receipts will be regulated mainly with reference to the statutory provisions as well as judicially interpreted cases or financial rules or orders applicable to the particular receipt involved.

If the test checks reveal any defects, lacuna or loopholes in the provisions, rules or orders, the department's attention should be drawn to the advisability of these being suitably amended.

9.4.3 Audit of periodicity of recoveries

When any financial rule or order applicable to the case prescribes the scale or periodicity of recoveries, it will be the duty of the audit to see as far as possible that there is no deviation therefrom without proper authority. When this check may be conducted by local inspections, the aim being to secure the due realisation of particular debts and as well as to ensure that the disregard of rules or defects in procedure are not such as to result in leakage of revenue.

9.4.4 Examination of outstanding dues

Audit should carefully review any outstanding dues and suggest to the departmental authorities any feasible means for their recovery. Whenever any dues appear to be irrecoverable, orders for their waiver and adjustment should be sought.

9.4.5 Audit of Internal Control

- (1) Ordinarily, audit will see that the internal procedures adequately secure, correct and do regular accounting of demand, collection and refund, so that no amounts due to government remain outstanding in its books without sufficient reasons and that the claims are pursued with due diligence and are not abandoned or reduced except with adequate justification and with proper authority.
- (2) To sum up the most important functions of Audit and the area of audit concern in relation to assessments and refunds is to satisfy itself, by such test checks as it may consider necessary, that the internal procedures adequately provide for and actually ensure:
 - (i) the collection and utilisation of data necessary for the computation of the demand or refund under law;
 - (ii) computation and realisation of various taxes, fees, royalty etc. are in accordance with the applicable tax laws;
 - (i) prompt raising of demands on tax payers in the manner required by law;
 - (iv) regular accounting of demands, collections and refunds;
 - (v) correct accounting and allocation of collections and their credit to the consolidated fund;
 - (vi) that the relevant and requisite records are maintained;

- (vii) proper arrangements are in place to safeguard against negligence or omission to levy or collect taxes or to authorise refunds;
- (viii) adequate control and monitoring mechanisms have been devised to prevent loss or leakage of revenue;
- (ix) that there has not been any loss or leakage of revenue on account of lacuna or loopholes in the rules framed for the purpose or on account of avoidable delays in the issue of the necessary notifications and orders;
- (x) that the machinery for detection of cases of evasion is adequate;
- (xi) that double refunds, fraudulent or forged refund orders or other losses of revenue through fraud, default or errors are promptly brought to light and investigated;
- (xii) that claims of tax payers are pursued with due diligence and are not abandoned or reduced except with adequate justification and proper authority;
- (xiii) that cases pending in courts of law or before appellate authorities have been pursued adequately and appeals, whenever justified or considered necessary, have been filed within the period of limitation, and
- (xiv) that the estimates of revenue have been realised at the end of financial year.

Note: - In cases of shortfalls in the realisation of the estimates, audit should ascertain if this was attributable to negligence in collection or whether the original estimates themselves were erroneous or unreliable.

9.5 Cross verification

In the audit of assessments, the assessment files and returns themselves may not always reveal under-declaration of sales or income. In such cases, a unit based approach may not suffice and an inter-disciplinary approach may be called for. For example, in the case of checks of sales tax assessments of dealers who are also manufacturers, the data furnished in their returns could be verified with the corresponding data furnished by them in their Central Excise returns to see whether there are variations or discrepancies. Similar cross verification may also be possible with the income tax returns.

APPENDIX - 1

(Referred to in Paragraph 3.1)

List of Districts and Tehsils in each Divisional Commissioners of Rajasthan

Sl No	Name of Divisional Commissioner	Name of District	Name of sub Division	Name of Tehsil	Remarks
1	2	3	4	5	6
1	Ajmer	1. Ajmer	1. Ajmer	1. Ajmer	
			2. Beawar	2. Pesangon	
			3. Kekri	3. Nasirabad	
			4. Kishangarh	4. Beawar	
			5. Naseerabad	5. Masuda	
			6. Masooda	6. Kekri	
			7. Pisangan	7. Bhenay	
			8. Sarwad	8. Sarwar	
			9. Bhinay	9. Kishangarh	
			10. Pushkar	10. Pushkar	
			11. Rupangarh	11. Tatgarh	
			12. Tatgarh	12. Rupangarh	
				13. Vijaynagar	
				14. Sawar	
				15. Anrai	
				16. Tantoti	
		2. Bhilwara	1. Bhilwara	1. Bhilwara	
			2. Gangapur	2. Mandal	
			3. Shahpura	3. Baneda	
			4. Mandalgarh	4. Sahada	
			5. Gulabpura	5. Raipur	
			6. Baneda	6. Shahpura	
			7. Jahajpur	7. Jahaj Pur	
			8. Mandal	8. Mandal Garh	
			9. Raipur	9. Kotadi	
			10. Bijaulia	10. Bijolia	
			11. Kotdi	11. Hurda	
			12. Asind	12. Asind	
			13. Fulia Kalan	13. Badnor	
			14. Hamirgarh	14. Hamirgarh	
			15. Kareda	15. Kareda	
			16. Badnaur	16. Fulia Kalan	

3. Nagaur	1. Nagaur	1. Nagaur
	2. Medata	2. Jayal
	3. Deedwana	3. Khivsar
	4. Parbatsar	4. Medata
	5. Degana	5. Degana
	6. Jayal	6. Deedwana
	7. Makrana	7. Ladnu
	8. Navan	8. Nawa
	9. Ladnu	9. Perbatsar
	10. Khivsar	10. Riyawadi
	11. Kuchaman city	11. Kuchaman city
	12. Riyawadi	12. Mundwa
		13. Makrana

		4. Tonk	1. Tonk 2. Malpura 3. Deoli 4. Niwai 5. Uniara 6. Piplu 7. Todaraisingh	1. Tonk 2. Niwai 3. Piploo 4. Uniyara 5. Dewali 6. Malpura 7. Toda Raisingh 8. Duni
2	2.Bikaner	1. Bikaner	1. Dungargarh 2. Bikaner 3. Khajoowala 4. Nokha 5. Lunkaransar 6. Kolayat 7. Pungal 8. Chhatargarh	1. Bikaner 2. Lunkaransar 3. Dungargarh 4. Kolayat 5. Nokha 6. Khajoowala (HQ Beriawali) 7. Pungal 8. Chhattargarh
		2. Churu	1. Churu 2. Ratangarh 3. Rajgarh 4. Sardar Shahar 5. Sujangarh 6. Taranagar 7. Bidasar	1. Churu 2. Sardar Shahar 3. Ratangarh 4. Sujangarh 5. Rajgarh 6. Tara Nagar 7. Bidasar
		3. Sriganganagar	1. Sriganganagar 2. Shri Karan Pur 3. Padampur	1. Sriganganagar 2. Shadul Shahar 3. Anoopgarh 4. Ghadsana 5. Suratgarh

			4. Raysingh Nagar	6. Srikan Pur
			5. Suratgarh	7. Padampur
			6. Shri Vijay Nagar	8. Shri Vijay Nagar
			7. Anoopgarh	9. Raysingh Nagar
			8. Ghadsana	
			9. Shadul Shahr	
		4. Hanumangarh	1. Hanumangarh	1. Hanumangarh
			2. Nohar	2. Pili Banga
			3. Sangariya	3. Nohar
			4. Peelibanga	4. Bhadara
			5. Tibbi	5. Rawat Sar
			6. Rawatsar	6. Sangariya
			7. Bhadra	7. Tibbi
3	3. Jaipur	1. Dausa	1. Dausa	1. Dausa
			2. Bandikui	2. Lalsot
			3. Lalsot	3. Baswa
			4. Mahuwa	4. Sikrai
			5. Sikrai	5. Mahua
			6. Nagla Rajavtan	6. Nagla Rajavtan
			7. Ramgarh Pachhwada	7. Ramgarh Pachhwada
				8. Labaan
		2. Alwar	1. Alwar	1. Alwar
			2. Kishangarhbas	2. Ramgarh
			3. Tijara	3. Thanagaji
			4. Behror	4. Kishangarhbas
			5. Rajgarh	5. Kotkaseem
			6. Laxmangarh	6. Tijara
			7. Bansur	7. Mundawar

	8. Kathumar	8.Behror
	9. Ramgarh	9. Bansoor
	10. Thanagaji	10.Rajgarh
	11. Kotkasim	11. Laxmangarh
	12. Mundawar	12. Kathumar
	13. Neemrana	13. Neemrana
	14. Reni	14. Reni
		15. Govindgarh
		16. Malakheda
3. Jaipur	1. Jaipur	1. Jaipur
	2. Amer	2.Bassi
	3. Sambar	3.Sanganer
	4. Kotputali	4.Chaksu
	5. Jamvaramgarh	5. Amer
	6. Sanganer	6. Jamwa Ramgarh
	7. Chomu	7. Chomu
	8. Dudu	8. Sambar (HQ Phulera)
	9. Chaksu	9. Dudu (HQ MoJamabad)
	10. Phagi	10. Phagi
	11. Basssi	11. Kotputali
	12. Shahpura	12. Virat Nagar
	13. Viratnagar	13. Shahpura
		14. Kotkhabda
		15. Dudu
		16. Kishangarh Renwal
4. Jhunjhunu	1. Jhunjhunu	1. Jhunjhunu
	2. Khetari	2. Chidawa
	3. Navalgarh	3. Khetri
	4. Chidava	4. Buhana
	5. Udaipurwati	5. Navalgarh
	6. Buhana	6. Udaipur Wati
	7. Malsisar	7. Malsisar
	8. Surajgarh	8. Surajgarh

		5. Sikar	1. Sikar 2. Fateh Pur 3. Neem Ka Thana 4. Srimadhopur 5. Dataramgarh 6. Laxmangarh 7. Dhod 8. Khandela 9. Ramgarh Sethan	1. Sikar 2. Dataram Garh 3. Fateh pur 4. Laxmangarh 5. Neem Ka Thana 6. Shrimadhopur 7. Khandela 8. Ramgarh Sethan 9. Dhod
4.	Bharatpur	1. Bharatpur	1. Bharatpur 2. Bayana 3. Deeg 4. Kama 5. Bair 6. Kumher 7. Nagar 8. Nadbai 9. Roopwas 10. Pahadi 11. Bhusawar	1. Bharatpur 2. Kumher 3. Nadwai 4. Bayana 5. Roop Bas 6. Bair 7. Deeg 8. Nagar 9. Kama 10. Pahadi 11. Bhusawar
		2. Dholpur	1. Dholpur 2. Badi 3. Basedi 4. Rajakheda 5. Sepau 6. Sar Mathura	1. Dholpur 2. Rajakheda 3. Sepau 4. Badi 5. Basedi 6. Sar Mathura

		3. Karauli	1. Karauli	1. Karauli
			2. Hindon	2. Sapotara
			3. Mandrayal	3. Mandrayal
			4. Sapotra	4. Hindon
			5. Toda Bhim	5. Naudoti
			6. Nandoti	6. Toda Bhim
				7. Masalpur
		4. Sawai Madhopur	1. S. Madhopur	1. S.MadhoPur
			2. Gangapur	2.Khandar
			3. Bamanwas	3. Bonli
			4. Bauli	4. Malarnadungar
			5. Khandar	5. Chouth Ka Barwara
			6. Chauth Ka Barwada	6. Gangapur
			7. Malarna Dungar	7. Bamanwas
			8. Vajeer pur	8. Vajeerpur
5	Jodhpur	1. Jodhpur	1.Jodhpur	1.Jodhpur
			2. Piparsahar	2. Piparsahar
			3. Phaloudi	3. Phaloudi
			4. Oshia	4. Oshia
			5. Shergarh	5. Shergarh
			6. Luni	6. Luni
			7. Bhopalgarh	7. Bhopalgarh
			8. Bawdi	8. Bawdi
			9. Baap	9. Baap
			10. Balesar	10. Balesar
			11. Bilada	11. Bilada
				12. Tibri
				13. Lohawat
		2. Barmer	1. Barmer	
			2. Gudh Malani	1. Barmer
			3. Balotra	2. Ramsar
			4. Shiv	3. Bayatu
				4. Shiv

	5. Ramsar	
	6. Sivana	5. Ghuda Malani
	7. Baytu	6. Chauhatan
	8. Chohtan	7. Shiwana
	9. Sindhri	8. Pachpadra
	10. Sedwa	9. Sindhri
	11. Dhorimanna	10. Sedwa
		11. Gadra Road
		12. Gida Road
		13. Dhor Manna
		14. Samdhadi
3. Jaisalmer	1. Jaisalmer	1. Jaisalmer
	2. Pokran	2. Fatehgarh
	3. Fatehgarh	3. Pokran
	4. Bhaniyana	4. Bhamiyana
4. Jalore	1. Jalore	1. Jalore
	2. Bhinmal	2. Afore
	3. Sanchoe	3. Sayala
	4. Aahor	4. Bhinmal
	5. Ranivada	5. Bagora
	6. Sayla	6. Raniwara
	7. Bagoda	7. Sanchoe
	8. Jaswantpura	8. Chitlawana
	9. Chitlawana	9. Jaswantpura
5. Pali	1. Pali	1 Pali
	2. Bali	2. Rohat
	3. Jetaran	3. Bali
	4. Sojat	4. Desuri
	5. Desuri	5. Sumerpur
	6. Sumerpur	6. Jetaran
	7. Rohat	

			8. Marwar Junction	7. Raipur
			9. Raipur	8. Sojat
			10. Rani	9. Marwar Jn.
				10. Rani
		6. Sirohi	1. Sirohi	1. Sirohi
			2. Mount Abu	2. Shivganj
			3. Rewdar	3. Rewdhar
			4. Shivganj	4. Abu Road
			5. Pindwara	5. Pindwara
6.	Kota	1. Kota	1. Kota	1. Ladpura
			2. Ramganjmandi	2. Digod
			3. Digod	3. Pipalda
			4. Sangod	4. Ramganjmandi
			5. Itava	5. Sangod
			6. Kanbas	6. kanbas
		2. Bundi	1. Bundi	1. Bundi
			2. Nenwa	2. Keshraipatan
			3. Kesoraipatan	3. Indragarh
			4. Lakheri (Indragarh)	4. Nenawa
			5. Hindauli	5. Hindoli
			6. Taleda	6. Taleda

3.	Jhalawar	1. Jhalawar	1. Jhalrapaatan
		2. Bhawanimandi	2. Gangdhar
		3. Aklera	3. Pirawa
		4. Khanpur	4. Pach Pahad
		5. Pidawa	5. Aklera
		6. Gangdhaar	6. Khanpur
		7. Manoharthana	7. Manoharthana
		8. Asnavar	8. Asnawar
4.	Baran	1. Baran	1. Baran
		2. Shah Bad	2. Mangrol
		3. Chhabara	3. Anta
		4. Atru	4. Shah Bad
		5. Mangrol	5. Kishanganj
		6. Chhipa Barod	6. Chhabara
		7. Anta	7. Ataru
		8. Kishanganj	8. Chippabarod
7.	Udaipur	1. Udaipur	
		1.Udaipur (Girwa)	1. Girwa
		2. Ballabh Nagar	2. Gogunda
		3. Mavli	3. Ballabh Nagar
		4. Salumbar	4. Mavli
		5. Kherwara	5. Salumbar
		6. Kotada	6. Sarada
		7. Jhadol	7. Kherwara
		8. Gogunda	8. Jhadol
		9. Lasadia	9. Kotada
		10. Sarada	10.. Lasadia
		11. Rishabhdev	11. Rishebdev
		12. Badgaon	12. Badgaon
			13. Semari

2. Chittorgarh	1. Chittorgarh	1. Chittorgarh
	2. Nimbahera	2. Gangrar
	3. Badi Sadari	3. Nimbahera
	4. Kapasan	4. Bhadhesar
	5. Begu	5. Badi Sadari
	6. Rawatbhata	6. Dungala
	7. Gangrar	7. Kapasan
	8. Rashmi	8. Rashami
	9. Bhadesar	9. Begu
	10. Dungli	10. Rawatbhata
	11. Bhopalsagar	11. Bhopalsagar
3. Dungarpur	1. Dungarpur	1. Dungarpur
	2. Sagwara	2. Simalwada (HQ Dhambola)
	3. Seemalwada	3. Sagwara
	4. Aaspur	4. Aaspur
	5. Galiyakot	5. Galiyakot
	6. Chikli	6. Chir Bali
	7. Bichhiwada	7. Bichhiwada
	8. Sabla	8. Sabla
		9. JhothriPal
4. Rajsamand	1. Rajsamand	1. Rajsamand
	2. Nathdwara	2. Kumbhalgarh
	3. Bhim	3. Amet
	4. Kumbhalgarh	4. Nathdwara
	5. Relmagara	5. Railmagara
	6. Amet	6. Bhim
	7. Devgarh	7. Devgarh
		8. Gadbor
		9. Khamnaur

5. Banswara	1. Banswara	1. Banswara
	2. Kushalgarh	2. Ghadi
	3. Ghatol	3. Ghatol
	4. Gadi	4. Bagidora
	5. Bagidora	5. Kushalgarh
	6. Chhoti Sarwan	6. Anandpuri
	7. Anandpuri	7. Sajjangarh
	8. Sajjangarh	8. Chhoti Sarwan
		9. Gagand Talaai
		10. Ambapura
		11. Ganoda
6. Pratapgarh	1. Pratapgarh	1. Pratapgarh
	2. Arnod	2. Arnod
	3. Dhariabad	3. Dhariabad
	4. PipalKhoot	4. PipalKhoot
	5. Chhotisadri	5. Chhotisadri

APPENDIX - 2

(Referred to in paragraph 3.1)

List of Colonisation, Commissioner and Tehsils

S. No.	Designation of Revenue Officer	Full address of the office
1.	Commissioner Colonisation, Bikaner.	Commissioner, Colonisation, I.G.N.P, Bikaner.
2.	Additional Commissioner, (Admn.) Colonisation, Jaisalmer.	Additional Commissioner, Colonisation, Jaisalmer.
3.	Additional Commissioner, (Appeal) Colonisation, Bikaner.	Additional Commissioner, Colonisation, Bikaner.
4.	Additional Commissioner, (Vizelence) Colonisation, Bikaner.	Additional Commissioner, Colonisation, Bikaner.
5.	Deputy Commissioner, Colonisation, Jaisalmer.	Deputy Commissioner, Colonisation, Jaisalmer.
6.	Deputy Commissioner, Colonisation, Nachana	Deputy Commissioner, Colonisation, Nachana, Headquarter Nachana District Jaisalmer.
7.	Deputy Commissioner, Colonisation, Nachana, Bikaner	Deputy Commissioner Bikaner
8.	Assistant Commissioner, Colonisation, Mohangarh A.	Assistant Commissioner, Colonisation, Mohangarh A, Headquarter Mohangarh District Jaisalmer.
9.	Assistant Commissioner, Colonisation, Mohangarh B.	Assistant Commissioner, Colonisation, Mohangarh B, Headquarter Mohangarh District Jaisalmer.
10.	Assistant Commissioner, Colonisation, Kolayat	Assistant Commissioner, Colonisation, Kolayat Headquarter, Kolayat, District Bikaner.
11.	Assistant Commissioner, Colonisation, Chhatergarh.	Assistant Commissioner, Colonisation, Chhatergarh Headquarter Bikaner.
12.	Assistant Commissioner, Colonisation, Chhatergarh, Bikaner	Assistant Commissioner, Colonisation, Chhatergarh Headquarter Bikaner.
13.	Additional Assisstant Commissioner	Additional Assisstant Commissioner Colonisation

	Colonisation Bikaner	Bikaner.
14.	Tehsildar, Colonisation, Kolayat No.1	Tehsildar, Colonisation, Kolayat No.1 Headquarter Kolayat District Bikaner.
15.	Tehsildar, Colonisation, Kolayat No.2	Tehsildar, Colonisation, Kolayat No.2, Headquarter Bajju District Bikaner.
16.	Tehsildar, Colonisation, Kolayat No.3	Tehsildar, Colonisation, Kolayat No.3, Headquarter Bajju, District Bikaner.
17.	Tehsildar, Colonisation, Nachana 1	Tehsildar, Colonisation, Nachana 1 District Jaisalmer.
18.	Tehsildar, Colonisation, Nachana 2	Tehsildar, Colonisation, Nachana 2 District Jaisalmer.
19.	Tehsildar, Colonisation, Mohangarh 1	Tehsildar, Colonisation, Mohangarh No. 1 Headquarter Mohangarh, District Jaisalmer.
20.	Tehsildar, Colonisation, Mohangarh 2	Tehsildar, Colonisation, Mohangarh No. 2 Headquarter Mohangarh, District Jaisalmer.
21.	Tehsildar, Colonisation, Ramgarh 1	Tehsildar, Colonisation, Ramgarh No.1 Headquarter Ramgarh, District Jaisalmer.
22.	Tehsildar, Colonisation, Ramgarh 2	Tehsildar, Colonisation, Ramgarh No. 2 Headquarter Ramgarh, District Jaisalmer.
23.	Tehsildar, Colonisation, Bap	Tehsildar, Colonisation, Bap, Jodhpur
24.	Tehsildar, Colonisation, Jaisalmer	Tehsildar, Colonisation, Jaisalmer
	Tehsildar colonization, Gajner, bikaner	

APPENDIX - 3

(Referred to in paragraph 3.1)

List of Settlement Officer and their areas

S. No.	Name of Settlement Officer	Area allotted District-wise
1.	Settlement Officer, Jaipur	Jaipur District
2.	Settlement Officer, Kota	1. Kota 2. Bundi 3. Jhalawar
3.	Settlement Officer, Alwar	1. Alwar 2. Sawai Madhopur
4.	Settlement Officer, Bharatpur	Bharatpur
5.	Settlement Officer, Udaipur	Tehsils (1) Amet (2) Kumbhalgarh (3) Girawa (4) Gogunda (5) Devgarh (6) Nathdwara (7) Balbha Nagar (8) Bhim (9) Mabali (10) Rajsamand (11) Railmangara of Udaipur District (12) banswara (13) dungarpur
6.	Settlement Officer, Bikaner	1. Bikaner 2. Churu, 3. Shriganganagar, 4. Jhunjhunu
7.	Settlement Officer, Jodhpur	1. Jodhpur 2. Barmer 3. Pali 4. Nagaur 5. Jaisalmer 6. Jalore 7. Sirohi
8.	Settlement Officer, Bhilwara	1. Bhilwara 2. Chittorgarh 3. Pratapgarh
9.	Settlement Officer, Sikar	Sikar
10.	Settlement Officer, Tonk	Tonk
11.	Settlement Officer, Ajmer	Ajmer

APPENDIX - 4

[Referred to in authority on foot Note 2 of Para 4.5]

Revenue colonisation Department letter No. F4(9) Revenuye colonistaion/67 dated July, 1970.

Subject:- *Allotment of land to Granthies and maulvies.*

I am directed to refer to your letter No. F.12(11) (A23) Rev/66/4917) dated 9.4.1970 in the above subject and to State that the matter was gone through. There seems to be no contradiction in order issued vide this Department letter No. F.3(281) Rev./ Cal /67 dated 17.9. 1969 and letter of even No. dated 24.3. 1970. The position, therefore, as it stands is that such lands which have been entered in the name of granthis even though belonging to Gurudwaras can be allowed to be retained by granthis on payment of market price by them.

The decision taken by State Government and announced by the chief Minister at the assembly on 23.3. 1970 is reproduced below.

Land under Gurudwaras has in some cases been recorded in the khatedari of Granthis. Such lands were attached with religious institutions and by recording them in the name of granthis these institutions have been deprived of their annual income. Orders are being issued to ensure that such lands in future are recorded in the khatedari of the religions institutions only. For such cases in the past it has been decided that the granthis would pay to Government the market price of the land entered in their khatas.

APPENDIX - 5

[Refer para 4.8]

The Rajasthan Land Revenue (Allotment of land for Agriculture purpose) Rules, 1970.

[Published in Raj. Guz. Exat iv-(I). Dated 24.7.1970, PP.157 to. 172]

G.S.R., 38 – In exercise of powers conferred by clause (xviii) of sub section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act, 15 of 1956) read with section 101 of the said Act, the state Government do thereby make the following Rules, namely:-

1. **Short title extent and commencement** – (1).These rules may be called the Rajasthan Land Revenue (Allotment of laws for Agriculture purpose) Rules, 1970.

(2) They shall extend to the whole of the State of Rajasthan their.

(3) They shall come in to force on the date of their publication in official Gazatte.

2. **Interpretation** :- In these Rules, unless the subject or context in official requires.

(i) ‘Act’ means the Rajasthan Land Revenue Act, 1956 (Rajasthan Act, 15 of 1953)

(ii) ‘Advisory Committee’ means a committee formed under rule 13 of these rules.

(iii) ‘Panchayat’ means a panchayat established under the Rajasthan Panchayat Act, 1953 (Rajasthan Act, 21 of 1953)

(iv) ‘Form’ means a form appended to these rules.

(v) ‘Panchayat Samiti’ means a Panchayat Samiti constituted or to be constituted under the Rajasthan Pancayat Samities and Zila Parishads Act 1959 (Rajasthan Act, 37 of 1959)

(vi) ‘Section’ means of section of the Act

(vii) ‘Standard Area’ means the area which the Government may from time to time, notify as the minimum area necessary for profitable cultivation in any particular area.

(viii) ‘Tenancy Act’ means the Rajasthan Tenancy Act, 1955 (Act 3 of 1955)

3. **Scope of the Rules**:- These rules shall govern that allotment of un-occupied Government land for Agricultural purposes in areas other than thus declared as a colony under clause (ii) of section 2 of the Rajasthan colonisation

Act, 1954 (Rajasthan Act 27 of 1954) and than lands falling in the area mentioned in the proviso to section 15 and in section on 15-A of the Rajasthan Tenancy Act, 1955 (Act 3 of 1955) or in any rectification issued there under.

4. **Land not available for allotment under these rules** -The following categories of lands shall not be available for allotment for Agricultural purpose under these rules, namely:-

- (i) Land mentioned in section 16 of the Rajasthan Tenancy Act, 1955.
- (ii) Lands demarcated as landing grounds for aircrafts.
- (iii) Land reserved for village forests constituted under section 28 of the Rajasthan forests Act, 1953 (Rajasthan Act, 13 of 1953)
- (iv) Small Baras on lands reserved for threshing grounds adjoining or close to the Abadi of a village.
- (v) Lands within a radius of
 - (a) ten miles from the zero miles of any city within a population of our one lakh.
 - (b) Five miles from the zero miles of any municipal towns with a population between 50,000 and one lakh.
 - (c) There miles from the zero miles of any other municipalities
 - (d) One hundred yards of a railways fencing or
 - (e) Fifty yards from the centre of a National highways or a metalled or gravel road:
- (vi) Lands declared as saline areas under the Rajasthan Land Revenue (Saline Area Allotment) Rules, 1962 or
- (vii) Lands reserved for allotment under any special Rules for the allotment of land.

5. **Preparation of list of unoccupied lands:-** The Tehsildar shall by the 30th day of the September each year prepare and submit to the Sub Divisional Officer can earned a village with list of unoccupied Government lands both irrigated and unirrigated in farm. I which shall be available for inspection at the office of the Panchayat, Panchayat Samiti and Tehsil .

6. **Executions and reservations:** (1) from the list of un-occupied lands prepared under rules, 15 the Sub Divisional Officer shall exclude lands of the categories mentioned in rules 4, 1 and shall see whether an unoccupied land entered in the list is required for the extension of pasture land Reserved under section 92 of the Act, otherwise on the extension of village 'abadi' or of any other public purpose and if so, he shall reserve in consultation with advisory committee suitable areas out of the occupied lands for the purpose.

2(a) The Sub Divisional Officer shall send a list of such reserved lands alongwith of the opinion of the Advisory Committee to the Collector for setting apart such land indicating all the lands that may be allotted temporarily with the sanction of the State Government.

(b) where the Collector does not approve the proposals of the Sub Divisional Officer such land which are not set apart shall be available for allotment under these rules.

(c) the Sub Divisional Officers shall also see that adequate land is available for the educational institutions in the village and that sufficient land is left for any other public purpose.

7. Issue of proclamation inviting applications for allotments:

(a) After action has taken as indicated in Rule 6, the Sub Divisional Officer shall issue a proclamation in form II in the manner laid down in section 61 of the Act inviting applications from landless person for allotment of land for agricultural purpose.

(b) In the proclamation a period of 30 days or of 2 weeks it specifically ordered by the Government shall be allowed for submitting an application and this period shall be reckoned from the date of posting the proclamation on the Notice Board of the Office of the Sub Divisional Officer and also at some place of public resort or on adjacent to the land to which it refers.

8. Form the application for allotment:- (1) Application for allotment shall be submitted in form III.

(2) All Applications for allotment shall be verified as a plaint under the code of civil producers, 1908 (Central Act of 1908).

(3) An application for allotment may be presented in person to the Sub Divisional Officer or may be sent by registered post.

9. Register of Application:- The Sub Divisional Officer shall record on each application the date and time of its receipt and get all application received entered in a register of application in form (IV).

10. Enquiry by Sub Divisional Officer:- The Sub Divisional Officers shall got the particulars given in each application verified with entries evicting in the annual register or other Tehsil recorded and may make such enquiries as he deems fit with regard to the applications eligibility and other concerned matters.

11. Eligibility and order of priority for allotment: (1) the land shall be allotted only to a landless person as defined in the tenancy Act and to extent he is landless.

(2) if there are more than one applicant requiring the same plot of land, it shall be allotted to him / them according to the priorities fixed in section 101(4) of Rajasthan Land Revenue Act but *inter se* priority between the applicant of the same category as per section 101(4) of the said Act shall be in the following order:-

- (a) Legal heir of a member of the Armed forces of the union killed in action or a disabled soldier.
- (b) member of the scheduled caste or scheduled tribe who is a landless person.
- (c) unemployed Landless Agricultural Candidate.
- (d) Agricultural labours, who is a landless person
- (e) Non-commissioned Ex Servicemen.
- (f) Other landless persons preference being given to those with lesser income.
- (g) A non Commissioned member of the Armed forces who has not rendered not less than 5 years service.

12. **Extent of allotment:-** The extent of the land to be allotted shall not be more than 10 acres subject to the condition that, in no case, the total areas to be allotted under these rules. Together with the area already held by the allotted or his national share, if the land by other members of the joint family, shall exceed 10 acres. No allotment in favor of a minor shall be made except in cases covered by rule 11(a). As far as possible the land to be allotted will not less than 5 acres of unirrigated land.

Provided that:-

(i) In that Barani areas of the former Bikaner Division Barmer Distt. (Except Siwana Tehsil) and Jaisalmer District, not covered by any irrigation project, the maximum areas of agricultural land to be allotted under these rules shall not exceed 75 bighas.

(ii) 1 Bigha for the purposes of this proviso will be taken to be equal to 5/8 of an acre.

13. Allotment to be in consultation with Advisory committees:

(1) All allotment shall be made by the S.D.O., in consultation with an advisory committee.

(i) the member of the Rajasthan Legislation Assembly in whose constituency the land is situated.

(ii) the Pradhan of the Panchayat Samiti having Jurisdiction.

- (iii) the Sarpanch of Panchayat having jurisdiction.
- (iv) the Vikas Adhikari of the Panchayat Samiti having jurisdiction.
- (v) the Tehsildar of the Tehsil having jurisdiction, and
- (vi) A person belongs to a Schedule Caste or Schedule Tribe to be nominated by the Panchayat Samiti for and amongst its members.

Provided that the Sub-Divisional Officer may on receipt of application from a released Sagri who is a landless person allot land to him without consultation with the Advisory Committee, after making such enquiry as he deems fit.

- (2) The sub-Divisional officer shall give to the member of the Advisory Committee at least 10 days notice of the date, time and place of the meeting of the committee.

Provided that if any member of the Advisory committee fails to attend on the dates fixed and intimated to him the Sub Divisional Officer shall carry on the work of allotment in consultation with other members of the Advisory Committee not being less than two in number.

- (3) The notice of the meeting shall be served in the manner prescribed in the Rajasthan Revenue Courts, Manual part 1 for the service of process provided that if the service is not possible through a process served it shall be sent by post 'under postal certificate' or by Registered post.

- (4) The Sub Divisional Officer and the member of the Advisory Committee shall as far as practicable visit every Panchayat, Headquarter for making the allotment but if this be not possible, due to reasons to be recorded in writing the allotment shall be made at headquarters of the Tehsil within the jurisdiction of which the land is situated the date, time and place of the meeting for the purpose of allotment shall be intimated to the village panchayat concerned at least one week in advance.

- (5) Minutes of meeting of the Advisory Committee shall be written and signed by the sub Divisional Officer and the members of the Advisory Committee present, before they disperse after the meetings.

- (6) The allotment shall be made either according to the Chairman's or according to the majority opinion of the member of the Advisory Committee. But in case of allotment to be made according to the majority opinion, it shall be so made only after recording the opinion of the dissenting members/members in the minutes and such cases may also be referred to the Collector for the final orders by the sub Divisional officer if he thinks proper to do so.

14. **Conditions of allotments:** (1) the allotment of land under these rules shall be on a Gair Khatedari rights the expiry of 10 years provided the allottee fulfils during this period the terms and conditions of allotment until Khatedari rights are conferred. The allottee shall have all the rights and be subjected to all the liabilities of a gair khatedari tenant under the tenancy Act.

(2) Rent at the Sanctioned rate applicable to the land or if the land applied for and allotted is un-assessed at the lowest class of Barani land in the village for unirrigated land and the chahi or nahari rates as the case may be for chahi or nahari irrigated lands of the villages shall be payable from the first year of allotment.

(3) the allottee shall have to cultivate at least 80% of the land in first year of allotment and the remaining area in the second year.

Provided that this period may be extended by the Tehsildar by one year. If due to unforeseen causes over which the allottee had no control, he was unable to cultivate the lands within the stipulated period.

(4) the collector shall have the power to cancel any allotment made by a sub Divisional Officer or a Tehsildar under the rates replaced by rule 21 of these rules either *suo moto* or on the application of any person in case the allotment has been to covered through fraud or misrepresentation or has been made against rules or in case the allottee has committed breach of any of the conditions of allotment.

Provided that no such order the prejudice of any person shall be passed without giving such person an opportunity of being heard.

(5) the allottee shall pay to the State Government the price of the walls and permanent structures if any existing on the land as also the price of trees standing on the land at rates as prescribed by rules made under section 80 and 81 of the tenancy Act.

(6) Before acquisition of khatedari rights the allottee shall not construct any permanent structures or buildings other than a tanks wall or a dwelling house within the meaning of an improvement as defined by clause (19) of section 5 of the Tenancy Act.

(7) In case of land situated within a radius of 10 miles of Jaipur city the allottee shall also pay the price of trees at the rate of fifteen rupees and 25 paise per bigha.

Provided that no such price shall be charged of the number of trees standing in a bigha of land is less than five.

(8) The land shall be liable to be resumed by the State Government without payment of compensation if:

(a) it is not brought under cultivation strictly in accordance with conditions of allotment not properly utilized;

(b) it is sub let as transferred in contravention of the provisions of the Tenancy Act applicable to Gair khatedari tenants;

(c) it is found that the allottee was not a landless person as defined in the Tenancy Act;

(d) the allottee makes default in the timely payment of the price referred to in clauses 5 of the rule and / or the annual rent or;

(e) the allottee makes constructions on the land in contravention of the allotment rules;

15. orders of allotment -(1) As soon as an order of allotment is passed, the sub Divisional office shall:

(a) give necessary information to the Patwari then and there if the Patwari is present on the spot, and

(b) direct the patwari to make clear possession of the allotted land to the allottee forthwith.

(c) where the allottee is not actually given possession of the allotted land within one month from the date of the order of allotment he shall apply to the Collector who shall enforce the order unless it is stayed by a competent authority.

(2) An order of allotment shall be in form III and a copy of the same together with a trace of the land, shall be given to the allottee and a fee of rupees five shall be recovered therefrom and credited to head IX land Recovery (J) miscellaneous VII miscellaneous.

16. Allotment of land for panchayat and panchayat samities:- Notwithstanding anything contained in these rules, land shall be allotted on application to panchayats and panchayat Samities on the following conditions:

(a) Panchayat Samiti:-Allotment upto fifty acres shall be made by the Government in the Revenue Department at the recommendation of the Collector.

(b) Panchayat:- Allotment upto ten acres shall be made by the sub Divisional officer in consultation with Advisory Committee.

All lands allotted under these rules shall be used for agricultural purposes rent at the Sanctioned rent shall be paid and the income therefrom shall be utilized for the improvement and development of the area.

17. Allotment by Government:- Notwithstanding any things contained in these rules the Government in the Revenue Department shall have the power to allot land to any person subject to the provisions of section 101 of the Act and the conditions of allotment contained in rule 14.

18. Procedure for obtaining khatedari rights:- An allottee under these rules may apply for conferment of khatedari rights to the sub Divisional officer who after necessary enquiry may pass orders for such conferment or reject the applications as deems fit.

19. **Allotment of small strips or patches of unoccupied land adjoining field of tenants:-** Notwithstanding anything contained in the foregoing rules a small strip or patch of land not exceeding one third of the standard area, adjoining the field of a khatedari tenant may on an application by sub tenant allotted to him by the sub Divisional officer in consultation with the Advisory Committee, on khatedari basis and a copy of the order of allotment in form IIA may be given to the allottee on recovery of fee of Rs.5 and mutation shall be sanctioned on realisation of the prescribed mutation fee.

Provided that:

- (i) the land covered by such a small strip or patch is not recorded as pasture land, or cremation ground or trial ground, or playground, or land acquired for public purpose;
- (ii) the small stripe or patch adjoining the field as the one khatedari tenants and more, one of such tenants having applied for allotment of such small strip or patch. The land shall be put to auction and the fielding in such auction shall be confirmed to the khatedar tenants of the Adjoining fields to which fields it would farm a proper accretion such field more compact or regular in shops and such strip or patch shall subject to the provision of the next succeeding clause, be given to the highest bidder.
- (iii) the total area of land already held by such tenant together with the area of the small strip or patch applied for shall not exceed the ceiling as applicable to such khatedar tenants, and
- (iv) The tenants agrees to pay for such small strip or patch, rent at the sanctioned rent rate applicable or if the land is unassessed, rent at the lowest barani rate of adjoining land and payment of premium within the meaning of rule 20 if not auctioned or if auctioned difference of the auctioned money and the premium.

20. **Regularisation of certain cases of a tress passers:-** Notwithstanding any things contained in these Rules and subject to the specific or general instructions from the Government, the Tehsildar may on the advice of the Advisory Committee instead of ejecting a trespasser from the land occupied by him allow him to retain such land in the payment of premium and penalty if he is a landless person and the area occupied by him without any lawful authority does not exceed 15 bighas unirrigated or 5 bighas irrigated land and does not fall in any of the categories of land which are not available for allotment under these rule.

Upon regularisation the trespasser shall be bound by any conditions of allotment as paid down in these Rules and khatedari rights shall accrue as if it were orders of allotment under these rules:

The amount of premium to be charged shall be equal to 20 times the rent of the land regularised and the penalty shall be 15 times of the rent for each year.

21. **Repeal and saving:-** The Rajasthan land Revenue (Allotment of Land for Agricultural Purpose) Rules, 1957, as amended from time to time, are hereby repealed.

Provided that the repeal shall not effect any order made, action taken, effect consequences of anything done or referred there under or any right, title, privilege, obligations or liability already acquired, accrued or incurred there under or enquiry, verification of proceedings in respect thereof made.

APPENDIX – 6

[Refer Authority of the Government below para 4.09]

Notification No. F6(38) Rev/B-4/73 dated 7.4.1973 an allottee to whom land has been allotted up to 31.12. 1969 shall be entitled to be conferred of khatedari right even before the expiry of aforesaid period subject to payment by him of premium at two and half times of the land Revenue for every year of the remaining period.

APPENDIX – 7

[Refer para 4.27]

Copies of section 177-A of the land Revenue Act

177A: Increase in assessment of irrigated land assessed at unirrigated rates:- (1) If any land held by a tenant is irrigated by canal constructed at the expense of State Government and if such land is assessed at unirrigated areas, the tenant shall as from the date of commencement of the Rajasthan Finance Act, 1979 or from the date from which the land first gets irrigated from the canal whichever is later be liable to pay rent enhanced by Rs.1.50 per bigha until a new settlement takes place.

Provided that if such irrigated land falls in the command of an irrigated project and Nahari rates have been sanctioned for other land in the command of that project, the lowest of the Nehari rates applicable in the command of that project shall be charged instead of unirrigated rate enhanced by Rs.1.50 per bigha.

Explanation:- For purpose of this sub-section 'bigha' shall mean as area equivalent of 5/8th of an acre.

(2) The tenant liable to pay enhanced rate under sub-section (1) may within 30 days from the date on which he becomes liable to pay enhanced rent refuse in writing to accept the rent enhanced by this section and upon such refusal the provision of section 169 shall apply as of the rent so enhanced were the rent determined by an order of settlement officer under section 167.

(3) The provisions of the section shall notwithstanding anything in section 167 or 172 or any order of the settlement officer under section 166 or anything in any assessment prucha or law, rule, custom, usage or practice to the country.

(Notification No. F.4(15) Rev./ Gr-2 / 79 dated 1.8.1979)

APPENDIX - 8

(Refer footnote para No.5.4)

Copy of letter No. F 6(64) B / Gr-I / dated 23.8.69 from O.S.P cum secretary (Revenue) to collector, Bikaner

Subject:- Recovery of surface rent from the mining lease.

I am directed to refer to your letter No.1671 / 61 of 22-9-1961 and to clarify the points raised therein as under:-

(i) Section 90 of the Rajasthan Land Revenue Act, 1956 specifically and categorically provides that all land, to whatever purpose applied and wherever situated, is liable to the payment of revenue or rent to the State Government except such land as has been wholly exempted from such liability by special grant of or contract with, the State Government or by the provision of any law for the time being in force the section 89 of the same Act refers to the right to mineral, mines quarries and fisheries and provides inter alia that the right to mineral and mines etc. shall vest in the State Government and the State Government shall have a power necessary for the enjoyment of such a right. There is already a provision in the Rajasthan Minor Mineral Concession Rules, 1959 for the payment of such a rent. Attention is invited to order of even no. of 4.3.61 which was issued in exercise of the power conferred by section 89 occurs in chapter IV of the Act and the definition of land given for the purpose of that chapter (of section 103) is an extended definition which includes lands other than agricultural land. The charging of surface rent as per order FD 369 / F.6 (64) Rev. / B / 58 of 2.12.1958 is therefore perfectly legal.

(ii) The question regarding categorization of the holders of mining leases was reconsidered, it has been decided that they may be described as holders of mining leases, instead of Gair-Khatedari as directed in this department order of 2-12-1958 referred to above.

The question in regard to the department which should realise surface rent was also considered by the Government and the following decision have been taken.

(a) The responsibility of collecting surface rent for areas used by the mining lease will be of the mines department the mines Inspector during his inspection will find out the area used by a particular lease and inform him of the rent which he has to deposit in the treasury under head of land Revenue.

(b) The leasee will be responsible to pay the rent and in the event of his failure to deposit the surface rent annually, his lease would be liable to be determined in the same manner as it is liable to be determined for the failure to pay dead rent.

(c) For areas where land revenue has been settled the mines Inspector will take the help of the Patwari to find out the settled rent for assessing surface rent at the time of renewal of any lease, when for major and minor mineral the leasees will have to produce receipts for payment of the surface rent the lease of a leasee who has failed to produce a receipt for the payment of the surface rent, will not be removed.

I am directed to request that instruction to your subordinate Tehsildar etc. may please be issued accordingly.

APPENDIX - 9

(Refer para No. 5.8)

Government of Rajasthan, Finance Department, Recovery section letter No. F-6/67/HF / 66 dated 10.12.1969 addressed to Collector, Banswara and copy to all Collectors.

Subject:- Recovery of land Revenue from Government Department

During my recent visits to various districts it came to my notice that huge amounts of land Revenue are being shown year after year as recoverable from various Government Departments to whom land has been transferred either for the establishment of an agricultural farm or research station or for construction of buildings etc. The departments from whom demands are being made are primarily agriculture, forests PWD. Internal correspondence is going between the Tehsildar, Collector, Revenue Departments and Finance Departments without any decision. It is my view that if the land is transferred to departments of the State Government, the question of recovering any land Revenue for it should not arise. There would be hardly any point in making a provision in the budgets of these departments for the payment of Revenue for being credited to the Revenue Department. There will in fact only be later entries.

It is, therefore, suggested that in exercise of the powers conferred under section 90(3) of the Rajasthan Land Revenue Act, the State Government may issue general exemption from the liability to pay land revenue or rent in respect of such lands as are in the possession of or which may in future be delivered to many departments of the State Government. During the discussion you were inclined to agree with me. If such orders could be issued without avoidable delay, a very large number of cases which are pending in various districts would be quickly settled considerable sum of money which are at present included in the arrears of land Revenue would be written off.

The proposals of the Chairman has been considered in the Finance Department and has been accepted subject to the following:-

- (a) Where land has been given for urban purpose to any Government department, statutory body or public sector Company under Companies Act, the Government should be moved at finally approve conversion of agriculture land into abadi with retrospective effect and the demand for land Revenue with retrospective effect should be reduced.
- (b) Where land has been given for agriculture purposes the land Revenue should continue to be payable from the following:-
 - (i) Statutory bodies like Universities
 - (ii) General Government department like Suratgarh farm, Delhi Milk Scheme.

- (iii) State Government departments, which operates on commercial lines viz. Sheep & Wool department.
- (iv) State Government Statutory bodies like proposed Wool Board and Agro-Industries Corporations.
- (v) Central Government Statutory bodies like Seed corporation, Food Corporation, etc. and
- (vi) State and Central Government public sector companies under companies Act or Co-operative like Ganganagar Sugar Mills etc. Co-operative Sugar Mills etc.
- (c) Reduction in demand has to be sanctioned by the Board of Revenue.

APPENDIX – 10

(Refer para No. 5.20)

Copy of letter No.F.6(5) Rev. /B/69, dated 7.11.1969 from the Dy. Secretary to Government, Revenue (B) Department, Rajasthan, Jaipur to all Collectors.

Subject:- Allotment of land to the F.C.I.

I am directed to inform you that the State Government has taken a decision to allot 5 acres of land to the FCI for construction of storage go-down etc. on the terms and conditions contained in the Industrial Area Allotment Rules, 1959.

As and when the FCI approaches you for suitable sites for the purposes, you may kindly recommend such cases to this Department urgently on the terms and conditions as narrated above.

APPENDIX – 11

[Refer para No. 5.26]

Government of Rajasthan Revenue B. Department letter No. f.6 (20) Rev/B/71 dated 13th April 1971 to all the collectors.

Subject: Regularisation of trespass cases on Government unoccupied agricultural lands.

It has always been on endeavor of the Government of allot land to landless person as speedily as possible. It was in this context that the Government took liberal view of the encroachment on Government agricultural land by landless persons and issued instructions for regularisation of such cases of trespass committed upto 31st December, 1966 unless the circumstances narrated in the form of Rule 20 in the Rajasthan land Revenue (Allotment of Agricultural Land for Agricultural purposes) Rules, 1970 enabling the Tehsildar to regularise such cases.

The question of such regularisation of trespass cases has been further reviewed by the Government and it has been decided that all cases of encroachment made upto 1st January 1971, by landless persons on Government agricultural land except lands in colony areas be regularised without payment of any penalty or premium provided that the total area of the land held by such person in the State including land so regularised does not exceed 15 Bighas and the land does not fall in any of the categories of lands which are not available for allotment under Rajasthan land Revenue (Allotment of land for Agriculture purpose) Rules, 1970.

It has been decided that the penalty and premium recovered for regularisation of such cases of trespass after 1st January 1966 from the landless persons would be towards the arrears as well as future demand of land Revenue of the trespasser or his successor. In making such adjustment, however, the land Revenue due for year land remained in unlawful occupation of the trespasses would be adjusted.

I have a therefore, been directed to request you that cases pending with various Revenue officers should be decided according to the Instructions referred to above. As far as the circumstances under which regularisation can be done is concerned reference is invited to this Department Circular No. 3(50) R/B64 dated 5.10.67 which will continue to govern the case of regularisation.

The receipt of the letter may kindly be acknowledge and instruction contained in the circular be explained to all subordinate officers to avoid hardship to the cultivators.

2. Copy of Government notification No. F.6(7) Rev/Gir.IV/ 77 dated 14th September, 1977

Rule 20 of the Rajasthan land Revenue (allotment of land for Agricultural purposes) Rules, 1970 provides for allotment of land to trespassers. This rule provided that notwithstanding any thing contained in these rules, but subject to the specific general directions of the State Government the sub Divisions officer, may on the advice of the advisory Committee, instead of ejecting the trespasser from any land occupied by him without any lawful authority a allow him to retain such land, if he is a landless person and the total area of land held by such person including the land so allotted, does not exceed the limits specified in that rule under the general directions issued by the State Government vide No. F.6 (20) Rev./B/N Dated 13th April 1971, an encroachment made an Sawai Chak land upto 1.1.1971 by landless persons on Government agricultural land except lands in colony areas should be regularised without payment of any penalty or premium subject to certain terms and conditions laid down in the Rules and the said circular, the State Government has now decided that his date (i.e. 1.1.1971) may be extended upto 1.7.1975 so that all encroachments made an Sawai Chak land upto 1.7.1975 for a Agricultural purposes may be regularised subject to the terms conditions and restrictions laid down in the rules and the existing circular. The State Government hereby directs that all encroachments made upto 1.7.1975 on Sawai Chak land for agricultural purposes fee regularised subject to the aforesaid terms and conditions. This will also apply to Gari Mukin “Mara” or “Parat”. The Soil Class in this case be changed by the sub Divisional officers exdelegated to him and thereafter encroachment in such land be regularised subject to terms, conditions and restrictions referred to above.

Schedule - II

G.S.R. 95 dated Jaipur, December 26, 1981 – In exercise of the powers conferred by section 257 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) the State Government hereby makes the following rules further to amend the Rajasthan Tenancy (Government) Rules, 1955, and in pursuance of the proviso to sub-section (1) of section 259 of the said Act, hereby orders Government considers that these should be brought into force at once, namely:-

1. These rules may be called that Rajasthan Tenancy (Government Fourth Amendment) Rules, 1981.

2. In Chapter IV-I of the Rajasthan Tenancy (Government) Rules, 1955, hereafter referred to as the said rules after rule 24 DD, the following rule shall be inserted namely:-

Section 24 D.D.D. – Procedure for Regularisation of sale, gift- bequest under section 42A.- The sale, gift or bequest by a Khatedar tenant of his interest in the whole or part of his holding which has been made before the commencement of the Rajasthan Tenancy (Amendment) Act, 1978 (Rajasthan Act 11 of 1978) and is in 42, may be declared to be valid by the Collector, or any officer or authority authorised under section 42A of the Act, on payment of such premium, and or penalty prescribed in relevant rules by the Government in this behalf, in the manner indicated below:-

(1) The application for declaration as valid of any sale, gift or bequest under section 42-A shall be made by the tenant in Form ‘C-B’ alongwith the fee of Rs.10,

(2) Each application for declaration under clause (1) above shall be accompanied by another application requesting for the conversion of the land in accordance with the provisions of the relevant rules providing for the conversion of agricultural land for the industrial, residential or commercial purpose.

(3) The applicant shall also submit, alongwith the application, a certificate issued by the Urban Improvement trust or the local authority of the area having jurisdiction, approving the use/ proposed use of the land in question.

(4) On receipt of the application, the Collector, or officer or authority authorised by the State Government under section 42-A of the Act, shall scrutinize the application and in so doing shall ensure that the land involved in such sale, gift or bequest is otherwise fit to be converted for the purpose for which it has been utilized or is proposed to be utilized, in accordance with the provisions of the relevant rules framed under the Rajasthan Land Revenue Act, 1956 for the conversion of agricultural land for industrial, residential or commercial purposes and, thereafter, shall pass appropriate orders thereon.

3. Insertion of form ‘C-B’- The following new Form ‘C-B’ shall be inserted after Form “C-A” appended to the said rules, namely:-

(Form not printed)

परिशिष्ट- 12

(पैरा सं. 5.27 देखें)

प्रतिलिपि पत्र सं. प.6/17/राज./ख/71 पार्ट दिनांक 09.02.76 ओर से उपशासन सचिव, राजस्व (ग्रुप -4) विभाग, वास्ते समस्त जिलाधीश ।

विषय:- सरकारी भूमियों पर नाजायत कब्जों को निनियमित करने सम्बन्धी विचाराधीन मामलों का तुरन्त निपटारा करने हेतु ।

निर्देशानुसार लेख है कि राज्य सरकार उपरोक्त विषय के सम्बन्ध में इस विभाग के परिपत्र संख्या एफ. 6(17)/राज/ख/71 अनु. दिनांक दिनांक 3.7.71 एवं परिपत्र संख्या एफ. 6(17)/राज/ख/71 अनु. दिनांक 27.7.75 पर पुर्नविचार करके यह निर्णय किया गया है कि दिनांक 3.7.71 के परिपत्र के अनुच्छेद 3 में अंकित मकान एवं बाड़ों को नियमन करते समय 500 व.गज इससे अधिक क्षेत्रफल (यानि 500 वर्ग गज से 1000 गज तक) का प्रति व.गज 25 नये पैसे की दर से शुल्क लिया जावें । अतः इस विभाग द्वारा जारी किये गये परिपत्र संख्या एफ 6(17) राज/ख/71 दिनांक 27.7.71 को निरस्त करते हुए ये आदेश दिया जाता है कि राज्य में दिनांक 3.7.71 के परिपत्र के अधीन नियमन योग्य मकान एवं बाड़ों के 500 व.गज के क्षेत्रफल को शुल्क से मुक्त समझा जाकर उससे उपर के क्षेत्रफल को ही 25 नये पैसे प्रति गज के हिसाब हसे शुल्क वसूल किया जावें ।

परिशिष्ट- 13
(पैरा सं. 5.29 देखें)

प्रतिलिपि पत्र सं. एफ.6/17/राज./ख/71 दिनांक 3.7.71 उपशासन सचिव राजस्व की ओर से सभी जिलाधीशों को ।

विषय:- सरकारी भूमियों पर अनाधिकृत रूप से बनाये गये मकान व बाड़ों के नियमन के संबंध में।

कई जगह विभिन्न कारणों कसे बहुत से आसामियों, कृषि श्रमिक गांव के कारीगरों तथा अन्य व्यक्तियों ने अपने रहने के मकान तथा बाड़े या तो सरकारी अनधिकृत भूमि पर या गोचर भूमि पर (चारागाह) या गैर मुमकिन भूमि या वन भूमि पर बना लिए हैं, ऐसे समस्त व्यक्तियों ने वर्तमान विधि के प्रावधानों का उल्लंघन किया है और वे यथार्थ में बेदखल किये जाने तथा राजस्थान भू-राजस्व अधिनियम 1956 (राज. अधिनियम 15 जून 1956) की धारा 91 (कुछ मामलों में टीनेन्सी एक्ट की धारा 166 के साथ पढ़िये) या उक्त एक्ट की धारा 90 के अन्तर्गत शास्ति के भागी हैं, तथापि सरकार महसूस करती है कि विधि को कठोरता से लागू किया जाए और ऐसे व्यक्तियों को बेदखल किया जाए तो उन लोगों के साथ सख्ती होगी और बहुत से व्यक्ति बेघरबार हो जाएंगे, सरकार ऐसी सामाजिक समस्या उत्पन्न करना नहीं चाहती अतः इन सब बातों पर विचार करते हुए सरकार न यह निर्णय लिया है कि ऐसे सभी व्यक्तियों जिन्होंने राजकीय सवाईचक भूमि पर चारागाह (गोचर) या वन भूमि एवं गैर मुमकिन भूमि या आबादी भूमि पर 19 फरवरी 1956 तक रहने का मकान या बाड़ा बना लिया है के मामले निःशुल्क नियमन किये जाकर उनको मालकाना हक दे दिए जावे बशर्ते कि सरकारी अनधिकृत कृषि भूमि गोचर भूमि गैर मुमकिन भूमि चरागाह एवं वन भूमि जिसका स्वयं के उपयोग के लिए रहने हेतु मकान निर्माण हाल या बाड़ा बनाकर अवैध रूप से रूपान्तरण या अतिक्रमण किया गया हो, पर वो निम्नलिखित सीमाओं के भीतर स्थित न हो:-

1. ऐसे नगरों की जिनकी आबादी 5 लाख या इससे अधिक है इनकी नगर पालिका सीमा से 3 मील की परिधी के अन्दर।
2. ऐसे नगरों की जिनकी आबादी 2 लाख या इससे अधिक है परन्तु 5 लाख से कम है उनकी नगर पालिकाओं की सीमा से 2 मील की परिधी के अन्दर।

जरिये इन हिदायतों द्वारा प्रभावित सभी व्यक्तियों को अवगत करा दे उन समस्त व्यक्तियों को निर्देश दे दिये जाए कि वे दिनांक 31.12.71 तक इस परिपत्र के प्रपत्र संख्या में अपना आवेदन पत्र नियमन हेतु संबंधित तहसीलदार को प्रस्तुत कर दे परन्तु यह भी सभी राजस्व अधिकारी मुख्यतः तहसीलदारों को स्पष्टतया अवगत करा दिया जाए कि इस परिपत्र के अनुसार कार्यवाही आवेदन पत्रों में न करती रहे सभी तहसीलदार अपने-अपने क्षेत्र में स्वयं कार्यवाही आरम्भ कर दे व पटवारी गण को हिदायत करें कि वे अपने-अपने क्षेत्र में भ्रमण कर ऐसे सारे मामलों को तीन माह की अवधि के अन्दर तहसीलदार को रिपोर्ट कर दें, तदुपरान्त तहसीलदार ऐसे मामलों को शीघ्र से शीघ्र निपटाए।

3. निर्धारित शुल्क या प्रीमियम की वसूली हो जाने पर नियमन हेतु अन्तिम पत्र दिये जाने के पश्चात इस परिपत्र में संलग्न प्रपत्र में सनद तहसीलदार द्वारा संबंधित व्यक्तियों को जारी कर दी जाए।
4. ऐसे अतिक्रमणों के संबंधी जो कि ऊपर वर्णित निहित सीमाओं से अधिक हो या इस परिपत्र के अन्तर्गत नहीं आते हों तो विध्यमान विधि के अन्तर्गत कार्यवाही की जानी चाहिए और अधिक क्षेत्र से बेदखल किये जाने हेतू राजस्थान भू-राजस्व अधिनियम 1956 की धारा 91 के अन्तर्गत कार्यवाही की जानी चाहिए।
5. ऐसे समस्त मामलों जिन पर यह परिपत्र लागू होता है दिनांक 20.6.1971 तक अन्तिम दर से नियत किये जाने चाहिए तथा बीच में माहवारी प्रगति रिपोर्ट राजस्व को प्रस्तुत की जानी चाहिए, अन्यत्र प्रगति रिपोर्ट 10.8.71 तक तथा इसके पश्चात हर माह की 10 तारीख तक राजस्व मण्डल को भेजी जानी चाहिए। राजस्व मण्डल हर महीने की 26 तारीख तक एकत्रित रिपोर्ट राजस्थान सरकार को प्रस्तुत करेगा।

ह.

(गनपत राय)

उप राजस्व सचीव

Appendix 14

(Refer para No.5.32)

*Rates of development charges fixed by the Rajasthan State industrial and mineral development corporation limited, Jaipur (Now known as RIICO for allotment of land in Industrial areas from time to time.

Category Number	Name of Area	Rates per sq. metre in rupees from		
		1-4-74	10-1-75	30-4-77
(A)	Industrial area adjacent to Jaipur city	3.50	7.50	10.50
(B)	Industrial areas adjacent to industrial area of Kota city	3.50	7.50	9.00
(C)	Industrial area adjacent to the town of Alwar and Jodhpur	2.00	5.00	7.50
(D)	Industrial areas in towns of Udaipur, Ajmer, Bharatpur, Bhilwara, Kishangarh, Pali	2.00	3.00	5.50
(E)	Industrial areas in towns of Makrana and Bhiwadi (Alwar)	5.00	5.50	-
(F)	Industrial areas in towns of Sawai Madhopur, Chittorgarh, Bundi, Tonk, Shivganj (Sirohi), Newai, Pilani, Sikar and Abu Road	2.50	4.00	-
(G)	Industrial areas in towns Dungargarh, Balotra (Barmer), Jalore, Chirawa (Jhunjhunu), Sojat city (Pali) Dungargarh (Churu).	1.50	2.00	3.50

(2) The Rajasthan State industrial and Mineral Development Corporation Limited, Jaipur (now known as RIICO) vide office order No. IPA/ Intro/F. 1(5)-/75/3061 dated 26.4.1979 has also enhanced the rates of rent with effect from 1.4.1979 as under in respect of those areas which have completed 8 years on 31.3.1979.

(i) Rs.62.50 per 4000 sq. meter per year in a town having population of 3 lacs and above.

* For revised rates dated 19.8.2000

(ii) Rs.37.50 per 4000 sq. meter per year in a town having population of 10000 but less than 3 lacs.

(iii) Rs.18.75 per 4000 sq. meter per year in a town having population below 10000

Subject however, that minimum economic rent recoverable shall be Rs.10.00 per 4000 sq. meter.

The names of Industrial Areas which have completed five years on 31st March, 1979.

- (1) Vishwakarma Industrial Area, Jaipur.
- (2) Malviya Industrial Area, Jaipur.
- (3) Indraprastha Industrial Area, Kota.
- (4) Industrial Area, near Railway Crossing, Kota.
- (5) Industrial Area, opposite Maltimetals, Kota.
- (6) Industrial Area, Ramchandrapura, Kota.
- (7) Matsya Industrial Area, Alwar.
- (8) Industrial Area, Bharatpur.
- (9) Marudhar Industrial Area, Jodhpur.
- (10) Industrial Area, Jodhpur (BKK).
- (11) Industrial Area, Pali.
- (12) Industrial Area, Balotra.
- (13) Industrial Area, MTC, Ajmer.
- (14) Industrial Area, Sadulpur.
- (15) Industrial Area, Newai.
- (16) Mewar Industrial Area, Udaipur.
- (17) Mewar Industrial Area, Banswara.

Appendix 15

(Refer para No.5.41)

Copy of letter No.F 8/9/RP/70 dated 20.8.1970 from Dy. Secretary to Government. Town planning Department, Rajasthan, Jaipur to call UIT's and Collectors.

Subject: Allotment of land for installation of petrol pumps.

In continuation of this department letter No.F. 8/561/TA 63 dated 2.1.1967. I am directed to say that the matter regarding allotment of urban lands for petrol pumps by UITs in Rajasthan has been examined in consultation with the finance department and it has been decided that the value of petrol pumps sites should be based on market price of the land and rent should be:-

- (1) 6% per annum for I.O.C pump given for unemployed engineers as long as he runs the pump.
- (2) 9% per annum in all other cases.

These leases should be for 30 years only providing for renewal on terms to be settled mutually.

The urban assessment in all cases including the unemployed engineers will be payable at 5% at reserve price as usual.

APPENDIX 16

(Refer Para No. 6.4)

Copy of circular No.i- 3(7) रा.म.ले- 265/23686 & 2408 dated 17.9.1969 received from Sr. Accounts Office, Board of Revenue, Ajmer copy to all Collectors.

It has been observed that demand of surface rent on mining lease is not fixed in the Tehsil as per Instruction issued by the Government in this behalf and huge amount of leakage in Revenue is apprehended surface rent, equal to the rent assessed on land and if no such rent is already assessed, equal to the rent assessed on the land of neighbourhood, is charged from the mining lease holders, the Collectors and Tehsildars may kindly ensure that the demand of surface rent is fixed in respect of the entire land under actual mining operation covered by the mining lease.

2. The list of mining lease holders should be attained from the Director, Mines & Geology Rajasthan, Udaipur and from the concurring Mining Engineers on the basis of this list over all watch may be kept to ensure that the demand has been assessed in all villages covering the mining lease. The Patwari should also be asked to prepare (parivartan-seel) in form P-14 & Jamabandi parivartan-sheel in form P-25 with Titamber Sazra and fieldbook in respect of the land under actual mining operation on which these surface rent is to be assessed as provided in para 89, 103, 61 & 62 of the Rajasthan land Revenue law records, Rules, 1957 for assessment of fluctuating demand.

3. The undersigned is therefore directed to request the Collector to issue necessary instruction to the Tehsildar, in this behalf and instruction therein, District Revenue Accountant and Sadar Qanoongo to ensure of the time of inspection that patwaries maintain proper recorded for the assessment of surface rent.

APPENDIX 17

(Refer Para No.6.4)

Copy of letter No.F 6 (04) Rev /B/Rr-7/59 dated 1.5.1972 from Dy. Secretary to the Government Revenue (GI) Jaipur to all Collectors.

Subject:- Recover of surface rent.

In continuation of this department circular No. F 6 (14) Rev/B/GI/58 dated 23.8.1969 (copy) enclosed. I am directed to request you that surface rent during this period of year 1972-73 may continue to be collected by the Revenue Department. Instruction may therefore, kindly be issued to your subordinate officers under intimation to this office.

APPENDIX 18

(Refer Para No.6.4)

Copy of letter No.F 6 (84) Rev /B-58 dated 25.5.1973 from Dy. Secretary to the Government of Rajasthan Revenue (Gr 4) Department, Jaipur to all Collectors.

Subject:- Recovery of surface Rent

I am directed to refer to this department letter of even No. dated 5.5.1972 hereby instruction have been issued for collections of surface rent during the year 1972-73. It has been brought to the Notice of the State Government that assessment and collection of surface rent could not be made during to the year 1969-70 to 1971-72. I am directed to request you that assessment and collection of surface rent during the year 1969-70 to 1971-72 and in future also may be made by the Revenue Department. Instructions may be issued to your subordinate officer to realise surface rents.

APPENDIX 19

(Refer Para No.6.6)

Copy of letter No.BR / LR/ 39531-724/F. 16(6) GI 163 dated 11.6.1963 from the Secretary, Land Records B.O.R., Ajmer copy addressed to all Tehsildars.

During certain inspection of Tehsil , it has come to the notice of the Chairman, Board of Revenue, that the share of the copying charges which are recovered by the patwaries for supply of copies of records is not credited in the State Exchequer. According to rule 28 of the Rajasthan Land Records Rules, 1957 out of the fees realised by the Patwari be shall credit $\frac{1}{4}$ to the Government as cost of the printed forms and keeps $\frac{3}{4}$ th copying charged. It is felt that perhaps this share payable to the Government is not being realised by the Tehsils. A register in form P-35 is required to be maintained showing the fees realised by the Patwari and each entry is required to be attested by the Qanoongo.

It is, therefore, desired to know whether this practice is being strictly enforced in your Tehsil. The amount of fee so realised by the Patwari and the amount credited with the Government in the last financial year 1962-63 on the Agricultural year 1st October 1961 to 30th September 1962 should be sent within 15 days from the date of receipt of this circular letter.

APPENDIX 20

(Refer Para No.6.13)

Copy of letter No.Gr 3(13) Rev./Gr. II 74 dated 28 June, 1974 from the Dy. Secretary to the Government Revenue (Gr. II) Department to all Collectors.

Subject:- Realisation of irrigation dues.

The question of realisation of irrigation dues expeditiously has been under consideration with the Government for sometime past. As you know booking of tanks and dams having irrigation capacity of more than 2500 acres was being done by irrigation department and on the basis of khatoonies furnished by them the realisation of the dues was under taken by Revenue department. It has been decided that this work of realisation dues of tanks which have get irrigation capacity of more than 2500 acres and for which booking arrangement is done by irrigation department would be undertaken by irrigation department from the month of August 1974. Since khatoonies have already been furnished to the respective Collectors, it was decided that realisation of the irrigation dues of all such tanks also, i.e. having irrigation capacity of more than 2000 acres, should be undertaken by Revenue department on a campaign basis during these two months of June and July and all necessary relevant papers duly pasted with the realisation made during these months should be returned to the irrigation department in the month of August.

I have been directed to request you kindly to direct Collector accordingly. It should be made specifically clear that there should not be any sleakness in the realisation of the irrigation dues only because this work is ultimately to be transferred to the irrigation department. This may kindly be acknowledged.

APPENDIX 21

(Refer Para No.6.13)

Government of Rajasthan, Irrigation department

No.F-13(6) /66

Jaipur dated 26.4.1972.

In exercise of powers conferred by classes (B) and (C) of sub-section (I) of section 60 read with section 36 of the Rajasthan Irrigation and drainage Act, 1954 (Act XXI of 1954) the Government of Rajasthan hereby makes the following amendment in schedule II to the Rajasthan irrigation and drainage Rules, 1958 as substituted by the department notification No.F-13(6) irrg/ 66 dated 16.6.1970 namely:-

Amendment

Rates per acre per crops in Gang Canal, Bhakra Project, Ghaggar Canal, Rajasthan Canal area, Chambal Canal and all works constructed after 1st January 1952 and all the works in the area of former states of Banswara, Dungarpur, and Pratapgarh shall be:-

S.No.	Name of Crops	Rate per acre
1.	Wheat	12.00
2.	Sugarcane	30.00
3.	Cotton	20.00
4.	Rice	14.00
5.	Jwar	7.00
6.	Gwar	12.00
7.	Gochani & Bajra	12.00
8.	Gram with to or more watering	12.00

This amendment shall come into force from the rabi crop 1971-72. the rates for crops other than specified above shall remain the same as notified by the department notification No.F-13(6) irrg/ 66 dated 10.3.1970 and dated 16.6.1970.

APPENDIX 22

(Para No.6.15)

**Power of the Revenue authority to remission/ Suspension /
Reduction and refund of rent.**

S. No.	S.No. of delegation of financial powers Appendix IV of GF&AR	Nature of powers	Authority to which the powers is delegated and extent of power delegated	Remarks
1.	1 (b)	To sanction reduction of rent demand from the rent roll of a particular price of land due either to the land being submerged in the bed of river or tanks or due to land being acquired for a public purposes or khatedar dying hair less as a result of which land remained un-cultivated or where Revenue yielding land was demarcated and reserve as grazing ground under order of the collector of the District.	Collector Sub-Divisional Officer Tehsildar	Full power Rs.1000/- in each case Rs.500/- in each case

APPENDIX 23

(Refer Para 4.17 and para 6.15)

S.No. of delegation of financial powers Part III of column I of GF&R	Name of powers	Authority to which the power is delegated and extent of power delegated	
38 (A)	Power to sanction refund of Revenue or receipts of the department	Commissionor Colonisation Addition/Assistant Collector S.D.O. Tehsildar	Full power 50000/- in each case 1000/- in each case 200/- in each case
33 (iii))	To sanction write off losses. Losses of Revenue of irrecoverable loans and advances.	Revenue department Collector	50,000/- in each case 10000/- in each case

Note:- (i) These powers will be exercised subject to the following conditions:-

(1) That the loss does not disclose a deficit in rules or procedure the amendment of which requires the order of higher authority and

(2) That there has not been any serious negligence on the part of any Government servant which may all for disciplinary action by a higher authority.

(ii) That the loss is not due to theft, embezzlement or fraud.

(iii) The authority sanctioning the write off of losses of Revenue is satisfied that all possible steps of civil suit had been taken to effect the recovery, that such steps have not yielded results and that a civil suit would not yield any results either because a lack of assets or serious defects in title or equally valid reasons provided that in case where the amount involved for recovery is trifling is not more than Rs.50/- and head of the department considers that further effects for recovery would not be worth while, he may write off the amount on his authority.

Copies of all sanctions to write off should be forwarded to the Accountant General for scrutiny and bringing to the notice any defects in system which may require alteration. The sanctioning authority must record a certificate that the conditions laid down in note have been satisfied.

a (a)	To enter into Revenue yielding head of the department contracts	Head of department Class I		Full power
		Head of the department other than class I Collector	Full power	-do-
		Head of the Tehsil	2000/-	-do-
1 (b)	(ii) To sanction reduction in demand of land revenue from the rent roll due to the land being used by Government department to the following conditions.	Board of Revenue Collector		Full power Full pwer

(a) Where land has been given for urban purpose in any Government department/ Statutory body or public limited company under Companies Act the Government should be moved to finally approve conversion of agricultural land into abadi with retrospective effect, and the demand for land Revenue with retrospective effect should be reduced.

(b) Where land has been given for agricultural purposes land Revenue should continue to be payable by the following:-

(i) Statutory bodies like University.

(ii) Central Government department like Suratgarh farm, Delhi Milk Scheme.

(iii) State Government Department which operates on commercial lines viz. sheep and wool department, Jaipur Milk Scheme.

(iv) State Government statutory bodies like proposed wool Board and Agro Industries Corporation.

(v) Central Government statutory Bodies like Seed Corporation, Food Corporation etc. and

(vi) State and Central Government public sector companies under company Act or corporation like Ganga Nagar Sugar Mills, Co-operative Sugar Mills etc.

6	To sanction reduction of demand raised on land due to non-cultivation on account of land having remained under submergence of water of tank or river.	(1) Collector (2) S.D.O. (3) Tehsildar	Full power Rs.1000/- in each case Rs.1500/- in each case
----------	---	--	--

Note:- Assessment of land Revenue at full rate will be made in such cases every year, but on non-cultivation due to land having remained under submergence of water of tank or of river only one fourth of the demand will be recovered and sanction for reduction of their remaining $\frac{3}{4}$ th will be accorded by the authority as per powers vested above.

3	To sanction reduction in demand of land Revenue when such demand has been erroneously made	(1) Collector (2) S.D.O. (3) Tehsildar	Full power 1000/- in each case 500/- in each case
4	To sanction reduction in demand of land Revenue created erroneously due to change of date of Jagir resumption.	(1) Collector	Full power
7	Recovery of arrear of land revenue	Collector of District	Full power
8 (1)	(i) To sanction remission of land Revenue due to causes other than in calamities or weather.		
	(ii) To sanction immediate remission of Land Revenue due to: (a) Loss of crops because of locust or other lossess	Collector Divisonal Commissioner	Upto 5000/- per harvet/District Full power
	(b) Hall or other natural clamities such as cold blasts	Collector Divisonal Commissioner	Upto 5000/- per harvet/district Furrl pwer

परिशिष्ट 24

पैरा संख्या 7.27 एवं 7.28 में निर्दिष्ट

प्रतिलिपि पत्र संख्या 8501-05 बी. आर. 23.11.1955 ओर से रजिस्टार बोर्ड आफ रेवेन्यु राजस्थान, जयपुर प्रति कमिशनर, जयपुर डिविजन, जयपुर

विषय:- समस्त रूप से रखे जाने वाले हिसाबात अभियाचन संग्रह व अवशेष आय राजस्व व माल हौसिल।

उपरोक्त विषय में 17.10.1955 को कमिशनरर्स की मीटींग में जो नियम व फार्म आय राजस्व व माल हौसिल के हिसाबात रखे जाने बाबत निश्चय हुए थे 660 कापियां आपके पास भेजी जाकर निवेदन करने का निर्देश हुआ है कि एक-एक प्रति हर एक तहसीलदार , सब डिविजनल आफिसर व कलेक्ट्री में पालनार्थ भिजवा दी जावे और इसका असल चालू फसल खरीफ सम्वत 2092 की वसूली से आरम्भ कर दिया जाय। और यह निगरानी रखी जावे कि इस आदेश की यथार्थ रूप से पालना की जाती है। बाद तामिल यहां सूचना भिजवाने का कष्ट करें ।

APPENEDIX 25

Refer Para No.8.26

Group order No.10 of 1973 dated 15.9.1973

Subject:- Drafting of Local Audit Report of Receipt Audit

Drafting of paras of receipt audit report requires special attention of field parties of Revenue audit offices.

2. Receipt audit reports should not contain direction to the department either for recovery of dues or for payment or refund of claims etc. since apart from the questions interpretation of acts and rules. There are provisions for appeal etc. Authorities or Revisional authorities audit should not go beyond merely stating a particular of possible interpretations or refer to Government's instruction etc. and in that context, indicate under/over assessment involved nor do we asked for write off of any amounts even regarding imposition of penalties, beyond stating that the penal sections are attracted, we should not insist on the imposing of penalties.

The above instructions may carefully kept in view while drafting of paras of Local Audit Reports.

- Sd -

Sr. Dy. Accountant General

APPENDIX 26

(Referred to in Para 8.15)

Proforma

1. Statement showing Land allotted for Petrol Pumps or Installed by the owners unauthorisedly

S. No.	Name of the Petrol Pump	Name of the Owner	Name of the village	Khasra No.	Area occupied	Amount of L.R.	Year of establishment	Whether on Khatedari/Sawai chak abadi Land	Amount of premium and rent recovered if the case was regularised
1	2	3	4	5	6	7	8	8	10

Note – The Rajasthan Land Revenue (Allotment and conversion of Agricultural land for establishment of petrol pumps) Rules 1973.

2. Statement showing land allotted to R.S.E.B., Food Corporation of India, Warehousing Corporation of land occupied by them without permission

S. No.	Name of the village	Khasra No.	Area occupied	Years of possession	Amount of premium and rent if any recovered
1	2	3	4	5	6

Ref :- Para 5.33 of 5.35 of this manual and Notification dated 27.12 1960 below section 102 of the Rajasthan Land Revenue Act, 1956 and Rajasthan Industrial areas allotment Rules, 1959.

3. Statement showing land transferred to U.I.T./ Municipalities for Abadi purpose

Year	Name of the U.I.T./ Municipalities to which land was transferred	Area of land transferred	Amount of L.R.	Cost of land recovered	Sanction No. & date
1	2	3	4	5	6

4. Statement showing the land transferred to Gram Panchayats for Abadi purpose

Year	Name of the Gram Panchayat to which land transferred	Area of land transferred	Amount of L.R.	Cost of land recovered	Sanction No. & date
1	2	3	4	5	6

(See para 5.36 of this Manual)

5. Statement showing the land allotted for Brick Kilns

S.No.	Name of the village	Name of the allottee	Khasra No.	Area allotted	Year of establishment	Period of lease	Premium and rent per annum recovered	Sanction No. & date
1	2	3	4	5	6	7	8	9

Ref:- The Rajasthan Land Revenue (Conversion of Agricultural into Non-agricultural Land) Rules, 1961 and the Rajasthan Land Revenue (Brick-Kiln Lease in Non-Project area) condition 1960.

6. Statement showing the land allottee for lime-kilns

S.No.	Name of the village	Name of the allottee	Khasra No.	Area allotted	Year of establishment	Period of lease	Premium and rent per annum recovered	Sanction No. & date
1	2	3	4	5	6	7	8	9

Ref:- The Rajasthan Land Revenue (Conversion of Agricultural into Non-agricultural Land) Rules, 1961 and the Rajasthan Land Revenue (Allotment of Un-occupied Government land for lime kilns) Rules, 1965.

7. Statement showing un-authorised construction of Houses and Baras on Sawai Chak Land exceeding 500 sq. Yds. Which have been regularised so far (Rural Areas)

S.No.	Missal No. or case No.	Name of the person occupying	Village	Khasra	Area in sq. Yards
1	2	3	4	5	6

(See para 5.29 of this Manual)

8. Statement showing construction of houses and baras on Sawai Chak Land exceeding 500 sq. yds. which have been regularised by the Revenue Authorities upto.....(Rural Areas)

S.No.	Missal No. or case No.	Name of the person occupying the land	Village	Khasra	Area in Sq. Yards	Premium recovered	Date of regularisation
1	2	3	4	5	6	7	8

(See para 5.29 of this Manual)

9. Statement showing unauthorised conversion of agricultural land for Residential/ Commercial purpose which have not been regularised so far exceeding 500 sq. yds. (Rural Areas)

S.No.	Missal No. or case No.	Name of the person occupying the land	Village	Khasra No.	Area of the holding in Sq. Yards	Area converted for Residential/Commercial
1	2	3	4	5	6	7

(See para 5.15 of this Manual)

10. Statement showing conversion of agricultural land for Residential/ Commercial purpose which have been regularised by Revenue Authorities on an area exceeding 500 sq. yds. (Rural Areas)

S. No.	Missal or case No.	Name of the khatedar	Village	Khasra No.	Area of the total holding in Sq. Yds.	Area converted for Residential/Commercial purposes	Premium recovered	Date of regularisation
1	2	3	4	5	6	7	8	9

(See para 5.15 of this Manual)

11. Statement showing unauthorised use of Sawai Chak land for Residential/Commercial purposes in Urban Areas, which have not been regularised so far within municipal limits and its periphery

S.No.	Missal No. or case No.	Name of the person occupying the land	Village	Khasra No.	Area used in sq. Yards
1	2	3	4	5	6

(See para 5.16 of this Manual)

12. Statement showing use of Agricultural land for Residential/Commercial purposes in Urban Areas which have been regularised by Revenue Authorities within Municipal limits and its periphery

S.No.	Missal No. or case No.	Name of the person occupying the land	Village	Khasra No.	Area used in Sq. Yards	Premium recovered	Date of regularisation
1	2	3	4	5	6	7	8

(See paragraph 5.16 of this Manual)

13. Statement showing unauthorised conversion of agricultural land for Residential/Commercial purpose which have not been regularised so far (Urban Areas) within Municipal limits and its periphery

S.No.	Case No.	Name of the khatedar	Village	Khasra No.	Area of the holding in Sq. Yards	Area converted for Residential /Commercial purpose
1	2	3	4	5	6	7

Ref:- The Rajasthan Land Revenue (Allotment and regularisation of the conversion of agricultural land for residential or commercial purposes in Urban Areas, Rules, 1971 (See Para 5.16 of this Manual)

14. Statement showing cases of conversion of Agricultural land for Residential/Commercial purposes which have been regularised by the Revenue Authorities (Urban Areas) within Municipal limits and its periphery

S. No.	Case No.	Name of the khatedar	Village	Khasra	Area of the total holding in Sq. Yds.	Area converted for Residential/Commercial purposes	Premium recovered	Date of regularisation
1	2	3	4	5	6	7	8	9

(See Para 5.16 of this Manual)

15. Statement showing cases of construction of Factory/Mill/Small Industry

S. No.	Name of the owner	Village	Khasra	Area occupied in sq. yards	Name of the Factory/ Mill/Industry	Year of establishment	Whether on Khatedari/Sawai Chak/Abadi land	Whether regularise or not	Premium and rent recovered if regularised
1	2	3	4	5	6	7	8	8	10

Ref:- The Rajasthan Industrial Areas Allotment Rules, 1959.

16. Statement showing allotments made by S.D.O./Advisory Committee during.....

S.No.	Name of the village	No. of cases of allotments	Area allotted	Land Revenue fixed
1	2	3	4	5

Ref:- Rajasthan Land Revenue (Allotment of land for Agricultural purposes Rules, 1970.

17. Statement showing land received under ceiling Act and allotments made thereof

<i>S.No.</i>	<i>Name of the khatedar from whom land acquired</i>	<i>Village</i>	<i>Area surrendered</i>	<i>Area allotted</i>	<i>Amount of premium recovered</i>	<i>Area remained un-allotted</i>	<i>Remarks</i>
1	2	3	4	5	6	7	8

18. List of the tanks/rivers in Tehsil area

Name of the village	Name of the Tank	Area in acres
1	2	3

19. List of Tanks in respect of which demand of water charges is raised by Tehsil

Year	Name of the village	Name of the tank	Amount of demand of water charges per annum
1	2	3	4

20. List of Khatedari Tanks

<i>Name of the village</i>	<i>Name of the khatedar</i>	<i>Name of the tank</i>	<i>Khasra no.</i>	<i>Area of Tank under khatedari rights</i>	<i>Land Revenue P.A.</i>	<i>Amount of surcharge</i>	<i>Whether irrigation is done from the Tank</i>	<i>Whether levy of contract of water produce is given</i>
1	2	3	4	5	6	7	8	9

21. Statement showing allotment made in Tank/River Bed for

<i>Name of the tank/river</i>	<i>Area available for allotment</i>	<i>Land Revenue P.A.</i>	<i>Area allotted</i>	<i>Area trans-passed</i>	<i>Area remained unallotted</i>	<i>Reasons for non-allotment</i>
1	2	3	4	5	6	7

Ref:- The Rajasthan Land Revenue (Allotment of Tank bed lands for cultivation) Rules, 1961.

22. List of mining lease Holders from whom surface Rent is recovered

Name	Name of the lessee	Area of lease	Area used for Mining of Operators	Amount of surface Rent recovered
1	2	3	4	5

23. List of the cultivators having land measuring 30 standard acres or more and paying surcharge

S.No.	Name of the cultivator	Area of land	Amount of land Revenue per Annum	Amount of surcharge levied
1	2	3	4	5

Ref:- The Rajasthan Land Revenue (Surcharge) Act, 1960.

24. Pass Book Account

No. of Pass Books received from Collectorate	No. of Pass books issued to Patwaries	No. of Pass books distributed by Patwaries	No. of Pass books remained with Patwaries	Amount deposited by Patwaries	Amount remained un-deposited with the Patwaries
1	2	3	4	5	6

25. Demand collection and Balance Statement (D.C.B Statements)**26. Statement showing position of trespass cases for the year**

Opening balance	Cases reported during	Total	Cases decided	Balance	Penalty imposed	No. of cases reported s during the monts of		Remark
						October	March	
1	2	3	4	5	6	7	8	9

Ref:- Section 90 (5) (d) and 91 of Rajasthan Land Revenue Act, 1956.

APPENDIX 27

(Referred to in para 8.23)

Questionnaire for the guidance of the parties

A. Quantum of Audit

1. Whether the quantum prescribed by the Comptroller and Auditor General has been completed.
2. Has the selected months been checked in full and general review of the other months made
3. Has verification of remittances been made with treasury figures.
4. In case of refunds, whether the prescribed quantum has been completed.
5. Has the party ensured that refunds are made within the period prescribed by the Act and that there is proper authority from competent authority.
6. Whether particulars of the refunds have been noted in the register of refunds and the accounts and registers of original entry.

B. Recovery of premium, reserve price rent, lease etc. in respect of land.

1. Whether the surface rent has been recovered at the prescribed rates from the mining lease holders and that no person is allowed to extract minerals from the land managed by the Revenue Department without proper authority, in case any mineral is so removed. Whether penalty at the prescribed rates has been imposed on the defaulter.
2. Whether the rates for conversion at agricultural land for various non-agricultural purposes have been prescribed by Government and that the premium, urban assessment, conversion etc. charge have been recovered at the appropriate rates from the persons concerned before regularisation of the matter both in rural and urban areas. (Para 5.12).
3. Whether a khatedar tenant has not misutilised the concession of improvement on his holding permissible under the law i.e. the improvement has been restricted to the maximum area as prescribed in rules. In case excess area has been covered under that concession, whether adequate has been imposed for that excess area. (Para 5.14).
4. Whether premium and lease is charged at the appropriate rates from the statutory bodies, Government companies and corporation, namely R.S.R.T.C., R.S.E.B, F.C.I., W.H.C. etc., as prescribed in the relevant rules applicable to each such body or institution (Para 5.20).

5. Whether under advantage has not been allowed to an industrialist who happens to establish an industry on Khatedari land having purchased by him by adjusting entire cost of the land against development charges and rent payable by him. As per the rules the reasonable price is only required to be adjusted under the orders of the Collector (Para 5.19).
6. Whether penalty for unauthorised conversion of agricultural land for the purposes given in Rajasthan land Revenue (Conversion of agricultural into non-agricultural land) Rules, 1961 has been charged at the appropriate rates as for the conversion made prior to 1.12.1973 and afterwards (Para 5.17).
7. Whether premium and annual rent in respect of the land used for the establishment of petrol pump has been charged at the appropriate rates as may be applicable for Khatedari land and Sawai Chak land subject to permissible adjustment under the rules (Para 5.21).
8. Whether for construction of Baras and houses on Sawai Chak land or pasture land by the tenants, agricultural worker and village artisans in excess of 500 sq. yards, premium at 25 paise per sq. yard has been charged in addition to Rs.5 on account of patta fee per case while regularising the cases (Para 5.27).
9. Whether the development charges in an industrial area where the R.I.M.D.C. is also working and developing some industrial area are recovered at the same rates as are charged by that corporation from its allottees (Para 5.32).
10. Whether the urban assessment in respect of the Nazool land and land set-apart under section 92 of land Revenue Act placed at the disposal of local authorities (Municipal Boards and Urban Improvement Trust) has been credited to the consolidated fund of State as provided in the relevant rules as per rates prescribed by the Government (Para 5.38).
11. Whether capitalised value of the land set apart for abadi by the Collector and placed at the disposal of Municipalities and Gram Panchayats has been realised respectively at 90 times and 20 times of the sanctioned rent rates of the land (Para 5.40).
12. Whether the rent of petrol pump sites allotted to unemployed Engineers has been recovered at the prescribed rate of 6 percent of the market price of the land in addition to Urban assessment at 5% and in case of other 9% in addition to urban assessment at 9 percent. (Para 5.41).

C. Land allotted and held for agricultural purposes

Recovery of premium / reserve price, land Revenue, surcharge and interest etc.

Rules provided that allottee to whom the land has been allotted upto 01.12.1969 is entitled for conferred of Khatedari rights even before the expiry of 10 years period after allotment on payment of premium at 2½ times the land Revenue for the unexpired period of 10 years. It should be seen by audit whether this requirement has been fulfilled before of renting the Khatedari rights in such cases (Para 4.09).

1. Whether the market price of land in name of the gurudwaras and recorded in Khatedari of granthies has been realised from their (Note below Para 4.5).
2. Whether for the land acquired under ceiling, the compensation paid to the person surrendering the land has actually been recovered from the allottees at the prescribed rates for each class of soil (Para 4.12).
3. Whether the price of wells, permanent structures or standing trees on the land has been recovered from the allottees (Para 4.12).
4. Whether fine for the standing trees removed authorisedly from the agricultural land has been recovered at the prescribed rates of Rs.100 per trees or double that amount as the case may be (Para 4.13).
5. Whether the rent of land being recovered from tenants and is as per the settled rent rates and if there is no such settled rent rates it is equal to similar class of soil in the neighbourhood (Para 4.14).
6. Whether interest has been charges correctly on belated payment of rent by a tenant (Para 4.20).
7. Whether rent/Revenue at appropriate rates is being charged in respect of all other than that specifically exempted from such liability under Government orders or under the provisions of any law for the time being in force (Para 5.05).
8. Whether land is put to the same use for which it has been granted or allotted by the Government. In case of misuse of land, whether rent prescribed for that very purpose is charged from the trespasser alongwith penalty if any (Para 5.07).
9. Whether land revenue or rent in respect of Khatedari land in tank bed is charged at full rate on the land emerged out of water and at 25% of the full rate for the land remained sub-merged in the water (Para 5.08).
10. Whether recovery of surcharge has been made at the appropriate rates where necessary and that interest at 6¼ % has been charged and the arrears of surcharge alike land Revenue (Para 6.12).

D. Settlement operations

1. Whether the rent of the land held by the tenants has suitably been enhanced owing to one more of the circumstances given in section 121 of the Rajasthan Tenancy Act (Para 4.16).
2. Whether the survey and settlement operations has been carried with promptitude in the area taken under settlement operations and that the revised rent rates of the land have been applied from due dates (Para B of Chapter 5).
3. Whether the rent rates of land have been determined strictly in accordance with the rates and prescribed procedure in respect of each class of soil (Para 5.61).
4. Whether the rent rates of a holding have been appropriately assessed upto the maximum prescribed limit keeping in view the provision of section 161 of Rajasthan Land Revenue Act, 1756 (Para 5.62).

E. Miscellaneous

1. Whether the trespasser on unoccupied land has been ejected without avoidable delay and penalty of forfeiture of crops and fine extending upto 50 times of the annual rent has been imposed in such a case for each agricultural year (Para 5.22, 4.25 and 5.24).
2. Whether the cost of the crops of the trespasses on unoccupied Government land, which are sometimes given in possession of responsible person of the village on forfeiture thereof, is credited to Government account in due course (Para 5.28).
3. Whether the records, registers and the files of holdings of lands, assessment of Revenue, collection of Revenue etc. have been maintained by the patwaris, office, Quanoongos and Tehsil Revenue Accounts and demands are properly assessed realised and credited to Government account (Chapter 8).
4. Whether the demand of penalties premium etc. are actually revised against the persons concerned through the patwaris records and that the same are not confined to the respective case files (Chapter 8).
5. Has the accounts of pass books received in Tehsil , issue thereof to the patwaris and further issue thereof to the khatedar/ Gair khatedar, Tenants by the patwaris after entering their holdings been checked and that the prescribed fee recovered by the patwaris and credited to Government accounts.
6. Has the receipt book accounts in respect of such books issued to the patwaris and return of this counter fails to the land record, section after collection of Revenue for each half year been checked.

7. Whether the register of Sawai Chak land to be administered by the Tehsildar either by allotment or by selling its natural produce has been maintained properly and no loss to Revenue was caused to Government owing to non-allotment of land/ non-auction of natural produce.

APPENDIX 28

(Refer Para 8.24)

A gist of important judicial decision on the various sections of the Rajasthan tenancy Act, 1955, the Rajasthan Land Revenue Act, 1956 and the Rules made there under.

Rajasthan Tenancy Act, 1955

S.3 The Act has no retrospective effect and cannot revive remedy which has already lapsed (*Jaggan Nath Prasad vs Bhanwar Lal*, 1969 RLW.1(R.S.)

S.5(15)Where the land is not under cultivation and carries only beri trees it falls within the definition of grave land (*Raman Lal vs. Manohar Lal*, 1968 RR D47).

S.5(17)The term 'holding' includes within its wide import all types of land covered by the definition. A well constructed for agricultural purposes is included within the definition of holding (*Rampal Mina vs. Rampal Gujar*, 1967 RRD 336).

S.5(19)An improvement with reference to a tenants holding includes a well (*Ramchandra vs. Lakha & others*, 1971 WLN 97-Part 1).

The plantation of trees is an improvement (1967 RRD 190).

S.5(23)The land recorded as khudkast in settlement records is to be deemed to be personally cultivated by the estate holder (*Chhoga Lal vs. State of Rajasthan*, 1967 RRD 119).

S.5(24)The definition includes all land held for agricultural purposes or for purposes sub-servient thereto including land covered with water which may be used for purpose of irrigation. A well constructed for agricultural purposes and having a separate khasra number falls within the definition of land (*Ram Chandra vs. Lakha & others*, 1971 WLN 97 Part 1).

S.5(25)In order that a land may be held to be khudkast land of ex-jagirdar there should be proof that the cultivated the land personally in some form or other as provided in the definition (*State vs. Shri Raghbir singh*, 1967 RRD 72).

S.5(43)Where a mortgage deed is not registered and no mutation has been sanctioned no lawful mortgage is created. The mortgage does not acquire the status of a mortgage and does not become a tenant. (*Bhawani Singh vs. Gopal*, 1968 RRD 166).

S.5(44)The definition includes both a person who takes possession of another persons land without authority and a person who retains another persons land without authority (*Manphool vs. Duli Chand*, 1969 RRD 361 F.B(H.C.)-1969 RLW 142).

Where the auction on purchaser has been given the possession of land the subsequent Act of re-occupying the suit land by the defendant makes him a trespasser. (Suraj Mal vs. Pyar Chand, 1968 RRD 127.)

S.7 The Tehsildar alone is competent to deliver possession of the land allotted under the 'grow more food scheme' and not the Range officer. (Yashpal Shukla vs. D.F.O. Chittorgarh, 1969 RRD-439)

S.13 A khudkast holder who is also a Jagirdar automatically becomes a khatedar tenant under this section. Kharam rights are analogous to those of khudkast holder the right of kharamdar who is also a muafidar are not extinguished as a result of resumption (Gujjanand vs. Rameshwar Lal 1967 RLW 53 (R.S.).

S.15 Mutation proceedings conducted and orders passed by Panchayats with reference to SS 15&19 of the Act are without jurisdiction (Chiranji vs. Molu, 1969 RRD 86).

Khatedari right being a separate right does not merge with muafi right. (Shankar Lal vs. Kishan 1968 RRD 544-1969 RSW-25 (R.S.).

A person who does not claim to be a tenant of the deity cannot become khatedar by operation of law. (1971 RRD 1 Secretary Shanti Varakhni Pedi vs. Gheesa Lal).

Appellants half share and khudkast entered Chaklandi. His possession as a grantee or sub-grantee. He do entitled to Khatedari rights on such land (Sri Bhagla vs. Shri Amar Singh, 1917 RRD 65).

Plaintiff found on possession of land as tenant from Samvat 2006 to 2013 on basis of entries in khasra and Jamabandi. Defendants failing to prove to how they came into possession subsequently held plaintiff acquired Khatedari rights in Samvat 2012 (Shri Karan vs. Puran 1970 RRD 43).

S.16 Land not used for casual or occasional cultivation. No singharas grown on land. S.16 sub-clauses (ii), (iii) and (iv) do not apply (State vs. Goma 1971 RRD 31).

Land allotted by Tehsildar out of Charagah. Mutation sanctioned by Panchayat on receipt of order of Tehsildar. Only Collector is competent to release land out of charagah. Tehsildars order of allotment offends this section and cannot be maintained. (Lichman vs. Pokar 1970 RRD 168).

Pasture land cannot be allotted under the Rajasthan Land Revenue (Allotment of land for Agricultural purposes) Rules, 1957 (Janta Gram Lahchoda vs. Rawti, 1967 RRD 271).

S.18 Where the Jagir as under Zadh and the Jagirdar has no khudkast over the land he cannot transfer the Khatedari of such land after resumption of the Jagir. (Dwarka Das vs. State of Rajasthan 1969 RRD 367).

S.19 Failure of produce Jamabandi raises presumption that the tenant was not recorded as tenant on annual registers. Where he does not take action u/s 19(2) he cannot acquire Khatedari rights under this section (Shankar vs. Giarsa, 1969 RRD 140).

No Khatedari rights can accrue against minor (Dhanya Lal vs. Harpal, 1968 RRD 282).

Bar on conferment of rights on the property of a minor. As deity is a perpetual minor no Khatedari rights can accrue on deity on land. Where the defendant does not claim to be a sub-tenant of deity he cannot become Khatedar by operation of law (Secretary, Shanti Vardhani Pedi vs. Ghisa Lal, 1971 (RRD II).

Mutation conferring Khatedari rights under this section sanctioned by Gram Panchayat order passed without notice to opposite party and without enquiry as required by the section Gram Panchayat has no jurisdiction to dispose of application u/s 19 order or panchayat as illegal. Application cannot be disposed of by an officer below the Rank of Tehsildar (Sukhdan vs. Ms. Anandi, 1970 RRD 65-1970 RLW R 68).

Mutation proceedings conducted and orders passed by the Panchayat with reference to SS 15 and 16 are without jurisdiction (Chiranji Lal vs. Malu 1969 RRD 86).

A person who is neither recorded as sub-tenant in annual register nor obtaining requisite declaration is not entitled to Khatedari rights (Ramdeo vs. Board of Revenue, 1968 RRD II (H.C.)).

S.20 Compensation can be awarded under this section 5 and with section 24 for tree standing on land (Narain vs. Rameshwar 1967 RRD 190).

S.31 Land held as abadi on settlement purcha of vests on Panchayat u/s 88 of Panchayat Act Tehsildar is not competent to sell it (Malu Ram vs. Bhagwan Singh 1969 RRD 522).

S.40 Personal law in case of Hindus, in the absence of usage or local law would be the Hindu Succession Act (Shera vs. Smt. Geo, 1969 RRD 55).

Tenancy will devolve according to personal law of the tenant to which he was subject at the time of death (Ram Lal vs. Jetha, 1969 RRD 410).

Remarriage of a Hindu mother does not deprive her of right to inherit her son's estate (Smt. Ram Kalu vs. Smt. Kailashi, 1969 RRD 282).

S.41 An order restraining a khatedar from alienating his land is illegal and void (Shri Sher Singh vs. Sadhu Singh, 1970 RRD 129).

S.42 A non-scheduled caste person land from a scheduled caste person. The transaction is therefore, abinitio void (Birbal vs. State of Rajasthan 1971 RRD 8).

S.43 (2) The section does not deprive the khatedar of his right to redeem the mortgage even before the expiry of period if he so desires (Jhujharu Singh vs. Prithvi Singh, 1969 RRD 114).

Where the mortgages were executed before the commencement of the Act and more than 20 years have elapsed since then execution the mortgages is entitled to have the lands redeemed and take delivery of possession free from all encumbrance.

S.46 Land of a military man cannot be mutated in name of another by the Tehsildar acting u/s 19 (Bhura Ram vs. Dula Singh, 1968 RRD 937).

S.53 Where a woman during life time of her husband marries another person such marriage is illegal. She or her issue from her second husband are not entitled to claim partition of the deceased's (i.e. first husband's holding or any share in it as sons or daughters as the case may be of the deceased tenant (Umal Chand vs. Sua Lal, 1968 RRD 348).

S.80 Scattered trees standing in holding of a khatedar tenant on commencement of the Act vest in tenant but where trees are property of any other person, such person is entitled only to compensation from khatedar tenant according to Rules (1965 RRD 59). A conditional order that khatedar shall get possession of trees only on payment of compensation was held to be abinitio void (1965 RRD 59).

Mortgage cannot be considered owner of mortgaged property and cannot claim compensation for trees mortgaged with him (1963 RRD 129).

S (82) Sale of trees independently of land after the commencement of this Act is void. The purchaser cannot acquire proprietary rights in trees by such sale (1963 RRD 129).

S (84) Existing trees are required to be jealously guarded by farmers and authorities. The violation of law and rules should be firmly dealt with. Reduction of the imposed in trial court by the Revenue Appellate in absence of any reason is not appreciated (1965 RRD 235).

S (91) No customary right for grazing has been recognized by this Act and so no suit can be filed under this section for declaration for such rights (1967 RLW 4). Suit by co-tenant against another co-tenant for declaration and sharing water from a tube well on basis of agreement is triable by a Revenue Court (1966 RLW (RS) 117).

S (170) If tenant does not appear or appears and the claims Tehsildar has to pass orders directly him to pay such arrears (1965 RRD 140).

S (171) Order of ejectment can be passed by Tehsildar only if tenant fails to pay the amount of arrears as ordered by him under section (170) or as decreed by the court under section 170 (3) (1965 RRD 140).

S (180) Person holding land under lease for a period will continue to be a tenant expiry of lease and cannot be termed as trespasser for purpose of ejectment (1968 RRD 830).

If a sub-tenant has become khatedari in whole or part of land in dispute, he is not ejected from such part, if no khatedari rights have accrued, he shall be ejected subject to the conditions of this section (1965 RRD 397). Tenants holding over after expiry of lease are not trespassers and can be ejected only under section 180 and not under section 183 (1963 RRD 188).

S (183) A person whose title is based on lease created by previous khatedar cannot question proprietary title of successor khatedar but he will not be a trespasser liable to ejectment under the section (1966 RLW (R.S.) 28).

Khasra Girdwari is not a substitute for Jamabandi. The plaintiff is required to file Jamabandi record alongwith suit which is imperative (1966 RLW (R.S.) 66).

In a suit for ejectment the party claimed that the had purchased it from the owner but the fact was not proved as the transfer was neither according to law nor registered nor the land mutated in the name of the person. It was hold that the person was not entitled to maintain suit. (1966 RLW (R.S.) 67).

This section operates not only against persons admittedly trespassers but also against person with colourful pretext of right and calls for determination of question of title (1965 RRD I).

S (187) Suit for damages on ground that defendant deliberately allowed his cattle to graze the grass of his field out of notice is not triable by a Revenue court (1967 RLW 17).

S (206) After coming into force of Rajasthan Tenancy Act in Ajmer area, cases pending order Ajmer Tenancy Act land Records Act are deemed to be instituted under this Act (1966 RLW (R.S.) 98).

S (239) Khatedari rights claimed on succession are tenancy rights and not proprietary rights. The person setting up claim by adoption is immaterial and does not call for reference to civil court.

Rajasthan Tenancy (Government) Rules, 1955

Rule 7

Pasture land once recorded in settlement record can be released for cultivation and other use by the Collector (1969 RRD 77).

Rules 8 & 15

A Panchayat can allot housesite of any premium at the scale laid down in Rule 15 (1964 RLW 472).

Rajasthan Land Revenue Act, 1956

Section 23, 80(3), 84 and 91

Tehsildar regularised trespass under Government order. Additional Collector ordered eviction orders of R.R.A. and Additional Collector set aside and that of Tehsildar restored (1972 RRD 271).

Section 82

Land in Khatedari of Jain temple in name of Pujari could not make such a claim as a sub-tenant could not acquire such rights derogatory to the title of Loard (1973 RRD 702).

Section 90-A

Agricultural land not be used for any other purpose without the approval of the authorities (1972 RLW 265).

Agricultural land let for non-agricultural purpose and the tenant treated as trespasser by the Tehsildar. In holding the orders of the Tehsildar and the Collector ultra vires the Revenue Appellate Authority has committed an error in the exercise of his jurisdiction (1972 RRD 41).

Section 91

The R.A.A. acted without jurisdiction in conferring Khatedari rights over the respondents in appeal arising in summary proceeding under section (1) (1973 RRD 63). Proceeding initiated u/s 91 who ordered eviction of applicant held jurisdiction vest in Tehsildar are not in Additional Collector and the R.A.A. (1972 RRD 276).

A direction by the Tehsildar apart from being ejected and paying a penalty of Rs.112.50 calculated in accordance with section 91(2) the trespasser should further pay Rs.875.00 as price of grass was to the extent of the last portion, illegal and cannot be supported by any provision of law (State vs. Baldeo, 1973 RRD 61).

Note :- This position has since changed w.e.f. 15.8.1974 under the amended section crops grass, trees etc. can be confiscated.

Section 90-A is applicable on the tenants as defined in clause (43) of section 5 of the Tenancy Act and the land was defined in clause (24) of section 5 of the tenancy Act Section 91 only prescribes the procedure to be followed in case of section 90-A of the Act. The section 90-A is a substantial section and is not a procedural section.

(Authority 1969 RRD 95)

Amended vide S.62 Rajasthan Act No.44 1976, published in Rajasthan Gazette, part 4(ka) Record 4 dated 24.1.76 at page 85.

APPENDIX 29

(Refer to para 8.25)

Statement showing distribution of work of audit of Receipt and Refunds of land Revenue (including colonisation)

S.No.	Inspection Officer
1.	Finalising the review sheet of outstanding paras of old L.A.Rs prepared by Additional S.O. of the party.
2.	Review of 100% cases of refund remission and writeoff.
3.	Review of cases of allotment of agricultural land in command area and land received under ceiling laws.
4.	Finalisation of index sheet points in old L.A.R. file.
5.	General review of Jamabandi and khasra Girdwari and other records of Patwari visiting Tehsils.
6.	General review of work done by party.
7.	Finalisation/drafting of Inspection Report and discussion with Head of office/ Department.

Section Officer I

S.No. Assistant Audit Officer

1. Preparation of review sheets in respect of outstanding paras of old L.A.Rs taking present position and verifying the facts of paras dropped by H.Qrs for taking final orders by A.O. (Inspection).
2. Review of cases of authorities / unauthorised use of agricultural land for:
 - (i) Residential/commercial purpose
 - (ii) Industrial purpose
 - (iii) Cinema, Hotel and Petro-pump
 - (iv) Warehousing corporations, State Road Transport Corporation, RIICO and Defence Department etc.
 - (v) To commercial departments of Government of India
 - (vi) To dairy and poultry farms, gaushalas, youth clubs in rural areas, schools, colleges etc.

- (vii) To Vidhut Nigam Ltd. (Jaipur, Ajmer and Jodhpur) for construction of grid sub station/ power house/ residential houses.
- (viii) For construction of buildings in mandies
- (ix) Sale and allotment of land recovery of reserve price for land allotted.
- (x) Brick/ lime kilns
- (xi) Any other unauthorised purpose
- 3. Review of surcharge Khatedari.
- 4. Review of ledgers regarding allotment of agricultural land in command area and matter related to it (including colonisation tehsils).
- 5. Review of irrigation khatedaris in respect of land irrigated by tanks under control of Revenue authority.
- 6. Recovery of capitalised value of the Khatedari land specially acquired or on behalf of Government of India, corporations, autonomous bodies under Land Acquisition Act.
- 7. Recovery of capitalised value of agricultural land allotted to UIT / Municipalities / Panchayat Samities for abadi.
- 8. Recovery of Land Revenue in respect of Siwai Chak land transferred to Gram Sabha in a village declared as Gram Dan village.
- 9. Auction of the right to use the river for navigation (section 84 of Rajasthan Land Revenue Act, 1956).
- 10. Review of cases of allotment of land received under ceiling Acts.
- 11. Review of land Revenue in respect of greve land and review of cases of grant of favourable rate of land Revenue.
- 12. Study of internal audit report of inspecting Revenue Accountants of Revenue Board and DARS of respective collectorates for receipt of audit purposes.
- 13. Allotment of land to co-operative societies.
- 14. Allotment of land for paper Khar, saji, salt and saline areas.
- 15. Attending of Index sheet point.
- 16. Any other work entrusted by A.O. (I).

Assistant Audit Officer/Section Officer (II)

1. Review of Registers Ga and Gha

2. Review of trespass cases to the extent of 10% of total cases decided during the period of Audit.
3. Review of cases of natural produce.
4. Review of Register of Nozal land/ property.
5. Review of cases of surface rent on mining leases.
6. Review of allotment of River / Tanks bed lands.
7. Review of allotment of Sawai Chak land Register (0-14).
8. Detailed Audit of Patwar mandal
9. General review of all records of 25% of patwaris of the Tehsil .
10. Settlement / review of old paras if TAN and drafting of current TAN
11. Review of Receipt Book and pass book accounts.
12. Cases of non-recovery of interest on arrears of land Revenue.
13. Review of cases of illegal sale of transfer of land in contravention to Rules.
14. Review of cases of non-charging of patta fee and sanad fee.
15. Review of cases of allotment of evacuee land irregular transfer of mafi land.
16. Any other work entrusted by A.O/AAO/S.O.I.
17. Review of periodical returns submitted by Tehsildars to S.D.O. Collector Revenue Board for receipt audit purposes.

Sr. Auditor/Auditor

1. Detailed audit of patwar mandal
2. Verification of remittances of one month of each year appearing in register “kha” with reference to Treasury / accounts.
3. Total of receipt of one month with reference to challans recorded in registers “ka” and DCB of that month.
4. Maintenance of circular/ orders/ correspondence files etc.

5. Receipt and disposal of letters and maintenance of stamp. Account of the party.
6. Any other work entrusted by A.O./S.O. (checking offices).

Distribution of work of Audit of receipts and refunds of settlement Department

Inspection officer

1. Finalisation of review sheet of outstanding paras of L.A.R. files prepared Additional S.O. I of the party.
2. Finalisation of index sheet point of old L.A.R. files
3. Review of Rent Rate Reports of settlement operations to the extent of 25%.
4. General review of progress of settlement operation.
5. Finalisation / drafting of Inspection Report

Asstt. Audit Officer/Section Officer-I

1. Preparation of review sheet in respect of outstanding para of old L.A.R. Files taking present position and verifying the facts of dropping paras of H.Qrs for final orders by A.O. (Inspection).
2. Finalisation of index sheet point of old L.A.R. file. Attending index sheet point in old L.A.R. files.
3. Collection of data specifying loss of Revenue to Government due to belated issue /non-issue of notification for resettlement preparation.
4. Review of forecastes of probable results of re-settlement prepared before issue of notification.
5. Review of cases of conversion of agricultural land into non-agricultural use in absence of proper sanction.
6. Review of mutation register with specific attention of cases for granting new Khatedari rights during settlement operation e.g. Manufi land , Sawai Chak land, Sair Khatedari etc. and also cases of partition.
7. Any other work entrusted by A.O./Inspection.
8. Review of Rent-Rate report of settlements operation, determination of Rents (50%).

Sl. No. Asstt. Audit Officer/Section Officer II

1. Review of consideration which determined re-settlement.
2. Review of Rent-Rate reports of settlement operation determination of Rent (50%).
3. Review of cases of delay in completion / finalisation of the Rent-Rates of various stages from Survey and settlement to sanction by Government specifying loss of Revenue to Government.
4. Any other work entrusted by A.O. (Inspection/ AAO).

Sr. Auditor/Auditor

2. Checking of Parchas, Khataunies etc. in respect of tehsils under settlement officer.

Any other work allotted by A.O. /AAO.

Glossary of terms

Alluvium	Matters transported in suspension and deposited by rivers or floods.
ARJ-IRSAL	Challan for remittance of money into treasury.
Banjar	Dry land (see para also)
Beer	Area reserved for growing grass.
Bilanam land	Land belonging to none unoccupied Government sawai chak land.
Chahi	Irrigated by well.
Dhal Banch	Demand collection & balance register of Patwari
Dincharya Bahi	Daily records of events.
Deegar	Other land, other than that irrigated by river well.
Flu vial	Belonging to rivers.
Gair khatedar	Not having Khatedari rights in land.
Gair Mumkin	Unculturable land (land unfit for cultivation).
Girdawari	Collection of information regarding cultivation occupancies and rent for each crops in form P-13 A.
Jamabandi	Record of rights prepared by Patwari in form P-26. It is called annual register vide section 132 of the Rajasthan Land Revenue Act, 1956.
Jadid pirat	Assessment of arrears irrigated by well but not classified as “chahi” at the time of settlement.
Jamabandi for fluctuation assessment	Record showing detail of the areas under fluctuating assessment and occupants. There are forms P-25 (see Rule 103 of the land record manual).
Khasra number	Survey Nos.
Khasra Girdawari	Register showing the detail of rental income and tenancy rights agricultural statistics and change accruing there in within the period for which it is prescribed. It is prepared by Patwari during the inspection tours (Form P-13) See para 64 land records manual Girdawari means moving round the fields.
Kharif crop	Crop period from June to December.

Khasra parivartansheel	Record showing details of areas under fluctuating assessment prepared by the Patwari during inspection tours.
Khudkast	Self cultivated land.
Gair Mustruil Kasht	Temporary cultivation.
Dastoor Ganwai	Register containing customs in a village.
Khata	Ledger Account.
Khatedar tenants	(A tenant having a ledger account with the Government) a kind of tenant as defined in section 15 of the Rajasthan Tenancy Act.
Khewat	Register of rights in respect of estate holders (see section 114 of Rajasthan Land Revenue Act) it is prepared by settlement department.
Khatauni	Register of rights of tenants (see section 114 of the Rajasthan Land Revenue Act) it is prepared by settlement department.
Manchitra	Village map.
Mangpatra	Demand slip
Nal bat	Sharing of well water.
Nehari	Irrigated by canal.
Parat	Banjar dry land also means a copy.
Rashid integral	Mutation register
Rabi crop	Crop period from January to April.
Siyaha	Cash book of Patwari.
Sawai chak	Government land.
Talabi	Irrigated by tank.
Talabi peta	Tank bed area.

1. समस्त संभागीय आयुक्त, राजस्थान।
2. समस्त जिला कलेक्टर, राजस्थान।

परिपत्र

विषय:- राजकीय भूमि से अतिक्रमण हटाये जाने बाबत।

राजस्थान भू-राजस्व अधिनियम 1956 की धारा 91 में राजकीय भूमि से अतिक्रमण को हटाने के संबंध में व्यापक प्रावधान किये हुये हैं। धारा 91 के तहत यदि कोई व्यक्ति राजकीय भूमि पर बिना विधिसंगत प्राधिकार के कब्जा करता है या कर रहा है तो तहसीलदार ऐसे गैर कानूनी कब्जों को हटाने हेतु सक्षम है। ऐसे प्रत्येक कृषि वर्ष के लिए जिसने पूरे साल या उसके भाग में अतिक्रमि रहा हो, तो वह प्रथम कृत्य के लिए वार्षिक लगान का 50 गुना तक जुर्माना देने का ज़िम्मेदार होगा।

अक्सर यह देखा गया है कि तहसीलदार/नायब तहसीलदार धारा 91 के अन्तर्गत बेदखली का आदेश तो कर देते हैं परन्तु इसकी क्रियान्विति नहीं करते हैं जिससे बेदखली आदेश कागज़ों पर ही रह जाते हैं और लोगों में अतिक्रमण की प्रवृत्ति बढ़ जाती है। अतः यह आवश्यक है कि बेदखली के आदेश के साथ ही अतिक्रमि को भौतिक रूप से बेदखल किया जाए। यदि इस बेदखली में पुलिस बल की आवश्यकता हो तो इसके लिये पुलिस विभाग से सम्पर्क कर आवश्यक कार्यवाही की जाए।

धारा 91(2) में यह भी प्रावधान है कि द्वितीय अतिक्रमण या इसके बाद के अतिक्रमण करने पर अतिक्रमि को 2 माह तक के लिए सिविल कारावास के दण्ड से दण्डित किया जा सकता है। इस प्रावधान के उपयोग करने से पहले यह आवश्यक भी है कि अतिक्रमि को भौतिक रूप से बेदखल किया जाए।

धारा 91 (6)(क) में यह प्रावधान है कि तहसीलदार द्वारा अतिक्रमण हटाये जाने के नोटिस देने के बावजूद 15 दिन के अन्दर अतिक्रमि अपना कब्जा नहीं छोड़ता है तो दोषसिद्धि पर साधारण कारावास से जो एक माह से कम नहीं होगा किन्तु तीन वर्ष तक हो सकेगा और जुर्माना से जो बीस हजार रुपये तक हो सकेगा, की सजा से दण्डित किया जा सकता है।

धारा 91 (6)(ख) में यह प्रावधान भी है कि जिला कलेक्टर के लिखित आदेश के बावजूद यदि राज्य सरकार का कोई कर्मचारी जानबूझकर अथवा जानकारी में होते हुये भी इस प्रकार के अनाधिकृत कब्जे को रोक पाने या हटाने में लापरवाही बरतता है तथा जानबूझकर गैर कानूनी कब्जे को नहीं हटाता है तो उसे एक माह का कारावास या 1,000/- रुपये का जुर्माना या दोनों से दण्डित किया जा सकता है परन्तु उक्त प्रावधानों का उपयोग अपवाद स्वरूप ही किया जाना है जबकि कठोर प्रावधान करने का उद्देश्य ही यह था कि अतिक्रमण की प्रवृत्ति पर रोक लगाई जा सके।

राज्य सरकार के मुख्य सचिव द्वारा हस्ताक्षरित आदेश क्रमांक प. 6(8)राज-6/91/13 दिनांक 20.7.94 जारी करके अतिक्रमण हटाने हेतु यदि आवश्यक हो तो पुलिस की सहायता ली जा सकती है, जारी किया गया था किन्तु राज्य सरकार की जानकारी में आया है कि उपरोक्त आदेशों/परिपत्रों की कड़ाई से पालना नहीं की जा रही है।

अतः एतद् द्वारा पुनः निर्देशित किया जाता है कि अतिक्रमण को हटाने हेतु नियमों के तहत कार्यवाही सुनिश्चित करावें।

(क.जी. अग्रवाल)
उप-शासन सचिव

19.3.07

राजस्थान सरकार
राजस्व(गुप-6)विभाग

प0क-9(88)राज-6/2006/5

जयपुर, दिनांक:- 26.3.2007

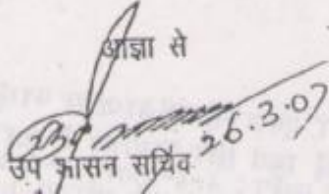
समस्त जिला कलेक्टर,
राजस्थान।
निबंधक,
राजस्व मंडल, अजमेर।

आदेश

राजस्व-मंडल अजमेर द्वारा राज्य सरकार के ध्यान में यह लाया गया है कि राजस्थान विधियां (संशोधन) अधिनियम 999 एवं नगरीय विकास विभाग के को 5(8)नविधि/99 दि० 30.8.01 जिसके द्वारा यह निर्देश थे कि कृषि भूमि के अकृषि प्रयोजनार्थ नियमन/हस्तांतरण/रूपान्तरण आदि की वसूल की जाने वाली राशि का 40 प्रतिशत हिस्सा राज्य सरकार के बजट मद 0029 के भू राजस्व में जमा करवाया जावेगा लेकिन स्थानीय निकाय विभाग द्वारा उक्त राशि विलंब से जमा की जा रही है जिस पर ब्याज भी वसूलनीय है।

इस संबंध में राज्य सरकार द्वारा यह निर्णय लिया गया है कि यदि स्थानीय निकाय विभाग द्वारा परिपत्र दिनांक 30.8.2001 के क्रम में उक्त 40 प्रतिशत राशि जमा कराने में विलंब किया जाता है तो ऐसी स्थिति में ऐसे विलंब पर ब्याज 12 प्रतिशत वार्षिक दर से वसूल किया जावेगा।

परिपत्र दिनांक 30.8.01 के जारी होने से पूर्व ही यदि उक्त राशि स्थानीय निकायों द्वारा पी0डी0 खाते में जमा करा दी गई तो ऐसी परिस्थिति में ब्याज वसूलनीय नहीं है।

आज्ञा से

उप आसन सचिव 26.3.07

राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007

राजस्थान भू राजस्व अधिनियम, 1956 (1996 का राजस्थान अधिनियम 15) की धारा 90 के साथ पठित धारा 261 की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार ग्रामीण क्षेत्रों में कृषि भूमि के अकृषिक प्रयोजनों के लिए संपरिवर्तन हेतु इसके द्वारा निम्नलिखित नियम बनाती है, अर्थात्—

1. संक्षिप्त नाम, प्रसार और आरम्भ.— (1.) इन नियमों का नाम राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 है।

(2) इनका प्रसार राजस्थान राज्य के सभी ग्रामीण क्षेत्रों में होगा।

(3) ये नियम राजपत्र में इनके प्रकाशन की तारीख की प्रवृत्त होंगे।

2. परिभाषाएँ.— इन नियमों में, जब तक कि विषय या संदर्भ में कोई बात विरुद्ध न हो—

(क) 'अधिनियम' से राजस्थान भू राजस्व अधिनियम, 1956 (1956 का राजस्थान अधिनियम 15) अभिप्रेत है;

• [(कक) 'आवेदन पत्र' से तात्पर्य ऐसे पूर्ण आवेदन पत्र से है जो आवश्यक दस्तावेजों एवं देय शुल्कों के होने पर उस सहित प्रस्तुत किया जावे।]

2[(कक) 'कृषि-कारबार' से ऐसे व्यापक पैमाने का कारबार अभिप्रेत है, जो उसका अधिकतर राजस्व कृषि से प्राप्त करता है और इसमें कृषि उत्पादों का उत्पादन, प्रसंस्करण, विनिर्माण और वितरण शामिल है;]

2[(ककक) 'कृषि प्रसंस्करण' से ऐसी प्रक्रिया अभिप्रेत है जो कृषि उत्पादों, कृषि अपशिष्ट और मध्यवर्ती कृषि उत्पादों का उपयोग ऐसी रीति से उत्पादों का उत्पादन करने में करती है कि भारतीय व्यापार वर्गीकरण (हार्मोनाइज्ड प्रणाली) में कृषि उत्पाद की प्रकृति में छह अंक स्तर पर रूपान्तरण हो जाये और वहाँ कम से कम 30 प्रतिशत मूल्य परिवर्धन होना चाहिये;]

(ख) 'वाणिज्यिक प्रयोजन' से किसी भी परिसर का किसी भी व्यापार या वाणिज्य या कारोबार जिसमें कोई दुकान, वाणिज्यिक स्थापन, बैंक कार्यालय, अतिथि गृह, छात्रावास, होटल, रेस्टोरेन्ट, ढाबा (चाहे पक्का हो या अस्थायी संरचना), शोरूम, सिनेमा, मल्टीप्लेस, पेट्रोल पम्प, बारूदशाला, तुलाचौकी, गोदाम, कार्यशाला, या कोई भी अन्य वाणिज्यिक क्रियाकलाप सम्मिलित होंगे, के लिए उपयोग अभिप्रेत है, और इसमें भागतः आवासीय और भागतः वाणिज्यिक प्रयोजनों के लिए उपयोग भी सम्मिलित होगा किन्तु इसके अन्तर्गत पर्यटन इकाइयां सम्मिलित नहीं होंगी;

(ग) 'विकासकर्ता' से कोई ऐसा व्यक्ति अभिप्रेत है जो भू खण्डों को उप विभाजन, पुनर्गठन या सुधार करना चाहता है या करता है;

(घ) 'जिला स्तरीय समिति' से राजस्थान स्टाम्प नियम, 2004 के नियम 2 के उपनियम (1) के खण्ड (ख) के अधीन राज्य सरकार द्वारा किसी जिले के लिए समय-समय पर गठित समिति अभिप्रेत है;

(ङ) 'प्ररूप' से इन नियमों से संलग्न प्ररूप अभिप्रेत है;

(च) 3['औद्योगिक क्षेत्र/औद्योगिक सम्पदा' से आवश्यक कल्याण और सहायक सेवाओं जैसे डाकघर, कर्मचारियों के लिए आवासीय कालोनियां, शैक्षिक संस्थाएँ, अवशीतन गृह, प्रदूषण नियंत्रण उपचार संयंत्र, विद्युत पावर स्टेशन, और जल प्रदाय और मल निकास सुविधाएँ, औषधालय या चिकित्सालय, बैंक, पुलिस थाना, अग्निशमन केन्द्र, तुला चौकी को सम्मिलित करते हुए उद्योग या उद्योगों की स्थापना के लिए राजस्थान औद्योगिक विकास और विनियोजन निगम या यथास्थिति, राजस्थान पर्यटन विकास निगम द्वारा विकसित किया गया भूमि का कोई क्षेत्र अभिप्रेत है;

• अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा गया।

1. अधि.सं.6(6) रेवे. 6/92/14, जी.एस.आर. 1, दिनांक 24.2007 (राज. राजपत्र विशेषांक भाग 4(ग)(1) दिनांक 3.4.2007 पर प्रकाशित) द्वारा।

2. अधि.सं.प. 6(6) रेवे.-6/92/24, दिनांक 14.10.2010 द्वारा जोड़ा गया।

3. अधि.सं.प. 6(6) रेवे.-6/92/8, दिनांक 20.3.2008 द्वारा प्रतिस्थापित किया गया।

- (छ) 'औद्योगिक प्रयोजन' से सूचना प्रौद्योगिकी उद्योग को सम्मिलित करते हुए किसी भी उद्योग चाहे वह लघु या मध्यम या बड़ी इकाई हो या कोई पर्यटन इकाई के लिए किन्हीं भी परिसरों या कार्यशालाओं या किसी खुले क्षेत्र का उपयोग अभिप्रेत है और इसमें ईट भट्टा या चूना भट्टा सम्मिलित होगा किन्तु खण्ड (ख) में यथापरिभाषित प्रयोजनों के लिए उपयोग में लिये गये परिसर सम्मिलित नहीं होंगे;
- (ज) 'संस्था संबंधी प्रयोजन' से किसी भी स्थापन, संगठन या संघ द्वारा लोकोपयोगिता को छोड़कर विशेषरूप से आम उपयोगिता पूर्व शैक्षणिक या समान प्रकृति के किसी उद्देश्य की प्रोन्नति के लिए किसी भी परिसर या किसी खुली क्षेत्र का उपयोग अभिप्रेत है;
- (झ) 'चिकित्सा सुविधाएं' में क्लिनिक, औषधालय, चिकित्सालय निदान केन्द्र और नर्सिंग होम सम्मिलित हैं;
- (ञ) 'मास्टर प्लान क्षेत्र' से राजस्थान नगर सुधार अधिनियम, 1959 (35 आफ 1959), जयपुर विकास प्राधिकरण अधिनियम, 1982 (1982 का अधिनियम 25) के उपबंधों के अनुसार किसी भी नगरीय क्षेत्र के लिए तैयार और अनुमोदित मास्टर प्लान के अन्तर्गत आया क्षेत्र अभिप्रेत है;
- (ट) 'उपान्त पट्टी' से तत्समय प्रवृत्त किसी विधि के अधीन तैयार की गयी किसी नगर या किसी शहर के मास्टर प्लान या मास्टर विकास प्लान में यथाउपदर्शित उपान्त पट्टी और जहां कोई मास्टर प्लान या मास्टर विकास प्लान नहीं हो या जहां ऐसे प्लान उपान्त पट्टी उपदर्शित नहीं की गयी हो वहां वह क्षेत्र अभिप्रेत है जो राज्य सरकार के नगरीय विकास और आवासान विभाग द्वारा समय-समय पर अधिसूचित किया जाए और जहां किसी गांव का कोई भाग उपान्त पट्टी के अन्तर्गत आता है वहां संपूर्ण उपान्त पट्टी के अन्तर्गत समझा जायेगा;
- (ठ) 'व्यक्ति' से कोई मानव अभिप्रेत है और इसमें कोई फर्म, रजिस्ट्रीकृत सोसाइटी व्यक्तियों का संगम, निगमित निकाय या कोई अन्य विधिक व्यक्ति सम्मिलित होगा;
- (ड) 'विहित अधिकार' से नियम 9 में यथाविहित प्राधिकारी अभिप्रेत है;
- (ढ) 'लोकोपयोगी प्रयोजन' से धर्मशाला, धार्मिक स्थान, गौशाला या सार्वजनिक उद्यान अभिप्रेत है;
- (ण) 'ग्रामीण क्षेत्र' से ऐसा कोई क्षेत्र अभिप्रेत है जो नगरीय निकायों के अधिसूचित क्षेत्र और उनकी उपान्त पट्टियों में सम्मिलित नहीं है;
- (त) 'आवासीय इकाई' से '[2500 वर्ग मीटर] से अनधिक क्षेत्र के किसी भी परिसर का मानव के आवास के लिए उपयोग अभिप्रेत है;
- (थ) 'आवासीय कालोनी/परियोजना' से विकासकर्ता द्वारा हितबद्ध व्यक्तियों को और विक्रय करने के लिए विकसित किये जा रहे आवासीय भूखण्ड/लेट/गृह अभिप्रेत है;
- ²[(थथ) 'विशेष आर्थिक परिक्षेत्र' से विशेष आर्थिक परिक्षेत्र अधिनियम, 2005 (28 आफ 2005) के धारा 3 की उपधारा (4) के परन्तुक और धारा 4 की उपधारा (1) के अधीन अधिसूचित विशेष आर्थिक परिक्षेत्र (मुक्त व्यापार और भण्डारण परिक्षेत्र सहित) अभिप्रेत है;]
- [(थथथ) "सोलर प्लांट/सोलर पावर प्लांट" से तात्पर्य ऐसे पावर प्लांट या व्यवस्था (सिस्टम) से है जिसके द्वारा फोटो वोल्टैक या संयुक्त रूप से सोलर थर्मल डिवाइस (उपकरण) जो बिजली निर्मित करने के पूर्ण परम्परागत फोसिल फ्यूल उपयोग में किया जाता हो।]
- ³[(द) 'पर्यटन इकाई' पर्यटन विभाग राजस्थान सरकार द्वारा अनुमोदित निम्नलिखित प्रवर्गों की पर्यटन परियोजना से अभिप्रेत होगी—
- (क) कोई हेरिटेज होटल;
- (ख) कोई अन्य होटल जिसमें 25 या इससे अधिक कमरों की वास सुविधा उपलब्ध हो;
- (ग) सुसज्जित तम्बू आवास सहित कोई शिविर स्थल जिसमें स्नानघर और प्रसाधन सुविधाओं के साथ-साथ कम से कम पचास तम्बू हों;

• अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा गया।

1. अधि.सं.प. 9(101) रेवे.-6/08/2, दिनांक 20.1.2009 द्वारा प्रतिस्थापित किया गया।

2. अधि.सं.प. 6(6) रेवे.-6/92/4, दिनांक 15.5.2008 द्वारा जोड़ा गया।

3. अधि.सं.प. 6(6) रेवे.-6/92/18, दिनांक 20.3.2008 द्वारा प्रतिस्थापित किया गया।

राज. भू-राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों.....) नियम, 2007 321

- (घ) खेलकूद और आगोद-प्रमोद सम्बन्धी सुविधायें, घुड़सवारी, तैराकी और सामाजिक सुख-सुविधाओं के साथ कुटीरों में बोलिंग और आवास की व्यवस्थायें उपलब्ध कराने वाला कोई होली-डे रिसोर्ट;
- (ङ) बच्चों के साथ ही वयस्कों के लिये विभिन्न प्रकार की सवारियां, खेल और मनोरंजन उपलब्ध कराने वाला कोई मनोरंजन पार्क; और
- (च) कोई रेस्तरां या परियोजना जिसकी लागत 1 करोड़ रुपये से अधिक हो (जो उपखण्ड अधिकारी द्वारा सत्यापित हो)
- 1[(छ) स्वास्थ्य स्पा, चिकित्सा स्वास्थ्य से सम्बन्धित अन्य क्रियाकलाप जैसे योग आदि, गोल्फ अकादमी, गोल्फ मैदान या उपर्युक्त उपखण्ड (क) से (च) तक में उल्लिखित इकाइयों से सहबद्ध अन्य खेलकूद से सम्बन्धित क्रियाकलाप;]
- (घ) 'नगरीय निकाय' से राजस्थान नगरपालिका अधिनियम, 1959 या राजस्थान नगर सुधार अधिनियम, 1959 (1959 का अधिनियम 35) या जयपुर विकास प्राधिकरण अधिनियम, 1982 (1982 का अधिनियम 25) के अधीन गठित निकाय अभिप्रेत है।
- (2) इन नियमों में परिभाषित नहीं किये गये किन्तु अधिनियम में परिभाषित किये गये शब्दों और अभिव्यक्तियों जहां कहीं भी वे इन नियमों में प्रयुक्त की गयी हैं, का वही अर्थ लगाया जायेगा जो अधिनियम में उन्हें समुद्देशित किया गया है।

3. प्रयोजन, जिनके लिए कृषि भूमि का संपरिवर्तन किया जा सकेगा—आवेदक की खातेदारी अभिव्यक्ति में धारित कोई भी कृषि भूमि ग्रामीण क्षेत्र में निम्न प्रयोजनों के लिए संपरिवर्तन की जा सकेगा—

- आवासीय इकाई
- आवासी कालोनी/परियोजना
- वाणिज्यिक प्रयोजन
- 1[(iv) औद्योगिक प्रयोजन/औद्योगिक क्षेत्र
- नमक विनिर्माण प्रयोजन
- लोकोपयोगी प्रयोजन
- संस्था संबंधी प्रयोजन
- (viii) चिकित्सा सुविधाएं।
- 1[(ix) विशेष आर्थिक परिक्षेत्र का विकास]]
- [(x) एग्रो प्रोसेसिंग और एग्रो व्यापार (बिजनेस) यूनिट।
- [(xi) सोलर पावर प्लांट।

4. भूमि जिसका संपरिवर्तन अनुज्ञात नहीं किया जायेगा.— निम्नलिखित भूमि के संपरिवर्तन के लिए कोई अनुज्ञा नहीं दी जायेगी—

- भूमि, जो भूमि अर्जन अधिनियम, 1894 के अधीन अर्जनाधीन है;
- (ख) किसी भी रेल लाइन, राष्ट्रीय राज मार्ग, राज्य मार्ग या केन्द्रीय या राज्य सरकार या किसी भी स्थानीय प्राधिकरण द्वारा अनुरक्षित कोई भी अन्य सड़क जो केन्द्रीय या राज्य सरकार द्वारा इस निमित्त बनाये गये किसी भी अधिनियम या नियमों में विनिर्दिष्ट हो, की सीमाओं के भीतर या उद्योग स्थापित करने के लिए, भारतीय सड़क कांग्रेस के मार्गदर्शनों में राष्ट्रीय राज्य मार्ग/राज्य राज मार्ग/बड़ी जिला सड़क/अन्य जिला सड़क/ग्रामीण सड़कों के मध्य बिन्दु से, विनिर्दिष्ट सीमा, जो भी दीर्घतर हो, के भीतर आने वाली भूमि;
- (ग) किसी औद्योगिक इकाई या चूने भट्टे या किसी क्रेशर इकाई या किसी औद्योगिक क्षेत्र के प्रयोजन के लिए गांव की आबादी की बाहरी सीमाओं क 1.5 किलोमीटर के अर्द्धव्यास के भीतर आने वाली भूमि। यह निर्बंधन वहीं लागू नहीं होगी जहां संपरिवर्तन ईट भट्टे या अप्रदूषक उद्योग, लघु या कुटीर उद्योग के लिए चाहा जाये;
- (घ) किसी तालाब या ग्रामीण जलाशय, नदी नाले, तालाब, झील के पेटा क्षेत्र में आनेवाली भूमि या किसी शमशान या कब्रिस्तान या ग्रामीण जलाशय तक जाने वाले मार्ग के रूप में प्रयुक्त भूमि, चाहे वह ग्राम राजस्व नक्शे या राजस्व अभिलेख में इस प्रकार अभिलिखित न हो।
- 1[(ङ) सभी कम्पनियों की भूमिगत पाईप लाइनों के मार्ग के अधिकार की सीमाओं की 10 मीटर के अर्द्धव्यास के भीतर आने वाली भूमि।

• अधि.सं.एफ. 6(6) रेवे-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा गया।

1. अधि.सं.प. 6(6) रेवे-6/92/4, दिनांक 15.5.2008 द्वारा प्रतिस्थापित एवं जोड़ा गया।

¹[(च) तेल कंपनियों के भंडारण टैंक की सीमाओं के 50 मीटर के अर्द्धव्यास के भीतर आने वाली भूमि।

¹[(छ) भारतीय विद्युत नियम 1956 के नियम 79 और 80 के अधीन निर्बंधित भूमि और भवन।]

•[(ज) ऐसी भूमि जो सेना के आर्डिनेंस डिपो की 1.5 किलोमीटर की सीमा के अर्द्धव्यास/रेडियस में आता हो।

5. निवास-गृह, पशुशाला या भण्डार गृह के लिए बिना संपरिवर्तन प्रभारों के संपरिवर्तन.— कोई खातेदार अधिकारी 500 वर्गमीटर से अधिक क्षेत्र पर निवास गृह या पशुशाला या भण्डार गृह के निर्माण के लिए अपनी कृषि जोत को नियम 7 के अधीन संदेय कोई भी संपरिवर्तन प्रभारों के बिना संपरिवर्तन कराने का हकदार होगा। इस प्रकार संपरिवर्तन क्षेत्र उसकी खातेदारी अभिधृति में बना रहेगा।

6. खातेदारी भूमि का लघु उद्योग और जावा (Kjawa) की स्थापना के लिए उपयोग.— इन नियमों में किसी बात के अन्तर्विष्ट होने पर भी जहां कोई खातेदार अपनी स्वयं की खातेदारी भूमि पर 2500 वर्गमीटर से अधिक क्षेत्र पर कोई लघु उद्योग स्थापित करता है, वहां संपरिवर्तन के लिए कोई अनुज्ञा अपेक्षित नहीं होगी। इस प्रकार प्रयुक्त क्षेत्र उसकी अभिधृति में बना रहेगा।

²[6क. कृषि कारबार क्रियाकलाप के लिये खातेदारी भूमि का उपयोग.— इन नियमों में अन्तर्विष्ट किसी बात के होते हुये भी, कोई खातेदार अभिधारी उसकी खातेदारी भूमि के क्षेत्र का 50 प्रतिशत तक कृषि कारबार क्रियाकलापों के लिये उपयोग कर सकेगा और ऐसे क्रियाकलाप कृषि संक्रिया के रूप में माने जायेंगे और कोई संपरिवर्तन अपेक्षित नहीं होगा। इस प्रकार उपयोग में लिया गया क्षेत्र उसकी खातेदारी में बना रहेगा।]

7. संपरिवर्तन प्रभार.— नियम 5 और 6 के अन्तर्गत नहीं आने वाले क्षेत्र के लिए, कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन हेतु संदेय प्रीमियम निम्नानुसार होगा—

³ [प्रयोजन]	प्रति वर्ग मीटर दर]
•[(i) आवासीय इकाई]	रु. 5/- प्रति वर्ग मीटर या जिला स्तरीय समिति (डी. एल.सी.) की कृषि भूमि दर की 5 प्रतिशत की ऐसी क्रय राशि जो रजिस्टर्ड विक्रय पत्र में उल्लेखित हो यदि कोई हो, जो भी अधिक हो।
•[(ii) आवासीय कॉलोनी/परियोजना (प्रोजेक्ट)]	रु. 7.50/- प्रति वर्ग मीटर या जिला स्तरीय समिति (डी.एल.सी.) की कृषि भूमि दर की 7.5 प्रतिशत की ऐसी क्रय राशि जो रजिस्टर्ड विक्रय पत्र में उल्लेखित हो यदि कोई हो, जो भी अधिक हो।
•[(iii) वाणिज्यिक प्रयोजन]	रु. 10/- प्रति वर्ग मीटर या जिला स्तरीय समिति (डी.एल.सी.) की कृषि भूमि दर की 10 प्रतिशत की ऐसी क्रय राशि जो रजिस्टर्ड विक्रय पत्र में उल्लेखित हो यदि कोई हो, जो भी अधिक हो।
•[(iv) औद्योगिक क्षेत्र/औद्योगिक प्रयोजन/औद्योगिक सम्पदा]	रु. 5/- प्रति वर्ग मीटर या जिला स्तरीय समिति (डी.एल.सी.) की कृषि भूमि दर का 5 प्रतिशत या ऐसी भूमि की क्रय राशि का 5 प्रतिशत जिसका उल्लेख रजिस्टर्ड विक्रय पत्र में हो, यदि कोई हो, जो भी अधिक हो।
•[(v) नमक विनिर्माण प्रयोजन]	रु. 0.50 प्रति वर्ग मीटर या जिला स्तरीय समिति (डी.एल.सी.) की कृषि भूमि दर का 5 प्रतिशत या ऐसी कृषि भूमि की क्रय राशि का 0.5 प्रतिशत जिसका उल्लेख रजिस्टर्ड विक्रय पत्र में हो, यदि कोई हो, जो भी उच्चतर हो।

• अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा एवं प्रतिस्थापित किया गया।

1. अधि.सं.प. 6(6) रेवे.-6/92/4/13, दिनांक 15.5.2008 द्वारा जोड़ा गया।

2. अधि.सं.प. 6(6) रेवे.-6/92/24, दिनांक 14.10.2010 द्वारा जोड़ा गया।

3. अधि.सं.प. 6(6) रेवे.-6/92/7, दिनांक 1.4.2010 (राज. राजपत्र विशेषांक भाग-4(ग)(1) दिनांक 15.4.2010 पर प्रकाशित) द्वारा "टेबिल का हेडिंग" प्रतिस्थापित किया गया।

•[(vi) जनउपयोगी/लोकोपयोगी प्रयोजन	बिना किसी भी प्रीमियम के 10,000 वर्ग मीटर और रु. 5/- प्रति वर्ग मीटर या डी.एल.सी. (जिला स्तरीय समिति) की कृषि भूमि की दर का 5 प्रतिशत या ऐसी कृषि भूमि की क्रय राशि का 5 प्रतिशत जिसका उल्लेख रजिस्टर्ड विक्रय पत्र में हो, यदि कोई हो, 10,000 वर्ग मीटर से अधिक क्षेत्र के लिए, जो भी अधिक हो।
•[(vii) संस्था संबंधी प्रयोजन	रु. 5/- प्रति वर्ग मीटर या कृषि भूमि की जिला स्तरीय समिति (डी.एल.सी.) दर की 10 प्रतिशत या ऐसी कृषि भूमि की क्रय राशि का 10 प्रतिशत जिसका उल्लेख रजिस्टर्ड विक्रय पत्र में हो, यदि कोई हो, जो भी उच्चतर हो।
•[(viii) चिकित्सा सुविधाएं	रु. 10/- प्रति वर्ग मीटर या कृषि भूमि की जिला स्तरीय समिति (डी.एल.सी.) की दर का 10 प्रतिशत या ऐसी कृषि भूमि की क्रय राशि का 10 प्रतिशत जिसका उल्लेख रजिस्टर्ड विक्रय पत्र में हो, यदि कोई हो, जो भी उच्चतर हो।
¹ [(ix) विशेष आर्थिक परिक्षेत्र	² [100/- (भूमि का क्षेत्रफल चाहे कुछ भी हो)]
³ [(x) कृषि-प्रसंस्करण और कृषि कारबार इकाई	औद्योगिक प्रयोजन के लिये यथाविहित दर का 50 प्रतिशत]
•[(xi) सोलर पावर प्लांट	औद्योगिक प्रयोजन के लिये निर्धारित दर की 10 प्रतिशत राशि।

8. संपरिवर्तन प्रभारों की छूट.— (1) किसी भी शासकीय उपयोग के लिए अकृषिक प्रयोजन के लिए भूमि के संपरिवर्तन हेतु राज्य सरकार के किसी भी विभाग या किसी स्थानीय प्राधिकरण द्वारा कोई संपरिवर्तन प्रभार देय नहीं होंगे।

⁴[(2) नियम 2 के उपनियम (1) के खण्ड (द) में यथा परिभाषित कोई पर्यटन इकाई ⁵[31.3.2013] तक स्थापित करने के लिये अभिघारी द्वारा धारित भूमि के संपरिवर्तन के लिये नियम 7 में यथाविहित कोई संपरिवर्तन प्रभाव संदेय नहीं होंगे।]

⁶[(3) राजस्थान विनिधान संप्रवर्तन स्कीम 2003 के उपबंधों के अधीन निहित प्राधिकारी द्वारा यथा अनुमोदित पात्र इकाई की स्थापना के लिए भूमि के संपरिवर्तन की दशा में संपरिवर्तन प्रभारों का पचास प्रतिशत प्रभारित किया जायेगा।]

⁷[(4) राजस्थान विनिधान प्रोन्नति योजना, 2010 के उपबंधों के अधीन वैध हकदारी प्रमाण-पत्र धारक उपक्रम की स्थापना के लिये भूमि के संपरिवर्तन के मामले में 50 प्रतिशत संपरिवर्तन प्रभार प्रभारित किया जायेगा।]

⁸[(5) तकनीकी शिक्षा संस्था स्थापित करने के प्रयोजनार्थ तकनीकी शिक्षा विभाग की सिफारिश पर भूमि के संपरिवर्तन की स्थिति में कोई संपरिवर्तन प्रभार प्रभार्य नहीं होगा।]

- अधि.सं.प. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा प्रतिस्थापित एवं जोड़ा गया।
- 1. अधि.सं.प. 6(6) रेवे.-6/92/4/13, दिनांक 15.5.2008 द्वारा जोड़ा गया।
- 2. अधि.सं.प. 6(6) रेवे.-6/92/7, दिनांक 1.4.2010 (राज. राजपत्र विशेषांक भाग-4(ग)(1) दिनांक 15.4.2010 पर प्रकाशित) द्वारा "टेबिल का हैंडिंग" प्रतिस्थापित किया गया।
- 3. अधि.सं.प. 6(6) रेवे.-6/92/24, दिनांक 14.10.2010 द्वारा जोड़ा गया।
- 4. अधि.सं.प. 6(6) रेवे.-6/92/18, दिनांक 20.3.2008 द्वारा जोड़ा गया।
- 5. अधि.सं.प. 6(6) रेवे.-6/92/8, दिनांक 3.5.2010 द्वारा प्रतिस्थापित किया गया।
- 6. अधि.सं.प. 6(6) रेवे.-6/92/7, दिनांक 25.5.2009 द्वारा प्रतिस्थापित किया गया।
- 7. अधि.सं.प. 6(6) रेवे.-6/92/42, दिनांक 10.1.2011 द्वारा जोड़ा गया।
- 8. अधि.सं.प. 6(6) रेवे.-6/92/16, दिनांक 2.8.2011 द्वारा जोड़ा गया।

9. संपरिवर्तन के लिए विहित प्राधिकारी.— (1) कोई खातेदार अधिकारी, जो कृषि भूमि को किसी भी अकृषिक प्रयोजन के लिए संपरिवर्तन करने की अनुज्ञा चाहता है, प्ररूप-क में सभी प्रकार से पूर्ण आवेदन, उसमें विहित दस्तावेजों और चालान की एक प्रति के साथ, जमा किये गये संपरिवर्तन प्रमारों की रकम उपदर्शित करते हुए, विहित, प्राधिकारी को निम्नानुसार प्रस्तुत करेगा—

संपरिवर्तन का प्रयोजन	विहित अधिकारी
¹ [(क) आवासीय इकाई ² [(ख) आवासीय कॉलोनी/ परियोजना]	तहसीलदार जहां क्षेत्र ³ [2,500] वर्ग मीटर तक है, ¹ [(i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 5,000 वर्ग मीटर से अधिक न हो। ¹ [(ii) कलेक्टर, जहां कुल क्षेत्र 50,000 वर्ग मीटर से अधिक नहीं है, ¹ [(iii) राज्य सरकार, जहां कुल क्षेत्र 50,000 वर्ग मीटर से अधिक है,
¹ [(ग) वाणिज्यिक प्रयोजन]	(i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 1000 वर्ग मीटर से अधिक नहीं हैं, सिनेमा, पेट्रोल पम्प, बारूदशाला, मल्टीप्लेस, होटल, रिसोर्ट को छोड़कर, ² [(ii) कलेक्टर, जहां वाणिज्यिक प्रयोजन के कुल क्षेत्र 10,000 वर्ग मीटर से अधिक नहीं हैं,] (iii) राज्य सरकार, जहां वाणिज्यिक प्रयोजन के कुल क्षेत्र 10,000 वर्ग मीटर से अधिक हैं
² [(घ) औद्योगिक क्षेत्र/औद्योगिक]	(i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 50,000 वर्ग मीटर से अधिक प्रयोजन नहीं है, पर्यटन इकाई को छोड़कर, (ii) कलेक्टर, जहां कुल क्षेत्र 1,00,000 वर्ग मीटर से अधिक नहीं है, पर्यटन इकाई को छोड़कर, (iii) राज्य सरकार, जहां सभी वर्गों सहित कुल क्षेत्र 1,00,000 वर्ग मीटर से अधिक है,
² [(ङ) नमक विनिर्माण प्रयोजन]	(i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 2,00,000 वर्ग मीटर से अधिक नहीं है, (ii) कलेक्टर, जहां कुल क्षेत्र 2,00,000 वर्ग मीटर से अधिक है,
² [(च) लोकोपयोगी प्रयोजन]	(i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 5,000 वर्ग मीटर से अधिक नहीं है, (ii) कलेक्टर, जहां कुल क्षेत्र 50,000 वर्ग मीटर से अधिक नहीं है, (iii) राज्य सरकार, जहां कुल क्षेत्र 50,000 वर्ग मीटर से अधिक है,
² [(छ) संस्थागत सम्बन्धी प्रयोजन और चिकित्सा सुविधायें]	(i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 2,500 वर्ग मीटर से अधिक नहीं हो। (ii) जिला कलेक्टर, जहां कुल क्षेत्रफल 10,000 वर्ग मीटर से अधिक नहीं हो, (ii) राज्य सरकार, जहां कुल क्षेत्रफल 10,000 वर्ग मीटर से अधिक हो।

* अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा गया।

1. अधि.सं.प. 6(6) रेवे.-6/92/7, दिनांक 25.5.2009 द्वारा सारणी प्रतिस्थापित किया गया।

2. अधि.सं.प. 6(6) रेवे.-6/92/3, दिनांक 26.4.2011 द्वारा प्रतिस्थापित किया गया।

*[(ज) विशेष:

*[(झ) कृषि प्रसरण या कृषि कारबार इकाई

*[(झ) सोलर/वायु/बायोमास पावर प्लांट

राज्य सरकार

- (i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 10 हेक्टेयर से अधिक नहीं हो,
- (ii) कलेक्टर, जहां क्षेत्र 10 हेक्टेयर से अधिक हो।
- (i) उपखण्ड अधिकारी, जहां कुल क्षेत्र 50,000 वर्गमीटर से अधिक नहीं हो।
- (ii) कलेक्टर, जहां कुल क्षेत्र 1,00,000 वर्गमीटर से अधिक नहीं हो।
- (iii) राज्य सरकार, समस्त प्रकरण जहां कुल क्षेत्र 1,00,000 वर्गमीटर से अधिक हो।]

परन्तु यदि कोई आवासीय कालोनियां/परियोजना ऐसी खातेदारी भूमि पर स्थापित की जा रही हो, जो भागतः नगरीय निकायों की अधिकारिता और उसकी उपान्त पट्टी के अधीन और भागतः ग्रामीण क्षेत्रों के अधीन स्थित है तो खातेदारी भूमियों का संपरिवर्तन अधिनियम की धारा 90 ख के अधीन राज्य सरकार द्वारा प्राधिकृत समुचित सक्षम प्राधिकारियों द्वारा किया जायेगा और संपरिवर्तन की दर नगरीय निकायों के लिए नगरीय विकास और आवासान विभाग द्वारा विनिर्दिष्ट दरों के अनुसार सम्पूर्ण क्षेत्र के लिए प्रभावित की जायेगी और ग्रामीण क्षेत्र के अधीन आने वाली भूमि के लिए प्रसारित संपरिवर्तन प्रभार चालान द्वारा सरकारी राजस्व शीर्ष में जमा किये जायेंगे।

(2) ग्रामीण क्षेत्र में आवासीय कालोनी/परियोजना भू-औद्योगिक क्षेत्र/औद्योगिक सम्पदा] स्थापित करने के लिए, कुल भूमि की 40% भूमि जन सुविधाओं के लिए आरक्षित रखी जायेगी और शेष 60% भूमि, वाणिज्यिक और संस्था संबंधी प्रयोजन के लिए कुल भूमि के 5% सहित, आवासीय परियोजना के लिए उपयोग में ली जायेगी। आवासीय कालोनी/परियोजना की दर पर संपरिवर्तन प्रभार आवासीय कालोनी/परियोजना के कुल क्षेत्र पर संदेय होंगे। ग्रामीण क्षेत्रों में आवासीय कालोनी/परियोजना भू-औद्योगिक क्षेत्र/औद्योगिक सम्पदा] स्थापित करने की परियोजना, [ले आऊट प्लान को ऊपर वर्णित शर्तें पूरी करता है और जिसमें ऐसा सम्पर्क रास्ता भी हो जो कि 30 फीट चौड़ाई से कम न हो व प्रोजेक्ट तक हो तो निर्धारित अधोरिटी द्वारा स्वीकृत कर दिया जायेगा और ऐसा स्वीकृत ले आऊट प्लान रूपान्तरण आदेश का भाग होगा। किसी अन्य प्रयोजन के लिये किसी स्वीकृत ले आऊट प्लान की आवश्यकता नहीं होगी।]

परन्तु जब किसी आवेदक को एक बार किसी जिले में औद्योगिक प्रयोजन के लिए अपनी भूमि का संपरिवर्तन करने की अनुज्ञा दे दी जाये तो उसको उसी औद्योगिक प्रयोजन या उसी जिले में उसके प्रसार के लिए खातेदारी के अन्य टुकड़े का संपरिवर्तन करने की अनुज्ञा केवल तभी दी जायेगी जब उसी प्रयोजन के लिए विद्यमान उद्योग चालू हो:

परन्तु यह और कि जहां कोई अधिकारी 2500 वर्ग मीटर से अधिक क्षेत्र तक उसके द्वारा धारित भूमि पर कोई लघु ईंट भट्टा (आवा) स्थापित करना चाहता है वहां संपरिवर्तन के लिए कोई आवेदन अपेक्षित नहीं होगा और ऐसी भूमि ऐसे लघु ईंट भट्टा (आवा) के लिए संपरिवर्तन की हुई समझी जायेगी, ऐसे संपरिवर्तन के लिए कोई संपरिवर्तन प्रभार देय नहीं होगा।

परन्तु यह भी कि वहां संपरिवर्तन के लिए कोई आवेदन अपेक्षित नहीं होगा यदि संपूर्ण भूमि और उस पर सन्निर्मित भवन का अनन्य रूप से उपयोग मुख्य सचिव की अध्यक्षता वाली विनिधान संबंधी सशक्त समिति की अनुज्ञा से सूचना प्रौद्योगिकी उद्योग स्थापित करने के लिए किया जाता है। तथापि, संपरिवर्तन प्रभार इन नियमों के अधीन संदेय होंगे।

(3) कलेक्टर की रैंक तक का विहित प्राधिकारी, पूर्ण आवेदन, उसमें विहित दस्तावेजों के साथ प्राप्त होने के 30 दिन के भीतर, आवश्यक जांच करने के पश्चात् प्ररूप-ख में संपरिवर्तन का आदेश

- अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा गया।

जारी करेगा या आवेदक को आवेदन की नामंजूरी की या जमा करायी जाने वाली संपरिवर्तन प्रभारों की शेष रकम की सूचना देगा:

परन्तु जहाँ आवेदन सिरोंही जिले की आबू तहसील के राजस्व गांव ओरिया, उत्तराज, ओरणा, जवाई, अचलगढ़ और साल गांव की कृषि भूमि से संबंधित से वहाँ संपरिवर्तन या विनियमितीकरण का ऐसा कोई भी आदेश विहित प्राधिकारी द्वारा राज्य सरकार के पूर्व अनुमोदन के बिना पारित नहीं किया जायेगा।

(4) विहित प्राधिकारी आवेदक द्वारा जमा करायी गयी संपरिवर्तन प्रभारों की उपनियम (3) के अधीन यथासूचित शेष रकम को उपदर्शित करने वाले चालान की एक प्रति होने की तारीख से 15 दिन के भीतर प्ररूप-ख में संपरिवर्तन का आदेश जारी करेगा।

(5) ऐसे मामलों में जहाँ कलेक्टर रैंक तक की विहित प्राधिकारी विहित कालावधि के भीतर उपनियम (3) या (4) के अधीन आदेश जारी करने में विफल रहता है तो वह सम्बन्धित नियमों के अन्तर्गत अनुशासनिक कार्यवाही का दायी होगा और राज्य सरकार रूपान्तरण के सम्बन्ध में आवश्यक आदेश जारी कर सकेगी और ऐसे आदेशों को विहित प्राधिकारी द्वारा उसे उपनियम (3) या (4) के अधीन प्राप्त शक्तियों के अधीन जारी किया हुआ माना जायेगा, जैसा भी मामला हो।

(6) उन मामलों में जिनमें राज्य सरकार विहित प्राधिकारी है, राज्य सरकार पूर्ण आवेदन उसमें विहित दस्तावेजों के साथ प्राप्त होने पर, आवश्यक जांच करने के पश्चात् प्ररूप-ख में संपरिवर्तन आदेश जारी करेगी तथा आवेदक को आवेदन की नामंजूरी या प्रीमियम की शेष रकम की सूचना देगी। यदि प्रीमियम की शेष रकम 15 दिन के भीतर जमा करवा दी जाती है और संपरिवर्तन प्रभारों की शेष रकम उपदर्शित करने वाले चालान की प्रति राज्य प्राधिकारी को प्रस्तुत की जाती है तो वह प्ररूप-ख में संपरिवर्तन का आदेश जारी करेगा।

(7) गैर-प्रदूषण कृषि प्रसंस्करण उद्योगों की स्थापना के लिये भूमि संपरिवर्तन के लिये "कृषि प्रसंस्करण क्षेत्रों" के रूप में राज्य सरकार द्वारा अधिसूचित क्षेत्रों में भूमि की उपयुक्तता के लिये कोई परीक्षण अपेक्षित नहीं होगा। संपरिवर्तन आदेश, अपेक्षित संपरिवर्तन प्रभार और हक के दस्तावेज जमा कराने के दो सप्ताह के भीतर भूमि हक के सत्यापन के पश्चात् जारी किया जायेगा।

10. संपरिवर्तन के प्रयोजन में परिवर्तन.— (1) यदि कोई व्यक्ति किसी विनिर्दिष्ट प्रयोजन के लिए नियम 9 के अधीन संपरिवर्तन आदेश के जारी होने के पश्चात् उसे किसी भी अन्य अकृषिक प्रयोजन के लिए उपयोग में लेना चाहता है तो वह प्रीमियम के अन्तर की राशि, यदि कोई हो, को उपदर्शित करने वाले चालान सहित प्ररूप-ग में विहित अधिकारी को आवेदन प्रस्तुत करेगा।

(2) नियम 9 क अधीन पर्यटन इकाई स्थापित करने हेतु संपरिवर्तन आदेश जारी होने के पश्चात् यदि कोई व्यक्ति ऐसी इकाई स्थापित करता है जो पर्यटन इकाई की परिभाषा के अन्तर्गत नहीं आती है या किसी भी समय वह स्थापित पर्यटन इकाई को ऐसी इकाई में परिवर्तित करता है जो पर्यटन इकाई की परिभाषा के अन्तर्गत नहीं आती है तो ऐसी इकाई को वाणिज्यिक इकाई समझा जायेगा और वह तदनुसार संपरिवर्तन प्रभारों के अन्तर का संदाय करने का दायी होगा।

(3) यदि कोई व्यक्ति, जिसको इन नियमों के प्रारम्भ से पूर्व अधिनियम के अधीन बनाये गये किन्हीं नियमों के अधीन किसी विनिर्दिष्ट अकृषिक प्रयोजन के लिए भूमि संपरिवर्तित की गयी हो, इसे किसी अन्य अकृषिक प्रयोजन के लिए उपयोग में लेना चाहता है तो वह प्ररूप-ग में संपरिवर्तन प्रभार जमा करायेगा।

(4) विहित प्राधिकारी उपनियम (1) या उप-नियम (3) के अधीन किसी आवेदन का निपटारा करने में नियम 9 के उपनियम (3), (4), (5) और (6) में यथा अधिकथित प्रक्रिया का अनुसरण करेगा और प्ररूप 'घ' में संपरिवर्तन का पुनरीक्षित आदेश जारी करेगा।

• अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा प्रतिस्थापित किया गया।

1. अधि.सं.प. 6(6) रेवे.-6/92/24, दिनांक 14.10.2010 द्वारा जोड़ा गया।

2. अधि.सं.प. 9(217) रेवे.-6/2008/13, दिनांक 11.6.2009 द्वारा प्रतिस्थापित किया गया।

11. अकृषिक प्रयोजन के लिए संपरिवर्तित भूमि का अन्तरण.— इन नियमों के अधीन किसी भी अकृषिक प्रयोजन के लिए संपरिवर्तित कोई भी भूमि अन्तरित की जा सकेगी :

परन्तु यह और कि विहित प्राधिकारी की बिना पूर्व अनुमति के राजस्थान भू-राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिये संपरिवर्तन) (सशोधन) नियम, 2012 के प्रवृत्त होने से पूर्व अन्तरित कर दी गई हो, को विहित प्राधिकारी द्वारा अन्तरिती (transfree) द्वारा रूपान्तरण शुल्क के 25 प्रतिशत के भुगतान सहित आवेदन प्रस्तुत करने पर नियमित की जायेगी।

12. राजस्व अभिलेख में प्रविष्टि.— तहसीलदार संपरिवर्तन आदेश जारी होने के पश्चात् राजस्व अभिलेखों में आवश्यक प्रविष्टियां करके खातेदारी भूमि का क्षेत्र कम करेगा।

13. अविधिपूर्ण संपरिवर्तन का विनियमन.— (1) कोई व्यक्ति, जिसने अनुज्ञा के बिना कृषि भूमि का उपयोग अकृषिक प्रयोजन के लिए किया है, नियम 7 में यथा विहित संपरिवर्तन प्रभारों की चार गुणा रकम जमा कराने के चालान की एक प्रति सहित विहित प्राधिकारी को संपरिवर्तन के विनियमितीकरण के लिए आवेदन प्रस्तुत करेगा :

(1) (क) विहित प्राधिकारी विधिविरुद्ध संपरिवर्तन को उस सीमा तक विनियमित कर सकेगा जिस तक के लिये वह नियमों के नियम 9 के अधीन संपरिवर्तन की अनुज्ञा देने के लिये प्राधिकृत है।]

(2) विहित प्राधिकारी अनुज्ञा देने या नामंजूर करने के लिए उसी प्रक्रिया का अनुसरण करेगा जो नियम 9 में विहित की गयी है।

14. संपरिवर्तन के पश्चात् भूमि का उपयोग.— किसी अकृषिक प्रयोजन के लिए संपरिवर्तित कोई कृषि भूमि, संपरिवर्तन आदेश जारी होने की तारीख से *पांच वर्ष की कालावधि या ऐसी कालावधि जो राज्य सरकार परियोजना की प्रकृति और परियोजना को पूरा करने में किये जाने वाले अपेक्षित विनियमन की मात्रा की दृष्टि से विहित करे, के भीतर ऐसे संपरिवर्तित प्रयोजन के लिए उपयोग में ली जायेगी, इसमें विफल रहने पर संपरिवर्तन आदेश प्रत्याहृत कर लिया जायेगा और जमा कराया गयी संपरिवर्तन प्रभारों की रकम राज्य सरकार को समपहृत हो जायेगी :

*परन्तु यह और है कि उक्त पांच वर्ष की समयावधि या ऐसी समयावधि राज्य सरकार द्वारा विहित की जाये जैसा भी मामला हो राज्य सरकार आवेदक द्वारा ऐसी भूमि के संपरिवर्तन (कनवरजन) की राशि का 25 प्रतिशत भुगतान होने पर पांच वर्ष की समयावधि तक बढ़ाई जा सकेगी।] यदि ऐसी भूमि का उपयोग बढ़ाई गई अवधि के भीतर उक्त अकृषिक प्रयोजन के लिये नहीं किया जाता है तो संपरिवर्तन (कनवरजन) आदेश को वापिस लिया हुआ माना जायेगा।

परन्तु यह और कि संपरिवर्तन आदेश के प्रत्याहरण और संपरिवर्तन प्रभारों के समपहरण का कोई आदेश पारित करने से पूर्व सुनवाई का अवसर दिया जायेगा।

*यह और है कि ऐसा कोई व्यक्ति जिसने इन नियमों या ग्रामीण क्षेत्रों में कृषि भूमि से अकृषिक प्रयोजनों के लिये तत्समय प्रवृत्त संपरिवर्तन नियमों के अधीन भूमि का कनवरजन करा लिया है या उसका अन्तरिती किसी भी समय विहित प्राधिकारी को भूमि को वापिस मूल उपयोग के लिये आवेदन कर सकेंगे। ऐसे मामले में विहित प्राधिकारी भूमि को वापिस (रिवर्जन) उसी स्थिति में रखने के आदेश पारित कर सकेगा कि उक्त भूमि की स्थिति वही हो जायेगी जो संपरिवर्तन (कनवरजन) से पूर्व थी लेकिन आवेदक द्वारा प्रदत्त (भुगतान) की गई कनवरजन या अन्य कोई राशि वापिस (पुनर्भुगतान) नहीं की जायेगी।

यह और है कि उक्त परन्तुक के अधीन कोई रिवर्जन की अनुमति नहीं दी जायेगी यदि अनुसूचित जाति या अनुसूचित जनजाति का कोई खातेदार जिसने अपनी भूमि को संपरिवर्तन (कनवरजन) कराने के बाद अपनी भूमि को ऐसे किसी व्यक्ति को अन्तरित कर दी है जो कि तदनुसार अनुसूचित जाति या अनुसूचित जनजाति का सदस्य नहीं है। ऐसे मामले में जहां अनुसूचित जाति या अनुसूचित जनजाति के किसी सदस्य ने अपनी संपरिवर्तित भूमि को किसी व्यक्ति को अन्तरित कर दी है और ऐसी भूमि का उपयोग अकृषिक प्रयोजनों के लिये पांच वर्षों की समयावधि या बढ़ाई गई समयावधि में नहीं किया गया है तो ऐसी भूमि बिना किसी मुआवजे के राज्य सरकार में निहित हो जायेगी।

- अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा प्रतिस्थापित एवं जोड़ा गया।
- 1. अधि.सं. प.6(6) रेवे.-6/92/18, दिनांक 26.4.2011 द्वारा विलोपित किया गया।
- 2. उपरोक्त द्वारा जोड़ा गया।
- 3. अधि.सं.प. 9(32) रेवे.-6/2009/4, दिनांक 29.1.2010 (राज. राजपत्र विशेषांक भाग-4(ग)(1) दिनांक 10.6.2010 पर प्रकाशित) द्वारा जोड़ा गया।

14-क. संपरिवर्तन शुल्क का पुनर्भुगतान (रिफण्ड) — कोई संपरिवर्तन (कनवरजन) शुल्क का पुनर्भुगतान (रिफण्ड) नहीं किया जायेगा अलावा इसके जहां संपरिवर्तन (कनवरजन) का आवेदन अस्वीकृत कर दिया जाता है या आवेदक संपरिवर्तन (कनवरजन) आदेश जारी होने से पूर्व अपना आवेदन वापिस ले लेता है। ऐसे मामलों में संपरिवर्तन शुल्क के लिये जमा कराई गई राशि में से प्रशासनिक खर्च की 5 प्रतिशत राशि काट ली जायेगी।

15. अतिक्रमी की बेदखली. — नियम 4 के उल्लंघन में किसी भूमि या उसकी खातेदारी अभिघृति अभिलिखित नहीं की गयी भूमि को किसी अकृषिक प्रयोजन के लिए उपयोग में लेने वाला कोई व्यक्ति राजस्थान भू राजस्व अधिनियम, 1956 की धारा 91 के उपबंधों के अनुसार बेदखली का भागी होगा।

16. ब्याज. — कोई व्यक्ति, जो विहित प्राधिकारी द्वारा विनिर्दिष्ट समय के भीतर संपरिवर्तन प्रभारों की रकम जमा कराने में विफल रहता है, ऐसी कालावधि के अवसान से प्रतिवर्ष बारह प्रतिशत की दर से ब्याज का संदाय करने का भागी होगा।

17. संपरिवर्तन प्रभार या शास्ति या ब्याज का जमा कराया जाना. — संपरिवर्तन प्रभारों या ब्याज की रकम समय-समय पर लागू राज्य सरकार के सुसंगत राजस्व प्राप्ति शीर्ष के अधीन चालान के साथ कोषागार या सरकारी लेन-देन करने वाले बैंक में जमा करायी जायेगी।

18. ग्राम पंचायत को संपरिवर्तन (कनवरजन) शुल्क का भुगतान किया जाना. — इन नियमों के अधीन जमा कराये गये संपरिवर्तन (कनवरजन) शुल्क का वित्तीय वर्ष के अंत में राज्य सरकार द्वारा संबंधित ग्राम पंचायत को भुगतान कर दिया जायेगा।

19. बकाया की वसूली. — इन नियमों के अधीन किसी व्यक्ति के प्रति बकाया रहे संपरिवर्तन प्रभारों या ब्याज का बकाया राजस्थान भू राजस्व अधिनियम, 1956 (1956 का अधिनियम 15) के अधीन भू राजस्व की बकाया के रूप में वसूली होगी।

20. निरसन और व्यावृत्ति. राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 1992 इसके अधीन किये गये आदेश, की गयी कार्यवाही की गयी या भुगती गयी परन्तु ऐसा निरसन इसके अधीन किये गये आदेश, की गयी कार्यवाही की गयी या भुगती गयी किसी बात के प्रभाव और परिणामों को या इसके अधीन पहले से अर्जित प्रोदभूत या उपगत किसी अधिकार, हक, विशेषाधिकार, बाध्यता या दायित्व या इनके संबंध में की गयी जांच, किये गये सत्यापन या की गयी कार्यवाहियों को प्रभावित नहीं करेगी।

प्ररूप-क

(देखिए धारा 9[1])

कृषि भूमि के अकृषिक प्रयोजन के लिए संपरिवर्तन हेतु आवेदन

प्रेषीता—

विहित प्राधिकारी,

(राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी, तहसीलदार)

महोदय,

मैं/हम राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 के नियम 9 के अधीन मेरी/हमारी अभिघृति में धारित कृषि भूमि के अकृषिक प्रयोजन के लिए संपरिवर्तन हेतु इसके द्वारा आवेदन करता हूँ/करते हैं जिसकी विशिष्टियां इसके नीचे दी गयी हैं—

1. खातेदार अधिकारी का/के नाम पिता/पति के नाम सहित तथा पूरा पता:
2. क्या आवेदक अनुसूचित जाति या जनजाति का सदस्य है:
3. संपरिवर्तन करवाये जाने के लिए ईप्सित भूमि का ब्यौरा:
(क) ग्राम, ग्राम पंचायत और तहसील का नाम:
(ख) क्या भूमि किसी नगर निगम/नगर परिषद/नगरपालिका बोर्ड की किसी उपान्त पट्टी में या स्थानीय क्षेत्र के भीतर स्थित है:
(ग) भूमि की खसरा संख्या और प्रत्येक खसरा संख्या का कुल क्षेत्रफल:

• अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा जोड़ा गया।

• अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा प्रतिस्थापित किया गया।

राज. भू-राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों.....)

4. नक्शे में ऐसे क्षेत्र की ठीक अवस्थिति उपदर्शित करते हुए संपरिवर्तन के।
(हैक्टेयर या वर्ग मीटर में):—

- नोट— (i) लोकेशन के राजस्व नक्शे के संबंधित भाग की सत्यापित दो प्रति, की जायेंगी जिसमें संपरिवर्तन के लिये कही गई भूमि को लाल रखाई में दर्शाया जायेगा।
(ii) लोकेशन के क्षेत्र को दर्शाते हुये लोकेशन प्लान मुख्य सड़क, गांव की आबादी, चौड़ाई इत्यादि बताते हुये सम्पर्क सड़क में विशेष संदर्भ में, जो कि अवस्थान की पहचान (शनाख्त) करने में मदद कर सके।
(iii) आवासीय प्रोजेक्ट/कॉलोनी या औद्योगिक प्रोजेक्ट/इस्टेट के प्रकरण में ले आउट प्लान।
5. संपरिवर्तन का प्रयोजन:
6. क्या भूमि नगरीय भूमि (अधिकतम सीमा और विनियमन) अधिनियम, 1976 के अंतर्गत आती है:
7. क्या भूमि राजस्थान कृषि जोतों पर अधिकतम सीमा अधिरोपण अधिनियम, 1973 के अधीन या राजस्थान अभिवृत्ति अधिनियम, 1955 के निरसित अध्याय III-ख के अधीन अधिशेष घोषित की गयी है:
8. क्या भूमि, भूमि अर्जन अधिनियम, 1894 के अधीन अर्जनाधीन है:
9. क्या भूमि, राज्य सरकार द्वारा आवेदक को किसी विनिर्दिष्ट प्रयोजन के लिए आवंटित की गयी थी यदि ऐसा है तो आदेश की संख्या और तारीख लिखें:
10. मास्टर प्लान, यदि लागू हो, में दर्शित भूमि का उपयोग:
11. रेलपटरी, राष्ट्रीय राजमार्ग या किसी अन्य सड़क या ग्रामीण रास्ते से दूरी (मीटर में) :
12. औद्योगिक प्रयोजन के मामले में ग्राम की आबादी की बाहरी सीमा से दूरी:
13. क्या आवेदन इन नियमों के प्रवृत्त होने से पूर्व किये गये सन्निर्माण के विनियमितीकरण के लिए नियम 13 के अधीन प्रस्तुत किया गया है:
14. संदेय संपरिवर्तन प्रभारों की दर:
15. संपरिवर्तन प्रभारों का संदाय करने वाले चालान की संख्या और तारीख:
(नोट— चालान की मूल प्रति संलग्न करें)
16. कोई अन्य सुसंगत सूचना:

मैं/हम इसके द्वारा प्रमाणित करता हूँ/करते हैं कि उपर्युक्त विशिष्टियां मेरी/हमारी जानकारी और विश्वास के अनुसार सही हैं।

स्थान :

तारीख :20.....

भवदीय

आवेदक के हस्ताक्षर

रसीद संख्या

श्री से ग्राम में खसरा सं. के
संपरिवर्तन के लिए आवेदन आज दिनांक को प्राप्त किया।

हस्ताक्षर

विहित प्राधिकारी

(राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी/तहसीलदार)

प्ररूप—ख

(देखिए नियम 9(3), (4) और (6))

कार्यालय, विहित अधिकारी (राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी/तहसीलदार)

संख्या

दिनांक

संपरिवर्तन आदेश

श्री ग्राम तहसील के आवेदन पर उसकी
खातेदारी अभिवृत्ति में धारित कृषि भूमि का राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 के नियम 9 के अधीन अकृषिक प्रयोजनों के लिए इसके द्वारा संपरिवर्तन किया जाता है, जिसकी विशिष्टियां नीचे दी गयी हैं:—

- अधि.सं.एफ. 6(6) रेवे.-6/92/4, दिनांक 16.01.2012 द्वारा प्रतिस्थापित किया गया।

1. आवेदक खातेदार अभिचारी का नाम, पिता/पति का नाम सहित पूरा पता:
2. क्या आवेदक अनुसूचित जाति/अनुसूचित जनजाति का सदस्य है:
3. संपरिवर्तित भूमि का ब्यौरा:
 - (क) ग्राम/ग्राम पंचायत/तहसील का नाम:
 - (ख) भूमि की खसरा संख्या और प्रत्येक खसरा संख्या का कुल क्षेत्रफल (हेक्टेयर में):
 - (ग) प्रत्येक खसरा संख्या के क्षेत्रफल को उपदर्शित करते हुए संपरिवर्तित क्षेत्रफल (हेक्टेयर में या वर्ग मीटर में) :
4. संपरिवर्तन का प्रयोजन:
5. संदेय संपरिवर्तन प्रमारों की दर:
6. चालान की संख्या और तारीख सहित जमा करायी गयी प्रीमियम की रकम:
7. चालान की संख्या और तारीख सहित शास्ति, यदि कोई हो, की जमा करायी गयी रकम:
8. चालान की संख्या और तारीख सहित ब्याज, यदि कोई हो, की जमा करायी गयी रकम:
9. क्या आदेश विनियमितकरण के लिए नियम 13 के अधीन जारी किया गया है:
10. अन्य विशिष्टियां यदि कोई हों:
11. उपर्युक्त संपरिवर्तन आदेश निम्नलिखित शर्तों के अधीन होगा—
 - (i) उपर्युक्त अकृषिक प्रयोजन के लिए संपरिवर्तित भूमि का उपयोग, विहित प्राधिकारी की पूर्व अनुज्ञा प्राप्त किये बिना किसी अन्य प्रयोजन के लिए नहीं किया जायेगा।
 - (ii) यदि आवेदक (इन नियमों के नियम 14 के अधीन विहित वह समयावधि या बढ़ाई गई समयावधि जो इन नियमों में विहित की गई हो) के भीतर संपरिवर्तित प्रयोजन के लिए भूमि का उपयोग करने में विफल रहता है तो अनुज्ञा प्रत्याहृत कर ली जायेगी और आवेदक द्वारा जमा करायी गयी प्रीमियम धनराशि सम्पन्न हो जायेगी।
 - (iii) नियम 4 में यथावर्णित भूमि का उपयोग अकृषिक प्रयोजन के लिए नहीं किया जायेगा।
 - (iv) लोकोपयोगी प्रयोजन के लिए संपरिवर्तित भूमि के किसी भाग का अन्य किसी अकृषिक प्रयोजन के लिए उपयोग विहित प्राधिकारी से विधिमानी अनुज्ञा प्राप्त किये बिना नहीं किया जायेगा।

विहित प्राधिकारी के हस्ताक्षर

(राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी/तहसीलदार)

विहित प्राधिकारी की मुहर

सं.

- प्रतिलिपि:—
1. जिला कलेक्टर
 2. ग्राम पंचायत
 3. आवेदक श्री

विहित प्राधिकारी के हस्ताक्षर

प्ररूप—ग

(देखिए नियम 10)

संपरिवर्तन के प्रयोजन के लिए परिवर्तन हेतु आवेदन

प्रेषीती—

विहित प्राधिकारी,
(राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी, तहसीलदार)

महोदय,

मैं/हम राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 के नियम 10 के अधीन संपरिवर्तन के (प्रयोजन) से (प्रयोजन) में परिवर्तन के लिए इसके द्वारा आवेदन करता हूँ/करते हैं जिसकी विशिष्टियां इसके नीचे दी गयी हैं—

1. आवेदक का नाम, पिता/पति के नाम सहित तथा पूरा पता:
2. मूल संपरिवर्तन आदेश की संख्या और तारीख
(नोट— आदेश की फोटो प्रति संलग्न करें)

• अधि.सं. एफ. 6(6) रेवे-6/92/4 दिनांक 16.1.2012 द्वारा संशोधित किया गया।

3. प्रयोजन जिसके लिए भूमि संपरिवर्तित की गयी थी:
'.....]
4. संपरिवर्तन का पुनरीक्षित प्रयोजन
5. भूमि का ब्यौरा, जिसका परिवर्तन ईप्सित है:
(i) ग्राम/ग्राम पंचायत/तहसील का नाम:
(ii) भूमि की खसरा संख्या और प्रत्येक खसरा संख्या का कुल क्षेत्रफल :
6. नक्शे में ऐसे क्षेत्र की ठीक अवस्थिति उपदर्शित करते हुए, पुनरीक्षण प्रयोजन के लिए संपरिवर्तित कराये जाने के लिए ईप्सित क्षेत्रफल (हेक्टेयर/वर्ग मीटर में)
(नोट- संपरिवर्तित कराये जाने के लिए ईप्सित भूमि को लाल स्याही से दर्शाते हुए, राजस्व नक्शे के सुसंगत भाग की दो प्रमाणित प्रतियां संलग्न करें)
7. मूल संपरिवर्तन के लिए संदेय संपरिवर्तन की दर:
8. पुनरीक्षित संपरिवर्तन के लिए संदेय संपरिवर्तन की दर:
9. संपरिवर्तन के अन्तर की रकम:
10. प्रीमित के अन्तर की रकम को जमा कराने वाले चालान की संख्या और तारीख:
11. कोई अन्य सुसंगत सूचना:
- मैं/हम इसके द्वारा प्रमाणित करता हूँ/करते हैं कि उपर्युक्त विशिष्टियां मेरी/हमारी जानकारी और विश्वास के अनुसार सही है।

स्थान:
तारीख

भवदीय
आवेदक के हस्ताक्षर

रसीद संख्या:

श्री से ग्राम में खसरा सं. के
संपरिवर्तन के लिए आवेदन आज दिनांक को प्राप्त किया।

हस्ताक्षर
विहित प्राधिकारी
(राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी/तहसीलदार)

प्ररूप-घ

(देखिए नियम 10(4))

कार्यालय, विहित अधिकारी (राज्य सरकार/जिला कलेक्टर/उपखण्ड अधिकारी/तहसीलदार)
संख्या दिनांक

पुनरीक्षित संपरिवर्तन आदेश

श्री ग्राम तहसील के आवेदन पहले से
अकृषिक प्रयोजन के लिए संपरिवर्तित कृषि भूमि का राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का
अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 के नियम 10(4) के अधीन अकृषिक प्रयोजनों के लिए
इसके द्वारा संपरिवर्तन किया जाता है, जिसकी विशिष्टियां नीचे दी गयी है:

1. आवेदक का नाम, पिता/पति का नाम सहित पूरा पता:
2. क्या आवेदक अनुसूचित जाति/अनुसूचित जनजाति का सदस्य है:
3. आदेश की संख्या और तारीख उपदर्शित करते हुए मूल संपरिवर्तन का प्रयोजन:
'.....]

1. अधि.सं.प. 9(217) रेवे.-6/2008/13, दिनांक 11.6.2009 द्वारा विलोपित किया गया।

4. संपरिवर्तन का पुनरीक्षित प्रयोजन:
 5. संपरिवर्तित भूमि का ब्यौरा:
 - (क) ग्राम/ग्राम पंचायत/तहसील का नाम:
 - (ख) भूमि की खसरा संख्या और प्रत्येक खसरा संख्या का कुल क्षेत्रफल (हेक्टेयर में):
 - (ग) प्रत्येक खसरा संख्या के क्षेत्रफल को उपदर्शित करते हुए संपरिवर्तित क्षेत्रफल (हेक्टेयर में या वर्ग मीटर में) :
- नोट— अकृषिक प्रयोजन के लिए संपरिवर्तित भूमि को दर्शाते हुए, राजस्व नक्शे के सुसंगत भाग की सम्यक् रूप से सत्यापित प्रति सलग्न है ?
6. मूल संपरिवर्तन पर संदेय संपरिवर्तन की दर:
 7. मूल आवेदन के साथ जमा करायी गयी प्रीमियम की रकम, चालान की संख्या और तारीख सहित:
 8. पुनरीक्षित संपरिवर्तन पर संदेय संपरिवर्तन की दर:
 9. चालान की संख्या और तारीख संपरिवर्तन प्रभारों के अन्तर की जमा करायी गयी रकम:
 10. चालान की संख्या और तारीख सहित शास्ति, यदि कोई हो, की जमा करायी गयी रकम:
 11. चालान की संख्या और तारीख सहित ब्याज, यदि कोई हो, की जमा करायी गयी रकम:
 12. अन्य विशिष्टियां यदि कोई हों:
 13. उपर्युक्त संपरिवर्तन आदेश निम्नलिखित शर्तों के अधीन होगा—
 - (v) उपर्युक्त अकृषिक प्रयोजन के लिए संपरिवर्तित भूमि का उपयोग, विहित प्राधिकारी की पूर्व अनुज्ञा प्राप्त किये बिना किसी अन्य प्रयोजन के लिए नहीं किया जायेगा।
 - (vi) यदि आवेदक इस आदेश के जारी होने की तारीख से 2 वर्ष की कालावधि के भीतर संपरिवर्तित प्रयोजन के लिए भूमि का उपयोग करने में विफल रहता है तो अनुज्ञा प्रत्याहृत कर ली जायेगी और आवेदक द्वारा जमा करायी गयी प्रीमियम धनराशि समपद्धत हो जायेगी।
 - (vii) नियम 4 में यथावर्णित भूमि का उपयोग अकृषिक प्रयोजन के लिए नहीं किया जायेगा।
 - (viii) लोकोपयोगी प्रयोजन के लिए संपरिवर्तित भूमि के किसी भाग का अन्य किसी अकृषिक प्रयोजन के लिए उपयोग विहित प्राधिकारी से विधिमान्य अनुज्ञा प्राप्त किये बिना नहीं किया जावेगा।

विहित प्राधिकारी के हस्ताक्षर
(राज्य सरकार/जिला कलेक्टर/
उपखण्ड अधिकारी/तहसीलदार)
विहित प्राधिकारी की मुहर

सं.
प्रतिलिपि:

1. जिला कलेक्टर
2. ग्राम पंचायत
3. आवेदक श्री

विहित प्राधिकारी के हस्ताक्षर
राज्यपाल के आदेश से,
ह/-
(के.जी. अग्रवाल)
शासन उप सचिव

GOVERNMENT OF RAJASTHAN
REVENUE (Gr-6) DEPARTMENT

NO.F.6 (6) rev-6/92pt/ 4

Jaipur, dated:- 16-01-2012

NOTIFICATION

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for the non-agricultural purposes in rural areas) Rules, 2007, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Amendment) Rules, 2012.

(2) They shall come into force at once.

2. Amendment of rule 2.- In sub-rule (1) of rule 2 of the Rajasthan Land Revenue (Conversion of agricultural land for non agricultural purposes in rural areas) Rules, 2007, hereinafter referred to as the said rules,-

(i) after the existing clause (a) and before clause (b), the following new clause (aa) shall be inserted, namely:-

“(aa) "Application" means completed application submitted along with the required documents and charges, if any;”

(ii) after the existing clause (qq) and before the existing clause (r), the following new clause (qqq) shall be inserted, namely:-

“(qqq) 'Solar plant/solar power plant' means a power plant or system utilizing solar energy through solar photo-voltaic or concentrated solar thermal devices including its integration into conventional fossil fuel for generating of electricity.”

3. Amendment of rule 3. - After the existing clause (ix) of rule 3 of the said rules, the following new clause (x) and (xi) shall be added, namely:-

GOVERNMENT OF RAJASTHAN
REVENUE (Gr-6) DEPARTMENT

NO.F.6 (6) rev-6/92pt/ 4

Jaipur, dated:- 16-01-2012

NOTIFICATION

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for the non-agricultural purposes in rural areas) Rules, 2007, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Amendment) Rules, 2012.

(2) They shall come into force at once.

2. Amendment of rule 2.- In sub-rule (1) of rule 2 of the Rajasthan Land Revenue (Conversion of agricultural land for non agricultural purposes in rural areas) Rules, 2007, hereinafter referred to as the said rules,-

(i) after the existing clause (a) and before clause (b), the following new clause (aa) shall be inserted, namely:-

“(aa) “Application” means completed application submitted along with the required documents and charges, if any;”

(ii) after the existing clause (qq) and before the existing clause (r), the following new clause (qqq) shall be inserted, namely:-

“(qqq) ‘Solar plant/solar power plant’ means a power plant or system utilizing solar energy through solar photo-voltaic or concentrated solar thermal devices including its integration into conventional fossil fuel for generating of electricity.”

3. Amendment of rule 3. - After the existing clause (ix) of rule 3 of the said rules, the following new clause (x) and (xi) shall be added, namely:-

	exceeding 10,000 sq. meters, whichever is higher.
(vii) Institutional purpose	Rs.5/- per sq. meters or 10% of DLC rate of agricultural land or 10% amount of the purchase rate of that agricultural land as mentioned in registered sale deed, if any, whichever is higher.
(viii) Medical Facilities.	Rs.10/- per sq. meters or 10% of DLC rate of agriculture land or 10% amount of the purchase rate of that agricultural land as mentioned in registered sale deed, if any, whichever is higher.
(ix) For development of SEZ	Rs.100/- (irrespective of the area of land.)
(x) Agri-processing and Agri- business unit	50% of rate as prescribed for industrial purpose.
(xi) Solar Power Plant.	10% of the rate as prescribed for industrial purpose.

6. Amendment of rule 9.- In rule 9 of the said rules-

(i) the existing clause (a) and clause (b) of sub-rule (1) shall be substituted by the following namely:-

(a) Residential unit.	Teshsildar up to 2500 sq. meters.
(b) Residential Colony/Project.	(i) Sub Divisional Officer-where total area does not exceed 5,000 sq. meters. (ii) Collector-where total area does not exceeds 50,000 sq. meters. (iii) State Government-where total area exceeds 50,000 sq. meters.

(ii) after the existing clause (g) of sub-rule (1), the following new clauses (h), (i) and (j) shall be added, namely:-

(h) SEZ	State Government
(i) Agro-processing	(i) Sub-Divisional Officer -where

or Agro- business unit	the total area does not exceed 10 hectare. (ii) Collector-where area exceed 10 hectare.
(j) Solar/ Wind/biomass Power Plant	(i) Sub-Divisional Officer- where total area does not exceed 50,000 sq. meters. (ii) Collector- where total area does not exceed 1,00,000 sq. meters. (iii) State Government-all cases where the total area exceeds 1,00,000 sq. meters.

ii) in sub-rule (2) for the existing expression "committee under the chairmanship of District Collector constituted for this purpose by the State Government by the notification in the official gazette", the expression "prescribed authority and the prescribed authority shall approve the lay out plan if it fulfills the conditions mentioned above and it has an approach-way to the project not less then 30 feet in the width and such approved lay out plan shall be part of the conversion order. No lay out plan is required to be approved for any other purpose." shall be substituted.

iv) the existing sub-rule (5) shall be substituted by the following, namely:-

"(5) In case the prescribed authority up to the rank of the Collector, fails to issue an order under sub-rule (3) or (4) within the specified period, he shall be liable for disciplinary action under relevant rules and the State Government may pass necessary orders regarding conversion and such orders shall be deemed to have been passed by the prescribed authority in exercise of its powers vested under sub-rule (3) or (4), as the case may be."

7. Substitution of rule 11:- The existing rule 11 of the said rules shall be substituted by the following, namely:-

"11. Transfer of land converted for Non-Agricultural purpose.- Any land duly converted for any non-agricultural purpose under these rules, may be transferred:

Provided that any transfer made without permission from the prescribed authority prior to commencement of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Amendment) Rules, 2012, may be regularized by the prescribed authority on application made by the transferee along with payment of 25% of the conversion charges."

8. Amendment of rule 14. - In rule 14 of the said rules,-

(i) for the existing expression "within a period of two years", the expression "within a period of five years" shall be substituted.

(ii) the existing first proviso shall be substituted by following, namely:-

"Provided that the said period of five years or the period prescribed by the State Government, as the case may be, may further be extended for a period of five years by the State Government on payment of 25% amount of the conversion charges of such land by the applicant. If the land is not used for the said non-agricultural purpose within such extended period, the conversion order shall be deemed withdrawn."

(iii) after the existing last proviso, the following new provisos shall be added, namely:-

"Provided also that any person who got converted his agricultural land, under these rules or the rules time being in force in rural areas for conversion of agricultural land, for any non-agricultural purposes or his transferee may apply at any time to the prescribed authority for reverting the land for original use. In such case the prescribed authority may pass an order for reversion and on such reversion the status of the land shall be the same as it was before the conversion of agricultural land but he shall not be entitled to get refund of any amount paid by him for the conversion or otherwise.

Provided also that no such reversion under the above proviso shall be permitted if the scheduled caste or scheduled tribe khatedar, after getting his land converted for non-agricultural purpose, has transferred the land to the person, who is not a member of scheduled caste or scheduled tribe respectively. In case where a member of scheduled caste or scheduled tribe has transferred his converted land to the person, who is not a member of scheduled caste or scheduled tribe respectively and such land has not been used for non-agricultural purposes within a period of five

years or extended period then such land shall vest in the State Government without any compensation."

9. **Insertion of rule 14 A.**- After the existing rule 14 and before the existing rule 15 of the said rules, the following new rule 14 A shall be inserted, namely:-

"14 A. **Refund of conversion charges.**- No conversion charges shall be refunded except where application of conversion is rejected or the applicant withdraws his application before issuing conversion orders. In such cases 5% administration charges shall be deducted from the amount deposited for conversion charges."

10. **Substitution of rule 18.**- The existing rule 18 of the said rules shall be substituted by following, namely:-

"18. **Payment of conversion charges to Gram Panchayat.**- The conversion charges deposited under these rules may be paid by the State Government to the Gram Panchayat concerned, at the end of financial year."

11. **Amendment of FORM-A.**- In FORM-A appended to the said rules, the existing Note appearing below item number 4 shall be substituted by the following, namely:-

"Note: (i) Enclose two certified copies of the relevant part of the revenue map, showing the land sought to be converted in red ink.

(ii) Location plan indicating location of area with reference to major road, chadi of the village, approach road mentioning width, etc. which helps to identify the place.

(iii) Lay out plan in case of residential project/colony or industrial project/estate."

12. **Amendment of FORM-B.**- In FORM-B appended to the said rules, in clause (ii) of item number 11, for the existing expression "within a period of 2

years from the date of the issue of this order", the expression "within a period or extended period, if any, specified in rule 14 of these rules," shall be substituted.

By order of the Governor,

[Signature]
(G.D. Arya)

Deputy Secretary to the Government

Copy :- forward to the following for information and necessary action:-

- 1 - P.S. to Hon'ble Chief Minister, Rajasthan Jaipur.
- 2 - S.A. to Hon'ble Revenue Minister, Rajasthan Jaipur.
- 3 - P.S. to Chief Secretary, Rajasthan Jaipur.
- 4 - P.S. to Principal Secretary, Revenue Department, Jaipur.
- 5 - All Divisional Commissioners. Rajasthan
- 6 - All Collectors, Rajasthan
- 7 - Deputy Accountant General, SRA, Rajasthan, Jaipur.
- 8 - Registrar, Board of Revenue, Rajasthan, Ajmer.
- 9 - Director Printing and Stationary department for publication of the Notification in the Rajasthan Gazettee dated..16-01-2012. alongwith additional copies.
- 10 - Director, Public Relation, Rajasthan, Jaipur
- 11 - "RAVIRA" Board of Revenue, Raj., Ajmer.
- 12 - Dy. Registrar (F&A), Board of Revenue, Ajmer.
- 13 - Director, Information & Technology (Computer). Jaipur.
- 14 - Joint Registrar, Library Judges, Supreme Court, New Dehli.
- 15 - All Dy. Secretaries, Department of Revenue .
- 16 - Dy- Secretary, Revenue (G-1) Department for uploading on website.
- 17 - Guard file.

[Signature]
Dy. Secretary to the Government

7

186

विभागीय अधिसूचना क्र० 9(101) रेवे-6/2008/20 दिनांक 17.9.2008 का हिन्दी अनुवाद
राजस्थान सरकार
राजस्व (ग्रुप-6) विभाग

क्रमांक प०:-9(101)राज-6/08/2


जयपुर, दिनांक:-20.1.09

अधिसूचना:-

राजस्थान भू-राजस्व अधिनियम, 1956 (1956 का अधिनियम स. 15) की धारा 90-क के साथ पठित धारा 261 की उप-धारा (2) के खण्ड (xi-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 को और संशोधित करने के लिए इसको द्वारा निम्नलिखित नियम बनाती है, अर्थात:-

1. अक्षिप्त नाम और प्रारम्भ.- (1) इन नियमों का नाम राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) (तृतीय संशोधन) नियम, 2008 है।
(2) ये तुरन्त प्रवृत्त होंगे।
2. नियम 2 का संशोधन.- राजस्थान भू राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषिक प्रयोजनों के लिए संपरिवर्तन) नियम, 2007 के नियम 2 के उप-नियम (1) के खण्ड (त) में विद्यमान अभिव्यक्ति " 1250" के स्थान पर अभिव्यक्ति "2500" प्रतिस्थापित की जायेगी।

राज्यपाल के आदेश से,


(नरेश कुमार शर्मा)
उप शासन सचिव

GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-VI) DEPARTMENT

No. F-630, Rev.6/2000

Jaipur, dated: 16.2.08

NOTIFICATION

In exercise of the powers conferred by clause (xiv) of sub-section (2) of section 261, and section 102 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment of Land to Gaushalas) Rules, 1957, namely:

1. **Short title and commencement.**- (1) These rules may be called the Rajasthan Land Revenue (Allotment of Land to Gaushalas) (Amendment) Rules, 2008.
(2) They shall come into force at once.
2. **Amendment of rule 3.**- The existing clause (1) of rule 3 of the Rajasthan Land Revenue (Allotment of Land to Gaushalas) Rules, 1957 hereinafter referred to as the said rules, shall be substituted by the following, namely :-
“(1) Gaushala must be registered under the Rajasthan Societies Registration Act, 1958 (Rajasthan Act No. 28 of 1958) and the Rajasthan Gaushala Act, 1960 (Rajasthan Act No. 24 of 1960).”
3. **Amendment of rule 4.**- In clause (c) of sub-rule (2) of rule 4 of the said rules, the existing expression “Societies Registrations Act, 1860,” shall be substituted by the expression “Rajasthan Societies Registration Act, 1958 and the Rajasthan Gaushala Act, 1960;”
4. **Amendment of rule 8.**- In rule 8 of the said rules,-
 - (i) in sub-clause (b) of clause (2) the existing expression “1000/- for every 25 bighas or less per year per annum” shall be substituted by the expression “160/- per hectare per annum”.
 - (ii) in clause (7) after the existing expression “water troughs” and before the existing expression “and the like may” the expression “and Bio-agriculture, cow-products based on Panchgavya, Gobar-gas Plant, energy production from Gobar-gas, filling of cylinders from filtered Methane gas application, exhibition and training centre for aforesaid activities and construction of centre for aforesaid activities.” shall be inserted.
 - (iii) existing clause (10) shall be substituted by the following, namely:-
“(10) The area allotted shall be covered with a fencing/boundary wall by the lessee.”

5. Amendment of Part-I of appendix "A". In clause (3) of Part-I of Appendix 'A' of the said rules the existing expression "water-troughs for the use of the cattle." Shall be substituted by the expression "water-troughs for the use of the cattle and Bio-agriculture, cow-products based on Panchgavya, Gobargas Plant, energy production from Gobargas, filling of cylinders from filtered Methane gas application, exhibition and training centre for aforesaid activities and construction of centre for aforesaid activities."

By Order of the Governor

(K.G. Agarwal)

By, Secretary to Govt.

**GOVERNMENT OF RAJASTHAN
REVENUE (GR-VI) DEPARTMENT**

F. 6(6)Rev.VI/92/pi./8

Jaipur, dated 20-3-2008

NOTIFICATION

In exercise of the powers conferred by clause (XI-A) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purpose in rural areas) Rules, 2007, namely:-

1. **Short title and commencement .-** (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purpose in rural areas) (Amendment) Rules, 2008.

(2) They shall come into force at once.

2. **Amendment of rule 2.-** In sub-rule (1) of rule 2 of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007, hereinafter referred to as the said rules,

(i) the existing clause (f) shall be substituted by the following, namely:-

“(f) ‘Industrial Areas/Industrial Estate’ means an area of land developed by the Rajasthan Industrial Development and Investment Corporation or private investors as the case may be, for setting up an industry or industries including essential welfare and supporting services e.g. Post Office, Residential colony for employees, Educational Institutions, Cold storage, Pollution control treatment plant, Electric Power Station, and Water-supply and Sewerage facilities, Dispensary or Hospital, Bank, Police Station, Fire-fighting Station, Weigh bridge.”

(ii) the existing Clause (r) shall be substituted by the following, namely:-

“(r) ‘Tourism Unit’ means tourism project of the following categories approved by the Tourism Department, Government of Rajasthan:-

- (a) a heritage hotel;
- (b) any other hotel with accommodation of 25 rooms and more;
- (c) a camping site with furnished tented accommodation, having at least fifty tents along with bathroom and toilet facilities;
- (d) a holiday resort providing sports and recreational facilities, riding, swimming and social amenities with boarding and lodging arrangements in cottage;
- (e) an amusement park providing various type of rides, games and amusement for children as well as for adults; and
- (f) a restaurant or project costing more than 1 crore rupees (verified by SDO).”

3. Amendment of rule 7.-In rule 7 of the said rules, in clause (iv) of column 1 the existing expression "Industrial Area/Industrial purpose" shall be substituted by the expression "Industrial Area/Industrial purpose/Industrial Estate".

4. Amendment of rule 8.-The existing sub-rule (2), (3), (4), and (5) of rule 8 of the said rules, shall be substituted by following, namely:-

"(2) No conversion charges, as prescribed in rule 7, shall be payable, for conversion land held by tenant for establishment a tourism unit as defined in clause (r) of sub-rule (1) of rule 2 upto 31st March, 2010."

5. Amendment of rule 9.- In rule 9 of the said rules,-

(i) in clause (ii) of column number 2 against serial numbers (a) of table given in sub-rule (1), for the existing expression "1250 sq. meters" the expression "2500" sq. meters" shall be substituted.

(ii) the existing clause (ii) and (iii) of column number 2 against serial number (c) of table given in sub-rule (1) shall be substituted by the following, namely:-

" (ii) Collector

where the total area does not exceed 5,000 sq. meters excluding Resort.

(iii) State Government

where the total area exceeds 5,000 sq. meters and all cases of Resort."

(iii) in sub-rule (2) for the existing expression "residential colony/project in rural areas shall be approved", the expression "residential colony/project/ Industrial Area/Industrial Estate in rural areas shall be approved", shall be substituted.

By order of the Governor

(K.G. Agarwal)

Dy. Secretary to Government

Copy to:-

GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT

G.O. F. 9(31)Rev-6/2006/17

Jaipur, dated:-21-6-2008

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 101 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956) read with section 261 and 90 thereof, and section 28 read with section 7 of the Rajasthan Colonisation Act, 1954, (Rajasthan Act No. 27 of 1954) and of all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Gallantry Awards (Cash Rewards and Land Grants) Rules, 1966, namely:-

1. Short title and Commencement.- (1) These rules may be called the Rajasthan Gallantry Awards (Cash Rewards and Land Grants) (Amendment) Rules, 2008.

(2) They shall come into force at once.

2. Amendment in preamble.- In first para of preamble of the the Rajasthan Gallantry Awards (Cash Rewards and Land Grants) Rules, 1966, hereinafter referred to as the said rules, for the existing expression " and members of the state police including Indian Police Service Officers borne on the Rajasthan state cadre." the expression " members of the state police including Indian Police Service Officers borne on the Rajasthan state cadre, member of fire service and Home Gaurds and Civil Defence. " shall be substituted.

3. Amendment of rule 2.- The existing sub-clause (i) of clause (i) of rule 2 of the said rules, shall be substituted by the following, namely:-

- "(i) President's Police and Fire Service Medal for Gallantry
- (j) President's Fire Service Medal for Gallantry
- (k) President's Home Guards and Civil Defence Medal for Gallantry
- (l) Police Medal for Gallantry
- (m) Fire Service Medal for Gallantry
- (n) Home Guards and Civil Defence Medal for Gallantry"

4. Amendment of rule 3.- In rule 3 of the said rules, the existing proviso shall be substituted by the following, namely:-

"Provided that in the case of holders of President's Police and Fire Service Medal for Gallantry, President's Fire Service Medal for Gallantry, President's Home Guards and Civil Defence, Medal for Gallantry, Fire Service Medal for Gallantry, Home Guards and Civil Defence Medal for Gallantry, the provisions of these rules shall be applicable only for those gallantry awards holders, who receive the said Gallantry Awards on or after the Publication of the Rajasthan Gallantry Awards (Cash Rewards and Land Grants) (Amendment) Rules, 2008."

5. Amendment of rule 4.- In sub-rule (1) of rule 4 of the said rules,-

(i) the existing clause (e) shall be substituted by the following, namely:-

"(e) Vir Chakra

- Rs. 1,00,000/- in cash and 25 bighas of irrigated land in Indira Gandhi Nahar Pariyojna Phase-II or Rs. 2.00 lakhs in cash in lieu of land."

(ii) the existing clause (f) shall be substituted by the following , namely:-

"(f) Shaurya Chakra

- Rs. 75,000/- in cash and 25 Bighas of irrigated land in Indira Gandhi Nahar Pariyojna Phase-II or Rs. 2.00 lakhs in cash in lieu of lands.

(iii) the existing clause (i) shall be substituted by the following, namely:-

- (i) President's Police and Fire Service Medal for Gallantry - Rs. 75,000/- in cash and 25 Bigas of irrigated land in Indira Gandhi Nahar Pariyojna Phase II or Rs. 2.00 Lakhs in cash in lieu of land.
- (j) President's Fire Service Medal for Gallantry - Rs. 50,000/- in cash and 25 Bigas of irrigated land in Indira Gandhi Nahar Pariyojna Phase II or Rs. 2.00 Lakhs in cash in lieu of land.
- (k) President's Home Guard and Civil Defence Medal for Gallantry - Rs. 50,000/- in cash and 25 Bigas of irrigated land in Indira Gandhi Nahar Pariyojna Phase II or Rs. 2.00 Lakhs in cash in lieu of land.
- (l) Police Medal for Gallantry - Rs. 50,000/- in cash and 25 Bigas of irrigated land in Indira Gandhi Nahar Pariyojna Phase II or Rs. 2.00 Lakhs in cash in lieu of land.
- (m) Fire Service Medal for Gallantry - Rs. 30,000/- in cash and 25 Bigas of irrigated land in Indira Gandhi Nahar Pariyojna Phase II or Rs. 2.00 Lakhs in cash in lieu of land.
- (n) Home Guard and Civil Defence Medal for Gallantry - Rs. 30,000/- in cash and 25 Bigas of irrigated land in Indira Gandhi Nahar Pariyojna Phase II or Rs. 2.00 Lakhs in cash in lieu of land.
- (iv) In the existing second proviso the existing expression " Rules, 2006," shall be substituted by the expression "Rules, 2008".

By order of the Governor,

(K.G. Agarwal) 21.6.08
Dy. Secretary to Government

Copy forwarded to:

**GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT**

N0.F 9 (42)Rev-6/08/18

Jaipur Dated: 27-7-2008

In exercise of the powers conferred by section 102 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No.15 of 1956), the State Government hereby makes the following amendments in this Department's order No. F 9 (109) REV/B/60 Dated 20-7-1963 regarding allotment of Unoccupied Government Agricultural Land for the Construction of Schools, Colleges, Dispensaries, Dharmshalas and other Building of Public utility, namely:-

Amendments

In the said order,

- 1- In clause 2 after the existing sub-clause (s) following new sub-clauses shall be added, namely :-

"(t) for setting up of veterinary : 1620 Sq. mts.

Hospital by registered Veterinary
Doctor

(u) for setting up of veterinary : 486 Sq. mts.

Dispensary Centre (Artificial
Insemination centre) by
Veterinary Assistant."

- 2- After existing last proviso to sub-clause (ii) of clause 3, following new proviso shall be inserted, namely:-

"Provided also that in case of allotment of land, for the purpose mentioned in sub-clauses (t) or (u) of clause 2, no premium shall be charged."

- 3- The existing sub-clause (ii) of clause 4 shall be substituted by the following, namely:-

"(ii)the Collector having Jurisdiction for the purpose, mentioned in sub-clause (b), (c),(e), (k),(l), and (u) of clause 2, upto the maximum prescribed area."

- 4- After the existing clause 4-A, following new clause 4-B shall be inserted, namely:-

"4-B, Allotment of land for setting up Primary School/ Secondary/ Senior Secondary School in rural and backward areas.- Notwithstanding anything contained in clauses 2, 3 and 4 the land may be allotted to private investors by the Collector on the recommendation of the committee constituted by the Department of School Education, for setting up new Primary School/ Secondary/Senior Secondary School in rural and backward area on the following Conditions, namely:-

- (i) That the allotment shall be made on the lease hold basis for a period of 30 years or till the school is run whichever is earlier, the lease may be renewed for another such period as the Government may decide;
- (ii) That no premium shall be charged for the allotment made under this clause;
- (iii) That the allotment of land shall not exceed one acre for establishment of Primary School and five acre for establishment of Secondary / Senior Secondary School ;
- (iv) That the allottee shall construct the building and establish the Primary School within six month and Secondary/Senior Secondary School within one and quarter year from the date of allotment, as per norms determined by the School Education Department, failing which the land shall revert to the State Government. In exceptional circumstances the State Government shall have the powers to extend the time limit as prescribed above, on the recommendation of the School Education Department;
- (v) That the land shall be used strictly for the purpose for which it is allotted;
- (vi) That the land shall vest in the State Government;
- (vii) That the allottee shall have no right to sale, sub-let or transfer in any form under this rule;
- (viii) That in the event of breach of any of the conditions, the land shall revert to the State Government with the construction thereon free from all encumbrances without any claim for compensation.

By order of the Governor


(R.K. TRIPATHI)

Dy. Secretary to Government

29/7/08

राजस्थान सरकार
राजस्व (भू-रूपान्तरण) विभाग

क्रमांक:- प0 2 (158) राज0/भू0रू0/07

जयपुर, दिनांक 20-10-08

समस्त संभागीय आयुक्त,
राज0 ।

समस्त जिला कलेक्टर,
राज0 ।

—:परिपत्र:-

राजस्थान भू-राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषि प्रयोजन हेतु भूमि संपरिवर्तन) नियम 2007 के नियम 13 में यह प्रावधान है कि कृषि भूमि के अकृषि प्रयोजनार्थ रूपान्तरण हेतु प्रस्तावित भूमि पर सक्षम अधिकारी की स्वीकृति के बिना संपरिवर्तन के पहले निर्माण किये जाने पर शास्ति देय होगी । कुछ जिला कलेक्टरों द्वारा मार्गदर्शन चाहा गया है कि यह शास्ति जितनी भूमि पर निर्माण किया गया है उस पर ली जानी है या संपरिवर्तन हेतु प्रस्तावित सम्पूर्ण भूमि पर ली जानी है ।

प्रकरण का परीक्षण किया जाकर निर्देशानुसार लेख है कि जितनी भूमि पर रूपान्तरण स्वीकृति के पूर्व निर्माण कर लिया गया है उसके क्षेत्रफल के अनुरूप शास्ति वसूली की जाएगी । यह शास्ति संपरिवर्तन नियमों के अनुसार लिए जाने वाले शुल्क के अतिरिक्त होगी ।

आज्ञा से

(आर0के0त्रिपाठी)

शासन उप सचिव

20/10/08

GOVERNMENT OF RAJASTHAN
REVENUE (GR-6) DEPARTMENT

No.F.9(234)Rev.-6/07/21

Jaipur, dated August 13, 2009

NOTIFICATION

In exercise of the powers conferred by section 100 of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Industrial Areas Allotment) Rules, 1959, namely --

1. Short title and commencement. - (1) These rules may be called the Rajasthan Land Revenue (Industrial Areas Allotment) (Second Amendment) Rules, 2009.

(2) They shall come in to force at once.

2. Amendment of rule 5 - The existing Rule 5 of the Rajasthan Land Revenue (Industrial Areas Allotment) Rules, 1959, hereinafter referred to as the said rules, shall be substituted by the following, namely:-

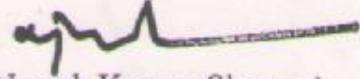
"5. Rate of rent to be charged - Rent shall be charged at the following rates:-

<u>Category</u>	<u>Rate per square meter per year</u>
In towns and cities with population more than 3 lacs	Rupee 1.00
In towns, cities and villages with population more than 10,000 but less than 3 lacs	75 paise
In towns, cities and villages with population less than 10,000	50 paise"

3. Amendment of rule 6 - In rule 6 of the said rules, the existing expression "and the enhancement in rent at each such revision shall not

exceed 25 percent of the rent payable for the period immediately preceding such revision" shall be deleted.

By order of the Governor

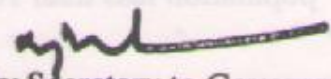


(Naresh Kumar Sharma)

Dy. Secretary to Government

Copy forwarded to the following for information and necessary action:

1. Principal Secretary to Hon'ble Chief Minister, Rajasthan, Jaipur.
2. SA to Hon'ble Revenue Minister, Rajasthan, Jaipur
3. P.S to Chief Secretary, Rajasthan, Jaipur
4. Accountant General, Rajasthan, Jaipur
5. P.S. to Principal Secretary, Finance Department
6. P.S. to Principal Secretary, Revenue Department
7. P.S. to Secretary, Revenue Department
8. All Divisional Commissioners, Rajasthan
9. All Collectors, Rajasthan
10. Director Printing and Stationary Department for publication of the Notification in the Rajasthan Gazette dated 13/08/2009 along with additional copies
11. Registrar, Revenue Board, Ajmer
12. All Deputy Secretaries, Revenue Department
13. Director, Public Relations, Rajasthan, Jaipur
14. Joint Registrar, Library Judges, Supreme Court, New Delhi
15. Guard file.



Deputy Secretary to Government

GOVERNMENT OF RAJASTHAN
REVENUE (GR-VI) DEPARTMENT

F. 6(6)Rev.VI/92/pt.iv/13

Jaipur, dated 15-5-2008

NOTIFICATION

In exercise of the powers conferred by clause (XI-A) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007, namely:-

1. **Short title and commencement** :- (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Second Amendment) Rules, 2008.
(2) They shall come into force at once.
2. **Amendment of rule 2.**- In sub-rule (1) of rule 2 of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007, hereinafter referred to as the said rules,-
 - (i) after the existing clause (q) following new clause (qq) shall be inserted, namely:-

"(qq) 'SEZ' means Special Economic Zone notified under the proviso to sub-section (4) of section 3 and sub-section (1) of section 4 of the Special Economic Zone Act, 2005 (Act No. 28 of 2005) (including free trade and warehousing Zone);"
 - (ii) after the existing sub-clause (f) of clause (r), following new sub-clause shall be added, namely:-

"(g) Health Spa, Other medical health related activities such as yoga etc., Golf Academy, Golf Course or Other Sports related activity attached with Units mentioned in sub-clause (a) to (f) above;"
3. **Amendment of rule 3.**- In rule 3 of the said rules,-
 - (i) the existing clause (iv) shall be substituted by the following clause, namely: -

"(iv) Industrial purpose, Industrial area/ Industrial Estate"
 - (ii) after the existing clause (viii), following new clause (ix) shall be added, namely:-

"(ix) development of SEZ"
- Amendment of rule 4.**- After the existing clause (d) of the said rules, following new clauses shall be added namely:-
 - "(e) Land falling within the radius of 10 meter of boundaries of right of way of underground pipeline of oil companies,
 - "(f) Land falling within the radius of 50 meter of boundaries of oil companies storage

(g) Land or building restricted under rule 79 and 80 of the Indian Electricity rules, 1956."

5. **Amendment of rule 7.-** After the existing clause (viii) of rule 7 of the said rules, following new clause (ix) shall be added, namely:-

(ix) for development of SEZ	Rs. 7.5 per sq. meter or 7.5% amount of D.L.C rate of agriculture land, whichever is higher
-----------------------------	---

6. **Amendment of rule 9.-** After the existing clause (g) of sub-rule (1) of rule 9 of the said rules, following new clause (h) shall be added, namely:-

(h) SEZ	State Government
---------	------------------

By order of the Governor

(K.G. Agarwal)

Dy. Secretary to Government

GOVERNMENT OF RAJASTHAN
REVENUE (Gr-6) DEPARTMENT

No. F. 6 (6) Rev- 6/92/pt./6

Jaipur, dated: 11-2-2011

NOTIFICATION

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for the non- agricultural purposes in rural areas) Rules, 2007, namely:-

1. Short title and commencement. - (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Second Amendment) Rules, 2011.

(2) They shall come into force at once.

2. Amendment of rule 8.- After the existing sub-rule (2) and before the existing sub- rule (3) of rule 8 the Rajasthan Land Revenue (Conversion of agricultural land for the non-agricultural purposes in rural areas) Rules, 2007, the following new sub- rule (2-A) shall be inserted, namely:-

"(2-A) No conversion charges, as prescribed in rule 7, shall be payable for conversion of land held by tenant for setting up of agro-processing and agri- business enterprises with an investment of Rs. 25.00 crores or more, on the condition that such enterprises commence commercial production before 31st march, 2012."

By order of the Governor

(Mool Chand Meena)

Dy. Secretary to the Government

राजस्थान सरकार
राजस्व (ग्रुप-9/भूमि रूपान्तरण) विभाग

क्रमांक: प. 2(135)राज/भू0रू0/2012

जयपुर, दिनांक-1.11.2012

समस्त जिला कलेक्टर,

राजस्थान।

परिपत्र

इस विभाग द्वारा जारी परिपत्र क्रमांक 2(158)राज/भू0रू0/2007 दिनांक 20.10.2008, परिपत्र क्रमांक 2(135)राज/भू0रू0/2012 दिनांक 24.8.2012 एवं संशोधन परिपत्र दिनांक 3.9.2012 को निर्देशानुसार प्रत्याहारित करते हुए निर्देश दिये जाते हैं कि राजस्थान भू-राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषि प्रयोजनार्थ संपरिवर्तन) नियम, 2007 के नियम, 13 में नियमितिकरण हेतु निर्माण शब्द का उल्लेख नहीं है। अतः जितनी भी कृषि भूमि का अकृषि उपयोग कर नियमितिकरण चाहे जाने पर "उस क्षेत्रफल" पर चार गुणा संपरिवर्तन प्रभार देय होंगे।

यहां यह स्पष्ट किया जाता है कि "उस क्षेत्रफल" का आशय संपरिवर्तन हेतु आवेदित भूमि के क्षेत्रफल से नहीं होकर मौकें पर बिना अनुमति के कृषि भूमि का अकृषि उपयोग किये गये नियमितिकरण योग्य क्षेत्रफल से है। संपरिवर्तन हेतु आवेदित शेष क्षेत्रफल पर नियम 7 के अनुसार संपरिवर्तन शुल्क देय होगा।

आज्ञा से,

शासन उप सचिव

राजस्थान सरकार

राजस्व (ग्रुप-9/भूमि रूपान्तरण) विभाग

क्रमांक: प. 2(231)राजस्व/भू0रू0/2009

जयपुर, दिनांक:-23.8.2012

परिपत्र

इस विभाग के समसंख्यक परिपत्र क्रमांक 2(231)राज/भू0रू0/2009 दि० 7.12.2009 द्वारा टेलीकम्यूनिकेशन कम्पनियों द्वारा बिना संपरिवर्तन कराये गये स्थापित मोबाईल टॉवर्स के भूमि संपरिवर्तन/नियमितिकरण के संबंध में निर्देश प्रदान किये गये थे।

उक्त परिपत्र में यह स्पष्ट किया गया था कि टेलीकम्यूनिकेशन कम्पनियों द्वारा बिना संपरिवर्तन कराये स्थापित मोबाईल टॉवर्स को राजस्थान भू-राजस्व (ग्रामीण क्षेत्रों में कृषि भूमि का अकृषि प्रयोजनार्थ संपरिवर्तन) नियम, 2007 के अर्न्तगत वाणिज्यिक श्रेणी में मानते हुए संपरिवर्तन/नियमितिकरण की कार्यवाही की जावे। परिपत्र दिनांक 7.12.2009 का उक्त भाग निम्न प्रकार है।

"It may be clarified here that the use of land for the setting up of Towers by the Telecommunication Companies falls in the category of commercial purpose and the conversion charges and the penalty for use of land without prior conversion are to be charged as provided under the above-mentioned Rules of 2007 for conversion for commercial purpose.

In this regard I would like to further invite your attention to the proviso 2 of sub-rule (1) of rule 13 which provides that regularisation of land beyond 100 sq. meters in case of commercial purpose shall be allowed only after the approval of the State Government. The State government is considering amendment of the Provision to permit the Collectors to regularise land up to 250 sq. meters in cases relating to conversion of land for the setting up of Towers by the Communication Companies. However, till such time as the amendment is made, all the cases in which the land involved is more than 100 sq. meters shall to be referred to this Department for permission to regularise the unauthorised conversion of land."

अतः निर्देशानुसार परिपत्र दि० 7.12.2009 के उक्त भाग को विलोपित करते हुये लेख है कि आपके जिले में टेलीकम्यूनिकेशन कम्पनियों द्वारा बिना संपरिवर्तन कराये स्थापित व नवीन स्थापित किये जाने वाले मोबाईल टॉवर्स को अब वाणिज्यिक के स्थान पर औद्योगिक श्रेणी में मानते हुए नियमानुसार संपरिवर्तन/नियमितिकरण की कार्यवाही करावें। यहाँ यह भी स्पष्ट किया जाता है कि राजस्व (ग्रुप-6) विभाग की अधिसूचना दिनांक 26.4.2011 द्वारा औद्योगिक प्रयोजनार्थ 1,00,000 वर्गमी० तक संपरिवर्तन/नियमितिकरण किये जाने की शक्तियाँ जिला कलेक्टर को प्रदान की गई है। अतः तदनुसार संपरिवर्तन/नियमितिकरण की कार्यवाही करें।

उप शासन सचिव

GOVERNMENT OF RAJASTHAN
REVENUE (Gr-6) DEPARTMENT

NO.F. 6(6) Rev- vi/1992pt/16

Jaipur, dated 2.8.11

NOTIFICATION

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A of the the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956) the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007, namely:-

1. Short title and commencement- (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (fourth Amendment) Rules, 2011.

(2.) They shall come into force at once.

2. Amendment of rule 8- After the existing sub-rule (4) of rule 8 of the Rajasthan Land Revenue (Conversion of agricultural land for non- agricultural purposes in rural areas) Rules, 2007, the following new sub-rule (5) shall be added, namely:-

"(5) No conversion charges shall be payable in case of conversion of land, on recommendation of the Department of Technical Education, for the purpose of establishment of technical education institutions."

By order of the Governor

(Mool chand Meena)

Dy. Secretary to the Government

**GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT**

No.F.6(6)Rev.6/92/pt/26

Jaipur, Dated:- 14-09-12

CORRIGENDUM

In the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Amendment) Rules, 2012 vide Notification No.F.6(6)rev.6/92pt/4 dated 16.01.2012 published in the Rajasthan Gazette Extraordinary, Part 4 (c) dated 7th February, 2012, In serial No. 2(i) the expression "(a)" should be read with the correction as "(aaa)" and "(aa)" should be read with the correction as "(aaaa)".

By order of the Governor,

(Snehlata Panwar)

Deputy Secretary to the Government

राजस्थान सरकार
राजस्व (ग्रुप-6) विभाग

क्रमांक प0 14(1)राज-6/2005 पार्ट/39

जयपुर दिनांक :-30.11.10

अधिसूचना

राजस्थान भू-राजस्व अधिनियम, 1956 (राजस्थान अधिनियम संख्या 15 वर्ष 1956) की धारा 260 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार, एतद्वारा निर्देश देती है कि राजस्थान भू-राजस्व (स्कूलों, कॉलेजों, चिकित्सालयों, धर्मशालाओं एवं सार्वजनिक उपयोग के अन्य भवन निर्माण हेतु बिना कब्जे की सरकारी कृषि भूमि के आवंटन) नियम 1963 के नियम-1 के द्वितीय परन्तुक में वर्णित भूमियां जिसमें माननीय उच्च न्यायालय द्वारा प्रतिबंधित भूमि को छोड़कर समस्त किस्म की भूमि का आवंटन राजकीय विभागों को राज्य सरकार के पूर्व अनुमोदन के बिना उक्त 1963 के नियमों के नियम 4 में वर्णित आवंटन प्राधिकारी द्वारा उक्त नियमों के नियम में निर्धारित आवंटित होने वाली अधिकतम सीमा तक आवंटन किये जाने हेतु इस विभाग की अधिसूचना क्रमांक 14(1) राज-6/05 पार्ट/6 दिनांक 16.02.2008 द्वारा अवधि को दिनांक 31.03.2009 तक बढ़ाया गया था। परन्तु इसके पश्चात् अवधि नहीं बढ़ाई गई। उक्त अधिसूचना दिनांक 16.02.2008 के अनुसार केवल राजकीय विभागों के लिए भूमि आवंटन की कार्यवाही दिनांक 31.03.2012 तक की जा सकेगी।

राज्यपाल की आज्ञा से

(नरेश कुमार शर्मा)
शासन उप सचिव

**GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT**

No. F-14(1) Rev-VI/2005/7

Jaipur, Dated: 26-4-11

NOTIFICATION

In exercise of the powers conferred by section 102 the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following amendments in this department's order No. F.5 (109) Rev. B/60. dated 20.07.1963, as amended from time to time, pertaining to allotment of unoccupied Government Agricultural Land for the construction of Schools, Colleges, Dispensaries, Dharamshalas, and Other Buildings of Public Utility, namely:-

Amendments

In the said order,-

1. in clause 2,-

(i) in sub-clause (b), for the existing expression "5 acres", the expression "4 acres" shall be substituted.

(ii) in sub-clause (c), for the existing expression "10 acres", the expression "7 acres" shall be substituted.

(iii) in sub-clause (d), for the existing expression "30 acres", the expression "15 acres" shall be substituted.

(iv) after the existing sub-clause (d) and before the existing sub-clause (e), the following new sub-clause (dd) shall be inserted, namely :-

"(dd) Universities	30 acres (including hostel buildings
	play ground and residential facilities
	for teachers and staff members.)"

2. in clause 3,-

(i) in item (a) of sub-clause (ii), for the existing expression "75% of market price of agricultural land to be determined according to the index price as fixed for registration purposes", the expression "the rates recommended by the District Level Committee constituted under clause (b) of sub-rule (1) of rule 2 of the Rajasthan Stamp Rules, 2004 or the rates determined by the State Government under sub-rule (2) of rule 58 of the Rajasthan Stamp Rules, 2004" shall be substituted.

(ii) in item (b) of sub-clause (ii), for the existing expression "half the market price of agricultural land to be determined according to the index price as fixed for the registration purposes", the expression "the rates recommended by the District Level Committee constituted under clause (b) of sub-rule (1) of rule 2 of the Rajasthan Stamp Rules, 2004 or the rates

determined by the State Government under sub-rule (2) of rule 58 of the Rajasthan Stamp Rules, 2004" shall be substituted.

(iii) in existing proviso to item (b) of sub-clause (ii), for the existing expression "25%", the expression "50%" shall be substituted.

(iv) the existing item (c) of sub-clause (ii) shall be deleted.

(v) in existing sixth proviso to item (d) of sub-clause (ii), after the existing expression "college" and before the existing expression "and Veterinary Hospital", the expression "University" shall be inserted.

3. in sub-clause (iii) of clause 4, after the existing expression "sub-clauses (d)" and before the existing expression "and (f)", the expression, "(dd)" shall be inserted.

By order of the Governor

(MOOL CHAND MEENA)

Deputy Secretary to the Government

राजस्थान सरकार

राजस्व (ग्रुप-6) विभाग

क्रमांक: प. 14 (1)राज-6/2005 पार्ट/17

जयपुर दिनांक: 19.7.12

अधिसूचना

राजस्थान भू-राजस्व अधिनियम, 1956 (अधिनियम संख्या 15 वर्ष 1956) की धारा 260 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार एतद्वारा निर्देश देती है कि राजस्थान भू-राजस्व (स्कूलों, कॉलेजों, चिकित्सालयों, धर्मशालाओं एवं सार्वजनिक उपयोग के अन्य भवन निर्माण हेतु बिना कब्जे की सरकारी कृषि भूमि का आवंटन) नियम, 1963 के नियम 1 के द्वितीय परन्तुक में वर्णित भूमियाँ जिसमें माननीय उच्च न्यायालय द्वारा प्रतिबंधित भूमि को छोड़कर समस्त किस्म की भूमि का आवंटन राजकीय विभागों को राज्य सरकार के पूर्व अनुमोदन के बिना उक्त 1963 के नियमों के नियम 4 में वर्णित आवंटन प्राधिकारी द्वारा उक्त नियमों के नियम 2 में निर्धारित आवंटित होने वाला अधिकतम क्षेत्र का दिनांक 31.03.2013 तक आवंटन किया जा सकेगा।

राज्यपाल की आज्ञा से,

(जी.डी. आर्य)

शासन उप सचिव

GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT

No. F. 6(26) Rev.6/2014/ 33

Jaipur, Dated:- 06-10-2016

NOTIFICATION

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007; namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) (Second Amendment) Rules, 2016.

(2) They shall come into force on the date of its publication in the Official Gazette.

2. Amendment of rule 2.- In sub-rule (1) of rule 2 of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007, hereinafter referred to as the said rules,-

(i) after the existing clause (aaaa) and before the existing clause (b), the following new clause (aaaaa) shall be inserted, namely:-

“(aaaaa) ‘Ceiling area’ means the maximum area of agricultural land as defined in clause (d) of section 2 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act No. 11 of 1973);”;

(ii) after the existing clause (j) and before the existing clause (k), the following new clause (jj) shall be inserted, namely:-

“(jj) ‘Micro and small enterprise’ means micro and small enterprise as defined in the Micro, Small and Medium Enterprises Development Act, 2006 (Central Act No. 27 of 2006);” and

(iii) the existing clause (qqq), appearing between the existing clause (qqq) and the existing clause (r) shall be renumbered as clause “(qqqq)”.

3. Amendment of rule 4.- In clause (a) of rule 4 of the said rules, for the existing expression “the Land Acquisition Act, 1894”, the expression “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act No. 30 of 2013)” shall be substituted.

4. **Substitution of rule 6.-** The existing rule 6 of the said rules shall be substituted by the following, namely:-

* ✓ **6. Use of khatedari land for establishment of small scale industries and kjava etc.-** Notwithstanding anything contained in these rules, no permission for conversion shall be required where a Khatedar tenant desires to establish micro, small scale industrial unit, kjava (small brick kiln) or desires to use of land for the purpose of institutional, medical facilities or public utility on his own khatedari land upto an area not exceeding one acre. The area so used shall continue to be in his khatedari."

5. **Amendment of rule 7.-** In rule 7 of the said rules, for the existing expression "covered by rule 5 and 6", the expression "covered by rule 5, 6, 6A, 6B and 6C" shall be substituted.

6. **Amendment of rule 9.-** In rule 9 of the said rules,-

(i) the existing sub-rule (1) shall be substituted by the following, namely:-

"(1) A khatedar tenant, seeking permission for conversion of agricultural land for any non-agricultural purpose shall submit an application online or in physical format to the authority prescribed below in Form-A along with the documents specified therein and a copy of receipt as proof of the payment of amount of conversion charges. If application is submitted online than hard copy of complete application shall also be required to submit within 7 days to the prescribed authority:

Purpose of Conversion	Prescribed Authority
(a) Residential unit.	Tehsildar upto 2500 sq. meters.
(b) Residential Colony/ project	(i) Sub Divisional Officer- Where total area does not exceed 10,000 square meters. (ii) Collector- Where total area does not exceed ceiling area. (iii) State Government- Where total area exceeds ceiling area.
(c) Commercial purpose	(i) Sub Divisional Officer- Where the total area does not exceed 2000 square meters (but excluding cinema, petrol pump, explosive magazine, multiplex, hotel, resort). (ii) Collector- All cases of commercial purposes where the total area does not exceed 1,00,000 square meters. (iii) State Government- All cases of commercial purposes where the total area of land exceeds 1,00,000 square meters.

(d) Industrial Area/ Industrial purpose	(i) Sub Divisional Officer - Where total area does not exceed 50,000 square meters (But excluding tourism unit) (ii) Collector-Where total area does not exceed ceiling area including tourism unit (iii) State Government - All cases where the total area exceeds ceiling area
(e) Salt manufacturing purpose	(i) Sub Divisional Officer - Where total area does not exceed 2,00,000 square meters (ii) Collector- Where total area exceeds 2,00,000 square meters.
(f) Public Utility purpose	(i) Sub Divisional Officer - Where total area does not exceed 5000 square meters. (ii) Collector- Where total area does not exceed 1,00,000 square meters (iii) State Government- Where total area exceeds 1,00,000 square meters.
(g) Institutional purpose and Medical facilities	(i) Sub Divisional Officer- Where the total area does not exceed 10,000 square meters (ii) Collector- Where total area does not exceed 1,00,000 square meters. (iii) State Government-Where total area exceeds 1,00,000 square meters.
(h) SEZ	State Government
(i) Agro-processing or Agri-marketing unit	(i) Collector- Where area does not exceed 1,00,000 square meters. (ii) State Government- Where area exceeds 1,00,000 square meters.
(j) Solar farm/Solar Plant/Solar Power Plant, Wind Farm/ Wind power plant	(i) Sub Divisional Officer - Where total area does not exceed 50,000 sq. meters. (ii) Collector- Where total area does not exceed ceiling area. (iii) State Government- All cases where the total area exceeds ceiling area.

Provided that if residential colonies/projects are being set up on the Khatedari land situated partially under the jurisdiction of urban bodies and its peripheral belt and partially under rural area, then the conversion of Khatedari lands shall be done by the appropriate competent officers authorized by the State Government under section 90-A of the Act and the rate of conversion shall be charged for the whole area according to the rates specified by Urban Development and Housing Department for the Urban areas and the conversion charges charged for the land falling under the rural area shall be deposited in the Government Revenue Head through challan.”;

(ii) the existing sub-rule (2) shall be substituted by the following, namely:-

“(2) For setting up of residential colonies/projects in rural area, 40% of total land shall be reserved for public facilities including roads and remaining 60% land shall be utilized for residential colonies/projects including 5% area of total land for commercial and institutional purpose. The conversion charges at the rate of residential colony/project shall be payable on the total area of the residential colonies/projects. The layout plan/building plan/certificate of completion of the project for residential colony/project industrial area industrial estate in rural areas shall be approved by a committee consisting of the following:-

1. District Collector	Chairperson
2. Additional District Collector (Administration)	Member Secretary
3. Sub Divisional Officer concern	Member
4. Executive Engineer posted in Zila Parishad	Member
5. Zonal Senior Town Planner/Deputy Town Planner of the Town Planning Department.	Member

The Committee shall approve the lay out plan if it fulfils the conditions mentioned above and it has an approach-way to the project not less than 30 feet in the width and such approved lay out plan shall be part of the conversion order. No lay out plan is required to be approved for any other purpose but the approach road to the proposed land is required:

Provided that once an applicant is allowed to convert his land for industrial purpose in a district, he shall be allowed to convert other piece of khatedari land for the same industrial purpose or its expansion in the same district only if the existing industry for the same purpose is running.

Provided further that no application for conversion shall be required where tenant desires to establish a micro, small scale industrial unit, kjava (small brick kiln), or desire to use of land for institutional purpose, medical facilities purpose or public utility purpose on his own khatedari land upto an area not exceeding one acre and such land shall be deemed to have been converted for such a micro, small scale industrial unit, kjava (small brick kiln), institutional purpose, medical facilities or public utility purpose. No conversion charges shall be payable for such conversion.

Provided also that no application for conversion shall be required, if the entire piece of land and building constructed thereon is to be used exclusively for setting up of Information Technology Industry with the permission of Empowered Committee on Investment chaired by the Chief Secretary. However, the conversion charges shall be payable under these rules.

Provided also that in case of heritage hotels, if parking arrangement is made available by the owner in premises or elsewhere, the requirement of width of approach road shall not be applicable.”;

(iii) in sub-rule (3), for the existing expression “within 45 days”, the expression “within 90 days” shall be substituted.; and

(iv) the existing sub-rule (5) shall be substituted by the following, namely:-

“(5) In case the prescribed authority fails to issue an order under sub-rule (3) or (4) within the specified period, he shall be liable for disciplinary action under relevant rules, where conversion order is to issued by prescribed authority upto the rank of Sub Divisional Officer within the prescribed period and application is complete in all respect then the Collector shall pass necessary order regarding conversion within 30 days and in case prescribed authority is Collector then the Divisional Commissioner shall pass necessary order regarding conversion within 30 days. Such orders shall be deemed to have been passed by the prescribed authority in exercise of its power vested under sub-rule (3) or (4), as the case may be.”

7. Insertion of new rule 9A.- After the existing rule 9 and before the existing rule 10 of the said rules, the following new rule 9A shall be inserted, namely:-

“**9A. Tatkal conversion.-** (1) A khatedar tenant seeking permission for tatkal conversion of agricultural land for any non-agricultural purpose shall submit an application online or in physical format in Form-A in the manner provided in sub-rule (1) of rule 9 along with the documents prescribed therein and a copy of receipt as proof of the payment of amount of conversion charges for area sought to be converted and tatkal conversion charges of rupees ten thousands and rupees five per square meter (non-refundable and non-adjustable with conversion charges)

(2) The prescribed authority shall decide the application in manner prescribed in sub-rule (3) of rule 9 within fifteen working days excluding the date of submission of application. Where conversion order is not issued by the prescribed authority upto the rank of the Sub Divisional Officer within the prescribed period mentioned above and application is completed in all respect then the Collector shall pass necessary orders regarding conversion within ten working days and in case where the prescribed authority is Collector then the Divisional Commissioner shall pass necessary order regarding conversion within ten working days. Such orders shall be deemed to have been passed by the prescribed authority in exercise of its power vested under sub-rule (3) of rule 9.”

8. Amendment of rule 10.- The existing sub-rule (1) of rule 10 of the said rules shall be substituted by the following namely:-

"(1) If a person, after the issue of conversion order under rule 9 for any specific purpose, intends to use it other non-agricultural purpose, he may submit an application online or in physical format in Form-C along with a copy of receipt as proof of deposit of the payment of the difference amount of conversion charges, if any. If application is submitted online then hard copy of complete application shall also be required to produce within 7 days to the prescribed authority."

9. Substitution of rule 12.- The existing rule 12 of the said rules shall be substituted by the following, namely:-

"12. Entry in revenue record after conversion.- (1) After issue of conversion order by the prescribed authority, the Tehsildar shall reduce the area from Khatedari land by making necessary entries in the revenue records.

(2) After the conversion of land it shall be entered as non-agriculture land along with the purpose for which land has been converted in column of soil classification of jamabandi.

(3) The copy of approved layout plan superimposed on converted khasra numbers shall be attached with jamabandi.

(4) In case of transfer of converted land by the khatedar tenant, he shall inform about such transfer to the Tehsildar. On the basis of deed of transfer the Tehsildar shall open mutation in Form P-21 of the Rajasthan Land Revenue (Land Records) Rules, 1957. The Tehsildar shall maintain a separate mutation register for land converted for non-agricultural purposes. On subsequent transfer of land converted for non-agricultural purposes in favour of any other person, the subsequent entry shall be made in the mutation register.

(5) Any person who got converted his agricultural land under these rules or the rules time being in force in rural areas for conversion of agriculture land, for any non-agricultural purposes or his transferee may, apply at any time along with conversion order and deed of transfer of land in his favour, to the Tehsildar concerned for entry of his name and soil classification in the mutation register. On receipt of application, the Tehsildar shall make necessary entries in the mutation register maintained for the purpose."

10. Amendment of rule 14.- In sub-rule (1) of rule 14 of the said rules,-

(i) the existing first proviso shall be substituted by the following, namely:-

"Provided that if any person fails to use of land for such converted purpose within the period stipulated above, then the period may be extended by the Collector for next five years on payment of twenty five percent amount of the

Government of Rajasthan
Department of Urban Development and Housing

No. F.10(147)UDH/3/2008 Part-III

Jaipur, Date: 6 FEB 2017

Order

In pursuance of provisions of sub-rule (1) of rule 4; sub-rule (1), clause (ix) of sub-rule (2) and sub-rule (3) of rule 5; clause (g) of sub-rule (1), clause (a) of sub-rule (2), of rule 6; sub-rule (1) of rule 7; sub-rule (2) of rule 8; sub-rule (1) clause (xiv) of sub-rule (2) and sub-rule (3) of rule 9; clause (i) of sub-rule (1) and sub-rule (2) of rule 10 and sub-rule (2) of rule 12 of the Indian Telegraph Right of Way Rules 2016 and in order to bring uniformity, clarity and simplification of process for permission to be given to licensee for installation/ laying of telegraph infrastructure in urban and rural areas and in view of advisory guidelines dated 1st August, 2013 issued by the DoT the State Government, superseding its earlier Order No.10(147)UDH/2008 Part-II dated 15.09.2015, No. F.8(Ga)(Mob)/Niyam/DLB/12/351-535 dated 31.08.2017 and all other connected orders, hereby issues the following order with immediate effect,-

1. Interpretations : (1) In this Order, unless the contexts otherwise requires,-

- (i) "Development Authority" means the Jaipur Development Authority, the Jodhpur Development Authority and the Ajmer Development Authority constituted under the relevant law;
- (ii) "DoT" means the Department of Telecommunications, Government of India;
- (iii) "DTC" means the District Telecom Committee as formed under Para 15;
- (iv) "Form" means the form appended in this Order;
- (v) "Infrastructure Provider (IP)" means and includes a person, firm, association of persons or company who is duly registered by the DoT and is duly authorized to install passive telecom infrastructure for the purpose of sharing with TSPs on non-discriminatory basis.
- (vi) "Licensee" means any person holding a license granted under sub-section (1) of section 4 of the Act and including Infrastructure Provider (IP) and/or Telecom Service Provider duly registered/licensed respectively, by the DoT who seeks permission for installation of telegraph infrastructure, laying OFC, taking fibre to home and related infrastructure;
- (vii) "Para" means the Para of this Order ;
- (viii) "Local Body" means a Municipal Corporation, Municipal Council or Municipal Board in a Municipal area, a Development Authority or Urban Improvement Trust in an urban area declared under the relevant law (excluding the Municipal area), and Gram Panchayat for Rural areas (excluding the area under the jurisdiction of an Urban Improvement Trust or a Development Authority) ;
- (ix) "Rules" means the Indian Telegraph Right of Way Rules, 2016
- (x) "STC" means the State Telecom Committee as formed under Para 15;

Draft Order in place of TTT Policy-19Jan-2017

1

(xi) "TERM Cell" means Telecom Enforcement, Resource and Monitoring Cell of the Department of Telecommunication (DoT), Government of India;

(xii) "Telecom Service Provider" (TSP) means and includes a person, firm, association of persons or company who is duly licensed by the DoT under section 4 of the Indian Telegraph Act, 1885 for providing *inter alia* mobile phone services, internet and data transfer services etc.

(xiii) Telegraph Infrastructure includes,-

- (a) Telecommunication Cell Site or Base Station (TCS/BS) or Telecom Tower or Mobile Tower, a place for tower, delta, single pole antenna, microwave antenna, telecom transceiver machinery, related civil works, requisite wire and cable, power supply equipment, Diesel Generator set, cabin or cupboard for housing any or all of the aforesaid items is necessary.
- (b) Ground based tower (GBT), ground based mast/monopole (GBM), roof top tower (RTT), roof top pole (RTP),
- (c) Cell Phone Tower (CPT), Micro cell tower (MCT), antenna fixtures, fabricated antenna, tower to install telephone lines and Wi-Fi antenna,
- (d) Pre-fabricated or masonry structure shelters or installation of Base Transceiver Station (BTS) and other equipments,
- (e) Ducts, underground OFC, cabling on the poles or electric poles.

Provided that the Telegraph Infrastructure, for the purpose of this Order, shall not include Television Antennas or Dish Antennas installed for domestic purpose:

Provided further that Cell-on-Wheels (COW) and any temporary infrastructure for managing events/festivals/fairs of short duration (maximum 30 days which may be further extended), or to give coverage to blank areas, shall not be included in Telegraph Infrastructure for the purpose of this Order and no formal permission is required for installation of such temporary infrastructure.

(xiv) "SACFA" means Standing Advisory Committee on Frequency Allocation (SACFA) of the DoT.

(2) The words and expressions used and not defined herein but defined in the Act or the Rules shall have the meanings assigned to them in the Act or Rules, as the case may be.

2. Nodal Officer for the appropriate authority :- As required under sub-rule (1) of rule 4 of the rules the following officers shall be Nodal Officer for the concerned appropriate authority :-

- (a) the Commissioner or Executive Officer, as the case may be, of a Municipality within the territorial limits of that Municipality, except for the properties belonging to any department, Co-operative body, Autonomous body or a PSU of the State Government;
- (b) the Secretary of an Urban Improvement Trust or a Development Authority, as the case may be, in the urban area under the jurisdiction of that Trust or Authority (excluding the Municipal area), except for the properties belonging to any department, Co-operative body, Autonomous body or a PSU of the State Government ;

- (c) Sub-Divisional Magistrate in Rural area (excluding the area within the jurisdiction of an Urban Improvement Trust or a Development Authority, as the case may be), except for the properties belonging to any department, Co-operative body, Autonomous body or a PSU of the State Government; and
- (d) the senior most officer of the concerned Department, Co-operative body, Autonomous body or a PSU of the State Government posted in the District for the properties belonging to that Department or PSU or Co-operative body or an Autonomous body, as the case may be.

3. Terms and Conditions for granting permission to establish overground telegraph infrastructure (mobile towers etc.):

- (i) *The Radiation norms fixed by DoT* have to be strictly followed by the licensee. Any citizen can approach the TERM Cell with regard to grievance on any issue relating to radiation.
- (ii) Sign boards and Warning Signs ("Danger", "Warning", : Caution", etc.) as per guidelines of DoT shall be provided at towers and antenna sites which are clearly visible and identifiable.
- (iii) The licensee shall be permitted to erect/install telegraph infrastructure on open land including private/khatedari lands, lands and buildings of Government or Government owned/controlled Statutory or Non-Statutory institutions/bodies or at other public/private locations including roads, parks, playgrounds, hospitals, schools, land earmarked for public utilities.
- (iv) In the walled city area or in the area of Heritage importance the Pole/Mast shall be designed keeping in view the Heritage character of the area.
- (v) Installation of infrastructure shall not be permitted on right of way.
- (vi) The licensee shall be granted permission to install micro cells/Wi-Fi access points and other required services on street light poles/bus shelters/government buildings.
- (vii) The licensee shall fix the equipments which cause minimum noise and environmental pollution for power back-up in the earmarked boundary adjacent to mobile tower/post.
- (viii) The structural stability of the towers/posts and building in which it is erected, shall be ensured by the licensee and the towers/posts and their foundations shall be designed accordingly. He shall be solely responsible for any mishap, if it takes during or after erection of towers.
- (ix) The permission shall not be withheld due to outstanding urban development tax or any other dues payable upon the land and building applied for installation of telegraph infrastructure. But the Nodal Officer shall communicate such tax or dues to the licensee and the Owner of the land and building and if an undertaking is submitted by the Owner for depositing the outstanding urban development tax or any other dues, as the case may be, then Nodal Officer shall grant the required permission.

- (x) Mobile towers/posts being a temporary structure and essential service in nature can be installed on any type of land/building regardless of its specified land use and will not require change of land use under any law.

4. Terms and conditions for granted permission to lay underground telegraph infrastructure (OFC) :

- (i) The licensee shall obtain necessary permission for laying optical fiber cable (OFC) network/underground telegraph infrastructure and taking fibre to home under roads and overhead from the Nodal Officer of concerned appropriate authority.
- (ii) The work shall be started from the outer areas of the city and then to the core area.
- (iii) Damages of roads and filling up of pits caused during the laying of underground telegraph infrastructure and taking fibre to home will be repaired by the concerned local body and the entire expenses, for restoration of damaged road portion shall be charged by the local body from the licensee. Charges for such expenses shall be fixed by the State Government from time to time, on the basis of applicable schedule of rates for works for similar nature. the BSR and guidelines issued by the PWD shall be followed for calculating the restoration charges. Such charges shall be deposited in the advance in the form of 100% cash within period of 30days from the date of grant of the permission and prior to the commencement of work of laying the underground telegraph infrastructure. An amount equal to restoration charges as security shall be taken (in lieu of expenses for restoration) prior to the commencement of such work in the form of a Bank Guarantee valid for one year if the licensee has undertaken to discharge the responsibility of restoration of damaged road portion.

Provided that no other charges, (except above-mentioned restoration charges and relevant administrative charges prescribed under Para -9 & 10), like User Charges etc. shall be levied on the licensee.

- (iv) Laying OFC through Micro- Trenching Method shall be allowed during monsoons, provided that the applicant takes all security measures and makes arrangements for immediate restoration of the damage caused.
- (v) Supervision of the work :- (a) The Nodal Officer, or any officer authorised by the appropriate authority, may supervise the execution of work to ascertain if the conditions imposed under the rules and this Order are observed by the licensee;
- (b) The Nodal Officer may, on the basis of such supervision, impose such other reasonable conditions as it may think fit;
- (c) If the Nodal Officer comes to the conclusion that the licensee has willfully violated any of the conditions, it may forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission, for reasons to be recorded in writing:

Provided that no action shall be taken under this clause unless the licensee has been given a reasonable opportunity of being heard.

- (vi) Only pits of approximate size 1.5mtr.x1.5mtr.x1.5mtr depth or as per requirement at site shall be excavated in the roads where optical fiber cables are to be laid, at the distance of not less than 100 meter. The pits shall be refilled only with granular material and shall be compacted as per the specifications. **The pits/trenches shall be reinstated within 48 hours, repeat shall be reinstated within 48 hours**, after the work at that location is over, failing which, penalty as applicable as per the guidelines for trenching activities shall be applicable besides the cancellation of permission etc.
- (vii) Number of ducts under the roads for which permission will be granted shall be as per requirement of the licensee.
- (viii) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the local body to obtain real time information on its location.
- (ix) The licensee will carry out Ground Penetrating Radar (GPR) survey wherever necessary along the route where the ducts will be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with Local Body, free of cost.
- (x) No damage shall be caused to any underground utilities while laying the ducts by using Horizontal Directional Drilling (HDD) methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the licensee at his own cost.
- (xi) Ducts shall be laid approximately 2mtrs. below the road crust. However, in case of Hard Rock Strata where HDD methodology is not possible, the depth of approx. 400 mm. shall be maintained with the duct installed inside G.I. Pipe covered with PCC 71.
- (xii) The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instructions of Local Body in this respect shall be complied within the time frame fixed by the concerned Local Body.
- (xiii) Local Body shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Govt. or Local Body, while performing official duties. However, prior written intimation will be given by the Local Body to the licensee.
- (xiv) The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.
- (xv) For laying overhead OFC from fiber to home network it shall be permitted to erect poles on specified locations on roads over the ground area not more than 1 meter X 1 meter. The spacing between two poles should not be less than 50 meters in line of the sight.
- (xv) The licensee shall ensure that,-
 - (a) prior to the commencement of work of laying the optical fibre and at all times during the execution of the work, the measures to mitigate public inconvenience and provide for public safety are implemented;
 - (b) structural safety of overground infrastructure are implemented; and

- (c) the work of laying OFC/telegraph infrastructure is carried out in accordance with the conditions specified under the rules and this Order.

5. Application for permission :-

(1) Application (in duplicate) for permission for establishment of overground telegraph infrastructure or for its renewal shall be submitted to the Nodal Officer in the Form-1 along-with following documents.-

- (i) A copy of the license granted by the DoT.
- (ii) Location Plan (Scale 1:1000) showing the site with reference to the surrounding existing developments.
- (iii) The detailed technical design and drawings of the tower/post or other aboveground infrastructure including the specification of foundation. In case the tower/ post etc. is in the vicinity or adjoining to high or low tension line, then its distance from the same shall be clearly indicated in the drawings.
- (iv) Copy of Structural Stability Certificate for the building and tower/post obtained from any authorized Structural Engineer, or/from recognized institute or a Structural Engineer registered or employed in Central or State Government Service or a Quasi- Government Organization or any other agencies authorized from time to time by the State Government.
- (v) Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory.
- (vi) Copy of SACFA clearance/copy of SACFA application for the said location submitted to Wireless Planning & Coordination (WPC) wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, licensee will take corrective actions/remove the tower.
(Note:- the copy can be submitted to the Nodal Officer as soon as the location is finalized and the tower is installed).
- (vii) For Forest/Protected Areas, the copy of clearance from State Environment & Forest Department, if applicable.
- (viii) Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by licensee in respect of mobile tower/Base Transceiver Station (BTS) establishing/ certifying that all general public areas around the tower will be within safe Electro Magnetic Radiation(EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.
(Note :- It can be submitted within 30 days after radiating the tower).
- (ix) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the DG sets.
- (x) Ownership document of the building/site. (Attested copy) However, production of Patta/approved map should not be insisted upon.
- (xi) Attested copy of Lease Agreement Deed/Consent Agreement Deed, signed by the applicant and the owner of the site/building.

- (xii) The Nodal Officer/Local Body may also seek the copy of No Objection Certificate (NOC) from building owners/entities having roof top rights in case of roof based tower or from land owner in case of ground based tower.
- (xiii) In case the permission is sought in the land/premises of any office of Central Government or a PSU of Central Government, the prior written consent or copy of agreement from the authority having legitimate right over the land/premises shall be attached with the application.

(2) Application for permission to lay underground telegraph infrastructure or taking fibre to home in the right of way shall be submitted to the Nodal Officer in Form-2 along-with following documents,-

- (i) a copy of relevant license granted by the DoT;
- (ii) the location map showing the proposed underground telegraph infrastructure including route planned, exact latitude and longitude, nature of land;
- (iii) the copy of consent of the owner of land/building where the OFC/telegraph infrastructure proposed to be laid;
- (iv) certificate by a structural engineer (as mentioned in Para 5(1) (x)) attesting to the structural safety of building where the post or other above-ground contrivances is proposed to be established on a building;
- (v) the detailed technical design and drawings of the post or other above-ground contrivances (in case of overground cabling);
- (vi) the copy of approval issued by the DoT for locations of the above-ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves (in case of overground cabling);
- (vii) For Forest/Protected Areas, the copy of clearance from State Environment & Forest Department, if applicable.

(Note :- NOC of Forest Deptt. would not be required in areas not covered under Forest/ Protected Areas.)

(3) The licensee shall submit a copy of receipt in proof of the payment of application fee and other charges as prescribed under this Order.

(4) The licensee shall furnish such other relevant information as may be required by the Nodal Officer or as the State Government may direct.

(5) The licensee may also submit the soft copy of the application along with all the forms, statements and documents.

(6) Application, if the licensee desires, may be submitted On-line in cases of such appropriate authorities, wherever they have proper arrangements for this purpose.

(7) In cases where applications for permission for establishment of telegraph infrastructure has been submitted under erstwhile Orders of the State Government but permission has not been issued, then in such cases, there would be no need to submit fresh application. However, any documents required under this Order, but not submitted earlier, shall be submitted along-with the fee/charges under this Order. The Nodal Officer shall issue the permission in accordance with the rules and this Order. The fees/charges paid earlier shall be adjusted. Such pending application should be disposed of within 30 days from the deposit of remaining fee/charges and submission of remaining documents.

(8) All applications received by the Nodal Officer shall be entered in a Register in Form-3.

6. Examination and scrutiny of applications :

(1) The Nodal Officer, in an urban area shall, within three days of the receipt of the application, send it to the Engineering or Planning cell of the Local Body for examination who, considering parameters as detailed in Para 7 below, shall submit his report within three days of the receipt of the application to the Nodal Officer.

(2) In case the permission is sought in rural area, the Nodal Officer, shall within three days of the receipt of the application send it to the Tehsildar and Assistant Engineer, PWD having jurisdiction of the area for examination and to the Gram Panchayat for its comments, who, considering parameters as detailed in Para 7 below, shall submit their report within seven days of the receipt of the copy of application to the Nodal Officer.

(3) As soon as the Nodal Officer receives the application, he shall issue a public notice for seven days in Form-4 calling upon objections of any interested person. The notice, giving details of all such applications in Form-4, shall be exhibited by the Nodal Officer on the notice board of his office and a conspicuous place near the concerned site. The public notice shall also be published on website of the Nodal Officer and local body.

(4) The Nodal Officer also, shall scrutinize the applications and verify or cause to be verified the contents and facts envisaged in the application and in other supporting documents within seven days of the receipt of report under sub-para (1) or (2) above, as the case may be.

(5) If after scrutiny of documents and other details under sub-para (4) the Nodal Officer is of the opinion that any additional relevant information on the subject matter required to be sought, he may require the licensee within a period of fifteen days from the receipt of the application to submit the same and the licensee shall be bound to submit such additional information within ten days, failing which the application may be disposed off *ex-parte* within the stipulated period specified in Para-8.

7. Parameters for examination of application :-

(1) The application for establishment of aboveground telegraph infrastructure shall be examined with respect to the following parameters, namely:-

- (a) the extent of land required for such infrastructure;
- (b) the location proposed;
- (c) the mode of and time duration for execution of the work;
- (d) the estimation of the expenses that the local body shall necessarily be put in consequence of the work proposed to be undertaken;
- (e) assessment of the inconvenience that the public is likely to be put to in consequence of the establishment or maintenance of the aboveground telegraph infrastructure, and the measures to mitigate such inconvenience indicated by the licensee;
- (f) certification/ information indicated in the documents as required under sub-para (1) of Para 5 of this Order.

(2) The application for laying of underground telegraph infrastructure shall be examined with respect to the following parameters, namely:-

Draft Order in place of TIT Policy-18Jan,2017

8

- (a) the route planned for the proposed underground telegraph infrastructure and the possible interference, either in the establishment or maintenance of such telegraph infrastructure, with any other public infrastructure that may have been laid along the proposed route ;
- (b) the mode of execution;
- (c) the time duration for execution of the work and the time of day that the work is proposed to be executed ;
- (d) the estimation of the expenses that the local body shall necessarily be put in consequence of the work proposed to be undertaken;
- (e) the responsibility of restoration of any change that the local body may necessarily may put in consequence of the work proposed to be undertaken;
- (f) assessment of measures to ensure public safety and inconvenience that the public is likely to be put in consequence of the work proposed and the measures to mitigate such inconvenience indicated by the licensee;
- (g) certification/ information indicated in the documents as required under sub-para (2) of Para 5 of this Order.

8 Disposal of applications :

(1) The Nodal Officer shall be responsible for the single window clearance of the application made by the licensee.

(2) The Nodal Officer, examining and considering all the facts including facts mentioned in the application and reports received under sub-Para (1) or (2), as the case may be, of Para-6 and objections/suggestions, if any, filed under sub-para (3) of Para 6, shall within a period not exceeding sixty days from the date of application received under Para 5,-

- (a) grant permission on conditions as specified in Para 3 or 4, as the case may be, and conditions of time, mode of execution, measures to mitigate public inconvenience or enhance public safety as specified by the Nodal Officer subject to the provisions of the rules and this Order. The permission shall be issued in Form-5 or Form-6, as the case may be,
- (b) reject the application for reasons to be recorded in writing. The permission may be refused only if the application is found to be against any of the provisions of the rules and this Order but shall not be refused on any extraneous ground.

Provided that no application shall be rejected unless the applicant-licensee has been given an opportunity of being heard on the reasons for such rejection.

Provided further that the permission shall deemed to have been granted if the Nodal Officer fails to either grant permission under (a) or reject the application under (b); and the same shall be communicated in writing (in the Form-5 or 6) to the applicant- licensee not later than 5 working days after permission is deemed to have been granted.

9. Application fee and other charges :- The licensee shall pay the following charges.-

- (a) (i) The application under Para 5(1) for establishment of aboveground telegraph infrastructure shall be accompanied with a fee of Rs.10000/- (non-refundable).
- (ii) The application under Para 5(2) for laying of underground telegraph infrastructure shall be accompanied with a fee @ Rs.1000/- per kilometer (non-refundable).
- (iii) Amount of application fee shall be deposited by the Nodal Officer in the fund of concerned appropriate authority.

Explanation:- The appropriate authority means the appropriate authority as defined in clause (b) of sub-rule (2) of rule 2 of the Rules.

- (b) The licensee shall deposit annual user charges to the local body for installation of Roof Top Tower (RTT)/Roof Top Pole (RTP)/Ground Based Tower (GBT) / Ground Based Mast (GBM),-
 - (i) For Municipal Corporation/Municipal Council Towns Rs.10,000/-
 - (ii) For Municipal Board Towns and Panchayat areas Rs. 5,000/-
- (c) the licensee may, if he so desires, deposit one time charges under clause (b), which would be equal to five times of such full annual charges. Such a payment would exempt the licensee from further liability of payment of aforesaid annual charges under clause (b).
- (d) The local body shall not charge any other amount except the application fee and other charges specified as above.

10. Fee and other charges in respect of installation/laying telegraph infrastructure on Government lands and buildings :-

(1) The licensee shall deposit application fee and other charges as specified under Para 9 in respect of lands and buildings of Central/State Government or statutory or non-statutory bodies/institutions.

(2) The licensee shall also deposit following annual charges for using area of lands and buildings of Government or statutory or non-statutory bodies/institutions apart from the charges specified in sub-Para (1) above :-

- (a) In case of lands and buildings belonging to Central Government or statutory or non-statutory bodies/institutions of the Central Government, rates of annual charges as may be determined by the Central Government, shall be deposited in the funds of the concerned Department of Central Government or statutory or non-statutory bodies/institutions, as the case may be.
- (b) In case of lands and buildings belonging to State Government or statutory or non-statutory bodies/institutions of the State Government including local bodies annual charges @ 10 % of rates determined by the District Level Committee (DLC) under the Rajasthan Stamps Rules, 2004, shall be deposited in the funds of the concerned Department of State Government or statutory or non-statutory body/institution, as the case may be.
- (c) In case of each Wi-Fi antenna or Micro Cell unit with utility box attached to Micro Cell are installed on any land or building including bus shelters, street

light pole, public places, other Government premises annual charges of Rs.1000/- shall be deposited by the licensee to the local body.

- (d) The licensee shall deposit Rs.1,500/- per pole annually to the local body for use of street light poles to carry OFC/Aerial cabling.
- (e) The annual rent for putting up manhole/chamber on the OFC route shall be charged @10 % of the DLC of the area taking actual number of chambers and their actual size into consideration. Any other charges shall not, however, be levied for putting up chambers.
- (f) The licensee may, if he so desires, deposit one time charges under clause (b) or clause (c) or clause (d), clause (e), as the case may be, which would be equal to eight times of such full annual charges. Such a payment would exempt the licensee from further liability of payment of aforesaid annual charges under clause (b) or clause (c) or clause (d), clause (e), as the case may be.
- (g) Restoration charges for laying underground OFC to the local body shall be deposited as mentioned in clause (iii) of Para-4.
- (h) No fee and charges shall be recovered from the Government Departments for establishing Telecommunication system including towers/poles for their use.

11. Tenure of permission and renewal :-

(1) The permission accorded shall be valid from the date of its issuance and it shall be limited up to the periods of permission/license granted by the DoT. The licensee shall submit application for renewal of permission to the Nodal Officer at least sixty days before the expiry of the permission along with all the documents as required for new permission. The Nodal Officer shall renew the permission after charging fee and other charges as prescribed under Para 9 or Para 10, as the case may be.

(2) The Nodal Officer shall renew the permission upto the period of the permission/license granted to the licensee by the DoT under the Indian Telegraph Act, 1885.

(3) The Nodal Officer shall dispose of renewal application within 15 days. If application for renewal is submitted in time, the operation of the Mobile Tower etc. shall not be discontinued for any delay in disposal of application for clearance by the Nodal Officer.

12. Regularization of existing mobile towers etc. :-

(1) Wherever permission has already been granted under erstwhile policy/orders, the same shall hold good and no fresh permission will be required under this policy.

(2) For all the existing mobile towers etc. wherein formal permission has not been issued by the Nodal Officer, shall be regularized upon the submission of application in Form-7 along with information and documents as specified therein and after the payment of prescribed fee/charges under this Order. Such application shall be submitted within six months of issue of this Order, after which the said mobile towers etc. shall be deemed as unauthorized. Earlier fees paid, if any, by the licensee shall be adjusted. Once the application is submitted within due time, the operation of the Mobile Tower shall not be discontinued till disposal of the application by the Nodal Officer.

Draft Order in place of TIF Policy-19Jan,2017

(3) Telecom Installations are lifeline installations and a critical infrastructure in mobile communication. In order to avoid disruption in mobile communication, an essential service, sealing of existing and operational Base Transceiver Station Towers or disconnection of electricity of such tower may not be resorted to without the consent of the respective TERM Cell in respect of the EMF radiation related issues.

13. Seizure and removal of unauthorized telegraph infrastructure :-

(1) If any person, after the issuance of this Order, installs or continues to install any tower or any other telegraph infrastructure without obtaining the prior permission and depositing the prescribed fee and charges then in such cases power/electricity connections shall not be provided. The Nodal Officer, through Local Body, may seize and remove such tower and the expenses incurred by the Local Body for such removal or seizure shall be recovered from the licensee/person concerned.

Provided that before seizure or removal of tower etc. the Nodal Officer shall afford an opportunity of hearing to the concerned person/licensee by giving at least thirty days' notice to him.

(2) In case any Telecommunication system has been seized or removed under this Para, intimation shall be sent immediately to TERM Cell of DoT in the State.

14. Right of authorities to seek removal etc. :-

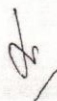
(1) Where the State Government or local body or the Nodal Officer, having regard to circumstances which have arisen since the installation of any telecom tower or the establishment of any underground or overground OFC/telegraph infrastructure under, over, along across, in or upon any immoveable property vested in or under the control or management of the State Government or the local body or the appropriate authority, that is necessary and expedient to remove or alter such telecom tower or OFC/telegraph infrastructure, the Nodal Officer shall issue a notice to the applicant (licensee), being the owner of such telecom tower or OFC/telegraph infrastructure, to remove or alter its location.

(2) On receipt of the notice under Sub-Para (1), the applicant (licensee) shall, forthwith and within a period of thirty days, proceed to submit, to the Nodal Officer, a detailed plan for removal or alteration of such telecom tower or OFC/telegraph infrastructure.

(3) The Nodal Officer shall, after examination of the detailed plan submitted by the applicant (licensee) under Sub-Para (2), pass such orders as it deems fit:

Provided that the Nodal Officer shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom tower or OFC/telegraph infrastructure, provide reasonable time to the applicant (licensee) for removal or alteration of such telecom tower or OFC/telegraph infrastructure.

Provided further that the responsibility and liability, including the cost thereof, for removal or alteration of such telecom tower or OFC/telegraph infrastructure shall be borne by the applicant (licensee).


Draft Order in place of TIT Policy-15Jan,2017

15. District and State Level Committees :

(1) There shall be a District Telecom Committee (DTC) in each district and a State Telecom Committee (STC) in the State.

(2) District Telecom Committee (DTC) : The DTC will comprise of the members as mentioned below. However, the Chairman of DTC is authorized to co-opt any expert as necessitated :

(i)	District Collector	
(ii)	Superintendent of Police	Chairman
(iii)	Chief Municipal officers of ULBs in the District	Member
(iv)	Secretary of Development Authority/UIT	Member
(v)	Chief Executive Officer, Zila Parishad	Member
(vi)	Representative of the Pollution Control Board	Member
(vii)	Chief Medical and Health Officer	Member
(viii)	Suptd. Engineer, PWD	Member
(ix)	Suptd. Engineer, Vidyut Vitaran Nigam Ltd.	Member
(x)	District Head of BSNL	Member
(xi)	Representative of the licensee u/s 4(1)	Member
(xii)	Additional Collector	Member Secretary

(3) State Telecom Committee (STC) : The STC will comprise of the following members. However, the Chairman of STC may co-opt any two experts/officers as necessitated :

(i)	Chief Secretary	Chairman
(ii)	Additional Chief Secretary to the Govt., UDH Deptt.	Vice Chairman
(iii)	Additional Chief Secretary to the Govt., Home Deptt.	Member
(iv)	Principal Secy. to the Govt., GAD	Member
(v)	Principal Secy. to the Govt., Medical and Health Deptt.	Member
(vi)	Principal Secy. to the Govt., Local Self Govt. Deptt.	Member
(vii)	Principal Secy. to the Govt., Panchayati Raj & Rural Dev.	Member
(viii)	Principal Secretary to the Govt., Revenue Deptt	Member
(ix)	Principal Secy. to the Govt., Forest & Environment Deptt.	Member
(x)	Principal Secretary to the Govt. Energy Deptt.	Member
(xi)	Secretary to the Govt., Information & Technology	Member
(xii)	Director General of Police, Rajasthan	Member
(xiii)	Deputy Director General (TERM), Rajasthan	Member
(xiv)	Representative of licensee u/s 4(1)	Member
(xv)	Director, Local Bodies, Rajasthan	Member Secretary

(4) The DTC/STC shall deal with the issues related to installation of telecom infrastructure including,-

- Public grievances for installation of towers etc.
- Timely disposal of applications for permission or renewal of permission,
- Grievances for rejection of permission,
- Grievances for seizure/removal of unauthorized towers etc.

[Signature]
Draft Order in place of TTF Policy-29Jan,2017

All such issues/disputes should be resolved/decided, as far as possible, within 30 days from the date of filing/receiving of the complaint/grievances.

By Order of Governor,

(R.S. Shekhawat)
Joint Secretary-II

Copy to :-

1. PS to Additional Chief Secretary, UDH Department, Jaipur.
2. PS to Director General (Police), Rajasthan, Jaipur.
3. PS to Principal Secretary, Local Self Govt., Rajasthan, Jaipur.
4. District Collector, Jaipur/Jodhpur/Kota/Udaipur/Bharatpur/Bikaner.
5. Police Commissioner, Jaipur/Jodhpur.
6. Chief Engineer, PWD Roads, Govt. of Rajasthan, Jaipur.
7. Chief Town Planner, Rajasthan, Jaipur.
8. Secretary, Jaipur/Jodhpur/Ajmer Development Authority, Jaipur/Jodhpur/Ajmer.
9. Director, Local Bodies, Jaipur to issue similar order for all concerned Municipal Corporations.
10. Secretary, Urban Improvement Trust, All.
11. M/s Indus Towers Ltd., D-34, Subhash Marg, G-Business Park, 3rd Floor, C-Scheme, Jaipur.
12. Tower and Infrastructure Providers Association, II & III Floor, Bhai Veer Singh Marg, Gole Market, New Delhi.
13. Guard File.

(R.S. Shekhawat)
Joint Secretary-II

FORM-1
[See Para-5(1) & 11(1)]

APPLICATION FOR PERMISSION/RENEWAL OF PERMISSION FOR INSTALLATION OF
ABOVEGROUND TELEGRAPH INFRASTRUCTURE

To
The Nodal Officer

(Details of appropriate authority)

A Details of the applicant-licensee	
1. License details	
2. Name of licensee	
3. Registered address	
4. Rajasthan circle office address	
5. Name of authorized person	
6. Designation of the authorized person	
7. Phone/Mobile No. of the authorized person	
8. E-mail	PIN <input type="text"/>
B The nature of post/ tower or other aboveground contrivances proposed to be established.	
C The extent of land required (size and area in meters)	
D Details and location of the land for proposed site	
1. Plot No./khasara No.	
2. Road/Street	
3. Ward No. & Name of colony	
4. City/Town or name of revenue village	
5. Tehsil	
6. District	
7. Exact latitude and longitude of the proposed site	
E Details of building or structure of the proposed site	
1. Name of building/ structure	
2. Height and stories of building	
3. Area of the building/ structure	
4. Complete address of the building/structure	

Draft Order in place of TIT Policy-191a.n.2017

5. District				
6. Exact latitude and longitude of the proposed site				
F Name and address of the owner of the land or building				
G Details of the proposed Tower/Post				
(i) Height	(ii) Weight	(iii) Ground/Roof Top Tower	(iv) Pole/Wall mounted	(v) No. of antennae
(vi) Whether proposed on an open plot/building		(vii) The exact latitude and longitude of the Tower/Post		
H Other related information				
(i) The mode of and the time duration for, execution of the work.				
(ii) The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience.				
(iii) The measures proposed to be taken to ensure public safety during the execution of the work.				
(iv) The names and contact details of the employees of the licensee for the purpose of communication in regard to the application made.				
(v) Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken.				
(vi) Any other matter specified by the DoT, or State Govt. or the local body				
I Details of fee and charges deposited				
J List of documents attached				Whether attached (Yes/No)
(i) Copy of the license granted by the DoT				
(ii) Location Plan- (Scale 1:1000)				
(iii) The detailed technical design and drawing of tower/post or other aboveground telegraph structure including the specification of foundation. In case the tower/post etc. is in the vicinity or adjoining to high or low tension line, drawings showing its distance from the line.				
(iv) Copy of Structural Stability Certificate				
(v) Copy of No-objection Certificate issued by the Fire Safety Department in case of high rise buildings where fire clearance is mandatory.				

Draft Order in place of TIT Policy-29Jan,2017

(vi) Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement. (to be submitted as soon as the location is finalized and tower is installed)	
(vii) Copy of clearance from State Environment & Forest Department, if applicable.	
(viii) Acknowledgement receipt issued by TERM Cell of the self-certificate submitted by licensee (to be submitted within 30 days after radiating the tower)	
(ix) Copy of certificate issued by Automotive Research Association of India (ARAI) to the manufactures of the DG sets	
(x) Ownership Document- of the building/site. (Attested copy)	
(xi) Attested copy of Lease Agreement Deed/Consent Agreement Deed	
(xii) Copy of relevant License/Infrastructure Provider Registration Certificate issued from DoT.	
(xiii) Copy of No Objection Certificate (NOC) from Building Owner/entities having roof top rights or roof top tenants.	
(xiv) Prior written consent from the authority having legitimate right over the land/premises belonging to Central Government/PSUs, if applicable.	
(xv) Any other document	

Declarations

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein.
2. I understand that this application, if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee, shall be summarily rejected.
3. I understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.

Date
Place

Signature and name of the
Authorized Signatory
(with Seal)

FORM-2
[See Para-5(2)]

APPLICATION FOR PERMISSION FOR LAYING/ ESTABLISHING UNDERGROUND
TELEGRAPH INFRASTRUCTURE/OFC OR TAKING FIBRE TO HOME

To
The Nodal Officer

(Details of appropriate authority)

A Details of the applicant-licensee	
1. License details	
2. Name of licensee	
3. Registered address	
4. Rajasthan circle office address	
5. Name of authorized person	
6. Designation of the authorized person	
7. Phone/Mobile No. of the authorized person	
8. E-mail	
B Details of the proposed work to be laid	
1. Length etc. of the proposed work	
2. Route planned for the proposed work	
3. Nature of the proposed work	
4. Methodology for execution of the proposed work	
5. Location details including ward No., colony etc.	
6. City/Town/Village & Tehsil	
7. District	
C Details of fee and charges deposited	
D Details of expenses that local body will necessarily be put in consequence of the proposed work	
E List of documents attached	
(i) a copy of relevant license granted by the DoT.	Whether attached (Yes/No)
(ii) The location map showing the details of underground or overground OFC/telegraph infrastructure including route planned, exact latitude and longitude, nature of land;	

Draft Order in place of TIT Policy-55Jan,2017

(iii) certificate by a structural engineer attesting to the structural safety of building where the post or other above-ground contrivances is proposed to be established on a building;	
(iv) Certificate of technical design by a structural engineer attesting to the structural safety of the overground telegraph infrastructure.	
(v) The detailed technical design and drawings of the post or other above-ground contrivances (in case of overground cabling)	
(vi) the copy of approval issued by the DoT for locations of the above-ground contrivances proposed to be used for the transmission of Radio waves or Hertzian waves (in case of overground cabling);	
(vii) For Forest/Protected Areas, the copy of clearance from State Environment & Forest Department, if applicable	
(viii) the copy of consent of the owner of land/building where the OFC/telegraph infrastructure proposed to be laid	
F Other information for proposed work	
(i) The details of land or buildings or structures where the laying of OFC/telegraph infrastructure is proposed	
(ii) The mode of and the time duration for, execution of the work;	
(iii) The time of the day when the work is expected to be done in case the applicant expects the work to be done during specific time of the day;	
(iv) The inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience.	
(v) The specific measures proposed to be taken to ensure public safety during the execution of the work.	
(vi) Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken.	
(vii) Any other information required under any order of DoT, State Govt. or local body.	

Declarations

1. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein.
2. I understand that this application, if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee, shall be summarily rejected.
3. I understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.
5. I hereby make commitment that I will discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the local body will necessarily be put in consequence of the work proposed to be undertaken.

Date
Place

Signature and name of the
Authorized Signatory
(with Seal)

Draft Order in place of T/T Policy-13Jan,2017

FORM- 3
[See Para-5(8)]

REGISTER OF APPLICATIONS FOR PERMISSION FOR INSTALLATION OF
TELECOMMUNICATION INFRASTRUCTURE

Sr. No.	Name of the Applicant/ licensee with full particulars and postal address	Number and date of License issued by DOT and period of validity	Date of receipt of application	Particulars of the land/building of which permission is sought			Particulars of documents received with applicant	Details of fee and charges deposited with No. and date of challan	Number and date of permission granted and validity period
				Location	Plot No.	Area			
1	2	3	4	5	6	7	8	9	10

FORM- 4
[See Para-6(3)]

OFFICE OF THE NODAL OFFICER

No.

PUBLIC NOTICE

Date :

The licensee..... (particulars of licensee) has submitted application in this office for granting permission for erection/installation of telecom tower or laying of underground/aboveground OFC/telegraph infrastructure on the land or building or location mentioned below :-

Detail of location (Name of village, city, ward No., street name, road name etc.)	Details of Plot No./building/land/structure	Area in Sq.mtr. (in case of tower) or length in meters (in case of OFC)
---	---	---

Therefore, it is hereby informed to all concerned that if, anybody has any objection or suggestion on granting permission for installation or establishment of above mentioned telecom infrastructure on the land/ building/location above, he may submit objection or suggestion along-with supporting documents before the undersigned during office hours on any working day within 7 days of the publication of this notice.

In absence of any objection/suggestion within above stipulated time it any be deemed that nobody has objection/suggestion and matter will be disposed off accordingly.

This notice issued on this day under my signature and seal.

Name & Seal Nodal Officer

FORM-5
[See Para-8(2)(a)]
OFFICE OF THE NODAL OFFICER.....
(For.....(appropriate authority)
CASE No. & Year

The applicant-licensee
address

Sub :- Grant of permission for erection, installation or establishment of aboveground telegraph infrastructure on the land or building under the Indian Telegraph Right of Way Rules, 2016 and Order made there-under.

- (1) The above applicant-licensee has applied to accord permission for erection, installation or establishment of aboveground telegraph infrastructure under Rule 9 of the Indian Telegraph Right of Way Rules, 2016 read with Para 5 of Order No. dated issued by the Deptt. of Urban Development and Housing, Govt. of Rajasthan. The permission has been applied on the land or building mentioned below :-

Detail of location (Name of village, city, ward No., street name, road name etc.)	Details of Plot No./building/land/structure	Area in Sq.mtr.
---	---	-----------------

- (2) That I have examined the application and documents/statements submitted by the applicant-licensee. He has deposited the necessary fee and charges. I have examined the reports received from Local Body and field agencies. I am of the opinion that the desired permission is in consonance with provisions of above mentioned Rules and Order.
- (3) Therefore, I hereby grant the permission for erection, installation or establishment of following telegraph infrastructure on the land or building herein above mentioned;

Sr. No.	Item	Details (to be mentioned by Nodal Officer)
1	The nature and location including exact latitude and longitude, of the post/ tower or other aboveground contrivances which are to be established;	
2	The extent of land required for establishment of the aboveground telegraph infrastructure.	
3	The details of the building or structure, where the aboveground telegraph infrastructure is to be established.	
4	The mode of and the time duration for, execution of the work.	
5	In case micro cells/Wi-Fi access points on street light poles/bus shelters/ government buildings, give detail.	

Draft Order in place of TIT Policy-19Jan-2017

- (4) The permission is granted on following terms and conditions :-
- (i) The Radiation norms fixed by DoT have to be strictly followed by the licensee. Any citizen can approach the TERM Cell with regard to grievance on any issue relating to radiation.
 - (ii) Sign boards and Warning Signs ("Danger", "Warning", : Caution", etc.) as per guidelines of DoT shall be provided at towers and antenna sites which are clearly visible and identifiable.
 - (iii) The licensee shall be permitted to erect/install telegraph infrastructure on open land including private/khatedari lands, lands and buildings of Government or Government owned/controlled Statutory or Non-Statutory institutions/bodies or at other public/private locations including roads, parks, playgrounds, hospitals, schools, land earmarked for public utilities.
 - (iv) In the walled city area or in the area of Heritage importance the Pole/Mast shall be designed keeping in view the Heritage character of the area.
 - (v) Installation of telegraph infrastructure shall not be permitted on right of way.
 - (vi) The licensee shall fix the equipments which cause minimum noise and environmental pollution for power back-up in the earmarked boundary adjacent to mobile tower/post.
 - (vii) The structural stability of the towers/posts and building in which it is erected, shall be ensured by the licensee and the towers/posts and their foundations shall be designed accordingly. He shall be solely responsible for any mishap, if it takes during or after erection of towers.
 - (viii) Mobile towers/posts being a temporary structure and essential service in nature can be installed on any type of land/building regardless of its specified land use and will not require change of land use under any law
- (5) This permission shall be valid from this date upto the period of license granted to the licensee by the DoT (i.e. dated).

The permission is granted on this date under signature and seal of the undersigned.

Nodal Officer

FORM-6

[See Para-8(2)(a)]

OFFICE OF THE NODAL OFFICER.....

(For.....(appropriate authority)

CASE No. & Year.....

The applicant-licensee
address

Sub :- Grant of permission for laying of underground telegraph infrastructure under the Indian Telegraph Right of Way Rules, 2016 and Order made there-under.

- (1) The above applicant-licensee has applied to accord permission for laying of underground telegraph infrastructure under Rule 5 of the Indian Telegraph Right of Way Rules, 2016 read with Para 5 of Order No. dated issued by the Deptt. of Urban Development and Housing, Govt. of Rajasthan. The details of land/location/property under which the permission has been applied for, are as below:-

Detail of location (Name of village, city, ward No., street name, road name etc.)	Description of property to be used	Length in mtr.

- (2) That I have examined the application and documents/statements submitted by the applicant-licensee. He has deposited necessary fee and charges. I have examined the reports received from Local Body and field agencies. I am of the opinion that the desired permission is in consonance with provisions of above mentioned Rules and Order.
- (3) Therefore, I hereby grant the permission for laying of following underground telegraph infrastructure;

Sr. No.	Item	Details (to be mentioned by Nodal Officer)
1	The nature of the work	
2	The location details of the proposed work including buildings/structures, if any, to be used.	
3	The route planned for the proposed work.	
4	Methodology for the execution of proposed work.	
5	The mode of and the time duration for, execution of the work.	
6	The time of the day when work is to be done.	
7	Number of ducts under the roads for which permission is granted.	

- (4) The permission is granted on following terms and conditions :-

- (i) The work shall be started from the outer areas of the city and then to the core area.
- (ii) Damages of roads and filling up of pits caused during the laying of underground telegraph infrastructure and taking fibre to home will be repaired by the local body

- (.....) and the entire expenses, for restoration of damaged road portion shall be charged by the local body from the licensee. Charges for such expenses, i.e. Rs..... (in words Rupees.....) shall be deposited in advance in the form of 100% cash within period of 30 days from the date of grant of this permission and prior to the commencement of work of laying the underground telegraph infrastructure. An amount equal to restoration charges as security shall be submitted by the licensee (in lieu of expenses for restoration) prior to the commencement of such work in the form of a Bank Guarantee valid for one year if the licensee has undertaken to discharge the responsibility of restoration of damaged road portion.
- (iii) Laying OFC through Micro- Trenching Method shall be allowed during monsoons, provided that the applicant takes all security measures and makes arrangements for immediate restoration of the damage caused.
 - (iv) Supervision of the work :- (a) The Nodal Officer, or any officer authorised by the appropriate authority, may supervise the execution of work to ascertain if the conditions imposed under the rules and this Order are observed by the licensee;
 - (b) The Nodal Officer may, on the basis of such supervision, impose such other reasonable conditions as it may think fit;
 - (c) If the Nodal Officer comes to the conclusion that the licensee has willfully violated any of the conditions, it may forfeit, in full or in part, the bank guarantee submitted by the licensee and withdraw the permission, for reasons to be recorded in writing.
 - (v) Only pits of approximate size 1.5mtr.x1.5mtr.x1.5mtr. depth or as per requirement at site shall be excavated in the roads where optical fiber cables are to be laid, at the distance of not less than 100 meter. The pits shall be refilled only with granular material and shall be compacted as per the specifications. The pits/trenches shall be reinstated within 48 hours, repeat shall be reinstated within 48 hours, after the work at that location is over, failing which, penalty as applicable as per the guidelines for trenching activities shall be applicable besides the cancellation of permission etc.
 - (vi) The licensee shall ensure provision of positional intelligence, through appropriate technology, of all underground telegraph infrastructures to enable the local body to obtain real time information on its location.
 - (vii) The licensee will carry out Ground Penetrating Radar (GPR) survey wherever necessary along the route where the ducts will be laid for detection of existing utilities. The data of utilities collected by the licensee through GPR survey should be unconditionally shared with Local Body, free of cost.
 - (viii) No damage shall be caused to any underground utilities while laying the ducts by using Horizontal Directional Drilling (HDD) methodology. In case any utility is damaged, the damage so caused to the utilities, shall be rectified by the licensee at his own cost.
 - (ix) Ducts shall be laid approximately 2mtrs. below the road crust. However, in case of Hard Rock Strata where HDD methodology is not possible, the depth of approx. 400 mm. shall be maintained with the duct installed inside G.I. Pipe covered with PCC 71.
 - (x) The cost of shifting conduits/OFC, wherever required, shall be borne by the licensee and instructions of Local Body in this respect shall be complied within the time frame fixed by the concerned Local Body.

- (xi) Local Body shall not be responsible for any damage to OFC and resultant losses, if any, due to any act of employee of Govt. or Local Body, while performing official duties.
- (xii) The licensee shall make proper arrangement for access control of the chambers to avoid misuse/illegal use of ducts and the chambers.
- (xiii) For laying overhead OFC from fiber to home network it shall be permitted to erect poles on specified locations on roads over the ground area not more than 1 meter X 1 meter. The spacing between two poles should not be less than 50 meters in line of the sight.
- (xv) The licensee shall ensure that,-
 - (a) Prior to the commencement of work of laying the optical fibre and at all times during the execution of the work, the measures to mitigate public inconvenience and provide for public safety are implemented;
 - (b) structural safety of overground infrastructure are implemented;
 - (c) the work of laying OFC/telegraph infrastructure is carried out in accordance with the conditions specified under the rules and this Order.
- (5) This permission shall be valid from this date upto the period of license granted to the licensee by the DoT (i.e. dated).

The permission is granted on this date under signature and seal of the undersigned.

Nodal Officer

FORM-7

[See Para-12(2)]

APPLICATION FOR REGULARIZATION OF EXISTING ABOVEGROUND TELEGRAPH INFRASTRUCTURE
(MOBILE TOWER etc.)To
The Nodal Officer

(Details of appropriate authority)

A Details of the applicant-licensee											
1. License details											
2. Name of licensee											
3. Registered address											
4. Rajasthan circle office address											
5. Name of authorized person											
6. Designation of the authorized person											
7. Phone/Mobile No. of the authorized person	PIN <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										
8. E-mail											
B The nature of post/tower or other aboveground contrivances.											
C The extent of land required (size and area in meters)											
D Details and location of the land for site											
1. Plot No./khasara No.											
2. Road/Street											
3. Ward No. & Name of colony											
4. City/Town or name of revenue village											
5. Tehsil											
6. District											
7. Exact latitude and longitude of the site											
E Details of building or structure of the site											
1. Name of building/ structure											
2. Height and stories of building											
3. Area of the building/ structure											
4. Complete address of the building/structure											
5. District											

Draft Order in place of TIT Policy-19Jan,2017

26

6 Exact latitude and longitude of the site				
F Name and address of the owner of the land or building				
G Details of the Tower/Post				
(i) Height	(ii) Weight	(iii) Ground/Roof Top Tower	(iv) Pole/Wall mounted	(v) No. of antennae
(vi) Whether on an open plot/ building	(viii) Area required	(viii) The exact latitude and longitude of the Tower/Post		
H Other related information				
(i) The mode of and the time duration for, execution of the work.				
(ii) The inconvenience that is likely to be caused to the public and the specific measure to be taken to mitigate such inconvenience.				
(iii) The measures proposed to be taken to ensure public safety during the execution of the work.				
2. The names and contact details of the employees of the licensee for the purpose of communication in regard to the application made.				
(v) Any other matter relevant, in the opinion of the licensee, connected with or relative to the work proposed to be undertaken.				
(vi) Any other matter specified by the DoT, or State Govt. or the local body				
I Details of fee and charges deposited				
J List of documents attached				Whether attached (Yes/No)
(i) Copy of the license granted by the DoT				
(ii) Site Plan				
(iii) The detailed technical design and drawing of tower/post or other aboveground telegraph structure including the specification of foundation. In case the tower/post etc. is in the vicinity or adjoining to high or low tension line, drawings showing its distance from the line.				
(iv) Copy of Structural Stability Certificate				
(v) Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement.				
(vi) Copy of clearance from State Environment & Forest Department, if applicable.				
(vii) Acknowledgement receipt issued by TERM Cell of the self-certificate submitted				

Draft Order in place of TIT Policy-15Jan,2017

	by licensee.	
(viii)	Attested copy of Lease Agreement Deed/Consent Agreement Deed	
(ix)	Prior written consent from the authority having legitimate right over the land/premises belonging to Central Government/PSUs, if applicable.	
(x)	Any other document	

Declarations

4. I hereby declare that I have carefully read the policy. I fully comply with the terms and conditions therein.
5. I understand that this application, if found incomplete in any respect and/or if found with conditional compliance or not accompanied with the processing fee, shall be summarily rejected.
6. I understand that processing fee is non-refundable irrespective of whether or not the permission is granted to me.
4. I declare that if at any time any averments made or information furnished by me is found incorrect or false, my application shall be liable to be rejected and any permission granted on the basis of such information/documents shall be liable to be cancelled/rejected.

Date:
Place

Signature and name of the
Authorized Signatory
(with Seal)

राजस्थान सरकार
राजस्व (ग्रुप-6) विभाग

क्रमांक पत्र 9(28)राज-6/17/14
समस्त, जिला कलक्टर
राजस्थान।
समस्त, उपखण्ड अधिकारी
राजस्थान

जयपुर दिनांक 06/11/17

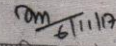
-परिपत्र-

विषय- इण्डियन टेलिग्राफ राईट ऑफ वे रूल्स 2016 के अन्तर्गत इन्सटॉलेशन/लेईंग ऑफ टेलिग्राफ इन्फ्रास्ट्रक्चर इन अरबन एण्ड रूरल एरियाज।
संदर्भ- नगरीय विकास एवं आवासन विभाग द्वारा जारी आदेश पत्र 10(147) नविआ/3/2008/पार्ट-III दिनांक 06.02.2017, सशोधन समसंख्यक आदेश दिनांक 09.02.2017 एवं आदेश दिनांक 01.8.17

उपरोक्त विषयान्तर्गत संदर्भित पत्र द्वारा नगरीय विकास एवं आवासन विभाग द्वारा Simplification of process for permission to be given to licensee for installation/laying of telegraph infrastructure in urban and rural areas के संबंध में संदर्भित आदेश दिनांक 06.02.2017 जारी किया गया है।

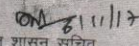
संदर्भित आदेश दिनांक 06.02.2017 के खण्ड 2(सी) में उपखण्ड अधिकारी को ग्रामीण क्षेत्र में नोडल अधिकारी नियुक्त किया गया है। टेलीकॉम इन्फ्रास्ट्रक्चर स्थापित करने हेतु आदेश दिनांक 06.02.2017 ग्रामीण क्षेत्र एवं शहरी क्षेत्र दोनों में ही समान रूप से प्रभावी है।

इस संदर्भ में राजस्व विभाग द्वारा पूर्व में जारी परिपत्र क्रमांक पत्र 2(231)राजस्व/मू0रू0/2009 दिनांक 23.08.2012 के अतिरिक्त समस्त उपखण्ड अधिकारियों को निर्देशित किया जाता है कि ग्रामीण क्षेत्रों में अपने क्षेत्राधिकार के भीतर टेलीकॉम लाईसेंसधारियों को इन्फ्रास्ट्रक्चर अर्थात् टावर आदि स्थापना हेतु नियमानुसार स्वीकृति प्रदान करें। इस संबंध में आवेदन शुल्क एवं वार्षिक उपयोग प्रभार की राशि प्रथमतः राजस्व मद में एवं राजस्व मण्डल से प्राप्त निर्देशानुसार उप-मद में जमा कराया जाये। कृपया इस संबंध में अन्य आवश्यक कार्यवाही नगरीय विकास विभाग के आदेश दिनांक 06.02.2017 एवं संदर्भित आदेशों के अनुसार सुनिश्चित करावे।


(रामनिवास जाट)
संयुक्त शासन सचिव

प्रतिलिपि निम्न को सूचनाएं प्रेषित है-

1. संयुक्त सचिव-1 नगरीय विकास एवं आवासन विभाग को उनके पत्र पत्र 10(147)नविआ/3/2008/पार्ट-III दिनांक 01.08.2017 के क्रम में।
2. निजी सचिव, प्रमुख शासन सचिव, न्यायत शासन विभाग, सचिवालय, जयपुर।
3. निदेशक, स्वायत्त शासन विभाग, जयपुर।
4. समस्त टेलीकॉम सर्विस प्रोवाइडर्स एवं आई.पी. प्रोवाइडर्स।


संयुक्त शासन सचिव

राजस्थान सरकार
राजस्व ग्रुप-6 विभाग

प्रेषित:- सगुन जिला कलेक्टर ।

क्रमांक-प. 0830 राज-6/2003/3

जयपुर, दिनांक- 31.1.2003

"परिपत्र"

विषय- राजस्थान भू-राजस्व विभागाध्यक्ष पेट्रोलपम्प या चिकित्सा सुविधा स्थापित करने हेतु कृषि भूमि का आर्जन तथा नियमन नियम- 1978 के तहत लीज नवीनीकरण के संबंध में स्पष्टीकरण आबत ।

1. जिला कलेक्टर जयपुर द्वारा पेट्रोल पम्प हेतु लीज नवीनीकरण एवं बढी हुई दरें ला करने के संबंध में मागदर्शन वाहा गया है । अतः उपरोक्त विषय में निदेशानुसार निम्नवत् स्पष्टीकरण जारी किया जाता है :-

राजस्थान भू-राजस्व विभागाध्यक्ष, पेट्रोलपम्प या चिकित्सा सुविधा स्थापित करने हेतु कृषि भूमि का आर्जन तथा नियमन नियम- 1978 के अन्तर्गत राज्य सरकार द्वारा जारी अधिसूचना क्रमांक प. 0831 राज-4/87/49 दिनांक 21.11.1987 द्वारा पट्टा किराये में खूँटि की गयी है । इस संबंध में यह स्पष्ट किया जाता है कि अधिसूचना दिनांक 21.11.87 द्वारा प्रदत्त गयी दरें भूत कृषि प्रभाव से लागू नवा होगी । उक्त बढी हुई दरें दिनांक 21.11.87 से ही लागू होंगी । साथ ही यह भी स्पष्ट किया जाता है कि लीज-नवीनीकरण के समस्त मामलों में नवीनीकरण उक्त बढी हुई दरों में नियमानुसार 50 प्रतिशत की छूट तरी कर ही लीज नवीनीकरण किया जावेगा ।

उप शासन सचिव

प्रतिनिधि निम्नलिखित की सुवार्थ एवं आंतरिक कार्यवाही हेतु

है -

1. निजी सचिव, मुख्यमंत्री/मुख्य सचिव/राजस्व वि.
2. निदेशक, सहायक, उप मुख्यमंत्री, राजस्व ।
3. सगुन विभागीय आयुक्त, राजस्थान ।
4. निदेशक, राजस्व मण्डल अजमेर ।
5. निदेशक, अगस्त्यक निदेशकलय, जयपुर ।
6. निदेशक, सुचना एवं प्रौद्योगिकी व कम्प्यूटर विभाग ।
7. निदेशक राज्य केन्द्रीय मद्रणालय राज, जयपुर ।
8. "राजस्व" राजस्व मण्डल, अजमेर । शिरो निदेशक ।
9. राजस्व मण्डल, अजमेर ।
10. सगुन उप शासन सचिव, राजस्व विभाग ।
11. सचिव, राजस्व ।

**GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT**

No. F.9 (45)Rev 6/2016/८९

Jaipur, Dated:- 11-०4-२०/८

NOTIFICATION

In exercise of the powers conferred by clause (xi-A) of sub-section (2) of section 261 read with section 90-A and 102 of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), the State Government hereby makes the following rules further to amend the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical Facilities or Explosive Magazine) Rules, 1978, namely:-

- 1. Short title and commencement.-** (1) These rules may be called the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical Facilities or Explosive Magazine) (Amendment) Rules, 2016.
(2) They shall come into force at once.

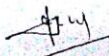
- 2. Amendment of rule 9.-** The existing clause (a) and clause (b) of sub-rule (8) of rule 9 of the Rajasthan Land Revenue (Allotment and Regularisation of Agricultural Land for Construction of Cinemas and for Establishment of Petrol Pumps or Medical Facilities or Explosive Magazine) Rules, 1978, shall be substituted by the following, namely:-

“(a) The lease rent chargeable for a standard size plot of 4,000 square yards of agricultural land for Cinema shall be as under:-

- | | |
|-------------------------------------|----------------|
| (i) For towns in Category No. I | Rs.5000/- P.M. |
| (ii) For towns in Category No. II | Rs.2500/- P.M. |
| (iii) For towns in Category No. III | Rs.1200/- P.M. |

(b) The lease rent for a standard size plot of 1200 square yards of agricultural land for Petrol Pump Explosive Magazine shall be as under:-

- | | |
|---------------------------------|----------------|
| (i) For towns in Category No. I | Rs.1000/- P.M. |
|---------------------------------|----------------|

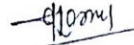


- (ii) For towns in Category No. II
(iii) For towns in Category No. III

Rs. 600/- P.M.

Rs. 400/- P.M."

By order of the Governor.



(Kunj Bihari Pandya)

Joint Secretary to the Government

Copy: - Copy forward to the following for information and necessary action:-

- 1 P.S. to Hon'ble Chief Minister, Rajasthan Jaipur.
- 2 S.A. to Hon'ble Revenue Minister, Rajasthan Jaipur.
- 3 P.S. to Chief Secretary, Rajasthan Jaipur.
- 4 P.S. to Secretary, Revenue Department, Jaipur
- 5 Accountant General, Rajasthan, Jaipur
- 6 All Divisional Commissioners. Rajasthan
- 7 All Collectors, Rajasthan
- 8 Deputy Accountant General, SRA, Rajasthan, Jaipur.
- 9 Registrar, Board of Revenue, Rajasthan, Ajmer.
- 10 Director Printing and Stationary department for publication of the Notification in the Rajasthan Gazette dated along with additional copies
- 11 Director, Public Relation, Rajasthan, Jaipur.
- 12 Registrar, Board of Revenue, Ajmer.
- 13 "RAVIRA" Board of Revenue, Rajasthan, Ajmer.
- 14 Director, Information & Technology (Computer), Jaipur.
- 15 Joint Registrar, Library Judges, Supreme Court, New Delhi.
- 16 Registrar General of High Court of Rajasthan, Jodhpur.
- 17 All Joint Secretaries/Dy. Secretaries Department of Revenue.
- 18 Joint Secretary Revenue (G-5) Department for uploading on website.
- 19 Guard file.



Joint Secretary to Government