

The Himachal Pradesh Land Revenue (Surcharge) Act, 1974

HIMACHAL PRADESH

India

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Act 19 of 1974

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The Himachal Pradesh Land Revenue (Surcharge) Act, 1974 Act No. 19 of 1974 It was later replaced by this Act. with received the assent of the Governor on the 7th February 1978. Thereafter the Act was published in the H.P. Government. Gazette Extra Ordinary dated 13.2.78. An Act to provide for the levy and payment of surcharge on land revenue in the State of Himachal Pradesh Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fifth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Himachal Pradesh Land Revenue (Surcharge) Act 1974. (2) It extends to the whole of the state of Himachal Pradesh. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a) 'land-owner' shall have the same meaning as is assigned to it in the Punjab Land Revenue Act, 1887 (17 of 1887) or the Himachal Pradesh Land Revenue Act, 1954, (6 of 1954) as the case may be, and includes a mortgagee with possession; (b) 'land revenue' shall have the same meaning as is assigned to it in the Punjab Land Revenue Act, 1887 (17 of 1887) or the Himachal Pradesh Land Revenue Act, 1954, (6 of 1954) as the case may be; and (c) all other words and expressions used, but not defined in this Act, shall have the same meanings as are assigned to them in the Punjab Land Revenue Act, 1887 (17 of 1887) or the Himachal Pradesh Land Revenue Act, 1954, (6 of 1954) as the case may be.

3. Levy of surcharge.

(1) With effect from Rabi harvest of the agricultural year 1973-74 and notwithstanding anything to the contrary contained in the Punjab Land Revenue Act, 1887 (17 of 1887) or the Himachal Pradesh Land Revenue Act, 1954, (6 of 1954) every land-owner who pays land revenue shall be liable to pay surcharge thereon to the extent of,-

(a) in the areas where land settlements have not been done during the last 40 years :-

(i)	On land revenue upto rupees fifteen	50 per cent
	On land revenue upto twenty-five -	
(ii)	On first rupees fifteen	50 per cent
	On next rupees ten	75 per cent
(iii)	On land revenue upto rupees fifty -	
	On first rupees fifteen	50 per cent
	On next rupees ten	75 per cent
	On next rupees twenty-five	100 per cent
(iv)	On land revenue exceeding rupees fifty -	
	On first rupees fifteen	50 per cent
	On next rupees ten	75 per cent
	On next rupees twenty-five	100 per cent
	On the remaining amount	125 per cent

(b) in the areas where land settlements have been conducted during the last 40 years :-

(i)	On land revenue upto rupees fifteen	25 per cent
(ii)	On land revenue upto twenty-five -	

(iii)	On first rupees fifteen	25 per cent
	On next rupees ten	50 per cent
	On land revenue upto rupees fifty -	
(iv)	On first rupees fifteen	25 per cent
	On next rupees ten	50 per cent
	On next rupees twenty-five	75 per cent
	On land revenue exceeding rupees fifty -	
	On first rupees fifteen	25 per cent
	On next rupees ten	50 per cent
	On next rupees twenty-five	75 per cent
	On the remaining amount	100 per cent

(2) If in a district or any part thereof, the land revenue is re-assessed as a result of settlement in such a district or a part thereof after the commencement of this Act, then the rates of surcharge prescribed in clause (b) of sub-section (1) of this section shall apply to such a district or any part thereof, as the case may be, from such harvest of the agricultural year as may be notified by the State Government in this behalf in the Official Gazette: Provided that the levy of surcharge shall not have the effect of adding to the value of any Jagir or any assignment of land revenue. (3) Where the land revenue is remitted or suspended, the surcharge payable under this Act shall be remitted or remain suspended, as the case may be.

4. Submission of returns.

(1) A land-owner who is liable to pay surcharge under this Act and whose land is situated within the jurisdiction of more than one Kanungo, shall within such time as may be prescribed, give written information of the details of the total land revenue payable by him to the Patwari in whose jurisdiction he holds land with the largest land revenue and shall also submit a copy thereof to the Tehsildar having jurisdiction. (2) The provisions of sub-section (1) of this section shall apply mutatis mutandis to a land-owner who becomes liable to pay surcharge under this Act as a result of acquisition of land by purchase or inheritance or by request or by gift or by exchange or by mortgage or in any other manner whatsoever (under any law for the time being in force in the State of Himachal Pradesh) after the commencement of this Act and in his case, the period of return shall be

thirty days from the date of such acquisition.

5. Failure to submit information.

(1) If a land-owner fails to furnish the information required under section 4 or furnishes the information which is wrong in material particulars, the Tehsildar of the Tehsil shall make assessment of the surcharge payable by the land-owner after collecting the required information in the manner to be prescribed. (2) A land-owner who fails to furnish the information required under section 4 or furnishes the information which is wrong in material particulars, he may be charged a penalty upto twelve times the amount of surcharge recoverable from him under this Act. by the Tehsildar.

6. Recovery of surcharge.

- The surcharge and the amount of penalty, if any, shall be recoverable as arrears of land revenue.

7. Power to make rules.

(1) The State Government may, by notification in the Official Gazette subject to previous publication, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature while it is in session for a total period of seven days which may be comprised in one session or two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislature requires any modification in the rule or desires that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity, of anything previously done under that rule.