

The Rajasthan Lands Special Irrigation Charges Rules, 1954

RAJASTHAN

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Rule

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The Rajasthan Lands Special Irrigation Charges Rules, 1954 Published vide Notification No. F.2 (108) Irg./52 Dated 7-9-1954, Published in Rajasthan Gazette, Part 4-C, dated 29-9-1954 In exercise of the powers conferred by section 15 of the Rajasthan Lands Special Irrigation Charges Act, 1953 the Government of Rajasthan is pleased to make the following rules.

1. Short title.

- These rules may be called The Rajasthan Lands Special Irrigation Charges Rules 1954.

2. Definitions.

- In these rules:-(a)"The Act" means the Rajasthan Lands Special Irrigation Charges Act, 1953;(b)"Perennial Irrigation" means Canal Irrigation that will be available throughout the year;(c)"Restricted Perennial Irrigation" means Canal Irrigation that will be available throughout the year except during the months of July and August;(d)"Kharif Irrigation" means canal Irrigation available during the months April to September, (both inclusive);(e)"Rabi Irrigation" means canal Irrigation available during, the months October to March, (both inclusive);(f)"included Lands" means such lands for which canal water has been provided in a duly sanctioned chakbandi under any irrigation scheme coming within the purview of this Act, any areas subsequently incorporated in the scheme shall also be considered "included lands" for the purposes of Act;(g)["Board" means a Board of- [Substituted first by Dated 12-5-1958, Published in Rajpatra part IV(ga), dated 5-6-1958 and again by Dated 26-2-1959, Published in Rajpatra part IV(ga), dated 16-4-1959](a)One or more revenue officers not below the rank of a Collector or a Settlement Officer or a Colonization Officer; and(b)One or more officers of the Irrigation Department not below the rank of an Executive

Engineer, as may be constituted by the Government, for the appraisalment of the enhancement in the value of the lands included in an irrigation scheme for the purpose of levy of betterment charges.](h)"Chief Engineer" means the Chief Engineer Incharge of the scheme under which betterment charges are levied:(i)"Net assets" of an estate or group of estates means the estimated average annual surplus produce or such estate or group of estates remaining after deduction of the ordinary expenses of cultivation as ascertained or estimated:Explanation. - Ordinary expenses of cultivation include payments, if any, which the landowner customarily bears whether in kind or in cash either in whole or part in respect of-(1)Land revenue and water rates,(2)maintenance of means of irrigation,(3)maintenance of embankments,(4)supply of seeds,(5)supply of manure,(6)improved implements of husbandry,(7)concessions with regard to fodder,(8)special abatements made for fallows or bad harvests,(9)cost of collection of rent,(10)allowance for shortage in collection of rent, and(11)interest charges payable in respect of advances made in cash, free of interest, to tenants for the purposes of cultivation and harvesting.(j)Any other expression which is used in these Rules and is not defined in the The Rajasthan Lands Special Irrigation Charges Act, 1953, or the Rules thereunder shall have the same meaning as is assigned to it in the The Rajasthan Lands Special Irrigation and Drainage Act, 1954 or any subsequent amendment thereof.

3. Mode of publication.

(1)Any proposal of Government to levy of Betterment Charges or acreage rate on lands included in any irrigation scheme or any other matter requiring publicity under this Act, shall be published in the Rajasthan Gazette and certified copies thereof shall be posted:-(a)at the offices of the Collector and Divisional Canal Officer concerned,(b)at conspicuous places in the locality affected such as Tehsil and Thanas, etc., situated in such locality:(2)Such proposal and matter also be published by beat of drum or oral proclamation or other customary methods.

4. Procedure of working out acreage rates.

- The acreage rate will be worked out by the Divisional Canal Officer on the basis of estimated cost of one or more works or measures mentioned in section 4 of the Act after consulting, where necessary, the Revenue Officer of the District concerned. The Divisional Canal Officer will then submit his proposals to the Chief Engineer Incharge of the Scheme who will after his scrutiny get the draft schedule prepared as contemplated in section 4 of the Act and obtain the approval of Government thereto.

5. Procedure for working out betterment charges.

(1)The entire area included in an irrigation scheme shall be divided by a duly constituted Board into blocks or assessment circles, so as to have more or less uniform physical characteristics of soil in each circle as per classification in the last settlement, duly amended by lates Jamabandi for the area under consideration.(2)The Board shall work out for each class of land in an assessment circle, an estimates of net assets in cash for a date prior to the commencement of the scheme notified by the Government under Sub-section (7) of section 5.(3)The share of the landholder in the net assets will be taken as 1/3rd of the total net assets for purposes of evaluating the cost land.(4)Similarly the

Board shall estimate the share of the net assets of landholder for the classes of land mentioned in Sub-section (2) on a subsequent date as published in the Rajasthan Gazette under Subsection (7) of section 5 of the Act when these classes of land are changed to nehri as a result of the irrigation scheme.(5)The value land of a landholder or an occupancy tenant will be taken as 30 times the value of his share of the net assets.(6)The difference in value of each class of land in an assessment Circle on dates prior to and subsequent to the introduction of the scheme, taking the share of a landholder or an occupancy tenant at one third of the divisible produce, will be considered as enhancement in the value of such land resulting from introduction improvement in irrigation facilities.(7)The rate of betterment charges will be as fixed by the Government but shall not exceed half of the enhancement in the value land as determined under sub-rule (5) and (6).(8)The Betterment Charges will be calculated with reference to classes of lands recorded in the last settlement or jamabandi or the latest revenue record available and also with reference to different types of irrigation facilities provided that any particular types of land.(9)In cases where canal irrigation facilities are made available to Chahi areas and where actual value of such lands is not likely to increase, the calculation of betterment charges will take into the reduction in the cost of the working of wells and their maintenance.(10)[In cases where reliable date of Post and Pre-Projects periods is not available, or where the working out of the net assets causes any complication the betterment charges will be worked out on the basis of one sixth share of the gross produce, as indicated by the average rates of the wet and dry soils of the commanded area. In this case also the rate of betterment charges shall not exceed fifteen times the difference between the wet and dry rates for the dry area will be worked out on the formula:- $(X-Y) \times 15 \times Z$.Where :- X - represents the average of the wet rent rates of the culturable commanded area of the Projects.Y - represents the average of the dry rent rates of the culturable commanded area 9both cultivated and uncultivated under the Project.Z - represents the intensity of the Project.(11)In cases where canal irrigation facilities have been given to chahi areas and the betterment charges have to be levied chiefly on account of the saving in the cost of the working the wells, and their maintenance the multiple '15' in the formula referred to in rule (10) above will be replaced by multiple '5' only and betterment charges worked out accordingly.(12)In cases where new canal irrigation facilities have been made available to the area which is already Nehri or Talabi of some other old tanks, the Board will decide the matter on individual merits after examining the extent of benefit, if any, that may have actually accrued to such areas.(13)In making assessments under sub-rules (10) and (11) of Rule 5 the Board will have the power to round off minor differences, if any, in the various areas to bring about uniformity and equity in the assessment of the areas of more or less similar nature.] [Added by Dated 4-8-1959, Published in Rajpatra part IV(ga), dated 10-9-1959]

6. Preparation of Draft Schedules.

- The Board shall prepare in accordance with rule 5 a draft schedule of betterment charges which will show-(i)The duties adopted by the Board for evaluating lands before and after the commencement of the scheme, and(ii)the rates per acre payable as Betterment Charges for each class of land when converted from existing class to Nehri in an assessment circle-(a)when paid in one instalment, or(b)when paid by instalments as prescribed, and(c)the maximum number of instalments allowed for payment.

7. Publication of draft schedule of betterment charges and acreage rates

- A draft of the schedule of acreage rates or betterment charges prepared in accordance with the Act and these rules shall be published in the specified manner in Rule 3.

8. Disposal of objections to schedule of betterment charges.

(1) Applications under Sub-section (3) of section 4 and Sub-section (5) of section 5 of the Act shall be considered by the Board which will submit its report thereon to the Chief Engineer within 60 days of the last date fixed for presenting such applications proposing such amendments in the Schedule as may be considered necessary. (2) No such application shall be entertained or considered, if it is made after the expiry of the time limit specified in Sub-section (3) of section 5 as the case may be and in case of any land changing ownership after the date of publication of the draft schedule for acreage rates or betterment charges as the case may be, no person shall be entitled to raise any fresh objections to the schedule on the ground that the ownership of the land was transferred after the publication of the draft schedule or that he had since the date of such change of ownership had less than 60 days for making such an application.

9. Publication of Final Schedule of Betterment Charges.

(1) After considering the recommendations of the Board made under Rules 8, the Chief Engineer will prepare the final schedule of Betterment charges and submit the same for the sanction of the Government. (2) The final schedule determined and sanctioned by the Government shall then be published in the manner laid down in Rule 3.

9A. Procedure where lift irrigation converted into Gravity Flow irrigation.

- If lift irrigation facilities are converted into gravity flow irrigation on a date subsequent to the introduction of the irrigation facilities originally provided but before the full betterment fees have been recovered, the assessee shall be required to pay the higher rate of betterment charges from the date the said improvement is affected, the number of instalments for payment remaining the same.

10. Distribution of demand slips.

- As soon as the demand statements in respect of betterment charges or acreage rates for any village are completed, the copies of demand slips meant for assesses will be sent to the Patwari who will distribute them amongst assesseees or failing them their recognised agents or an adult male member of the family of an assessee within 5 days of receipt. The acknowledgements of assesseees for demand slips shall be submitted by the Patwari to the Divisional Canal Officer under a registered post or through the Tehsildar concerned within 10 days of their receipt.

11. Submission of Demand Statement to Tehsils.

- One copy of Demand Statement for each village shall be sent to the Tehsil concerned on the date fixed by Government for despatch of Demand Statement for Occupiers rates.

12. Objections by Assessee to demand and their disposal.

(1) Any assessee may, if he desires, present his objections to the demand within 21 days of the date of receipt of demand slip by him or if the demand slip has been proved not to have been delivered to him or his representative to the satisfaction of the Divisional Canal Officer, within 10 days of the date on which he became first acquainted with the claim against him. The orders of the Divisional Canal Officer on such objection will be appealable to the Commissioner within 30 days of the date of such orders. (2) Objection to the demand at the time of collection urged before the Collector shall be referred by him to the Divisional Canal Officer, the collection not being suspended except on the receipt of an intimation from the Divisional Canal Officer that an objection has been admitted by him.

13. Procedure of Recoveries.

- Any amount due from an assessee under a notice of demand for betterment charges or acreage rates shall be payable on demand. The procedure for recovery will be the same as followed in the case of recovery land revenue.

14. Option of Assessee for mode of payment.

- On publication of the final schedule of betterment charges or acreage rates under the Act, the Divisional Canal Officer shall publish a notice in the villages effected thereby that the landholder or occupancy tenant should intimate to him through an application in writing, within 30 days of the notice, his choice with regard to payment in the area held or occupied by him. The notice will state that the choice is to be exercised between:-(a) one lump sum payment; (b) by half-yearly instalments spread over a number of years as desired by Government; and (c) offering a part of his land in lieu of full or part payment of betterment charges due from him. If no intimation is received by the Divisional Canal Officer from any landholder or occupancy tenant within the prescribed period the recoveries will be made from him on instalment basis.

15. Assessee can alter his option, subsequently.

- The landholder or occupancy tenant will have the option, after payment of first or any subsequent instalment, to pay the balance in one lump sum according to the amount given in the schedule of acreage rates or betterment charges for that area.

16. Rate of interest on instalments.

- In computing the amount of each instalment simple interest @ 4½% per annum shall be added.

17. Conditions for surrender of land in lieu of betterment charges

- The Surrender land by any assessee in lieu of full or part payment of betterment charges shall be accepted only if:-(a)the area to be surrendered is free from all encumbrances.(b)it does not reduce the holding of the assessee to less than 20 acres land: and(c)the area to be surrendered is in a compact block of not less than 5 acres.

18. Evaluation of land offered for surrender in lieu of betterment charges.

- In case surrender land hi lieu of betterment charges has been accepted by the Divisional Canal Officer after due investigation, he will evaluate the area surrendered at the rate fixed by the Board for such class land with reference to the date subsequent to the completion of the irrigation scheme. The decision of the Divisional Canal Officer shall be subject to the final approval of the Chief Engineer.

19. Disposal of lands surrendered.

- (1)The land surrendered by an assessee in lieu of betterment charges shall be disposed of in such manner as the Government may from time to time decide, and the cost thereof at the rate at which it was surrendered by the original holder shall be credited to the Irrigation scheme concerned as if it were betterment charges.(2)No betterment charges will be leviable on such lands as are disposed of by the Government under this Rule. Betterment Charges shall however be levied if the land is let out for cultivation and is not sold by the Government.

20. Apportionment of dues between landholder and occupancy tenants.

- The apportionment of special irrigation charges between the landholder and the occupancy tenants will be carried out by the Collector concerned, in accordance with their existing rights as stated in Revenue records.

21. Rules regulating the service of summons and notices etc.

- (1)Every summons, notice, order or requisition which, under the Act or these Rules is required to be served on, or issued, delivered or communicated to any person, shall be so served issued, delivered or communicated (as the case may be) as hereinafter provided.(2)Every such summons, notice, order or requisition shall be drawn up in writing and dated, signed and sealed by the officer having authority to issue or make the same.(3)Every summons, notice, order or requisition which is required to be served on or delivered or communicated to any person shall whenever possible, be so served, delivered or communicated. -(a)Personally on or to the person to whom it is addressed;

or(b)if such personal service, delivery or communication is on or to his recognised agent; or(c)if there is no such agent or an adult male member of the family of the person to whom it is addressed and who usually resides with him.(4)If service, delivery or communication cannot be so effected or in acceptance is refused, the summons, notice order or requisition may be served, delivered or communicated by posting copy thereof at the usual or last known place of residence of the person to whom it is addressed, or if that cannot be done, then in such other manner as the officer having authority to issue or make the same may direct.(5)If the summons, notice, order or requisition relates to a case in which persons having the same interest are so numerous that personal service on each one of that is not reasonably practicable it may be served delivered or communicated by delivery on a copy thereof to such of those persons as the officer having authority to issue or make the same socially nominates in this behalf, and by proclamation of the contents thereof for the information of the other persons interested.(6)A summons, notice, order or requisition may be served on or delivered or communicated to the person named therein either in addition to, or in substitution for, any other mode of service by forwarding the summons, notice, order or requisition by post in a registered letter addressed to that person.(7)When a summons, notice, order or requisition is so forwarded and it is proved that the letter was properly addressed and duly posted and registered, the officer having authority to issue or make the same may presume that it was served, delivered or communicated at the time when the letter would be delivered in the ordinary course of post.

22. Intimation of mutations.

- If ownership of land subject to special irrigation charges is transferred at any state, the liability in respect of the unpaid instalments of such charges will also be transferred to the vendee. The vendor shall continue to be liable for payments of such charges till he intimates to the Divisional Canal Officer the change in ownership of property by sending to him a duly certified copy of the relevant transfer deed.

23. Method of dealing with alteration in demand.

- If after delivery of the demand slips to the assessee any addition is made to the demand, or any remission is allowed on any account admissible under the Act or these rules such addition or remission shall be communicated to the landholder or occupancy tenant, as the case may be, by means of supplementary demand slips. Original demands shall be shown in black ink and additions and remissions in red. All such alterations as are made before the despatch of the demand Statements to the Collector shall be included in that statement and shall also be included in that statement and shall also be written on slips similarly printed and attached to the demand Statement. Alterations made after the despatch of the Demand Statement shall be communicated to the Collector in a supplementary consolidated statement. Any addition or remission allowed thereafter shall be similarly incorporated in the Demand Statement for the succeeding harvest. Due intimation will be given about additions and remission to assessee concerned by issue of supplementary demand slips in the manner prescribed in the Rule 10.

24. Demand for betterment charges and acreage rates not to be lapse.

- The dues on account of betterment charges or acreage rates shall not lapse on account of their not having been demanded within a certain period.

25. Irrecoverable balances.

- When any balance are found to be irrecoverable owing to want of assets, absconding of defaulters or any other cause, they shall, be reported by the Collector to the Commissioner who will deal with each case according to the orders of the Government.

26. Date of commencement of betterment charges and acreage rates.

(1) Recoveries of betterment charges or acreage rates shall commence at least one year after providing the facilities for irrigation, the date for which will be determined by Divisional Canal Officer. (2) Such dates shall be published by the Notice in the villages concerned, and a copy thereof shall be sent to the Collector and the Chief Engineer.

27. Receipts for collections.

- Receipts shall be invariably be given by the person making the collection to each landholder or occupancy tenant, on payment of betterment charges or acreage rates on a prescribed printed form.

28. Unit of area for calculation of betterment charges and acreage rates.

(1) For purposes of calculating acreage rates traction of less than half acre shall be ignored and areas of more than half and less then one acre shall be counted as one acre. (2) For calculating the betterment charges, the exact area shall be the basis of charges.

29. Demand Statement to be accessible to assessees.

- The patwari shall be responsible that the village copy of the Demand Statements is at all times accessible to any person who is liable to pay betterment charges or acreage rates.

30. [Penal rate of interest for defaulting payment. [Inserted by Dated 7-3-1989, Published in Rajpatra part IV(ga), dated 4-5-1989]

- In case the Special Irrigation Charges leviable are not paid by the date, penal interest at the rate of 12% per annum shall be recovered on the amount remaining due.]