

CHAPTER-IV: LAND REVENUE

4.1 Tax administration

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

The Revenue Department functions as the Administrative Department of the Government and it administers all matters relating to assessment and collection of land revenue. The overall control of revenue related judicial matters along with supervision and monitoring over revenue officers vests with the Board of Revenue (BOR). The BOR is assisted by 33 Collectors at the district level, 242 SDOs at the sub-division level and 244 *Tehsildars* at the *Tehsil* level. The BOR is also the State level implementing authority for computerisation of land records in Rajasthan.

4.2 Trend of revenue

The budget estimates and actual revenue realised by the Department during the period 2008-09 to 2012-13 were as under:

(₹ in crore)

Year	Budget estimates	Actual receipts	Variation excess (+)/ shortfall (-)	Percentage of variation	Total tax receipts of the State	Percentage of 3 to 6
(1)	(2)	(3)	(4)	(5)	(6)	(7)
2008-09	145.01	162.52	(+) 17.51	(+) 12.08	14,943.75	1.09
2009-10	160.16	147.66	(-) 12.50	(-) 7.80	16,414.27	0.90
2010-11	185.06	222.17	(+) 37.11	(+) 20.05	20,758.12	1.07
2011-12	196.05	209.01	(+) 12.96	(+) 6.61	25,377.05	0.82
2012-13	233.91	304.55	(+) 70.64	(+) 30.20	30,502.65	1.00

The table above indicates that the variation between the BEs and actual collection ranged between (-) 7.80 *per cent* (2009-10) and (+) 30.20 *per cent* (2012-13). Fall of revenue during 2009-10 was mainly attributed to fewer receipts on account of conversion charges from the Urban Development Department (UDD) and sale of land. The increase in revenue collection during 2010-11 and 2012-13, was due to increase in receipts from sale of Government assets, waste land and more receipts under Other Receipts respectively.

The receipts from Land Revenue accounted for one *per cent* of the total tax receipts of the State during the year 2012-13, as against 0.82 *per cent* during 2011-12. Thus, there has been an erratic trend in collection of revenue under this head though the total tax receipts of the State continuously show an increasing trend.

4.3 Analysis of arrears of revenue

The following table depicts the position of arrears of revenue as on 31 March 2013:

(₹ in crore)

Year of arrear	Total arrears as on 1 April 2012	Recovery during the year 2012-13	Recoveries outstanding as on 31 March 2013
Upto 2007-08	53.67	1.79	51.88
2008-09	5.28	0.33	4.95
2009-10	5.03	0.84	4.19
2010-11	28.66	6.07	22.59
2011-12	38.61	10.86	27.75
Total	131.25	19.89	111.36

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

The arrears of revenue as on 31 March 2013 were ₹ 111.36 crore, of which ₹ 51.88 crore constituting about 46.59 per cent are more than five years old.

The chances of recovery of old outstanding arrears become remote with the passage of time.

The Government may take steps to pursue the realisation of arrears of revenue particularly the amount outstanding for more than five years.

4.4 Impact of Audit Reports

During the last five years, 19 paragraphs on non-levy/short levy, non-realisation/short realisation, underassessment/loss of revenue, incorrect exemptions, application of incorrect rate of tax, incorrect computation *etc.*, with revenue implication of ₹ 766.01 crore were pointed out in different Audit Reports. Of these, the Department had accepted audit observations in 12 paragraphs involving ₹ 615.57 crore and since recovered ₹ 95.65 crore (December 2013). The details are shown in the following table:

(₹ in crore)

Year of audit	Paragraphs included		Paragraphs accepted		Recovery	
	Number	Amount	Number	Amount	Number of paragraph	Amount
2007-08	5	260.68	4	196.05	3	76.64
2008-09	1	1.13	1	1.13	1	1.13
2009-10	3	180.01	3	117.55	2	9.92
2010-11	3	300.37	1	292.42	1	0.72
2011-12	7	23.82	3	8.42	2	7.24
Total	19	766.01	12	615.57	9	95.65

The Department has recovered only 15.53 per cent of the amount in respect of the paragraphs already accepted by it. The Department may take immediate steps for recovery of the amount pointed out in the audit reports particularly in the cases where the amounts have already been accepted.

4.5 Working of Internal Audit Wing

The Financial Adviser, BOR is the head of the Internal Audit Wing. There were 16 internal audit parties, each consisting of three members, which conducted audit of offices on annual basis. The position of number of units due for audit, number of units actually audited and number of units remaining unaudited during the period from 2008-09 to 2012-13 is as under:

Year	Units pending for audit	Units due for audit during the year	Total units due for audit	Units audited during the year	Units remaining unaudited	Shortfall in per cent
2008-09	65	570	635	501	134	21
2009-10	134	570	704	532	172	24
2010-11	172	570	742	707	35	5
2011-12	35	624	659	589	70	11
2012-13	70	672	742	670	72	10

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

The Department stated that the arrear in audit was due to addition of new units during the year 2011-12 in the list of auditable entities and non-availability of man power due to leave, vacancy etc.

It was noticed that 19,700 paragraphs were outstanding at the end of 2012-13. Year-wise break up of outstanding paragraphs of internal audit wing is as under:

Year	Upto 2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Total
Paras	9,317	904	1,041	1,508	2,382	4,548	19,700

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

9,317 paragraphs of internal audit wing pertained to period upto 2007-08 and with passage of time chances of recovery in old cases become remote.

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

4.6 Results of Audit

During test check of the records of 15 units of Land Revenue Department conducted during the year 2012-13, Audit noticed non-recovery, loss of revenue etc. amounting to ₹ 635.50 crore in 8,662 cases which fall under the following categories:

(₹ in crore)

Sl. No.	Category	Number of cases	Amount
1.	Performance audit on 'Encroachment on Government Land'	1	219.00
2.	Short recovery/non-recovery of premium and rent from Central/State Government Departments/Undertakings	2,030	245.67
3.	Short/non-recovery of conversion charges from 'Khatedar's'	1,040	11.09
4.	Non-disposal of Nazul properties	844	92.45
5.	Non-disposal of recovery cases received from various department under Section 256 and 257 of LR Act/ PDR Act/ RACO (ROD) Act ¹	4,498	52.05
6.	Other irregularities	249	15.24
Total		8,662	635.50

During the year 2012-13, the Department accepted underassessment and other deficiencies of ₹ 336.96 crore in 2,018 cases, of which 26 cases involving ₹ 24.36 crore were pointed out during the year 2012-13 and the rest in earlier years. The Department recovered ₹ 33.09 crore in 714 cases during the year 2012-13 which related to the earlier years.

After issue of draft paragraph, the Department recovered ₹ 9.12 lakh pertaining to three observations pointed out during 2012-13.

A performance audit on 'Encroachment on Government Land' involving ₹ 219 crore and a few illustrative audit observations involving ₹ 9.93 crore are mentioned in the succeeding paragraphs.

¹ LR Act- Land Revenue Act, 1956
PDR Act- Public Demands Recovery Act, 1952 and RACO (ROD) Act- Rajasthan Agricultural Credit Operations (Removal of Difficulties) Act, 1974.

4.7 Performance Audit on 'Encroachment on Government Land'

Highlights

- 4,503 trespassers or their family members continued to encroach on the same pieces of Government land year after year, the total land encroached in 13 *tehsils*, aggregated to 5,726.77 hectares. Out of these, 1014 trespassers individually encroached land of five *Bighas* or more which worked out to 1805.92 hectares valuing ₹ 61.27 crore.
(Paragraph 4.7.8.1)
- In 56 cases of Mangrol *Tehsil*, penalty and auction value of crops amounting to ₹ 7.09 lakh for the period from 2007-08 to 2011-12 was yet to be recovered.
(Paragraph 4.7.9)
- In 156 cases of Kotputli *Tehsil*, there was no evidence of auction of seized crop valuing ₹ 27.79 lakh on 83.23 hectares of Government land.
(Paragraph 4.7.9)
- Department realised only ₹ 1.76 crore by auction of crops cultivated illegally on 11,099.97 hectares of Government land. Realisable value of the crop works out to ₹ 24.46 crore on the basis of Minimum Support Price and productivity per hectare.
(Paragraph 4.7.10)
- Due to non-regularisation of the wells constructed on Government land, revenue of ₹ 1.68 crore could not be realised.
(Paragraph 4.7.11)
- In Gangapur City *Tehsil*, 77.27 hectares of evacuee land valuing ₹ 2.12 crore was under continuous encroachment.
(Paragraph 4.7.13.2)
- Allotment of 49.9 hectares of encroached land valuing ₹ 1.34 crore was made to 128 trespassers at reduced cost of ₹ 21.59 lakh on the basis of incorrect facts.
(Paragraph 4.7.14)
- There was a loss of revenue amounting to ₹ 34.93 lakh on allotment of 8.63 hectares of Government land to trespassers on concessional rates due to application of incorrect rule in Banswara *Tehsil*.
(Paragraph 4.7.14)
- *Tehsildars* levied a penalties of ₹ 1.04 lakh against trespassers who had encroached upon valuable Government land valuing ₹ 160.66 crore for housing and commercial purpose.
(Paragraph 4.7.15.1)

- In 209 cases of Sojat City *Tehsil*, 111 trespassers had encroached upon 286.57 hectare of Government land valuing ₹ 3.82 crore since 1981-82 for growing *Mehandi* (henna).

(Paragraph 4.7.15.3)

- There were encroachments on 0.7128 hectare of Government land valuing ₹ 5.96 crore in Bhilwara *Tehsil* by various communities but no effective action was taken to evict them.

(Paragraph 4.7.16)

- In 101 cases of four *tehsils*, Government land was under encroachment for industrial use and penalty of ₹ 0.38 lakh was charged instead of ₹ 1.03 crore.

(Paragraph 4.7.17)

- In 29 cases of three *tehsils*, *Tehsildars* charged penalty of only ₹ 240 instead of ₹ 16.54 crore for Government land used for mining by trespassers.

(Paragraph 4.7.18)

- In 49 cases of three *tehsils*, *Tehsildars* charged penalty of ₹ 970 instead of ₹ 68.38 lakh from trespassers for establishing brick kiln on Government land.

(Paragraph 4.7.19)

4.7.1 Introduction

The Government land is managed under the provisions of the Rajasthan Land Revenue (RLR) Act, 1956 and rules made thereunder. As per Section 88 of the RLR Act all roads etc. and lands which are not the property of other belongs to the State and it is lawful for the Collector to dispose of them as per prescribed procedures/rules. The Collector is the principal land record officer of a district. He is further assisted by the SDOs at the sub-division level and by *Tehsildar/Naib Tehsildar* at the *Tehsil* level.

Land, being a scarce and limited resource needs to be used efficiently by the State Government. Unauthorised occupation of Government land and its eviction is dealt with under Section 91 of the RLR Act, 1956, Section 22 of Rajasthan Colonisation (RC) Act, 1954 and Rajasthan Land Revenue (Eviction of Trespasser) Rules, 1975. Cases of encroachment against trespassers are, at first instance, either filed under Section 91 of RLR Act or under Section 22 of RC Act, 1954 on the report of *Patwari* and thereafter disposed of in the court of *Tehsildar/Naib Tehsildar* after affording an opportunity of being heard to trespassers.

The encroachments on Government land can broadly be bifurcated into two categories i.e. for agricultural and non-agricultural purposes. The non-agricultural encroachments are primarily for residential and commercial purposes. While conducting this performance audit, Government land other than those pertaining to Gram Panchayats or other local bodies, has been taken into consideration.

4.7.2 Organisational setup

The administrative powers of Department are vested in the Revenue Department (Department) of the Government of Rajasthan. The general superintendence and control over all revenue officers and revenue courts is vested in Board of Revenue (BOR), Ajmer.

The BOR is assisted by 33 Collectors at district level for management of land. Further, there are 242 SDOs at sub-division level and 244 *Tehsildars* at *Tehsil* level to assist the Collector.

4.7.3 Audit objectives

The Performance Audit was conducted to:

- ascertain the extent of encroachments on Government land;
- assess effectiveness of existing mechanism for prevention of encroachments on Government land;
- assess timeliness and effectiveness of eviction proceedings and action against the trespassers by the Department;
- examine regularisation of encroached land; and
- examine lacunae in the Acts or Rules for prevention of encroachments.

4.7.4 Audit criteria

The audit criteria for performance audit were derived from the provisions of the following Acts and Rules/ notifications issued thereunder:

- RLR Act, 1956
- Rajasthan Colonisation (RC) Act, 1954
- Rajasthan Tenancy Act, 1955
- Rajasthan Imposition of Ceiling on Agricultural Land Holding Act, 1973

4.7.5 Scope of audit

Records of 13 *tehsils*² (out of 244) along with records of concerned SDOs, Collectors and BOR, Ajmer for the years 2007-08 to 2011-12 were selected for detailed audit. The units were selected by adopting probability proportion to size with replacement (PPSWR) random sampling method. Records pertaining to encroachment and removal thereof maintained by *tehsils*, records pertaining to regularisation of encroachment cases maintained by SDOs and records relating to consolidated and other information pertaining to encroachment maintained by Collectors and BOR, were test checked between September 2012 and June 2013, while conducting the performance audit.

An Entry Conference was held on 19 November 2012 with the Principal Secretary, Revenue (PSR) and the Registrar, BOR wherein objectives of Performance Audit were explained. The Factual Statement/Draft Paragraph

² Aspur, Banswara, Bhilwara, Danta Ramgarh, Gangapur City, Kaman, Kotputli, Mangrol, Nokha, Rajgarh, Chaksu, Sojat City and Chomu.

was forwarded to the Government and BOR in October/December 2013. An Exit Conference was held on 24 January 2014 with the Principal Secretary, Revenue and the Registrar, BOR wherein the findings of Performance Audit were discussed.

The replies received during the Exit Conference and at other point of time have been appropriately commented in the relevant paragraph.

4.7.6 Acknowledgement

The Indian Audit and Accounts Department acknowledges the cooperation of the Revenue Department in providing necessary information and records for audit.

4.7.7 Trend of encroachments

As per the information provided by the BOR, Ajmer the position of encroachments and their disposal during the years 2007-08 to 2011-12 were as mentioned below:

Year	Opening Balance		Additions		Total		Cases disposed of		Closing Balance	
	No. of cases	Area under encroachment in hectares	No. of cases filed during the year	Area in hectares	No. of cases	Area in hectares	No. of cases	Area in hectares	No. of cases	Area in hectares
2007-08	19,425	22,035	3,08,408	1,66,557	3,27,833	1,88,592	3,00,593	1,63,103	27,240	25,489
2008-09	27,240	25,489	3,07,056	2,74,705	3,34,296	3,00,194	3,05,605	2,65,434	28,691	34,760
2009-10	28,691	34,760	2,59,042	1,63,161	2,87,733	1,97,921	2,59,655	1,70,597	28,078	27,324
2010-11	28,078	27,324	3,21,938	3,15,733	3,50,016	3,43,057	3,11,739	3,03,782	38,277	39,275
2011-12	38,277	39,275	3,55,330	2,86,845	3,93,607	3,26,121	3,55,909	2,80,035	37,698	46,086

As is evident from the above table 19,425 cases of encroachment involving 22,035 hectares of land were pending at the beginning of April 2007 whereas 37,698 cases involving 46,086 hectares of land were pending against the trespassers for encroachment on Government land at the end of March 2012. The cases pending for disposal had increased by 94.07 per cent and area under encroachment had increased by 109.15 per cent. There was an increase in number of cases registered against trespassers as well as in area of encroached land during 2011-12 as compared to 2007-08. In 2011-12, the number of cases of encroachment added was higher by 15.21 per cent when compared to 2007-08 and the area encroached during 2011-12 was higher by 72.22 per cent in comparison to 2007-08. The rate of disposal of cases was high but problems related to encroachments grew due to various reasons as discussed in the succeeding paragraphs.

Audit findings**A. Encroachment for agricultural purposes****4.7.8.1 Ineffective action on eviction of trespassers led to repeated encroachments on Government land**

As per provisions of Section 91(1) of RLR Act, 1956 and Section 22 of RC Act, 1954 read with RLR (Eviction of Trespasser) Rules, 1975, any person who occupies or continues to occupy any land without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the *Tehsildar*.

Under Section 91(2), such trespasser shall further be liable to pay, for each agricultural year or any part thereof, which he has been in such unauthorised occupation, a penalty which may be extended to fifty times of the annual rent or assessment, as the case may be, for the first act of trespass. In the case of each subsequent act of trespass, he shall by the order of *Tehsildar*, be liable to civil imprisonment for a term which may extend up to three months besides payment of penalty to the extent mentioned above.

Section 91(6) prescribes that notwithstanding anything contained in sub-Section 91(2) whoever occupies any land without lawful authority or, having occupied such land before coming into force of the RLR (Amendment) Act, 1992, fails to remove such occupation within fifteen days from the date of service of a notice in writing calling upon him to do so by the *Tehsildar*, shall on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend up to three years and with fine which may extend upto twenty thousand rupees.

During test check of *Dayara* Registers³, *furd*⁴ and other records relating to encroachment of selected *tehsils*, it was noticed that encroachments were made on a piece of land by the same person for agricultural purposes year after year. On scrutiny of 15,889 cases out of 94,098 cases of encroachments in selected 13 *tehsils*⁵, for the period 2007-2012, it was found that 4,503 trespassers or their family members continued to encroach on the same piece of Government land aggregating to 5,726.77 hectares year after year for agricultural purpose. Out of these, 1,014 trespassers individually encroached land of five *Bighas*⁶ or more which worked out to 1,805.92 hectares valuing ₹ 61.27 crore at the prevailing DLC rates. The *tehsils* had shown eviction of these trespassers in their records. However, repeated encroachments on the same land by the same

³ *Dayara* Register is a register for keeping details of all encroachment cases.

⁴ *Furd* is a case file of encroachment prepared by *Patwari*.

⁵ Aspur, Banswara, Bhiwara, Danta Ramgarh, Gangapur City, Kaman, Kotputli, Mangrol, Nokha, Rajgarh, Chaksu, Sojat City and Chomu.

⁶ *Bigha* is a unit for measurement of land area.

persons indicated that the eviction was ineffective. The trespassers year after year encroached on Government land flouting rules in this regard.

It was further observed that during 2007-12, in 1,561 cases in 9 *tehsils*⁷ different trespassers encroached year after year upon 403.81 hectare Government land valuing ₹ 25.13 crore.

Further, there was clear violation of Section 91(2) of RLR Act which provides that in case of second or subsequent trespass, trespasser would be liable for civil imprisonment up to three months and Section 91(6) which provides for imprisonment of minimum one month and maximum three years besides fine up to ₹ 20,000 if trespasser does not remove the encroachment within 15 days from the date of notice served on trespasser for eviction. The penal provisions under Section 91 of RLR Act, 1956 were not being exercised by the *Tehsildars*. Consequently fine up to ₹ 9.00 crore was not imposed on 4,503 trespassers.

During Exit Conference, PSR stated that encroachment should not be considered as loss to the Government revenue as trespassers cultivate the land and make it more fertile and thereby contribute to national economy.

The reply is not tenable as the intent of legislature is clearly manifested in Section 91 of RLR Act, 1956 and action as laid down in the Act and Rules may be immediately implemented or else revenue due to Government will be lost.

4.7.8.2 Delay in reporting and disposal of cases

As per the Board circular dated 21 May 1997, the report of encroachments for *kharif* crop and *rabi* crop should compulsorily be submitted by *Patwari* by 15 August and 15 January respectively of each year in *Tehsil* office.

Kharif and *Rabi* seasons generally coincide with July-October and November-March respectively every year. In case of agricultural encroachments, there is no relevance of eviction order or order of seizure of the crop if the trespasser has utilised the encroached land for full crop season i.e. growing, cutting and removal of the crop to the market

before eviction. From test check, however, it was noticed that there were delays ranging between 5 and 59 days in reporting the encroachments by *Patwari*. Similarly delays in issuing eviction orders after report of *Patwari* were ranged between 12 and 103 days and delay in actual auction from the date of order of auction ranged between 5 and 103 days in 40 cases of Bhilwara and Chomu *tehsils*.

During Exit Conference, PSR agreed that there were delays in reporting as well as in passing the eviction orders.

⁷ Banswara, Bhilwara, Danta Ramgarh, Gangapur City, Kaman, Kotputli, Mangrol, Chaksu and Chomu.

4.7.9 Non-recovery of penalty and auction amount of crops

As per BOR's orders dated 19 October 1978 and Circular dated 16 November 1985, *Tehsildar/ Naib Tehsildar* has to ensure prompt disposal of encroachment cases by raising demand for penalty and ensure that recoveries are effected within one month from the date of order of eviction. It was noticed that the *Tehsildars* initiated eviction proceedings only after considerable delay and also failed to ensure prompt recovery from auction of confiscated crops. A few cases are explained in the following paragraphs:

- It was noticed from records of Mangrol *Tehsil* that in 56 cases, penalty and auction value amounting to ₹ 7.09 lakh for the period from 2007-08 to 2011-12 was yet to be recovered which includes the amount of ₹ 5.68 lakh pertaining to the period prior to 2011-12.
- It was also noticed in Mangrol *Tehsil* that though orders for eviction of trespassers from encroached land and auction of crops were given by *Tehsildar* in 146 cases relating to period 2007-12, yet the demand of auction value and penalty amounting to ₹ 5.59 lakh was neither shown as raised nor realised in demand register after auction of seized crop. No documents were found in the file to show remittance of sale proceeds received in auction in Government Account.
- Test check of records of Kotputli *Tehsil* disclosed that in 156 cases there was no evidence of auction of seized crop on 83.23 hectares of Government land and deposit of sale proceeds in Government Account during 2007 to 2009, which caused loss of ₹ 27.79 lakh.

During Exit Conference, PSR stated (24 January 2014) that reports on all the cases had been called for from the concerned Collectors, after receipt of which, detailed reply would be furnished. However, no reply has been furnished to audit (February 2014).

4.7.10 Loss of revenue due to incorrect method of auction

Section 91 of RLR Act, 1956 and Section 22 of RC Act, 1954 provide forfeiture and auction of crop grown on encroached land along with eviction and penalty. After forfeiture, the crop becomes the property of Government. In disposal of crops by way of auctioning as provided in Rules 18 and 21(iv) of General Financial and Accounts Rules, reserve price of stock should be fixed before auctioning.

While reviewing the records of encroachment, it was noticed in 13 *tehsils*⁸ that no reserve price was fixed while auctioning the forfeited crops and the same were auctioned to trespassers or other persons at very nominal prices. Considering the token rates at which the crops were auctioned and the participation of the trespassers in the auction of the crop seized from them, the

⁸ Aspur, Banswara, Bhilwara, Danta Ramgarh, Gangapur City, Kaman, Kotputli, Mangrol, Nokha, Rajgarh, Chaksu, Sojat City and Chomu.

possibility that the whole auction process was managed and undue favour was given to the trespassers, cannot be ruled out.

Test check of 13,639 out of 94,096 cases disclosed that the Department realised ₹ 1.76 crore by auction of crops cultivated illegally on 11,099.97 hectares of Government land. Scrutiny of the records disclosed that the *Tehsildars* did not fix any reserve price and crops were sold on the basis of highest auction bid. The cost of such crops calculated on the basis of the average productivity per hectare of various crops as informed by the Agriculture Department and minimum support price (MSP) fixed by the Government of India worked out to ₹ 24.46 crore.

During Exit Conference, PSR stated that it was very difficult to auction the crop in rural areas as villagers tend to unite and form a cartel and usually auction was done in favour of trespassers at low prices. Joint Secretary (Revenue) stated that MSP was not suitable for calculating the loss as the encroached land was usually poor in soil quality and was un-irrigated.

The reply is not correct as the Rules lay down that reserve price should be fixed and since this was not done that was a violation of the Rules. Further, the use of MSP to work out the cost of crops was only indicative in nature. In view of this it is suggested that Department fixes reserve price of crops each year so as to ensure transparency and maximisation of revenue from auction of crops.

4.7.11 Non-regularisation of wells constructed on Government land

As per Rule 12-A of RLR (Allotment of land for digging of wells and installing of pumping sets for irrigation purposes) Rules, 1979 as amended vide Notification dated 13 October 2009, if any person constructs a well or installs pumping set on unoccupied Government land or pasture land and proceedings against him have been initiated by the *Tehsildar* under Section 91 of the RLR Act, 1956, the Collector after making necessary enquiry arrives at the finding that the well has been constructed or pumping set has been installed for genuine irrigation or drinking water purpose and it does not adversely affect the interests of any person having land in the vicinity, may allot land, to such person on the conditions mentioned in Rule 7.

As per Rule 7, one-time lease money, equal to the price at the prevalent rates, recommended by the DLC constituted under Rajasthan Stamp Rules, 2004 will be charged for allotment of land for 20 years for digging of wells and installing of pumping sets for irrigation purposes.

During test check of records of eight *tehsils*⁹, it was noticed that 393 cases were registered against 324 trespassers for constructing wells on Government land covering area of 10.91 hectares during 2007-12. However, the Collector or any authorised officer had neither allotted the land to the trespassers nor removed the encroachments. Due to non-regularisation of these wells, trespassers were

⁹ Bhilwara, Danta Ramgarh, Gangapur City, Kotputli, Rajgarh, Chaksu, Sojat City and Chomu.

using these wells without paying the cost of Government land which worked out to ₹ 1.68 crore as per current DLC rates.

During Exit Conference, PSR stated that officials would be directed to take prompt action for regularisation of wells.

4.7.12 Non revision of *lagan* rates

The settlement operations are undertaken for fixation of rent taking into account the rent collected during last twenty years, average of the prices of agricultural produce prevailing during the twenty years, soil classification, nature of the crops grown, production potentiality of land, value of the crops grown and expenses incurred in producing crops as envisaged in Section 152 of RLR Act, 1956. As per Section 175 of RLR Act, 1956 the term of settlement for all districts is 20 years. However, Government may increase or decrease the term of settlement in certain circumstances. Further, as per Section 108 of Rajasthan Tenancy Act, 1955, when rent rates or *lagan*¹⁰ for a particular area or a part of that area has been fixed then it will not be changed before next settlement. However, Government may revise these rates if there is fluctuation in rates of agricultural produce.

Test check of the records disclosed that the rate of *lagan* was not revised for more than 20 years due to settlement operations not having been undertaken in any of the selected *tehsils*. As a result, the rate of *lagan* was not revised for more than 20 years. As per Section 91 of RLR Act, 1956 and Section 22 of RC Act, 1954 penalty leviable on trespasser was 50 times the annual rent or assessment i.e. *lagan*. As the *lagan* rates remained static for years, the penalty which was to be decided based on *lagan* also remained unchanged. The penalty has thus become nominal and lost its significance with passage of time as would be seen from the succeeding paragraphs from 4.7.14 to 4.7.19.

BOR in its reply (January 2014) suggested that penalty should be linked with DLC rates to demoralise the trespassers.

The matter was reported to the Government (December 2013). Reply is awaited (February 2014).

4.7.13 Management of Government Property

4.7.13.1 Non-maintenance of Register relating to *siwai chak* land

As per para 24 of Revenue Accounts Manual, 1972 issued by the BOR a register in Form 14 is to be maintained by Office of *Tehsildar* from the beginning of each crop year for keeping records pertaining to *Siwai chak*¹¹ land and natural crops, if any, on such land. Maintenance of such register was also important to identify and prevent any encroachment on such land.

During test check of records of selected *tehsils*, it was noticed that registers relating to land which was not occupied by any person and details of auction of crops naturally grown on that land, were not maintained by the Department. In absence of such registers, utilisation of natural crops for personal gain and possible encroachment on such land could not be ruled out.

¹⁰ *Lagan* is rent payable towards the use of agriculture land.

¹¹ *Siwai chak* indicates government land which is available for allotment for agricultural purpose.

The matter was reported to the Government (December 2013). Reply is awaited (February 2014).

4.7.13.2 Non-management of Evacuee Property

Agricultural lands of Muslim evacuees situated in the State were declared as evacuee property under the Administration of Evacuee Property Act, 1950 (Central Act 13 of 1950). However, the act was repealed in 2005. In view of that, the State Government vide cabinet order dated 22 May 2008 decided that evacuee land which had not been allotted would be recorded as *Siwai chak* in the Revenue records and such land would be disposed of by Revenue Department or Colonisation Department as per rules.

During test check of the records of *Tehsil*, Gangapur City, it was noticed that 77.27 hectares of evacuee land valuing ₹ 2.12 crore in Pawata and Mahanandpur Dodiya villages was under encroachment. The date from which the land was under encroachment was not available in the records. No efforts were found to have been made by the *Tehsildar* either to evict or to regularise the encroachments. It was further noticed that despite clear orders to include the

evacuee land as *Siwai chak* in the Government records, two hectare land valuing ₹ 7.49 lakh was yet to be recorded as *Siwai chak* in the Government records by the *Tehsildar*.

During Exit Conference, PSR stated that evacuee property would be recorded as *siwai chak*.

4.7.14 Regularisation of encroachments

As per Rule 20 of the RLR (Allotment of Land for Agricultural Purposes) Rules, 1970, the SDO, on the advice of the Land Allotment Advisory Committee (Advisory Committee), instead of ejecting a trespasser from any land occupied by him without any lawful authority, may allow him to retain such land if he is a landless agriculturist and the total area of land held by such person including the land so allotted does not exceed four hectares.

The State Government order dated 11 January 2008 allowed allotment of land up to four hectares to trespasser having continuous encroachment since 1 January 2000 at no cost in non-command area. In the command area of Banswara *Tehsil*, land up to six acre could be regularised after charging concessional cost under Rule 14-A of Rajasthan Colonisation (Mahi Project Government Land Allotment and Sale) Rules, 1984. Further, in Pali, a desert district, the SDO may allow the trespasser to retain excess land up to 2.5 hectares on payment as described in the rule but under overall limit of six hectares. As per Rule 20 (1) of RLR (Allotment of Land for Agricultural Purposes) Rules, 1970 in Pali district regularisation of encroached land in excess of prescribed limit of four hectares could be done in favour of trespasser of general category by charging 50 per cent of prevailing market price of neighbouring agricultural land.

The Department vide order dated 6 December 2001 clarified that if initially a person had made encroachment and in succeeding years encroachments were made by his son etc. then it would be assumed that encroachment was made by the family. Further, while regularising such encroachment, the land would be allotted jointly to family.

During test check of the records of selected *tehsils*, it was noticed that in eight *tehsils*¹² regularisation of agricultural encroachment had not taken place during the period 2007-12. The findings of three out of remaining five *tehsils* are given below:

- In three *tehsils*¹³, 169 cases of regularisation of encroachments had taken place during 2007-08 to 2011-12. Scrutiny of records disclosed that out of these 169 allotments to trespassers, 128 trespassers were allotted land on the plea that these trespassers had continuous encroachment for the last 10 years. However, audit scrutiny of the records furnished by the concerned *Patwaris/Tehsildars* disclosed that in 83 cases, no continuous encroachments were found to have taken place during the last 10 years by trespassers. In the remaining 45 cases, scrutiny of *Dayara* registers

¹² Danta Ramgarh, Kaman, Kotputli, Mangrol, Nokha, Rajgarh, Chaksu and Chomu.

¹³ Bhilwara, Banswara and Sojat City.

disclosed that the trespassers were shown to be evicted each year by the *Tehsildar*. Therefore, in these 128 cases there was no continuous encroachment since the year 2000 and therefore allotment of encroached land of 49.9 hectares at reduced cost of ₹ 21.59 lakh was incorrect as it was against the State Government order dated 11 January 2008. The value of the land as per DLC rates was ₹ 1.34 crore.

The matter was reported to the Government (December 2013). Reply is awaited (February 2014).

As per rule 14-A of Rajasthan Colonisation (Mahi Project Government Lands Allotment and Sale) Rules, 1984, land can be regularised in favour of a trespasser on prescribed rates subject to procedure laid down therein. As per notification dated 8 May 2001, 30 per cent of DLC rates were chargeable in case of General Category while 15 per cent of DLC rates were to be charged for special category persons.

- During test check of allotment files at Banswara *Tehsil*, it was noticed that 8.63 hectares of Government land valuing ₹ 37.62 lakh was allotted to 24 trespassers at ₹ 2.69 lakh on concessional rates under Rule 14 of Rajasthan Colonisation (Mahi Project Government Lands Allotment and Sale) Rules, 1984

whereas these cases of trespassing should have been regularised under rule 14-A. This resulted in loss of revenue amounting to ₹ 34.93 lakh.

- During test check of records of encroachment in Bhilwara *Tehsil* (village Soupura) it was noticed that a trespasser encroached 0.76 hectare of land in 2009-10. Instead of taking action against the trespasser under Sections 91(2) and 91(6) of RLR Act, 1956, the above land valuing ₹ 1.16 lakh was allotted (21 December 2010) free of cost by the SDO on the recommendations of Advisory Committee. The grant of land free of cost was incorrect as the trespasser had occupied the land illegally and cost of land at DLC rates should have been recovered. After being pointed out, SDO, Bhilwara replied that this land was allotted in lieu of 0.55 hectare land surrendered by trespasser for school. The reply is not acceptable as surrender of land is a separate matter and cost of land should have been levied on allotment of land as per rules.
- During test check of records of Sojat City *Tehsil*, it was noticed that in two cases, land measuring 1.17 hectare and 0.52 hectare were allotted (January 2008) to the sons of trespassers in Sardarsamand and Rayarakalan village respectively, considering that initially these lands were encroached by their fathers since 2001. As such, while regularisation of the encroached land it should have been allotted in the joint name of the families. However, it was noticed that fathers of trespasser's already owned land measuring 7.2 hectares and 4.32 hectares which together was more than the prescribed limit of 6 hectares. As such allotment of 1.69 hectares land to trespassers was irregular as per Rule 20 (1) of RLR (Allotment of Land for Agricultural Purposes) Rules, 1970 and resulted in loss of ₹ 2.33 lakh at the prevailing DLC rates.

BOR in its reply, agreed (January 2014) that the tendency of regularisation of land encroached by trespassers should be discouraged.

During Exit Conference, PSR stated that Government considered all encroachments to be continuous if they were reported so year after year in crop seasons for stipulated period of time.

The reply is not acceptable as *Tehsil* records showed eviction after each crop season and therefore it was incorrect to say that trespassers were in continuous possession of land. Further, such regularisation of encroachments without a fair and transparent mechanism encourages trespassing rather than benefitting the deserving landless farmers.

B. Encroachment for non-agricultural purposes

4.7.15 Unauthorised use of Government land for housing and commercial purpose

4.7.15.1 During test check of records of 13 *tehsils*¹⁴, it was noticed that 3,398 trespassers encroached upon 22,78,622 sqm of Government land and constructed houses and commercial structures. It was noticed that the concerned *Tehsildars* levied penalty of ₹ 1.04 lakh against these trespassers though they had encroached upon Government land valuing ₹ 160.66 crore.

It was further noticed that there was no provision in the RLR Act, 1956 regarding assessment of penalty in cases of encroachment on Government land for housing and commercial purpose. The *Tehsildars*, therefore, levied penalty on the basis of assessment of rent on agricultural land and the trespassers thus paid meagre penalty. These permanent structures in the form of houses and shops remained intact and no action was taken by the *Tehsildars* and *Patwaris* against them.

During Exit Conference, PSR stated that with the increase in population, there is pressure on *abadi* land¹⁵ because of which people were constructing houses on Government land near *abadi* areas and Government is considering relaxation of rules for regularising residential encroachments. Till such time that orders are issued by Government, the extant Rules are applicable and the trespassers need to be evicted.

4.7.15.2 On scrutiny of records of *Tehsil*, Aspur it was noticed that *Gram Panchayat*, Aspur irregularly allotted 270.12 sqm of Government land (*Gair Mumkin Rasta*) to 49 shopkeepers in 2004. The *Tehsildar* did not take any action against the encroachments except recording the same in the *Dayara* register under Section 91 of RLR Act during 2004 to 2009. Neither were entries made in the *Dayara* register after 2009 nor was any action taken against encroachers of the Government land.

The matter was reported to the Government (December 2013). Reply is awaited (February 2014).

¹⁴ Aspur, Banswara, Bhilwara, Danta Ramgarh, Gangapur City, Kaman, Kotputli, Mangrol, Nokha, Rajgarh, Chaksu, Sojat City and Chomu.

¹⁵ Means residential land.

4.7.15.3 During test check of records of Sojat City *Tehsil*, it was noticed that in 209 cases, 111 trespassers had encroached 286.57 hectare Government land valuing ₹ 3.82 crore since 1981-82 as per the prevailing DLC rates. The land was being used for growing *Mehandi*¹⁶ (henna) which is a permanent and commercial crop. It was noticed that instead of taking effective action against trespassers under Section 91(2) and (6) of RLR Act, 1956, the Department imposed only token amount of penalty on the basis of *lagan*. In the absence of details, audit could not assess the value of the crop.

The matter was brought to the notice of the Department (October 2013) and reported to the Government (December 2013), their reply is awaited (February 2014).

4.7.16 Encroachment by various communities, private school etc.

During test check of records of selected *tehsils*, it was noticed that Government land was encroached by various persons, bodies and institutions for personal and social purposes with construction of permanent structures. However, the structures were not demolished and the areas were not vacated for years together. Some of the cases are discussed in the succeeding paragraphs:

- During test check of records of Bhilwara *Tehsil*, it was noticed that six cases of encroachment on 0.71 hectare Government land valued at ₹5.96 crore were reported by the *Patwari* in the year 2011. The details of the encroachments are shown below:

Sl. No.	Name of the trespasser	Area (in <i>Bigha</i>)	Area (in hectares)	Value of land ¹⁷ (₹ in lakh)	Type of encroachment
1	Chairman , Saraswat Samaj	1.05	0.1701	142.34	Nohara
2	Chairman, Pareek Samaj	0.75	0.1215	101.67	Hostel
3	Chairman, Goswami Samaj	0.25	0.0405	33.89	Nohara
4	Chairman. Sukhwal Samaj	1.50	0.2430	203.34	Nohara
5	Chairman, Gurjar God	0.60	0.0972	81.33	Nohara
6	Chairman, Dadhich Samaj	0.25	0.0405	33.89	Boundary Wall
Total		4.40	0.7128	596.46	

The trespassers had made permanent structures on Government land along with boundary walls. Though the illegal constructions and encroachments were in close proximity to the main city of Bhilwara, no action was taken by the *Tehsildar* to evict the trespassers and demolish the illegal constructions.

- In Barodiya village of Kotkhawada Sub-tehsil of Chaksu *Tehsil*, encroachment on 9,688 square yard Government land, valuing ₹ 1.46 crore was made by a private school since March 2010. The *Tehsildar* did not make any efforts to evict the trespasser.

¹⁶ Mehandi is an agricultural produce known as henna.

¹⁷ As per DLC rate, value of land is 778 per sqft i.e. ₹ 8,36,77,686 per hectare.

- As per rule 3 of RLR (Allotment of Land to *Gaushalas*) Rules, 1957, a *Gaushala* which is registered under the Rajasthan Societies Registration Act, 1958 and Rajasthan *Gaushala* Act, 1960 and maintains at least fifty heads of cattle can apply for Government land for grazing its cattle. The Collector of concerned district can allot land up to 25 hectares on lease for 20 years after making necessary enquiry. The rent chargeable is one-fourth of the rent assessed at the current settlement or ₹ 160 per hectare per annum if the land was unassessed. During test check of records of Danta Ramgarh and Chomu *tehsils*, it was noticed that 11.42 hectare Government land valuing ₹ 1.92 crore was encroached by five trespassers without any permission or filing any application for allotment of Government land for *Gaushalas*. Each year the Department had been showing the land as being evicted from these trespassers without actual physical eviction and without taking stern action against the trespassers.

It was also observed that as per RLR (Allotment of Land to *Gaushalas*) Rules, 1957, annual rent of ₹ 2043 was chargeable and as such penalty amounting to ₹ 1.02 lakh could have been recovered but the *Tehsildar* charged ₹ 0.04 lakh as penalty.

During Exit Conference, PSR agreed that penal provisions relating to unauthorised use of Government land for non-agricultural purposes need to be relooked into.

4.7.17 Encroachment for Industrial use

As per Rule 5 of Rajasthan Land Revenue (Industrial Land Allotment) Rules, 1959, annual rent ranging between ₹ 0.50 to ₹ 1 per square metre for allotment of Government land for industry has to be derived according to population of that area. Further, as per section 91(2) of RLR Act, 1956, penalty up to 50 times of annual rent was leviable for the first act of trespassing.

During test check of records of four *tehsils*¹⁸ it was noticed that the trespassers managed to set up industries but no action for timely eviction or prevention of encroachment was taken by the concerned *Tehsildars* and other authorities. The *Tehsildars* charged meagre penalty amount as per the RLR Act by deriving it on the basis of *lagan* instead of the rent chargeable under the Rajasthan

Land Revenue (Industrial Land Allotment) Rules, 1959. The *Tehsildars* completed the formalities on papers by charging the penalty. However, the encroachments were shown vacated only on records and the industries continued to operate. The cases are illustrated below:

- In 31 cases of Sub-*tehsil* Hameergarh of Bhilwara *Tehsil*, the trespassers laid pipeline on Government land between 2008-09 and 2011-12 for water supply to the industries from the wells of *Khatedar*.¹⁹ *Naib Tehsildar* in 4

¹⁸ Bhilwara, Chomu, Kotputli and Sojat City.

¹⁹ *Khatedar* is a special type of tenant, who has certain rights and obligations over the agricultural land occupied by him.

cases charged penalty equal to 50 time of *lagan*, while in 27 cases charged 50 *per cent* of DLC rates for agriculture land. In 70 cases of the remaining three *tehsils*, the industries were set up illegally between 2006-07 and 2011-12 on Government land. Thus, ₹ 0.38 lakh were charged in these cases, whereas penalty upto 50 times of rent chargeable under RLR (Industrial Land Allotment) Rules, 1959 which amounted to ₹ 1.03 crore should have been levied.

- In 16 cases, the *Patwari* reported (between 2008 and 2010) that chemically polluted water was drained in 68.75 *Bighas* of Government land by the Industrial Units which polluted the land. In 3 cases the proceedings were dropped on further report of *Patwari*, in 7 cases, court stays were obtained by the concerned Industrial Units and in remaining 6 cases, nominal penalty on the basis of *lagan* was imposed. Scrutiny of *Patwari* and *Tehsil* records disclosed that no efforts were made to vacate the stay in cases where stays were obtained.

During Exit Conference, PSR agreed that penal provisions relating to unauthorised use of Government land for non agricultural purposes need to be relooked into.

4.7.18 Unauthorised use of Government land for mining

As per the Rule 19 of Rajasthan Mine and Mineral Concession (RMMC) Rules, 1986, for mining activity, the lessee shall pay surface rent for the used area which will be equal to the land revenue payable under the RLR Act, 1956 or any other law in force. As per Section 39 of Rajasthan Finance Act, 2006 land tax and/or surface rent will be charged maximum up to the 10 *per cent* of market value of the land for the land used for purpose other than the land held or used exclusively for agricultural or residential purpose or an urban land as defined in the Rajasthan Land and Building Tax Act, 1964 or an *abadi* land as defined in Section 103 of the RLR Act, 1956. Further, penalty upto 50 times of annual rent was leviable for the first act of trespassing.

During test check of records of *Kaman*, *Chaksu* and *Kotputli tehsils* it was noticed in 29 cases that trespassers made unauthorised use of Government land measuring 1.84 hectares for mining purpose. The *Patwari* did not give any details *viz.* name of the minerals, quantity excavated etc. The *Tehsildars* also did not inform the facts of illegal mining to the concerned mining offices in the district for determination of surface rent, royalty and penalty thereon. As per the RMMC Rules, 1986, the recoverable rent from trespassers worked out to ₹ 33.07 lakh. However, the concerned *Tehsildars* charged penalty of only ₹ 240 from the trespassers. The penalty on the basis of rent chargeable at the rate of 10 *per cent* of market value of the land worked out to ₹ 16.54 crore.

During Exit Conference, PSR agreed that penal provisions relating to unauthorised use of Government land for non-agricultural purposes need to be relooked into.

4.7.19 Unauthorised use of Government land for Brick Kiln Industry

As per Rule 8 of RLR (Allotment of Land for Establishment of Brick Kiln) Rules, 1987, the rate of rent shall be ₹ 1,500 per acre per annum for establishment of brick kiln. Under Section 91(2) of RLR Act, 1956, penalty upto 50 times of annual rent was leviable for the first act of trespassing.

During test check of records of Bhilwara, Chaksu and Aspur *tehsils* it was noticed that in 49 cases trespassers encroached 91.17 acres of Government land for brick kiln industry. It was noticed that no penalty was imposed on the trespassers by the

concerned *Tehsildars* except by *Tehsildar*, Bhilwara who imposed a meagre penalty of ₹ 970. Had the *Tehsildars* applied the rate as per the Rule 8 of RLR (Allotment of Land for Establishment of Brick Kiln) Rules, 1987, penalty amounting to ₹ 68.38 lakh should have been recovered. The penalty would have also acted as a deterrent against the trespassers.

During Exit Conference, PSR agreed that penal provisions relating to unauthorised use of Government land for non-agricultural purposes need to be relooked into.

4.7.20 Encroachment made by Government Employees

As per Rule 4-C of Rajasthan Civil Services (Conduct) Rules, 1971, any Government Servant who is involved in or makes any encroachment on the Government Land on or after 15 August 1998 shall be liable to disciplinary action.

In two cases in Mangrol *Tehsil* and Banswara *Tehsil* each encroachments by Government employees on 1.26 hectares of Government land valuing ₹ 63.29 lakh during 2006 to 2009 were found. The *Tehsildars* did not take any effective action for eviction of these trespassers and

also did not inform their concerned Departments.

The matter was brought to the notice of the Department (October 2013) and reported to the Government (December 2013), their reply is awaited (February 2014).

4.7.21 Conclusion

There was an increase in the number of cases registered against trespassers on encroached land during 2011-12 as compared to 2007-08. Documentation and record keeping of encroachment cases was deficient. The *Tehsildars* did not take effective action to safeguard the Government land and prevent the encroachments. As a result, trespassers encroached land for agricultural, residential and commercial purposes for years together. However, the *Tehsildars* were not able to vacate the Government land other than mere entry in the *Dayara* registers. The agricultural encroachments were shown to be vacated at the end of crop season but the same piece of land was occupied in the next crop season by the same trespasser or by other persons. The trespassers thereby continued their firm hold on Government land. The process

of auction of produce grown on encroached Government land was not based on reserve price. Permanent encroachments in the form of residential, commercial and industrial purposes were not vacated by the *Tehsildars*. Further the extant penalty provisions of RLR Act are linked with *lagan* rates which have lost significance due to non revision of such rates.

4.7.22 Recommendations

The Government may consider:

- **taking timely and strong deterrent action against repeated encroachments on the same land by the same person so that tendency to trespass the Government land is curbed;**
- **evolving a mechanism prescribing the reserve price of crops cultivated illegally on Government land before auctioning the same;**
- **regularising wells constructed on Government land in deserving cases;**
- **reviewing the penal provisions and prescribing separate penalty for trespassing for agricultural, residential and other purposes, fixing a minimum penalty and by delinking it from *lagan* rates, which has lost its significance due to non-revision of such rates;**
- **issuing suitable guidelines for regularisation of encroachment cases so that existing provisions are followed scrupulously without any deviation;**
- **framing a policy to deal with encroachment cases which are not meant for the benefit of an individual but for benefit of the community as a whole; and**
- **taking necessary action against *Patwaris* and *Tehsildars* who fail to prevent encroachments for industrial and commercial purposes as once such permanent encroachment is made, it becomes increasingly difficult to get the land vacated.**

4.8 Audit observations

During test check of records of the Land Revenue Department, Audit observed short recovery of revenue, non-remittance of share and interest into Government account by the Urban Improvement Trusts (UIT). It was also observed that charges for conversion of land use from agriculture to non-agricultural purposes were not recovered from the applicants. These cases are illustrative only as these are based on a test check of records. There is a need for the Government to improve the internal control system including strengthening of internal audit in order to avoid recurrence of such cases.

4.9 Non-compliance of provisions of Rules/Circulars

The Rajasthan Land Revenue Act, 1956 and the various rules made thereunder along with notifications of the Government provide for land allotment, land use and conversion of land.

During test check of the records, it was noticed that Departmental authorities did not observe rules framed by the Government which resulted in non-realisation of revenue as mentioned in the succeeding paragraphs.

4.10 Non-recovery of conversion charges

As per Rule 7 of Rajasthan Land Revenue (RLR) (Conversion of Agricultural Land for Non- agricultural purposes in Rural Areas) Rules, 2007, premium for conversion of agricultural land for non-agricultural purpose was to be charged as under:

Purpose	Rate of premium
Industrial	₹ 5 per square metre or 5 per cent amount of District Level Committee (DLC) rate of agricultural land, or 5 per cent amount of the purchase rate of that agricultural land as mentioned in registered sale deed, if any, whichever is higher.
Commercial	₹ 10 per square metre or 10 per cent of DLC rate of agricultural land or 10 per cent amount of the purchase rate of agricultural land as mentioned in registered sale deeds, if any, whichever is higher.
Institutional	₹ 5 per square metre or 10 per cent of DLC rate of agricultural land or 10 per cent amount of the purchase rate of agricultural land as mentioned in registered sale deed, if any, whichever is higher.

Further, under Rule 13, four times the amount of conversion charges is leviable if the land is used for non- agricultural purpose without permission for conversion from the prescribed authority.

4.10.1 During test check of records of Collector Hanumangarh, it was noticed (August 2012) that *khatedari*²⁰ land was used for industrial purpose for establishment of *brick kiln* without conversion of the land in 159 cases. No action was initiated by the department to recover the premium for conversion at the rate of four times the conversion charges.

This resulted in non-recovery of premium for conversion of land amounting to ₹ 7.82 crore as detailed below:

(₹ in lakh)					
Sl. no.	Name of Tehsil	No. of cases	Area ²¹ (Square metre)	One time conversion charges	Four times conversion charges
1	Hanumangarh	73	1961570	98.08	392.32
2	Nohar	4	127720	6.38	25.52
3	Bhadra	54	1164250	58.21	232.84
4	Sangria	28	657503	32.88	131.52
Total		159	3911043	195.56	782.20

²⁰ *Khatedari* land means land given by the Government on *lagan* or rent exclusively for agriculture purpose.

²¹ Actual DLC of the brick kiln site not ascertainable, hence calculation done @ of ₹ 5/- per sqm.

4.10.2 During test check of records of Collector Jhalawar, it was noticed (July 2012) that *khatedari* land was used for industrial purpose for establishment of 5 units of stone crusher, 66 mobile towers and 1 manufacturing industry without conversion of the land. No action was initiated by the department to recover the amount at the rate of four times the conversion charges. This resulted in non-recovery of premium amounting to ₹ 11.57 lakh.

4.10.3 During test check of records (August 2012) of Collector Jhunjhunu, it was noticed that in 18 cases *khatedari* land was used for educational purpose without conversion of agricultural land for non agricultural purpose. This resulted in non recovery of premium amounting to ₹ 17.40 lakh.

The matter in all the above cases were brought to the notice of the Department (April to June 2013) and reported to the Government (November 2013). The Government replied (February 2014) that ₹ 18.37 lakh and ₹ 3.46 lakh had been recovered in Hanumangarh and Jhunjhunu respectively.

4.11 Non-remittance of share and interest into Government account

The Government of Rajasthan (Urban Development Department) issued instruction in August 2001 that the regularisation/transfer/conversion charges received by the local bodies for regularisation of agricultural land for non-agricultural purpose were to be credited initially in the personal deposit account of local bodies and thereafter 40 *per cent* share was to be remitted to Government account by 5th of next month. It was further decided (March 2007) that interest at the rate of 12 *per cent* per annum would be recovered for delayed remittance of 40 *per cent* share into Government Account.

During test check of records of Collector Kota, it was noticed (July 2012) that Urban Improvement Trust (UIT), Kota collected charges amounting to ₹ 2.94 crore from April 2011 to March 2012 for regularisation of agricultural land for non-agricultural purposes out of which 40 *per cent* Government share amounting to ₹ 1.18 crore was to be deposited into Government account by 5th of the next month, but the same has not been deposited into Government account till date. This resulted in non-recovery of ₹ 1.18 crore. Besides, interest of ₹ 4.75 lakh (upto March 2012) was also due for deposit in Government account.

The matter was brought to the notice of the Department (May 2013) and reported to the Government (November 2013). Their reply is awaited (February 2014).

4.12 Non-reversion of land and loss of revenue

Under Rule 3(ii) (b) of Rajasthan Land Revenue (Allotment of Unoccupied Government Land for Construction of Schools, Colleges, Dispensaries, Dharamshalas and other buildings of Public Utility) Rules, 1963, allotment of land to non-Government institutions shall be made at a premium equivalent to 50 per cent of the index price fixed for registration purposes. As per Rule 3(ii) (c), if the land allotted is in excess of the maximum limits prescribed in clause 2, the premium for the excess area shall be made equivalent to the market rate of the land to be determined according to the index price fixed for registration purposes. Further, proviso below Rule 3(d) provides that no premium will be charged if the allotment of land is made to a non-Government institution for the purpose of educational, social or economic upliftment of women. Rule 3 (vii) provides that in the event of any breach of conditions, the land shall revert to the State Government along with construction thereon without any claim for compensation.

During test check of records of District Collector Sikar, it was noticed (February 2013) that 4.13 hectare land situated on NH 11 at village Ghasu Ka Bas (Laxmangarh) was allotted (December 2004 and November 2007) free of cost to Karmabai Education and Research Institution, a private institution exclusively meant for girls' education.

On further scrutiny of the records of Block Primary Education Officer, Laxmangarh, it was found that 503 boy students upto eighth standard were given admission in the school during 2007-08 to 2012-13, which was in breach of the terms and conditions of allotment of land, as the land was

allotted free of cost only for girl's education. The Institute used the land unauthorisedly causing loss of premium of ₹ 45.84 lakh. Despite breach of allotment conditions no action was taken to revert the land to the Government.

The matter was brought to the notice of the Department (May 2013) and reported to the Government (October 2013). The Department accepted (February 2014) the facts and stated that the case had been referred to the Government for cancellation of allotment of land. The reply of Government is awaited (February 2014).

4.13 Short recovery of cost of land and lease rent due to incorrect application of DLC rates

As per Government's Notification (October 2005) if the land is allotted to specified department/Corporation/Institutions, premium (cost) will be charged equivalent to the prevailing market price of the same class of agricultural land situated in the neighborhood, as decided by the Collector in the DLC. Further 10 *per cent* lease rent of the cost of land is also payable per year. By issue of another notification dated 26 March 2012 Government increased the DLC rates by 10 *per cent* with immediate effect.

During test check of records of Collector Alwar, it was noticed that Government land at village Pur, *Tehsil* Kotkasim, District Alwar measuring 3.16 hectares was allotted (29 March 2012) to Rajasthan Rajya Vidyut Prasaran Ltd. for 99 years on lease basis.

On scrutiny, it was noticed that the Department recovered the cost of land as per incorrect application of old DLC rates instead of revised rates as per notification dated 26 March 2012 and also levied lease rent accordingly. This resulted in short recovery of ₹ 11.66 lakh

for cost of land and lease rent of ₹ 1.17 lakh for one year.

The matter was brought to the notice of the Department (April 2013) and reported to the Government (October 2013). The Government replied (September 2013) that the demand had been raised for the year 2012-13 after increasing DLC rate by 10 *per cent*.