

Bill No. 8 of 2021

(Authorised English Translation)

THE RAJASTHAN LAWS (AMENDMENT) BILL, 2021

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

further to amend the Rajasthan Urban Improvement Act, 1959, the Rajasthan Municipalities Act, 2009, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009 and the Ajmer Development Authority Act, 2013.

Be it enacted by the Rajasthan State Legislature in the Seventy-second Year of the Republic of India, as follows:-

**CHAPTER-I
PRELIMINARY**

1. Short title and commencement.- (1) This Act may be called the Rajasthan Laws (Amendment) Act, 2021.

(2) It shall come into force at once.

**CHAPTER-II
AMENDMENT IN THE RAJASTHAN URBAN
IMPROVEMENT ACT, 1959**

2. Insertion of new section 60-B, Rajasthan Act No. 35 of 1959.- After the existing section 60-A and before the existing CHAPTER VIII of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959), hereinafter in this Chapter referred to as the principal Act, the following new section shall be inserted, namely:-

"60-B. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any

time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Trust has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Trust is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Trust may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land.

(4) An appeal shall lie from an order of the Trust made under sub-section (3) to the State Government or the officer authorized by it.

(5) An appeal under sub-section (4) shall be preferred within fifteen days from the date on which the order is communicated to the appellant:

Provided that the State Government or the officer authorized by it may entertain the appeal after the expiry of the said period of fifteen day, if it or he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(6) Every appeal under sub-section (4) shall be disposed of by the State Government or the officer authorized by it as expeditiously as possible.

(7) No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any order, notice, proceedings or action taken under this section."

3. Amendment of section 90-A, Rajasthan Act No. 35 of 1959.- For the existing sub-sections (2), (3) and (4) of section 90-A of the principal Act, the following shall be substituted, namely:-

"(2) Any person aggrieved by an order under sub-section (1) may appeal to the State Government or the officer authorized by it against the order within 30 days from the date of the order of the Trust and the State Government or the officer authorized by it, may, after hearing the parties to the appeal either dismiss the appeal or may reverse or vary the whole or any part of the order.

(3) Where any improvement has been sealed, the Trust or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(4) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order passed under sub-section (3)."

CHAPTER-III
AMENDMENT IN THE RAJASTHAN MUNICIPALITIES
ACT, 2009

4. Insertion of new section 73-B, Rajasthan Act No. 18 of 2009.-After the existing section 73-A and before the existing section 74 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009), hereinafter in this Chapter referred to as the principal Act, the following new section shall be inserted, namely:-

"73-B. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Municipality has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Municipality is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Municipality may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land.

(4) An appeal shall lie from an order of the Municipality made under sub-section (3) to the State Government or the officer authorized by it.

(5) An appeal under sub-section (4) shall be preferred within fifteen days from the date on which the order is communicated to the appellant:

Provided that the State Government or the officer authorized by it may entertain the appeal after the expiry of the said period of fifteen day, if it or he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(6) Every appeal under sub-section (4) shall be disposed of by the State Government or the officer authorized by it as expeditiously as possible.

(7) No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any order, notice, proceedings or action taken under this section."

5. Amendment of section 194, Rajasthan Act No. 18 of 2009.- In sub-section (7) of section 194 of the principal Act,-

(i) in clause (f), for the existing punctuation mark "." appearing at the end, the punctuation mark ";" shall be substituted; and

(ii) after clause (f), so amended, the following new clauses shall be added, namely:-

"(g) Where any construction has been seized, the Municipality or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such construction, order the seizure to be revoked;

(h) No person shall revoke such seizure except by,-

- (a) an order passed under clause (g) of this sub-section; or
- (b) an order passed under sub-section (12) of this section."

CHAPTER-IV
AMENDMENT IN THE JAIPUR DEVELOPMENT
AUTHORITY ACT, 1982

6. Amendment of section 34-A, Rajasthan Act No. 25 of 1982.- For the existing sub-sections (2) and (3) of section 34-A of the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

"(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order of the Tribunal."

7. Insertion of new section 54-D, Rajasthan Act No. 25 of 1982.- After the existing section 54-C and before the existing CHAPTER-IX of the principal Act, the following new section shall be inserted, namely:-

"54-D. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in

this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Authority has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Authority is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Authority may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land."

CHAPTER-V
AMENDMENT IN THE JODHPUR DEVELOPMENT
AUTHORITY ACT, 2009

8. Amendment of section 35-A, Rajasthan Act No. 2 of 2009.- For the existing sub-sections (2) and (3) of section 35-A of the Jodhpur Development Authority Act, 2009 (Act No. 2 of 2009), hereinafter in this Chapter referred to as the principal Act, the following shall be substituted, namely:-

"(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order of the Tribunal."

9. Insertion of new section 50-A, Rajasthan Act No. 2 of 2009.- After the existing section 50 and before the existing CHAPTER-IX of the principal Act, the following new section shall be inserted, namely:-

"50-A. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Authority has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Authority is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Authority may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land."

CHAPTER-VI
AMENDMENT IN THE AJMER DEVELOPMENT
AUTHORITY ACT, 2013

10. Insertion of new section 35-A, Rajasthan Act No. 39 of 2013.- After the existing section 35 and before the existing section 36 of the Ajmer Development Authority Act, 2013 (Act No. 39 of 2013), hereinafter in this Chapter referred to as the principal Act, the following new section 35-A shall be inserted, namely:-

"35-A. Power to seal unauthorized Development.- (1)

The Authority may, at any time before or after making an order for the removal or discontinuance of any development under section 32 or section 33 or section 35, make an order directing the sealing of such development in the prescribed manner, for the purpose of carrying out the provisions of this Act, or for preventing any dispute as to the nature and extent of such Development.

(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf, with prior permission of the State Government or the officer authorized by it in this behalf, may, for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No person shall remove such seal except by,-

- (a) an order passed under sub-section (2); or
- (b) an order of the Tribunal.

(4) Any person who contravenes the provisions of sub-section (3) shall, on conviction, be punished with fine which may extend to twenty five thousand rupees."

11. Insertion of new section 50-A, Rajasthan Act No. 39 of 2013.- After the existing section 50 and before the existing CHAPTER-IX of the principal Act, the following new section shall be inserted, namely:-

"50-A. Revocation of allotment and cancellation of lease deed.- (1) Notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, if, at any time, before or after the lease deed, executed and registered, in respect of land disposed of under this Chapter either on lease hold basis or on free hold basis, the Authority has reasons to believe that allotment of land has been obtained, and lease deed has been executed, by way of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it shall issue in the manner hereinafter provided a notice in writing to

show cause why an order of revocation of allotment and cancellation of the lease deed of the land should not be made.

(2) The notice shall-

(a) specify the grounds on which an order of revocation of allotment and cancellation of the lease deed of the land is proposed to be made; and

(b) require all persons concerned, that is to say, all persons who are or may be, in occupation of or claim interest in, the land, to show cause, if any, against the proposed order on or before such date as is specified in the notice being a date not earlier than seven days from the date of issue thereof.

(3) If, after considering the cause, if any, shown by any person in pursuance of a notice under sub-section (1) and any evidence he may produce in support of the same and after giving him, a reasonable opportunity of being heard, the Authority is satisfied that the lease is obtained by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, the Authority may, make an order of revocation of allotment and cancellation of the lease deed of the land and also make an order of eviction, for reasons to be recorded therein, directing that the land shall be vacated by all persons who are or may be in occupation thereof or any part thereof, and cause a copy of the order to be affixed on the outer door or some other conspicuous part of the land."

STATEMENT OF OBJECTS AND REASONS

Our basic needs particularly shelter is met from the land and we are aware that population and aspiration increase, so land becomes an increasingly scarce resource. In present time, several instances are seen where many an allottee changes the purposes of land, violating the terms and conditions on which allotment was made or lease was executed. Such violations trigger conflicts between the interest of individual and the common good. It is also found that sometime lease is obtained by misrepresentation of facts or on the basis of false documents, this tendency frustrate the very purpose for which allotment of land was made. Therefore, a provision regarding revocation of allotment and cancellation of lease deed is need of time so that the land allotted on concessional rates is not being misused for other purposes and beneficiaries of the land learn to abide by terms and conditions on which the land is allotted to them. Therefore, it is considered expedient that a new section providing for revocation of allotment and cancellation of lease deed be inserted in the Rajasthan Urban Improvement Act, 1959; the Rajasthan Municipality Act, 2009; the Jaipur Development Authority Act, 1982; the Jodhpur Development Authority Act, 2009; and the Ajmer Development Authority Act, 2013 at suitable place.

There are provisions for seizure of unauthorized constructions or improvement or construction of building against the permission issued according to by-laws but the existing provisions of revocation of seizure are not as effective as were envisaged. Resultantly, problems such as traffic, fire safety, parking etc are aggravated. Hence, the necessity is felt to provide for a rider that seal will not be removed without prior permission of the State Government or the officer authorized by the Government. Therefore, the existing provisions in regard to sealing are proposed to be substituted suitably in the Rajasthan Urban Improvement Act, 1959; the Rajasthan Municipality Act, 2009; the Jaipur Development Authority Act, 1982; and the Jodhpur Development Authority Act, 2009 and a new section, namely,

“35-A. Power to seal unauthorized Development”, is proposed to be inserted in the Ajmer Development Authority Act, 2013 at suitable place.

The Bill seeks to achieve the aforesaid objectives.

Hence the Bill.

शान्ती कुमार धारीवाल,
Minister Incharge.

**EXTRACTS TAKEN FROM THE RAJASTHAN URBAN
IMPROVEMENT ACT, 1959**

(Act No. 35 of 1959)

XX XX XX XX XX

90-A. Power to seal unauthorized improvement.- (1) The Trust may, at any time before or after making an order to stop any improvement under sections 73-A, 90, 91-B and 91-C, make an order directing the sealing of such improvement in the prescribed manner, for preventing any dispute as to the nature and extent of such improvement.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the Divisional Commissioner against the order within 30 days from the date of the order of the Trust and the Divisional Commissioner may after hearing the parties to the appeal either dismiss the appeal or may reverse or vary the whole or any part of the order.

(3) Where any improvement has been sealed, the Trust or the officer authorized by it in this behalf may for the purpose of removing or discontinuing such development, order the seal to be removed.

(4) No person shall remove such seal except-

- (a) under an order of the Trust or the officer authorized under sub-section (3); or
- (b) under an order of the Divisional Commissioner or the State Government as the case may be.

(5) Any person who contravenes the provisions of sub-section (4) shall, on conviction, be punished with fine which may extend to twenty five thousand rupees.

XX XX XX XX

**EXTRACTS TAKEN FROM THE RAJASTHAN
MUNICIPALITIES ACT, 2009**

(Act No. 18 of 2009)

XX	XX	XX	XX
194. Provisions relating to erection of all kinds of buildings.-	(1) to (6)	xx	xx
	(7) (a) to (e)	xx	xx
	(f) It shall be lawful for the Chief Municipal Officer or any other officer authorized by him in this behalf to seize and take in his possession the whole premises or part thereof and to prohibit the use of such premises for a period specified by him in the notice, for enforcing the provisions of this section.		
	(8) to (12)	xx	xx

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**EXTRACTS TAKEN FROM THE JAIPUR DEVELOPMENT
AUTHORITY ACT, 1982**

(Act No. 25 of 1982)

XX	XX	XX	XX
34-A. Power to seal unauthorized Development.-	(1)	xx	

(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf may for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No Person shall remove such seal except,-

(a) under an order of the Authority or the officer authorized under sub-section (2); or

(b) under an order of the Tribunal.

(4) xx xx xx xx

XX **XX** **XX** **XX**

**EXTRACTS TAKEN FROM THE JODHPUR
DEVELOPMENT AUTHORITY ACT, 2009**

(Act No. 2 of 2009)

XX XX XX XX

35-A. Power to seal unauthorized Development.– (1) xx

(2) Where any development has been sealed, the Authority or the officer authorized by it in this behalf may for the purpose of removing or discontinuing such development, order the seal to be removed.

(3) No Person shall remove such seal except,-

(a) under an order of the Authority or the officer authorized under sub-section (2); or

(b) under an order of the Tribunal.

(4) xx xx xx xx

XX XX XX XX

राजस्थान विधियां (संशोधन) विधेयक, 2021

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

राजस्थान विधान सभा

राजस्थान नगर सुधार अधिनियम, 1959, राजस्थान नगरपालिका अधिनियम, 2009, जयपुर विकास प्राधिकरण अधिनियम, 1982, जोधपुर विकास प्राधिकरण अधिनियम, 2009 और अजमेर विकास प्राधिकरण अधिनियम, 2013 को और संशोधित करने के लिए विधेयक।

(जैसाकि राजस्थान विधान सभा में पुरःस्थापित किया जायेगा)

प्रमिल कुमार माथुर,
सचिव।

(शान्ती कुमार धारीवाल, प्रभारी मंत्री)

Bill No. 8 of 2021

THE RAJASTHAN LAWS (AMENDMENT) BILL, 2021

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

further to amend the Rajasthan Urban Improvement Act, 1959, the Rajasthan Municipalities Act, 2009, the Jaipur Development Authority Act, 1982, the Jodhpur Development Authority Act, 2009 and the Ajmer Development Authority Act, 2013.

(To be introduced in the Rajasthan Legislative Assembly)

Pramil Kumar Mathur,
Secretary.

(Shanti Kumar Dhariwal, **Minister-Incharge**)