

208. The Rajasthan Improvement Trust (Disposal of Urban Land) (Amendment) Rules, 2016—In the principal Rules, 1974—Rule 2 (6-BB)—Inserted—Rules 2 (10), 3 & 4; expression in Rules 5, 6 (2) (iii), 17 (2), 17 (3) (a) & (e) and 23 (1); proviso to Rules 17 (2) & (5) (a) and Schedule appended—Substituted.

In exercise of the powers conferred by sub-sec. (1) of Sec. 74 of the Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959), the State Government hereby makes the following rules further to amend the Rajasthan Improvement Trust (Disposal of Urban Land) Rules, 1974 and orders with reference to proviso to sub-sec. (2) of Sec. 74 of the said Act that the previous publication of these amendment rules is dispensed with as the State Government in public interest, considers that these amendment rules should be brought into force at once, namely:—

1. Short title and commencement.—(1) These rules may be called the **Rajasthan Improvement Trust (Disposal of Urban Land) (Amendment) Rules, 2016.**

(2) They shall come into force at once.

2. Amendment of Rule 2.—In Rule 2 of the Rajasthan Improvement Trust (Disposal of Urban Land) Rules, 1974, hereinafter referred to as the said rules,—

(i) after the existing clause (6-B) and before the existing clause (6-C), the following new clause (6-BB) shall be inserted, namely:—

“(6-BB) “*Free hold*” means a tenure in perpetuity with right of inheritance and alienation;” and

(ii) the existing clause (10) shall be substituted by the following, namely:—

“(10) “*Sale and disposal of land*” means transfer of land either on free hold basis or on lease hold basis;”.

3. Substitution of Rule 3.—The existing Rule 3 of the said rules shall be substituted by the following, namely:—

“3. *Land to be transferred either on free hold basis or on lease hold basis.*—(1) Any

transfer of land under these rules shall be either on free hold basis or on lease hold basis.

(2) Any allottee or lessee or sub-lessee to whom full rights have been transferred by lessee and who holds land for residential or commercial purpose only on lease hold basis may get his tenure and status of holding converted from lease hold basis to free hold basis on payment of 1.25 times and 1.50 times of one time lease; respectively :

Provided that the lessees who have already paid urban assessment or ground rent under and in accordance with the onetime assessment scheme and those lessees are no longer required to pay any ground rent for remainder of the tenure of the lease, may avail the option of converting there tenure and status from lease hold basis to free hold basis on payment of twenty five percent of total one time lease amount in case of residential and fifty percent total onetime lease amount in case of commercial.

(3) An application for conversion of tenure and status of land from lease hold basis to free hold basis may be presented by the allottee or lessee or sub-lessee :

Provided that all outstanding dues, if any; required to be deposited, would be deposited first for conversion from lease hold basis to free hold basis.

(4) The deed evidencing the conversion of tenure and status of land from lease hold basis to free hold basis under sub-rule (2) shall be prepared in appropriate form of conveyance duly approved by the State Government in accordance with the provisions of Rule 26 of these rules.

(5) Any urban land conveyed, regularised or otherwise transferred for,—

- (a) specified or limited purposes for a specified duration only; or
- (b) time bound short term projects of departments of the Central/State Government or their agencies/instrumentalities covered under Rule 15-B of these rules; or
- (c) non-residential or non-commercial purposes on concessional rates with special conditions attached thereto to any institution, any body or person; or
- (d) any purpose other than residential or commercial outside the sanctioned scheme governed by Rule 16 of these rules; or
- (e) use of public and charitable institutions or Group Housing Societies under Rule 18, 18-A and 18-B of these rules, on cost price, reduced price or token price (i.e. free of cost); or
- (f) joint venture schemes under Rule 18-C of these rules; or
- (g) use of institutions other than charitable and public institutions under Rule 19 of these rules, shall invariable be on lease hold basis for a limited period not exceeding 99 years duration and in no case on free hold basis :

Provided that urban land required for use under the long term projects of the Central Government or the State Government or required by their departments or their instrumentalities shall invariable be conveyed on free hold basis under and in accordance with the provisions of these rules.

(6) All lands and properties which are important sites/structures from historical or cultural point of view or which are valuable heritage sites whether natural or manmade such as lakes, hill, hillocks, mansions, forts, gardens etc. if and when assigned to anybody, institution or any person for up keep, maintenance or use for promotion of tourism etc. shall invariable be transferred on lease hold basis for a specific purpose and for specified period not exceeding 99 years of tenure.

(7) Before allotting or converting any of the urban lands and properties specified under sub-rule (6) or lands/properties of like nature on lease hold basis, the Trust shall seek prior sanction of the State Government and the State Government may impose such special terms and conditions as it may deem fit and the deed evidencing, special

terms and conditions, if any, shall be duly approved by the State Government in accordance with Rule 26 of these rules."

4. Substitution of Rule 4.—The existing Rule 4 of the said rules shall be substituted by the following, namely:—

"4. Tenure of lease and attributes of free hold.—(1) Allotment and sale of lease hold rights in any land and/or building shall be for a period not exceeding 99 years :

Provided that in case land covered under sub-rules (6) and (7) of Rule 3 of these rules, the Trust may with the previous sanction of the State Government grant lease of a lesser period on such terms and conditions as may be determined by the State Government.

(2) Allotment and sale of free hold rights in any land and/or building shall be for tenure in perpetuity with rights of inheritance and alienation."

5. Amendment of Rule 5.—In Rule 5 of the said rules, for the existing expression "or by outright sale", the expression "or on free hold basis" shall be substituted.

6. Amendment of Rule 6.—In clause (iii) or sub-rule (2) of Rule 6 of the said rules, for the existing expression "30%", the expression "20%" shall be substituted.

7. Amendment of Rule 17.—In Rule 17 of the said rules,—

(i) in sub-rule (2), for the existing expression "more than 50,000", the expression "more than one Lakh" shall be substituted.

(ii) the existing proviso to sub-rule (2) shall be substituted by the following, namely:—

"Provided that if any allottee transfers his plot/house after allotment by sale or otherwise then such allottee shall not be entitled for allotment in future and an affidavit to this effect shall be taken from the applicant;"

(iii) in clause (a) of sub-rule (3), for the existing expression "18%", the expression "10%" shall be substituted;

(iv) in clause (e) of sub-rule (3), for the existing expression "2%", the expression "3%" shall be substituted; and

(v) the existing proviso to clause (a) of sub-rule (6) shall be substituted by the following, namely:—

"Provided that permission for transfer of plot shall not be granted in any condition before expiry of five years from the date of allotment. If an allottee intends to transfer his plot after five years and before ten years from the date of allotment, he shall pay levy at the rate of five percent of present prevailing reserve price to the trust concerned."

8. Amendment of Rule 23.—In sub-rule (1) of Rule 23 of the said rules, for the existing expression "on an out-right sale", the expression "on free hold basis" shall be substituted.

9. Substitution of Schedule.—The existing Schedule appended to the said rules shall be substituted by the following, namely:—

"Schedule

Rule 17(4)

| S. No. | Category of person | Plot size not exceeding in Sq. meters | Rate to be charged |
|--------|--|---------------------------------------|--------------------------|
| 1. | Low Income Group 'A' (economically weaker section) whose income does not exceed Rs. 10,000/- per month | 45 | 25% of the reserve price |
| 2. | Low Income Group 'B' (whose income is Rs. 10,001/- to Rs. 15,000/- per month | 49-90 | 60% of the reserve price |

| S. No. | Category of person | Plot size not exceeding in Sq. meters | Rate to be charged |
|--------|--|---------------------------------------|-----------------------------|
| 3. | Middle Income Group whose income is Rs. 15,001/- to Rs. 30,000/- per month | 91-220 | Reserve Price |
| 4. | Middle Income Group 'A' (whose income is Rs. 30,001/- to Rs. 45,000/- per month) | 221-350 | 105% of the reserve price |
| 5. | Middle Income Group 'B' (whose income is Rs. 45,001/- to Rs. 65,000/- per month) | 351-500 | 110% of the reserve price |
| 6. | Higher Income Group whose income is Rs. 65,001 and above per month | 501-550 | 120% of the reserve price " |

[Noti. No. F. 3(106) UDH/3/2012, dt. 13.4.2016—Raj. Gaz., Exty., Pt. VI(B), dt. 13.4.2016, p. 5(1)] = 2016 RSCS/II/P. 477/H. 208