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भाग-6(क)

नगरपालिकाओं संबंधी विज्ञप्तियां आदि।

**LOCAL SELF GOVERNMENT DEPARTMENT
NOTIFICATION**

Jaipur, October 30, 2019

NO.F.8(Ga)()Niyam/DLB/2019/35215 .- In exercise of the powers conferred by section 337 of the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009) and all other powers enabling it in this behalf, the State Government hereby makes the following rules further to amend the Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974 namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Municipalities (Disposal of Urban Land) (Amendment) Rules, 2019.
(2) They shall come into force on and from the date of their publication in the Official Gazette.

2. Amendment of rule 2.- In rule 2 of the Rajasthan Municipalities (Disposal of Urban Land) Rules, 1974, hereinafter referred to as the said rules,-

(i) the existing clause (1) shall be substituted by the following, namely:-

"(1) "Act" means the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);";

(ii) in clause (4), for the existing expression "Rajasthan Municipalities Act, 1959 (Act No. 38 of 1959), the expression "Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009)" shall be substituted;

(iii) the existing clause (5) shall be substituted by the following, namely:-

"(5) "Chairperson" means Chairperson as defined under the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);";

(iv) the existing clause (7) shall be substituted by the following, namely:-

"(7) "Chief Municipal Officer" means Chief Municipal Officer as defined under the Rajasthan Municipalities Act, 2009 (Act No. 18 of 2009);";

(v) after the existing clause (8) and before the existing clause (9), the following new clause (8A) shall be inserted, namely:-

"(8A)."Layout Plan Committee" means the committee constituted by the State Government at the level of Municipality, for approval of Layout Plan's of scheme of the Municipality as-well-as Private township scheme;"; and

(vi) in clause (11), for the existing expression "Rajasthan Municipalities Act, 1959", the expression "Rajasthan Municipalities Act, 2009", shall be substituted."

3. Amendment of rule 6.- The existing explanation of rule 6 of the said rules, shall be substituted by the following, namely:-

Explanation: The minimum premium (reserve price or fixed price) shall be worked out after adding the following items:

- (i) cost of undeveloped land. This would be subject to change to the extent of final cost of compensation determined by the competent court; and
- (ii) cost of development."

4. Amendment of rule 8.- The existing sub-rule (2) of rule 8 of the said rules shall be substituted by the following, namely:-

"(2) In the scheme, the plot for allotment and sale by auction shall be clearly indicated and 20% of total scheme area shall be reserved for auction."

5. Substitution of rule 9.- The existing rule 9 of the said rules shall be substituted by the following, namely.-

" **9. Approval of the Schemes.-** The scheme so prepared under rule 8 shall be approved by the Layout Plan Committee, keeping in view the provisions of Master Plan, Zonal Development Plan of that city or town, building bylaws, Chief Minister Jan Awas Yojana, Rajasthan Urban areas (Sub-division Reconstitution and Improvement of Plots) Rules, 1975, township policy and any other such policy notified by the State Government, if any, within a period of forty five days from the date of submission of the scheme before the Layout Plan Committee."

6. Amendment of rule 10.- In rule 10 of the said rules,-

- (i) for the existing expression "Chief Town Planner or his representative authorised in this behalf", the expression "Layout Plan Committee" shall be substituted; and
- (ii) for the existing expression "any where in the State of Rajasthan shall not be entitled for allotment", the expression "in any town of Rajasthan having population of more than 1,00,000 shall not be entitled for allotment", shall be substituted.

7. Amendment of rule 11.- In rule 11 of the said rules, for the existing expression "Chief Town Planner or his representative authorised by him in this behalf", the expression "Layout Plan Committee" shall be substituted.

8. Amendment of rule 12.- The existing rule 12 of the said rules shall be substituted by the following, namely.-

"12. Fixing of Minimum Premium (reserve price or fixed price).- (1) Minimum premium (reserve price or fixed price) of urban land shall be determined by the Committee consisting of the following, members:-

(a) In case of municipalities at District Head Quarters:

- | | |
|---|------------------|
| 1. Chairperson of the Concerned Municipality | Chairman |
| 2. Senior Town Planner or Deputy Town Planner having jurisdiction | Member |
| 3. Executive Engineer, Public Works Department (Building and Roads) having jurisdiction | Member |
| 4. District Treasury Officer having jurisdiction | Member |
| 5. Chief Municipal Officer | Member-Secretary |

(b) In case of other towns:

- | | |
|---|----------|
| 1. Chairperson of the concerned Municipality | Chairman |
| 2. Assistant Engineer, Public Works Department (Building and Roads) having jurisdiction | Member |
| 3. In-charge, Sub-Treasury concerned | Member |

4. Chief Municipal Officer

Member
Secretary

(1A) Any three members including the Chairman of the Committee shall constitute the quorum.

(1B) In case of a municipality where Sub-Divisional Officer is Administrator, Chairman of the Committee shall be such officer as may be nominated by the Collector not below the rank of Additional Collector.

(2) The Committee shall meet as and when required to consider the proposals.

(3) The Committee may sanction the proposals with or without any modification or may return them to the Municipality concerned together with such suggestions and modifications which the Committee may deem fit and expedient in the implementation of the scheme according to which the Board shall modify and resubmit the scheme for the scrutiny of the Committee.

(4) The reserve price (minimum premium) finally approved by the Committee for disposal of land shall be sanctioned reserve price or the scheme price (minimum premium) for that scheme at which the lands shall be disposed of by the Municipality.

(5) The reserve prices fixed under sub-rule (1) shall be valid till the next revision. The Municipality, at any time, may review the reserve price fixed under sub-rule (1) and while reviewing it the Municipality may, after considering the prevailing conditions, increase, decrease or retain the reserve price as per the prevailing market scenario. It shall not be necessary to take into account the DLC rates while deciding the reserve price.

(6) A copy of the proceeding of the Committee shall be sent to the Director Local Bodies, Rajasthan.

(7) For the disposal of land, not covered by any scheme, both for allotment at fixed price and by auction, the reserve price of such land shall also be determined by the Committee as aforesaid on the proposals received from the Municipality. The reserve price shall be worked out as per provisions contained under rule 6.

Explanation: For the purpose of this rule, the Committee, may, if it thinks so necessary, determine the reserve price according to the importance of particular sites, viz. business centers, commercial complexes, industrial areas or locality, Ward or Mohallawise.

9. Insertion of rule 14.- After the existing rule 13 and before the existing rule 15 of the said rules, the following new rule 14 shall be inserted and shall always be deemed to have been inserted, namely:-

"14. Sale of residential plots through public auction.- Residential plots not reserved for allotment shall be disposed of through public auction in the manner prescribed in Annexure-A."

10. Insertion of rule 15-A.- After the existing rule 15 and before the existing rule 16 of the said rules, the following new rule 15-A shall be inserted, namely:-

"15-A Additional charges on failure to construct the building, transfer and surrender of the land purchased through auction.- (1) If a person who purchases the land through public auction for residential or commercial purposes, has not constructed a building within the period of three years from the date on which possession of land is handed over, he shall pay levy at the rate of one percent per year of the present prevailing reserve price to the concerned Municipality upto three years and if building has still not been constructed, the lease of the land shall stand cancelled.

(2) The land purchased through auction shall not be transferred without giving information of such transfer to the Municipality and before such transfer all dues of Municipality shall be paid."

11. Amendment of rule 16.- In rule 16 of the said rules, for the existing expression "Chief Town Planner or his nominee authorized in this behalf", the expression "Layout Plan Committee" shall be substituted.

12. Substitutions of rule 17.- The existing rule 17 of the said rules shall be substituted by the following, namely:-

"17. Allotment of Residential plots at concessional rates procedure, categories, priority, plot size, price, recoveries etc.- (1) Every person entitled for allotment shall get himself registered with the Municipality concerned where by making any application in the form prescribed by the Government obtainable from the Municipality concerned on payment of such registration fee as may be fixed by the Municipality from time to time.

(2) The following categories of persons who are bonafide resident of Rajasthan shall be entitled for allotment of a residential plot for construction of a house at concessional rates if such a person does not own a plot of land or house in any town in Rajasthan having population of more than one lac:

Provided that if an 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.

(a)	Low income group people.	Whose income does not exceed Rs. 6,00,000/- p.a. at the time of allotment.
(b)	Rajasthan State Government servants including employees of local authorities and statutory bodies of the State.	Whose income does not exceed Rs. 12,00,000/- p.a. at the time of allotment.
(bb)	Widows of Government servants upto a period of 10 years after the death of the Government servant.	Whose husband's Income does not exceed Rs. 6,00,000/- p.a. at the time of his death.
(c)	Central Government, employees	Whose income does not exceed Rs. 12,00,000/- p.a. at the time of allotment.
(d)	Army personnel Including ex-servicemen and their families and Border Security Force, Central Industrial Security Force and Central Reserve Police Force Personnel.	Whose income does not exceed Rs. 12,00,000/- p.a. at the time of allotment.
(e)	Persons belonging to Scheduled Castes and Scheduled Tribes, other than Government Servant.	Whose income does not exceed Rs. 12,00,000/- p.a. at the time of allotment.
(f)	Accredited Journalists.	Whose income does not exceed Rs. 12,00,000/- p.a. at the time of allotment.
(g)	Person with bench mark disabilities as defined in the Right of Persons with Disabilities Act, 2016 (Central Act No.49 of 2016) with appropriate priority to woman with such disability.	Whose income does not exceed Rs. 12,00,000/- p.a. at the time of allotment.
(h)	Destitute and land less single women	Whose income does not exceed Rs. 60,000/- p.a. at the time of allotment.

(3) The residential plots shall be reserved and allotted to the categories of persons in the following proportion:-

(a) 10% of the plots reserved for allotment shall be allotted to the persons entitled under categories in clauses (b) and (c) referred to in sub-rule (2) on the basis of lottery according to procedure specified in Annexure-B.

(b) 10% of the plots reserved for allotment shall be allotted to defence personnel including ex-servicemen and their families and Border Security Force, Central Industrial Security Force and Central Reserve Police Force Personnel: Provided that the priority for allotment of plot amongst them shall be fixed in following order:-

(i) to the widows and dependents of army personnel who have lost their lives while defending borders of the country and to the widows and dependents of Border Security Force, Central Industrial Security Force and Central Reserve Police Force Personnel, who have lost their lives while performing their duties.

(ii) to disabled Army, Border Security Force, Central Industrial Security Force and Central Reserve Police Force personnel.

(iii) other Army, Border Security Force, Central Industrial Security Force and Central Reserve Police Force personnel.

(c) 68% of the plots reserved for allotment by lottery shall be allotted to the persons entitled under category in clause (a) of sub-rule (2) on the basis of lottery according to procedure specified in Annexure-B provided always that 15% of the reserved plots shall be reserved and allotted to the persons belonging to the Scheduled Castes and Scheduled Tribes and shall be allotted on the basis of lottery according to the procedure specified in Annexure-B.

(d) 2% of the plots reserved for allotment by lottery shall be allotted to the persons entitled under category in clause (f) of sub-rule (2) on the basis of lottery according to procedure specified in Annexure-B.

(e) 5% of plots reserved for allotment by lottery shall be allotted to the persons entitled under category in clause (g) of sub-rule (2) on the basis of lottery according to procedure specified in Annexure-B.

(f) 15% of the total plots of the size of 200 Sq. Meters, in middle income group category, and 270 Sq. meters, in higher income group category, shall be reserved for allotment to the persons for whom no reservation has been made.

(3A) Out of the plots reserved under sub-rule (3) for categories (a),(e) and (g) of sub-rule (2), the 10% plots shall be reserved for the destitute and land less single women of that category and shall be allotted on the basis of lottery according to the procedure specified in Annexure-B. If total number of applications of destitute and land less single women for allotment is less than the total number of plots reserved for them, the remaining plots shall be available for allotment to other applicants of that category.

(4)Category of the person, plots size and price.- The size of the plot and price to be charged from various categories of people entitled for allotment under these rules shall be in accordance with the Schedule attached to these rules.

(5) Recovery of the cost of land.- (i) The cost of land shall be recovered from the allottee within a period of thirty days from the date of receipt of intimation for depositing the amount:

Provided that the allottee may deposit the said amount within the next 90 days but an interest @ 15% per annum shall be charged with effect from the date of allotment failing which the allotment of land shall automatically stand cancelled.

Provided further that the Chairperson may regularise such allotment of land withdrawing the automatic cancellation within a period of one year from the date of said automatic cancellation if the allottee is prepared to pay the full amount of cost of land plus interest 15% per annum upto the date of regularisation of allotment of land and in addition also an amount of penalty at the following rates:-

- (a) Upto Six Months 5% of the amount
(b) More than Six months 10% remaining unpaid.

(ii) After the expiry of the period one year from the date of the said automatic cancellation, the Chairperson shall have no power to regularise such allotment of land, but the Municipality will have power to extend this period by one year more on payment by the allottee, the amount of cost of land plus interest and penalty as provided in clause (i) above.

(iii) If the Municipality in its interest refers the case to the State Government for such regularisation or an allottee applies to the Government stating the facts in detail for such regularisation, the State Government may permit such regularisation on payment by the allottee the cost of land and expenses, if any, plus interest and penalty, as provided in clause (i) above.

(6) Resale of plot-condition thereof.- (a) A person who has been allotted a plot at concessional rates, shall not transfer the plot before the expiry of 10 years from the date of allotment:

Provided that permission for transfer of plot shall not be granted in any condition before expiry of 5 years from the date of allotment. If an allottee intends to transfer his plot after 5 years and before the expiry of 10 years from the date of allotment, he shall pay levy at the rate of 5% of present prevailing reserve price to the Municipality concerned.

(b) If person who has not constructed a building within 2 years, from the date of allotment the plot so allotted to him shall stand cancelled and the allottee shall not be eligible for allotment of a plot in future:

Provided that the Chairperson may regularise such cancellation of plot and extend the period of construction of building upto 2 years from the date of such cancellation if the purchaser/allottee is prepared to pay the penalty at the rate upto 5% of the allotment price of plot. If the allottee fails to construct the building within this extended period, then the plot shall stand cancelled as provided in the sub-rule.

Provided further that in appropriate cases the Municipality in its meeting may regularise such cancellation of the plot and extend the period of construction of building for such period as it deems fit, if the allottee is prepared to pay a penalty at the rate upto 5% of the allotment price of plot for every years of default of construction."

13. Insertion of rule 17-A.- After the existing rule 17 and before the existing rule 18 of said rules, the following new rule 17-A shall be inserted, namely:-

"17-A. Allotment of land to Freedom Fighters, Award Holders or Medal Winners.- Notwithstanding anything contained in rule 17, the plots may be allotted to Freedom Fighters, Gallantry Award Holders, National/ International Players, Arjun Award Holders, President Awardee Teachers and National Awardee Artists, who are born in Rajasthan or bonafide residents of Rajasthan on the following concessional rates:-

1	2	3	4
1.	Freedom Fighters	Upto 220 Square Meters	50% of the reserve price.
2.	Gallantry Award Holders:		
	(i) Paramveer Chakra	Upto 220 Square Meters	50% of the reserve price.
	(ii) Mahaveer Chakra	Upto 220 Square	50% of the

		Meters	reserve price.
	(iii) Veer Chakra, Ashok Chakra, Shaurya Chakra, Kirti Chakra	Upto 220 Square Meters	50% of the reserve price.
3.	Medal Winners:		
	(i) Player who gets medal in Olympics or in Para Olympics	Upto 220 Square Meters	Free of Cost
	(ii) Player who gets medal in Asiad or Commonwealth.	Upto 220 Square Meters	Free of Cost
	(iii) Arjun Award holders	Upto 220 Square Meters	50% of the reserve price.
4.	President Awardee Teachers	Upto 200 Square Meters	Reserve price.
5.	National Awardee Artist, who have been honoured with Bhart Ratna, Padma Vibhushan, Padam Bhushan, Padam Shri, Sangeet Natak Academy Award, Bhartiya Gyanpeeth Award, Murti Devi Award, Sahitya Academy Award, Dada Saheb Phalke Award or Bhartendu Harishchandra Award and who does not own any plot of land/house in any town in Rajasthan, having population of more than one lakh.	Upto 220 Square Meters	50 % of the reserve price

In case of Posthumous Gallantry Award, widow or in the absence of widow one dependent of deceased awardee shall be entitled to get land at concessional rate:

Provided that under this rule allotment shall be made only once at any one place in the State."

14. Amendment of rule 19.- In clause (7) of rule 19 of the said rules, for the existing expression "two years," the expression "four years", shall be substituted.

15. Amendment of rule 21.- In rule 21 of the said rules, for the existing expression "period of two years", the expression "period prescribed under these rules", shall be substituted.

16. 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.

17. Amendment of rule 24.- In sub-rule (1) of rule 24 of the said rules,-

- (i) in clause (c) for the existing expression "Collector", the expression "Chairperson" shall be substituted; and

- (ii) in clause (d) for the existing expression "as of the adjoining plots", the expression "as in the Master Plan, Zonal Development Plan and Scheme", shall be substituted. "

18. Substitution of Annexure-A.- The existing Annexure 'A', appended to the said rules, the following Annexure 'A' shall be substituted, namely.-

"Annexure -A

(rule 14-15)

The following procedure shall be adopted for sale of plots by public auction:-

(a) Wide publicity of the auction shall be given by publishing the notice of auction in Newspapers describing the plots proposed to be sold together with their dimensions and area so completely that the description may enable their identification and by notifying the date and time of auction and the conditions thereof:

Provided that the plots having value more than Rs. 100 lacs shall be put for E-auction.

(b) The Bid start price shall be fixed by the Municipality before advertising the notice for auction, on the recommendation of a Committee constituted by the Municipality. The Committee shall consider all factors including market scenario in its recommendations.

(c) Auction shall be held by an Auction Committee constituted by the Municipality.

(d) The Conditions of bidding shall be displayed on the website/portal of municipality /department before the commencement of auction:

Provided that the auction shall not be cancelled merely on account of participation by the single prospective bidder.

(e) Every bidder shall be required before being permitted to bid in auction to deposit an earnest money (in short EMD) @ 2% of the bid start price of the plot which shall be refunded to him at the close of the bid or adjusted against premium in case of successful bidder.

(f) In case auction fails and no person participates in the bid due to higher Bid Start Price, the Bid Start Price shall be re-fixed by the Municipality or a Committee authorized by the Municipality in this behalf. The Bid Start Price shall be revised after taking into the consideration of unsuccessful auction attempts and prevailing market trends.

(g) Proceeding shall be drawn up stating the name of every bidder and the amount for which he bids.

(h) The highest bidder shall be required to deposit 15% amount of his bid within three working days from the date of auction. In case of failure to deposit the said amount within prescribed time limit, the EMD deposited by the bidder shall be forfeited and auction of land shall automatically stand cancelled.

(i) The bid shall be subject to the sanction or rejection within 5 working days from the date of auction and demand note shall be issued within 2 days from the date of sanction of the bid.

(j) The bid shall be subject to the sanction of the Chairperson of the Municipality in whom the rights are reserved to accept or reject any bid without assigning any reason thereof:

Provided that if there arise difference of opinion between the Chairperson and the Chief Municipal Officer regarding acceptance or rejection of the bid, the matter shall be referred by the Chief Municipal Officer to the State Government within 15 days from the date of auction.

(k) After acceptance of the Bid the successful bidder shall deposit 35% of the Bid amount within 120 days from the date of Auction. If bidder fails to deposit 35% amount within 120 days, after expiry of above period bidder may deposit due amount in next 60 days or within extended time period as per provisions of clause (l) alongwith interest at the rate of 15% on remaining amount from the date of auction.

(l) Successful bidder shall deposit remaining 50% of the Bid amount within 180 days from the date of Auction. If bidder fails to deposit 50% amount within 180 days, after expiry of above period bidder may deposit due amount in next 90 days alongwith interest at the rate of 15% on remaining amount from the date of auction.

(m) If the successful bidder deposit the full amount within 15 days from the date of demand note, he will get 1% rebate of the bid amount.

(n) In case of failure to deposit the amount within the extended time period, the 15% amount initially deposited shall be forfeited and auction of the land shall automatically stand cancelled.

(o) Attempt shall be made to ensure that rings are not formed.

(p) The auction committee may at any time cancel the bid if it is found that the bid is not fair and transparent. "

19. 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 (Sq. meters)	Rate to be charged
1.	Low Income Group-A (Economically Weaker Sections) whose income does not exceed Rs. 3,00,000/- per year	upto 45	50% of the reserve price
2.	Low Income Group-B whose income in Rs. 3,00,001/- to Rs. 6,00,000/- per year	46 to 75	80% of the reserve price
3.	Middle Income Group whose income is Rs. 6,00,001/- to Rs. 10,00,000/- per year	76 to 220	Reserve Price
4.	Higher Income Group whose income is above Rs. 10,00,000/- per year	above 220	110% of the reserve price

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By order of the Governor,
Ujjwal Rathore,
Director Cum Joint Secretary to the Government.

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