

**THE RAJASTHAN HAQ-I-MALIKANA
ABOLITION ACT, 1958
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THE RAJASTHAN HAQ-I-MALIKANA ABOLITION ACT, 1958

(Act No. 20 of 1958)

[Received the assent of the President on the 25th day of April, 1958]

An Act to provide for the abolition levy of Haq- 1 Malikana in the State of Rajasthan.

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

1. Short title, extent and commencement. –

- (1) This Act may be called the Rajasthan Haq-i-Malikana Abolition Act, 1958.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Interpretation. -(1) In this Act, unless the subject or context otherwise requires, -

(a) "estate-holder" has the meaning assigned to it by clause (11) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act III of 1955) and includes a khewatdar of the Ajmer area and any other tenure-holder (other than a tenant) of the Abu, Ajmer and Sunel areas:

(b) "Haq-i- Malikana" means the right whether based on any law, or on any rule or order having the force of law, or on any practice, custom or usage or on any contract or otherwise. of the State Government or of an estate-holder to demand and receive a specific percentage on, or a specific share or portion of, the purchase price upon the sale of a house or building and includes moharana, gajdharana, Haq-i-Sarkari and any other similar levy, by whatever name locally known, but does not include any amount payable on account of the use or occupation of land for agricultural purposes by a tenant to his estate-holder as proprietor's dues over and above the assessed land revenue or any amount receiveable by way of such purchase price or by way of rent for such house or building or the amount of stamp duty, registration fee and other ancillary charges.

(c) "house or building" includes the site of such house or building and the gardens, grounds, vacant lands (whether enclosed or not) and out-houses, if any, appertaining thereto;

(d) "sale" includes foreclosure as well as sale in execution of a decree or order:

(e) "State" means the new State of Rajasthan as formed by section 10 of the State Reorganisation Act, 1956 (Central Act 37 of 1956).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) shall apply to this Act.

3. Abolition of Haq-i-Malikana.-

(1) It is hereby declared that, notwithstanding anything contained in any law, rule or order having the force of law, practice, custom, usage, contract, Judgment, decree, Order, wajib-ul-urz or Dastoor Ganwai, or other document, the levy of Haq-i-Malikana shall be and is hereby abolished.

(2) Notwithstanding as aforesaid, neither the State Government nor any estate holder or other person shall, In respect of any sale of a house or building made on or after the commencement of this Act, be entitled to demand, realize and receive on account of Haq-i-Malikaria, whether from the seller or the purchaser, any percentage on, or share of, the purchase price of such house or building and any agreement for the payment of such percentage, share or portion shall be void to that extent but the document containing such an agreement shall not thereby be effected so as to render void other transactions. evidenced thereby, any law or rule of interpretation to the contrary notwithstanding.

4. Penalty.-Whoever, shall realise, receive or recover any amount out of Haq-i-Malikana in respect of the sale of a house or building made on or after the commencement of this Act shall be punishable with fine which may extend to twice the amount so received or recovered and the court may direct that out of the fine realized such portion not exceeding the amount paid by the seller purchaser shall be refunded to him.