The Ajmer Tenancy and Land Records Act, 1950

[ACT NO. 42 OF 1950]

(*As on the 21st July, 2025*)

AMENDING ACT

The Ajmer Tenancy and Land Record (Amendment) Act, 1950 (63 of 1950).

LIST OF ABBREVIATIONS USED

Cl.,cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

THE AJMER TENANCY AND LAND RECORDS ACT, 1950

ARRANGEMENT OF SECTIONS

CHAPTER I

PRELIMINARY

SECTIONS

1. Short title, extent and commencement.

2. Repeal.

3. Savings.

4. Definitions.

5. Power of landlord and tenant to act through agent.

CHAPTER II

PRIMARY RIGHTS 6.

Primary rights of tenant.

7. Prohibition of certain acts.

8. Prohibition against deprivation of certain rights.

9. Certain rights of landlord.

CHAPTER III

Niji jot 10.

Definition.

11. Application for demarcation.

12. Order of demarcation of *niji jot.*

13. Demarcation.

14. Status of tenant of *niji jot.*

15. Succession to *niji jot*.

16. Collector's powers to let to tenants.

CHAPTER IV

CLASSES OF TENANTS 17.

Classes of tenants.

18. Occupancy tenants.

19. Exproprietary tenants.

20. Acquisition of exproprietary rights.

21. Relinquishment of exproprietary rights.

22. Hereditary tenants.

23. Land in which hereditary rights shall not accrue. 24.
Non-occupancy tenants.

CHAPTER V

DEVOLUTION, TRANSFER, EXTINOTION, DIVISION, EXCHANGE AND ACQUISITION

Devolution and transfer of tenancies

SECTIONS

25. Interest of a tenant, if heritable and transferable.

26. Prohibition against certain kind of transfer or sub-lease.

27. Right to sub-let.

Extinction of tenancies 28.

Tenancy, when extinguished.

29. Life tenancy of female, when extinguished.

30. Rights of sub-tenant on extinction of tenant's interest.

31. Vacating of holding on extinction of right.

32. Possession of land not vacated.

Division, exchange and acquisition of holdings 33.

Division of holdings.

34. Co-tenant's right to claim division of produce.

35. Right of tenant in land received in exchange.

36. Exchange of land for consolidation of cultivated area.

37. Acquisition of land by the landlord for certain purposes.

38. Decision of certain disputes arising out of acquisition proceedings.

39. Reinstatement of tenant ejected under section 37.

40. Acquisition of proprietary right by tenant.

CHAPTER VI

GENERAL PROVISIONS RELATING TO TENANCIES *Leases*

41. Right to written lease and procedure to obtain it.

42. Registration of leases.

Declaration of rights 43.

Declaration of rights in certain cases.

Improvements 44. Right of certain tenants to make
improvements.

45. Right of non-occupancy tenants to make improvements.

46. Right of landlord to make improvement.

47. Provision when both landlord and tenant want to make the same improvement. 48.
Restrictions on making improvement.

49. Compensation for improvement, when permissible.

50. Determination of compensation.

SECTIONS

51. Works benefiting other land.

52. Disputes as regards improvements.

Trees 53. Right of tenant paying fixed money rent to plant tree.

54. Right of a tenant paying *batai* or *bighori* to plant tree.

55. Tenant's rights in tree existing at the commencement of the Act. 56. Decision of disputes regarding trees.

Surrender and abandonment 57. Surrender by tenant.

58. Abandonment.

59. Taking possession of holding surrendered or abandoned.

60. Dispute arising out of surrender and abandonment of land.

CHAPTER VII

PREMIA AND OTHER LEVIES 61. Acceptance of premium; how far permissible.

62. *Lag*, *neg* and cess.

CHAPTER VIII

RENT AND ITS RECOVERY PART I—*Basic rent of tenants* 63. Liability for payment of rent.

64. Scale of rent for different classes of tenants.

65. Status and liability of person permitted to retain possession.

PART II—*Payment and recovery of rent*

General provisions

66. Hypothecation of produce towards payment of rent.

67. Procedure when produce is attached by civil or revenue court.

68. Right of landlord to collect rent from cultivator.

69. No cartage allowed.

70. Presumption as to payment by tenant and application of such payment. 71. Modes of making payment of money rent.

72. Right to get receipt.

73. Penalty for not issuing proper receipt.

74. Obligation of Chief Commissioner to print and supply books of receipt. 75. Penalty for non-production of receipt book with counterfoils.

Produce rents 76. Rights and liabilities in respect of produce.

77. Application for officer to make division.

78. Application for *kuta*.

79. Procedure on application.

SECTIONS

80. Collector to publish return of current prices.

81. Assessment of *bighori* by court.

82. Commutation of *batai* rent into *bighori* in certain cases.

83. Payment of commuted rent.

Arrears 84. Rent when and how payable.

85. Claim for arrears of rent.

86. Interest in cases of arrears of rent.

87. Landlord's power to charge irrigation dues.

88. Method of recovering *sayar.*

89. Realisation of *sayar* as arrears of revenue.

PART III—*Emergency provision* 90.
Recovery of arrears in the event of general refusal to pay.

PART IV—*Payment of revenue by biswadars to jagirdars and muafidars* 91.
Application of certain sections to *biswadars*.

CHAPTER IX

EJECTMENT OF TENANTS

General

92. Arrears deemed satisfied when tenant is ejected.

93. Decree for arrears, how executed.

94. Adjustment of arrears and compensation on ejectment.

95. Entry of landholder on land from which tenant is ordered to be ejected.

Grounds of ejectment 96.
Grounds of ejectment.

97. Special grounds of ejectment of non-occupancy tenants.

98. Procedure in ejectment for decreed arrears.

99. Procedure for ejectment on other grounds.

100. Application for ejectment of non-occupancy tenant.

101. Procedure on application.

Remedies for wrongful ejectment 102.
Remedies for wrongful ejectment.

103. Procedure on application.

Ejectment of person occupying land without title 104.
Ejectment of person occupying land without title.

105. Procedure on application.

106. Consequences of failure to file application under section 102 or 104. 107.
No separate relief claimable, if not claimed in revenue court.

CHAPTER X

COMPENSATION AND PENALTIES

SECTIONS

108. Tenant's right to claim inquiry for illegal exaction and other matters.

109. Power to award compensation in proceedings for arrears of rent.

110. Prosecution of landholder for illegal exaction.

111. Compensation for exaction by landholder and for false complaint by tenant.

112. Penalty for habitual infringement of rights of tenant.

113. Penalty for illegal entry on a holding.

114. Compensation, how realisable.

CHAPTER XI

GRANTS 115.

Exemption of *muafidar*.

116. Interpretation.

117. Grant which cannot be resumed.

118. Grounds on which certain grants may be resumed.

119. How to deal with resumable grant.

120. Application of certain Chapters and sections to grantees.

121. Grants, how far transferable.

122. Void transactions.

123. Power to hear cases of grantees.

CHAPTER XII

PREPARATION OF RECORD-OF-RIGHTS AND DETERMINATION AND MODIFICATION OF RENT AND RENT-RATES

124. Applicability of Part III.

PART I.—*Preparation and maintenance of maps and records* 125.

Power to form and alter *Patwaris* circles.

126. Appointment of *patwaris.*

127. Appointment of *girdawars*.

128. Cadre and pay of *girdawars* and *patwaris*.

129. *Girdawars* and *patwaris* to be public servants.

130. Maintenance of maps and fieldbooks.

131. Obligation of owners as to boundary marks.

132. Record-of-rights.

133. Contents of certain registers.

134. Registers of revenue-paying, revenue-assigned and revenue-free villages.

135. The annual registers.

136. Obligation to furnish information necessary for compilation of certain record-of-rights.

SECTIONS

137. Decision of disputes.

138. Inquiry into cases.

139. Certain decisions, no bar to civil suit.

140. Value of entries and decisions in contested cases.

141. Appointment and punishment of *lambardars* and *patels.*

PART II. —*Record and rent-rate operations and the appointment of officers* 142. Record and rent-rate operations.

143. Powers of the record officer, assistant record officer and rent-rate officer. 144. Sanctioned rates.

145. Duration of rent-rates.

Procedure in determining cash rent-rates 146. Circle and soil classification.

147. Basis of rates for hereditary tenants.

148. Provision for rates in special cases.

149. Procedure in publishing and sanctioning rates.

150. Civil suit relating to record-of-rights and certain other matters barred.

PART III.—*Commutation, abatement, enhancement, and determination of rent* 151. Commutation of rent from kind to cash.

152. Commutation of rent from cash to kind.

153. Grounds of abatement of fixed money rent.

154. Ground of enhancement of fixed money rent.

155. Order for determination, commutation or variation of rent, when to take effect. 156. Joinder of parties in cases relating to variation of rent.

157. Determination of rent on partial ejectment.

158. Rent, how calculated for commutation, variation or determination.

159. Meaning of "substantial" in certain sections.

160. Basis of variation of rent in certain cases.

161. Period for which rent is not liable to modification.

162. Applications for variation of rent, by whom to be entertained.

164. Remission or suspension of rent in agricultural calamities.

165. Bar to collection of rent remitted or suspended.

166. Period of suspension to be excluded in computing period of limitation. 167. Remission for calamity by court decreeing claim for arrears.

SECTIONS

168. Jurisdiction of certain courts excluded in cases of remission and suspension of rent or revenue.

CHAPTER XIV

PROCEDURE AND JURISDICTION OF COURTS

General provisions

169. Cases cognizable by revenue courts.

170. Procedure of revenue courts.

171. Application of Indian Limitation Act, 1908.

172. Limitation in cases under this Act.

173. Payment of court-fees under this Act.

Subordination of courts

174. Subordination of courts.

Powers of courts and places for holding courts

175. Place of sitting of revenue courts.

176. Chief Commissioner's power t

177. Collector's power to place assistant commissioner in charge of sub division.

178. Collector's powers to authorise certain courts to entertain and dispose of sapplications.

179. Powers of revenue courts to refer cases for investigation and report.

180. Powers of Chief Commissioner to create *shamlat* committee and courts.

Confirmation of orders

181. Decree or order to be final in certain circumstances.

182. Submission to confirming court.

183. Form of decree or order to be submitted for confirmation.

184. Procedure for confirmation.

Review

185. Review by the Chief Commissioner.

186. Review by other courts.

Revision

187. Revision.

Transfer of cases

188. Power to transfer cases.

189. Power of collector to transfer and withdraw cases.

190. Sub-divisional officer's power to transfer cases.

191. Power of record officer to transfer and withdraw cases.

192. Transfer of cases by the district judge.

Question of proprietary right in revenue court

193. Dispute as regards ownership of land.

SECTIONS

194. Procedure when plea of proprietary right raised in revenue court.

Question of tenancy right in civil courts 195.

Procedure when plea of tenancy raised in civil court.

Conflict of jurisdiction 196.

Reference to Judicial Commissioner.

CHAPTER XV

MISCELLANEOUS PROVISIONS 197.

Provision for injunction and appointment of receiver.

198. Cases in which legal practitioners may appear.

199. Persons who may appear before a revenue court.

200. Costs in revenue courts.

201. Power of revenue court to summon persons.

202. Mode of service of summons or notice.

CHAPTER XVI

POWER TO MAKE RULES 203.

Power to make rules.

CHAPTER XVII

TRANSITIONAL PROVISIONS

204. Reinstatement of tenant ejected before commencement of this Act. 205. Provision for pending and other cases.

SCHEDULES

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.
THE AJMER TENANCY AND LAND RECORDS ACT, 1950

ACT NO. 42 OF 1950

[10*th May,* 1950.]

An Act to declare and amend the law relating to agricultural tenancies, record-of-rights and certain other matters in Ajmer.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(*1*) This Act may be called the Ajmer Tenancy and Land Records Act, 1950.

(*2*) It extends to the whole of the State of Ajmer.

(*3*) It shall come into force at once, except Part III of Chapter XII which shall come into force on such date as the Chief Commissioner may, by notification in the Official Gazette, appoint in this behalf.

2. Repeal.—(*1*) The Ajmer-Merwara Agrarian Relief (Second) Ordinance, 1949 (30 of 1949), is hereby repealed.

(*2*) When this Act or any portion thereof comes into force in Ajmer, so much of any Act, Regulation or notification in force therein, or any condition of a *jagir* or *istimrari sanad,* as is inconsistent with this Act or with such portion, shall be deemed to have been repealed or superseded by this Act or by such portion, as the case may be.

3. Savings.—Any rule, notification, proclamation and order issued, authority and power conferred, lease granted, right acquired, liability incurred, rent fixed, and any other thing done under any Act, Ordinance, Regulation or notification, or under any *jagir* or *istimrari sanad,* as the case may be, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been respectively issued, conferred, granted, acquired, incurred, fixed and done under this Act.

4. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(*1*) all words and expressions used to denote the possessor of any right title or interest, whether the same be proprietary or otherwise, shall be deemed to include the predecessors and successors in right, title or interest of such person;

(*2*) "agricultural year" means the year commencing on the first day of June and ending on the thirty-first day of May next following;

(*3*) "agriculturist" means a person who earns his livelihood wholly or principally—

(*a*) by the cultivation of land personally, or through servants or by hired labour, or

(*b*) as artisan or field-labourer, paid in cash or kind for work connected with agriculture, and includes—

(*i*) a landlord whose interest in the stable land of the village does not exceed 120 acres, and

(*ii*) a tenant who sub-lets his land in accordance with the provisions of this Act;

Explanation.—An agriculturist who, without any intention of changing his profession as such, temporarily ceases to so earn his livelihood, or who if prevented from so earning his livelihood by age or bodily infirmity, or by absence due to service in the military, naval or air forces of India, or by confinement in prison, does not thereby cease to be an agriculturist;

(*4*) "assistant commissioner" includes an additional assistant commissioner and an extra assistant commissioner;

(*5*) "*batai*" means division of the produce on the threshing-floor;

(*6*) "*bighori*" means money rent per *bigha* of land;

(*7*) "*biswadar*" means—

(*a*) any person who is recorded as plot-proprietor in the settlement *khewat* of 1874 and is continuously so recorded since, or who, but for an error or omission, would have been so continuously recorded; or

(*b*) any member of the proprietary body who becomes an owner of land under section 7 of the Ajmer Land and Revenue Regulation, 1877 (2 of 1877), or

(*c*) any person who becomes, or is declared, a *biswadar* under the provisions of this Act, and includes a person admitted to the occupation of land under a lease guaranteeing hereditary rights of ownership and enjoyment on condition of his permanently developing such land by sinking a well or otherwise, and who accordingly developed such land and was, before the commencement of this Act, recorded as plot proprietor thereof in the *khewat*;

(*8*) "cess" means a cess declared payable under sub-section (*2*) of section 62;

(*9*) "collector" means the collector of Ajmer or any other office appointed by the Chief Commissioner to discharge the functions of a collector under this Act, and includes an additional collector;

(*10*) "confirming court" means a court to which the record of a case is submitted in accordance with the provisions of this Act for confirmation of any decree or order passed therein;

(*11*) "decree" means an order which is drawn up in the form of a decree as prescribed;

(*12*) "holding" means a parcel or parcels of land held under one lease, engagement or grant or, in the absence of such lease, engagement or grant, under one tenure, and in section 26 includes a well on a holding;

(*13*) "improvement" means, with reference to a tenant's holding,—

(*i*) a dwelling house erected on the holding by the tenant for his own occupation, or a cattle-shed, or a store-house or any other construction for agricultural purposes, erected or set up by him on his holding, and

(*ii*) any work which adds materially to the value of the holding and is consistent with the purpose for which it was let, and which, if not executed on the holding, is either executed directly for its benefit or is, after execution, made directly beneficial to it, and, subject to the foregoing provisions of this clause, includes—

(*a*) the construction of a well, water channel, and other work for the supply or distribution of water for agricultural purposes,

(*b*) the construction of any work for the drainage of land, or for the protection of land from floods, or from erosion or other damage by water,

(*c*) the reclaiming, clearing, enclosing, levelling, or terracing of land,

(*d*) the erection in the immediate vicinity of the holding, otherwise than on the village site, of a building required for the convenient or profitable use or occupation of the holding,

(*e*) the construction of a tank or other work for the storage of water for agricultural purposes, and

(*f*) the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not of the nature of mere repairs:

Provided that such clearance, water channel, levelling, embankment, enclosure, temporary well or other work as is made in the ordinary course of cultivation and without incurring any special expenditure shall not ement;

Explanation.—A work which benefits several holdings may be deemed to be an improvement with respect to each of such holdings;

(*14*) "*istimrari* estate" means an estate in respect of which an *istimrari sanad* has been granted by the Chief Commissioner before the commencement of the Ajmer Land and Revenue Regulation, 1877 (2 of 1877); and

"*istimrardar*" means the person to whom such *sanad* has been granted, or any other person who becomes entitled to the *istimrari* estate in succession to him in accordance with the provisions of the said Regulation;

(*15*) "*jagirdar*" means a person to whom the revenue of any land has been assigned under a *sanad* issued by the Chief Commissioner before the commencement of the Ajmer Land and Revenue Regulation, 1877;

(*16*) "*khudkasht*" means land cultivated by a proprietor as such, either himself, or by servants or by hired labour;

(*17*) "*kuta*" means an estimate or appraisement of the standing crop;

(*18*) "*lag*" means—

(*a*) a levy in cash imposed on a tenant—

(*i*) on the occasion of a ceremony in the family of the landlord or the tenant, or

(*ii*) by way of tax on a well or plough or as fee for settlement of rent accounts; or

(*b*) any other levy in cash over and above the rent payable by a tenant, but does not include a fee specified in the First Schedule or an assessment leviable, or a local rate payable under any law for the time being in force in the State;

(*19*) "land" means land which is let or held for the raising of crops or garden produce, or for purposes subservient thereto, and includes land covered by water used for the purpose of growing *singhara* or other producer but does not include land for the time being occupied by a building or appurtenant thereto, other than a building which is an improvement;

(*20*) "landholder" means the person to whom rent is, or, but for a contract, express or implied, would be, payable, and includes *shamlat* committee created or recognised under the provisions of section 180;

(*21*) "landlord" means the proprietor of a village, or of a share or specified plot therein, and includes—

(*i*) in case of land in respect of which an *istimrari sanad* has been granted, any person by whom an estate, a village, or a portion of an estate or village is held, whether under a separate engagement to pay revenue or otherwise;

(*ii*) a *jagirdar*; and

(*iii*) a trustee, a manager, a superintendent, a *mutawalli*, or a body of persons appointed to administer a religious endowment, a trust, or *waqf* property, or the *shamlat deh* land of a village;

Explanation.—In clauses (*20*) and (*21*), the word "landholder" or "landlord" shall include—

(*i*) a mortgagee with possession,

(*ii*) a lessee of proprietary right, and

(*iii*) in case of property of which superintendence has been assumed by the Court of Wards under section 6 of the Ajmere Government Wards Regulation, 1888 (1 of 1888) or which has been attached under section 82 of the Ajmere Land and Revenue Regulation, 1877 (2 of 1877), the collector;

(*22*) "lease" includes the counte

(*23*) "legal practitioner" means any person who is, for the time being enrolled as an advocate or pleader by the Judicial Commissioner of Ajmer;

(*24*) "minor" means a person who, under section 3 of the Indian Majority Act, 1875 (9 of 1875), has not attained majority;

(*25*) "*muafi*" means a definite portion of land held revenue-free under a *sanad* issued by the Chief Commissioner, and a "*muafidar*" means the holder of such *muafi*;

(*26*) "*neg*" means—

(*a*) a levy in kind imposed on a tenant as—

(*i*) *seri, sawai-batti* or any other kind of levy made on the division of the produce of a holding, or

(*ii*) *kasas* (dishes) of food or sweetmeats given on the occasion of marriage or any other ceremony or the money equivalent thereof; or

(*b*) any other levy in kind over and above the rent payable by a tenant;

(*27*) "order" means the formal expression of a decision of any authority under this Act;

(*28*) "*parabund-barani*" means enclosed low lying land, the cultivation of which depends on the rainfall and the silt deposited thereon by the inflow of water from the catchment area;

(*29*) "pay", "payable" and "payment", when used with reference to rent, include "deliver", "deliverable" and "delivery";

(*30*) "prescribed" means prescribed by rules made under this Act;

(*31*) "produce of a holding" means a crop or any other produce of the land standing on the holding, or which has been grown on the holding and has been reaped or gathered, and is deposited on the holding or on a threshing floor;

(*32*) "State" means the State of Ajmer;

(*33*) "rent" means whatever is paid or payable in money or kind, or partly in money and partly in kind, by a tenant on account of the use or occupation of land held by him;

(*34*) "registered" means registered under any law for the time being in force for the registration of documents;

(*35*) "revenue court" means all or any of the following authorities when acting under this Act or any rule made thereunder, namely,—

(*i*) the Chief Commissioner,

(*ii*) the collector,

(*iii*) a record officer, an assistant record officer and a rent-rate officer,

(*iv*) a sub-divisional officer,

(*v*) an assistant commissioner,

(*vi*) a *tahsildar*,

(*vii*) a *naib-tahsildar* empowered by the collector under clause (*b*) of section 178, and

(*viii*) a person or a body of persons invested with powers to hear and dispose of cases under clause (*a*) or (*b*) of section 180;

(*36*) "revenue" means land revenue;

(*37*) "*sayar*" means whatever is payable by a lessee or licensee on account of the right of gathering produce, forest rights, fisheries or the use of water for irrigation from artificial sources; and includes a fee specified in the First Schedule;

(*38*) "stable land" means land which, because of facilities of irrigation, quality of the soil or other advantages, is capable of being regularly cultivated, and is demarcated as stable land by the rent-rate officer, or any other authority, appointed for the purpose, and, subject to the foregoing provisions, includes—

(*i*) land in the bed of a tank or *nadi* which dries up in time for the *rabi* sowing, and

(*ii*) *mal,gormia* or *parabund-barani*:

Provided that, until such time as demarcation is made, the provisions regarding demarcation shall not be deemed to be a part of this clause;

Explanation.—A land which is capable of being regularly cultivated shall not cease to be so regarded if, in any year, it has been left fallow, or could not be cultivated on account of failure of rainfall or for any other reason;

(*39*) "sub-tenant" means a person who holds land from the tenant thereof, or from a rent-free grantee, or from a grantee at a favourable rate of rent, and by whom rent is, or, but for a contract express or implied, would be, payable;

(*40*) "tenant" means a person who holds land of another person and is, or, but for a contract express or implied, would be, liable to pay rent for such land to such other person and, except when a contrary intention appears, includes a sub-tenant, but does not include—

(*a*) a person to whom a tenancy holding is transferred otherwise than under the provisions of this Act,

(*b*) except as otherwise provided, a rent-free grantee, a grantee at a favourable rate of rent or a holder of village service grant, and

(*c*) a person to whom only the right to cut grass or to graze cattle is granted, whether with or without consideration; and

(*41*) "year of settlement" means, with reference to any area of the State, any year or period between November 1940 and June 1947 during which the record or settlement operations were in force in such area.

5. Power of landlord and tenant to act through agent.—Anything which is by this Act required or permitted to be done by a landlord or a tenant may be done by his authorised agent, and, in the absence of evidence of a contrary intention, in dealings between a landlord and a tenant such agent shall be deemed to be acting under the authority of his principal:

Provided that, except as provided in section 198, a legal practitioner or his clerk or employee, or a petition-writer shall not act as authorised agent of such landlord or tenant.

Explanation.—In this section "authorised agent" includes a *kamdar* of a *jagirdar* or *istimrardar.*

CHAPTER II

PRIMARY RIGHTS

6. Primary rights of tenant.—A tenant, other than a sub-tenant, shall have a right—

(*i*) subject, in the case of clause (*a*), or (*b*), to the provisions of the First Schedule and to the payment of fee, if any, specified therein—

(*a*) to possess, in the village in which his holding is situated, a site on which he may build one residential house for himself and his family and, when necessary, to repair and rebuild it, to sell the materials of such house and, with the written consent of the landlord, to transfer the right of residence therein to any tenant of such village;

Explanation.—In this clause 'residential house' shall include a cattleshed, and a store-house for stocking fodder, manure and agricultural implements.

(*b*) to use the waste-land of the village for grazing and, pasturing his cattle and other domestic animals and for threshing corn;

(*ii*) when rent is paid by *batai* or *bighori,* to allow only prescribed weights and measures to be used for determining such rent; and

(*iii*) where in any area *bighori* is charged at customary rate, to grow cotton at such rate on not more than one-fourth of the irrigable area of his holding.

7. Prohibition of certain acts.—(*1*) A tenant shall not be—

(*i*) ejected from his holding otherwise than in accordance with the provisions of this Act; or

(*ii*) evicted from his residential house, other than a house which is an improvement, merely because he has surrendered, or has been ejected from his holding in the village; or

(*iii*) compelled to render any service, or to allow the use of his cattle or agricultural implements, to his landholder, with or without remuneration.

(*2*) The provisions of this section and of sections 6 and 62 shall, so far as they are applicable, apply to a rent-free grantee, a grantee at a favourable rate of rent, a holder of village service grant, and an artisan or a village-workman paid in cash or kind, for work connected with agriculture as they apply to a hereditary tenant.

8. Prohibition against deprivation of certain rights.—(*1*) Notwithstanding any custom or contract to the contrary, every lease or agreement between a land-holder and a tenant, whether made before or after the commencement of this Act, which purports, or would operate, to prohibit or restrict a tenant from acquiring, exercising or enforcing any right conferred on, or secured to, him by this Act, shall be void to the extent of such prohibition or restriction.

(*2*) When land, not previously cultivated, has been reclaimed by, or at the expense of, the landholder and let to a tenant, or has been let to a tenant in order that it should be reclaimed by him or at his expense, then for a period of twelve years after such land was let, nothing in sub-section (*1*) shall be construed as affecting any condition of a contract which relates to payment of rent or to enhancement, abatement or variation of rent of such land, or which provides that, during any period for which such land is to be held free of rent or on favourable terms, the tenant is liable to ejectment for breach of any such condition.

Explanation.—When land has remained uncultivated for a period of five years, it shall, for the purposes of sub-section (*2*), be deemed to be land not previously cultivated.

9. Certain rights of landlord.—Subject, in case of clause (*iii*), to the conditions of an *istimrari sanad* and to the provisions of any law for the time being in force, a landlord shall have a right—

(*i*) where in any area *bighori* is charged at customary rate and cotton is grown on more than one-fourth of the irrigable area of the holding of a tenant, to charge rent on the land in excess of the one-fourth area on which cotton is grown at a rate specified in the second proviso to section 64;

(*ii*) at all reasonable times, to enter, or depute his servant, agent or surveyor to enter, upon any land comprised in his estate for the purpose of surveying and measuring such land or for any other lawful purpose; and

(*iii*) if he has a proprietary interest in an *istimrari* estate, to open of work a mine or grant a lease for the purpose, or to undertake, or to issue a licence to any other person to undertake, prospecting work for discovering new sources of supply of minerals.

CHAPTER III

Niji jot

10. Definition.—*Niji jot* means *khudkasht* demarcated under the provision of this Chapter.

11. Application for demarcation.—(*1*) If, at the commencement of this Act, the proprietor of a village or a part thereof or a specific area therein, was cultivating any land as *khudkasht*, he may, within six months of such commencement, apply to the sub-divisional officer for demarcation of such *khudkasht* a *niji* jot.

(*2*) With his application, the applicant shall file a list, giving the area and survey number or other description of the *khudkasht* to be so demarcated and such other particulars as may be prescribed.

12. Order of demarcation of *niji jot.*—(*1*) On the receipt of such application the sub-divisional officer shall issue a proclamation calling upon all persons who claim an interest in such land to file objections, if any, within the period specified in such proclamation.

(*2*) If, after hearing the objections, if any, and making such further inquiry as he deems fit, the sub-divisional officer is satisfied that the land to be demarcated as *niji jot* has been held by the applicant as his *khudkasht* since the agricultural year be June, 1948, he shall pass an order for

the demarcation of such land as *nijijot* and submit the record of the case for confirmation of the order passed by him to the collector.

13. Demarcation.—The sub-divisional officer shall have the demarcation made on the spot and shall prepare and place on record a map, indicating the plots demarcated as *niji jot.*

14. Status of tenant of *niji jot.*—A landlord may let his *niji jot* subject to the same restrictions as apply to sub-letting by a hereditary tenant under section 27:

Provided that if such landlord lets his land which is *niji jot* in contravention of the provisions of this section, such land shall cease to be *niji jot* and the person to whom the land is so let shall become hereditary tenant thereof.

15. Succession to *niji jot*.—On the death of the holder of *niji jot,* the *niji jot* rights shall devolve in accordance with the law which regulates the succession of proprietary right in such land.

16. Collector's powers to let to tenants.—If the collector is satisfied that the landlord of an estate or village, without good reason, keeps large areas of his *niji jot* and other culturable land uncultivated, or that an emergency has arisen for bringing under cultivation land which has not been previously cultivated or, if previously cultivated, has remained uncultivated for more than three years, he may,

(*i*) with the previous sanction of the Chief Commissioner, take possession of such land, and

(*ii*) notwithstanding anything to the contrary contained in this Act, allot it for cultivation on such terms and conditions as may be prescribed, and

the person to whom the land is so allotted shall, unless he is the landlord at such land, be deemed to have been admitted as tenant within the meaning of clause (*b*) of section 22:

Provided that, while giving his sanction under clause (*i*), the Chief Commissioner may exempt from its operation any land which is used as pasture land or threshing-floor, or for some other purpose for the benefit of the public.

CHAPTER IV

CLASSES OF TENANTS

17. Classes of tenants.—There shall be, for the purposes of this Act, the following clauses of tenants, namely,—

(*a*) occupancy tenants;

(*b*) exproprietary tenants;

(*c*) hereditary tenants; and

(*d*) non-occupancy tenants.

18. Occupancy tenants.—Every person—

(*a*) other than a person to whom the provisions of section 7 of the Ajmer Land and Revenue Regulation, 1877 (2 of 1877) apply, who, before the commencement of this Act, was admitted to the occupation of land and who has, before such commencement, sunk a well, reclaimed or otherwise developed such land, or

(*b*) who was recorded in the year of settlement as tenant with a permanent right of tenancy (*mazara-i-mustaqil*) and has continued in possession since,

shall be called an occupancy tenant.

19. Exproprietary tenants.—Every person who—

(*a*) is, at the commencement of this Act, an exproprietary tenant in accordance with the provisions of the Ajmer Land and Revenue Regulation, 1877 (2 of 1877), or

(*b*) acquires exproprietary rights in accordance with the provisions of this Act,

shall be called an exproprietary tenant.

20. Acquisition of exproprietary rights.—(*1*) If the whole of the interest of a sole proprietor of a village or of a specific area thereof is tr ure or sale in execution of a decree or

order of a civil or revenue court, or by voluntary alienation, otherwise than (*a*) by gift or (*b*) by exchange of specific areas between co-sharers of the village, he shall become an exproprietary tenant of the whole of his *khudkasht* in such village or area which he has cultivated continuously for three years or more at the date of such transfer, and shall be entitled to hold the same at a rate payable by an exproprietary tenant under sections 63 and 64.

(*2*) If a part only of the interest of a sole proprietor of a village or of a specific area thereof is so transferred, or where there are two or more co-sharers in the proprietary interest of a village or of specific area thereof, and such transfer relates to the whole or part of the proprietary interest of some of them, exproprietary rights shall accrue in so much of *khudkasht* so cultivated as appertains or corresponds to the part of the interest so transferred and, unless by mutual agreement the transferor and the transferee have demarcated the area in which exproprietary rights have accrued, and fixed the rent, not higher than the rent specified in sections 63 and 64, the sub-divisional officer shall, in the course of mutation proceedings or, if more convenient, in a separate proceeding, started on his own motion, or on the application of the exproprietary tenant or the landlord, or on the report of the *patwari,* demarcate such area and declare the rent in accordance with the provisions of sub-section (*1*).

(*3*) A mortgage shall be deemed to be a voluntary alienation within the meaning of sub-section (*1*), if it has the effect of transferring proprietary possession of the land mortgaged from the mortgagor to the mortgagee but not otherwise.

(*4*) Notwithstanding anything in sub-section (*1*), (*2*) or (*3*), exproprietary rights shall not accrue in grove-land, or in land transferred for any purpose inconsistent with the existence of a right of cultivation therein.

(*5*) After disposing of the case for demarcation of the exproprietary area and declaration of rent thereon under sub-section (*2*), the sub-divisional officer shall submit the record of the case for confirmation of the order passed by him to the collector.

21. Relinquishment of exproprietary rights.—(*1*) Save as otherwise provided in sub-section (*2*), an agreement for the relinquishment of exproprietary rights shall be void, whether such agreement was entered into before or after such rights accrued.

(*2*) Notwithstanding anything contained in the first proviso to section 57, where the land transferred by mortgage of the kind specified in sub-section (*3*) of section 20 consists wholly of a specific area of *khudkasht* of three or more years, the mortgagor may, by simultaneous agreement in writing, waive his exproprietary rights, and in that case the mortgaged land shall, if the mortgagor redeems the mortgage within ten years of the date of the transfer, be restored to him unencumbered with any tenancy rights.

22. Hereditary tenants.—Subject to the provisions of section 23, every person who—

(*a*) is, at the commencement of this Act, a tenant of land, not being an exproprietary tenant, an occupancy tenant or a sub-tenant, or

(*b*) is, after the commencement of this Act, admitted as a tenant otherwise than as a sub-tenant, or otherwise than as a tenant to whom *niji jot* is let in accordance with the provisions of section 14, or

(*c*) under the provisions of this Act, acquires hereditary rights, shall be called a hereditary tenant.

Explanation.—For the purposes of this section, the word "sub-tenant" shall not include a person who holds land from a relation, dependant or servant of the landholder or, in an estate mentioned in the Second Schedule, from a transferee of an interest in a holding or part thereof, whether the transfer was made before or after the commencement of this Act, unless such relation, dependant, servant or transferee proves to the satisfaction of the court that he is a genuine tenant of such land or such holding or part thereof.

23. Land in which hereditary rights shall not accrue.—Notwithstanding anything in this Act, hereditary rights shall not accrue in—

(*i*) unstable land, or

(*ii*) grove-land, pasture-land, *bir,* or land, covered by water, used for the purpose of growing *singhara* or other produce, or

(*iii*) land used for casual or occasional cultivation in the bed of a river or a stream, or

(*iv*) land acquired or held for a public purpose or for a work of public utility, or

(*v*) the *khudkasht* of a landlord who is serving in the military, naval or air forces of India, so long as he remains in such service and for two years after the cessation of such service:

Provided that where there are several co-sharers in such *khudkasht* and not all of them are in such service, the provisions of this clause shall apply only when the co-sharers who are not in such service belong to one or more of the following classes, namely, females, minors, lunatics, idiots or persons incapable of cultivating by reason of blindness or physical infirmity, or confinement in prison.

24. Non-occupancy tenants.—All tenants other than occupancy tenants, exproprietary tenants and hereditary tenants shall be non-occupancy tenants.

CHAPTER V

DEVOLUTION, TRANSFER, EXTINCTION, DIVISION, EXCHANGE AND ACQUISITION

Devolution and transfer of tenancies

25. Interest of a tenant, if heritable and transferable.—The interest of an occupancy tenant, an exproprietary tenant, a hereditary tenant find a non-occupancy tenant is heritable, but is not transferable, otherwise than by sublease as hereinafter provided, or by transfer or surrender to a co-tenant.

26. Prohibition against certain kind of transfer or sub-lease.—(*1*) No tenant shall sub-let, or otherwise transfer, the whole or any portion of his holding in consideration of a debt, whether reserving or not reserving rent to be paid periodically.

(*2*) No sub-tenant shall sub-let the whole or any portion of his holding.

27. Right to sub-let.—(*1*) Subject to the provisions of section 26 and sub-sections (*2*) to (*4*) of this section, a tenant may sub-let the whole or any portion of his holding.

(*2*) No occupancy, exproprietary or hereditary tenant shall sub-let the whole or any portion of his holding—

(*a*) to a person other than an agriculturist, or

(*b*) for a term exceeding three years:

Provided that a period of not less than three years shall intervene between the expiry of one sub-lease and the beginning of the next sub-lease.

(*3*) No non-occupancy tenant, other than a sub-tenant, shall sub-let the whole or any portion of his holding for a term exceeding one year.

(*4*) The rent payable by a sub-tenant to an occupancy, an exproprietary, a hereditary or a non-occupancy tenant shall be an amount not exceeding one and one-fifth of rent payable by such tenant to his land-holder:

Provided that the restrictions imposed by clause (*b*) of sub-section (*2*) on sub-letting of a holding or portion thereof shall not apply when the lessor is a female, a minor, a lunatic, an idiot, or a person incapable of cultivating by reason of blindness, or any physical infirmity, or service in the military, naval or air forces of India, or confinement in prison:

Provided further that, in the case of a holding held jointly by more persona than one, the provisions of the first proviso shall not apply unless all such persons belong to one or more of the categories specified therein.

Extinction of tenancies

28. Tenancy, when extinguished.—The interest of a tenant in his holding or part thereof, as the case may be, shall be extinguished—

(*a*) when he dies, leaving no hei

(*b*) when his ejectment is ordered; or

(*c*) subject to the provisions of sections 57 and 58, when he surrenders or abandons the holding; or

(*d*) when his land is acquired under the Land Acquisition Act, 1894 (1 of 1894); or

(*e*) when he is deprived of possession of his holding otherwise than in accordance with the provisions of this Act and has not applied for recovery of possession within the period of limitation specified in section 102 or 104, as the case may be; or

(*f*) when the mortgage referred to in section 21 has been redeemed by the mortgagor as provided in that section; or

(*g*) when he acquires, or succeeds to, the entire proprietary right in his holding, or where the holder of the entire proprietary right over a holding inherits or otherwise acquires the tenancy rights in such holding:

Provided that no order of ejectment which is submitted for confirmation under the provisions of this Act shall extinguish the tenancy, until such order has become final.

29. Life tenancy of female, when extinguished.—Notwithstanding anything contained in section 28, the surrender of her holding by a female tenant with life interest shall not extinguish her tenancy, unless such surrender is made with the written consent of nearest reversioner.

30. Rights of sub-tenant on extinction of tenant's interest.—(*1*) Subjects to the provisions of sub-section (*2*), the extinction of the interest of a tenant shall operate to extinguish the interest of any sub-tenant holding under him.

(*2*) When the right of a tenant in any land is extinguished under the provisions of clause (*g*) of section 28 the sub-tenant, if any, of such land shall become a hereditary tenant.

31. Vacating of holding on extinction of right.—Except as otherwise provided in this Act, when the interest of a tenant or sub-tenant is extinguished he shall vacate his holding, but shall have, in respect of the removal of any crop the same rights as a tenant would have upon ejectment in accordance with the provisions of this Act.

32. Possession of land not vacated.—(*1*) If a sub-tenant, to whom the provisions of section 31 apply, does not vacate the holding, the person entitled to possession of such holding shall, on application to the *tahsildar* be put in possession thereof.

(*2*) The *tahsildar* shall, after deciding the dispute, if any, arising between the parties, submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

Division, exchange and acquisition of holdings

33. Division of holdings.—(*1*) A division of a holding shall be effected—

(*a*) by agreement between the co-tenants; or

(*b*) by the order of the *tahsildar*, passed on an application under this section by a co-tenant against the others and the landholder:

Provided that no such agreement shall be binding on the landholder, unless he agrees thereto in writing:

Provided further that no such application shall be entertained if, as a results of division, the area of the share of a co-tenant is reduced to less than ten acres.

(*2*) If the holding to be divided is assessed to fixed money rent, the division shall be accompanied by the distribution of rent payable in respect of each portion of the holding so divided.

(*3*) After deciding the case, the *tahsildar* shall submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

34. Co-tenant's right to claim division of produce.—(*1*) In case of a holding to which the second proviso to sub-section (*1*) of section 33 applies, the *tahsildar* may, on the application of a co-tenant, specify the share of such co-tenant in the produce of such holding and depute an officer to divide the produce in accordance with the provisions of sub-sections (*2*) to (*3*) of section 77 which shall, *mutatis mutandis*, apply to such proceedings.

(*2*) The order of the *tahsildar* under sub-section (*2*) shall not affect the right of a co-tenant to obtain a declaration in respect of his share in such holding under clause (*ii*) of sub-section (*1*) of section 43.

35. Right of tenant in land received in exchange.—A landlord may, with the consent of a tenant, give in exchange land which is not let, for any land held by such tenant, and such tenant shall have the same right in the land so received by him in exchange as he had in the land given in exchange.

36. Exchange of land for consolidation of cultivated area.—(*1*) A person, who wishes to consolidate the area which he cultivates, may apply to lie sub-divisional officer to exchange the whole or any portion of such area for land cultivated by another person.

(*2*) If, on receipt of an application under sub-section (*2*), the sub-divisional officer is satisfied that reasonable grounds exist, he shall grant such application, either in whole or in part, and shall allot to such other person land which is cultivated by the applicant and which is approximately equal in value to, and of the same quality as, the land received by the applicant:

Provided that, to such extent as any land to be exchanged is not approximately equal in value and of the same quality, the sub-divisional officer shall award monetary compensation to balance the advantages and disadvantages, collect such compensation as arrears of revenue, and pay it to the persons entitled.

(*3*) After the order passed under sub-section (*2*) is complied with, each person shall have, in respect of the land which he receives in exchange, the same right as he had in the land which he gives in exchange.

(*4*) No order of exchange shall be passed under this section—

(*a*) in respect of land which is cultivated by a non-occupancy tenant, or is burdened with any lease, mortgage or other encumbrance; or

(*b*) between persons who are not landlords, or tenants of the same landlord, or who do not stand to one another in the relation of landlord and tenant.

(*5*) After deciding the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector:

Provided that, if any area is under record operations, all applications under this section relating to such area shall be filed in the court of the record officer.

(*6*) If the application is decided by the record officer, the record shall be submitted for confirmation of the order passed by him to the Chief Commissioner.

37. Acquisition of land by the landlord for certain purposes.—(*1*) A landlord may apply to the collector to acquire for him land held by a tenant for any of the following purposes, namely,—

(*a*) for farming on improved lines; or

(*b*) for making any water-course, reservoir or tank for irrigation purposes; or

(*c*) for opening or working a lime-stone, *kankar* or other mineral quarry; or

(*d*) for undertaking, or allowing any other person to undertake, prospecting work to discover new sources of supply of mines and minerals; or

(*e*) for the proper working or developing of a mine or mining industry.

(*2*) The landlord shall, in case of an application under clause (*a*), and may, in case of an application under any other clause, file a list of his plots available in the same or in a neighbouring village, out of which the tenant may make a selection in exchange for the land applied for.

(*3*) On getting such application, the collector shall issue a proclamation calling upon persons who claim any interest in such land, either as proprietor or otherwise, to file objections, if any, within the period specified in the proclamation.

(*4*) If the collector is satisfied that reasonable grounds exist, he shall order the acquisition of the land applied for, or such part thereof as he deems fit settle the question of compensation in accordance with the provisions of sub-sections (*5*) and (*7*) and order the ejectment of the tenant from the land acquired.

(*5*) The collector, before passing an order of ejectment under sub-section (*4*), shall proceed as follows:—

(*i*) if an agreement, which in the opinion of the collector is not unfair is arrived at, he shall give effect to it; and

(*ii*) failing such agreement he shall—

(*a*) in case of an application under clause (*a*) of sub-section (*1*), give to the tenant an option to select plots included in the list and allot to him, out of the plots so selected, an area of land approximately equal in value to, and of the same quality as, the land acquired; and

(*b*) in case of an application under clause (*b*), (*c*), (*d*) or (*e*) of sub-section (*1*), give to the tenant an option to select plots included in the list, if one is filed under sub-section (*2*), and allot to him, out of the plots so selected, an area of land approximately equal in value to, and of the same quality as, the land acquired, but if the tenant claims monetary compensation only or if no list is filed under sub-section (*2*), the collector shall award to the tenant monetary compensation for his interest in such land; and

(*c*) to such extent as the land given in exchange under sub-clause (*a*) or (*b*) is not approximately equal in value and of the same quality, award monetary compensation to balance the advantages and disadvantages.

(*6*) If any land is allotted to the tenant under sub-section (*5*), he shall have the same right in such land as he had in the land from which he is ordered to be ejected.

(*7*) If as a result of an order of acquisition, the interest of any person, other than the tenant of the land to be acquired, is adversely affected, the collector shall award to such person monetary compensation for the loss suffered by such person in consequence of such order.

(*8*) After deciding the case, the collector shall submit the record for confirmation of the order passed by him to the Chief Commissioner.

(*9*) The amount of monetary compensation awarded under this section shall be recovered as arrears of revenue and paid to the person entitled.

38. Decision of certain disputes arising out of acquisition proceedings.—(*1*) If, in the course of proceedings under section 37, a question of proprietary right arises, the collector shall decide the dispute and submit the record of the case for confirmation of the order passed by him to the Chief Commissioner:

Provided that the collector may, if he deems fit, instead of deciding such dispute, grant to any party a certificate declaring that the matter is fit to be determined by a civil court and dismiss the application for acquisition of land.

(*2*) The person to whom such certificate is granted may, within three months of the grant thereof, institute a suit to establish his right in a court of competent jurisdiction, and such court may, upon the production of such certificate, entertain such suit.

(*3*) Where a party, to whom such certificate has been granted, fails to institute a suit within the time allowed, he shall be deemed to have instituted such suit and lost it.

(*4*) The dismissal of an application under the proviso to sub-section (*1*) shall be no bar to the entertainment of a second application for acquisition filed by the landlord, if—

(*i*) in the civil suit, instituted under the provisions of the said proviso, the question of proprietary right is determined in his favour; or

(*ii*) in case a certificate to file a suit has been granted to a person other than the landlord, no such suit has been filed within the period allowed under sub-section (*2*).

39. Reinstatement of tenant ejected under section 37.—(*1*) When a tenant is ejected under section 57, he shall, on application made to the sub-divisional officer, be entitled to be reinstated in the land acquired on the conditions specified in sub-section (*3*), if the person for whom the land was acquired—

(*a*) does not, within two years from the date of such ejectment, use it for the purpose for which it was acquired; or

(*b*) uses it for any other purpose within a period of five years from the date of such ejectment.

(*2*) Such application shall be made—

in case of clause (*a*) of sub-section (*1*), within six months of the expiry of the period of two years; and

in case of clause (*b*) of sub-section (*1*), within six months of the land being used for any other purpose.

(*3*) The sub-divisional officer, on receiving such application, shall, if the conditions specified in clause (*a*) or (*b*) of sub-section (*1*) are satisfied, reinstate the ejected tenant in the land acquired with the same rights and liabilities and at the same rate of rent as at the date of ejectment on condition that such tenant, before his reinstatement, restores to the person from whom the land was acquired the land or money or both awarded to him by way of compensation under section 37.

(*4*) After the decision of the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector.

40. Acquisition of proprietary right by tenant.—(*1*) If a tenant, other than a non-occupancy tenant, desires to acquire proprietary right in his holding, he may apply, in the prescribed form, to the collector for acquisition of such right:

Provided that no such application shall lie in respect of a part of a holding.

(*2*) On receipt of application under sub-section (*1*), a notice shall be served on the landlord and a copy thereof shall be affixed in a prominent place in the village, stating that the tenant of such holding has applied for an order of acquisition, and that the landlord or any other person interested in such proceeding may file any objections within one month of the affixation of such notice.

(*3*) The collector, after deciding the objections filed, shall, if he finds the applicant entitled to acquisition, assess the amount of—

(*a*) compensation on account of the holding which shall be twelve times the annual rental value of such holding, calculated at sanctioned rates applicable to hereditary tenants;

(*b*) compensation for any improvement, if any, made by the landlord on such holding; and

(*c*) the revenue payable on such holding in the manner prescribed; and

pass an order that, on payment of such compensation within the period allowed by the collector, the tenant shall become the *biswadar* of his holding and shall be liable to pay the revenue assessed thereon.

(*4*) After the decision of the case, the collector shall submit the record of the case for confirmation of the order passed by him to the Chief Commissioner.

(*5*) The landlord shall, after the tenant has become *biswadar,* be entitled to claim reduction in the revenue payable by him as prescribed.

CHAPTER VI

GENERAL PROVISIONS RELATING TO TENANCIES

Leases

41. Right to written lease and procedure to obtain it.—(*1*) The tenant of holding shall be entitled to receive, from his landholder, a written lease, consistent with the provisions of this Act, drawn up in the prescribed form.

(*2*) If the lease is not issued to the tenant, or it does not contain the particulars required to be stated therein, or contains particulars which the tenant does not accept as correct, he may make an application to the *tahsildar* and claim the lease in the proper form.

(*3*) Along with his application the tenant shall file three copies of the draft lease in the prescribed form, stating therein all the particulars in accordance with the terms settled between him and his landholder, and shall verify each copy as a plaint.

(*4*) The *tahsildar* shall, on receipt of the application, issue notice accompanied by a copy of the lease to the landholder to file objections, if any, within the period specified therein.

(*5*) If the landholder appears and admits the correctness of the lease, or, after due service of the notice, does not appear, the *tahsildar* shall sign and date the lease, put his official seal on it and deliver it to the tenant.

(*6*) If the landholder files an objection, the *tahsildar* shall decide it, and, if the tenant is entitled to a lease, deliver the lease in the manner provided by sub-section (*5*).

(*7*) If the lease is delivered to the tenant under sub-section (*5*) or (*6*), a true copy thereof shall be furnished to the landholder and a copy of such lease shall be placed on the record of the case.

(*8*) The *tahsildar* shall submit the record of the case for confirmation of the order passed by him under sub-section (*6*) to the sub-divisional officer.

(*9*) A lease so delivered shall be deemed to be registered under the Indian Registration Act, 1908 (XVI of 1908) and the terms thereof, in so far as they are consistent with the provisions of this Act, shall be binding on the parties thereto.

42. Registration of leases.—(*1*) A lease for a period exceeding one year, or from year to year, or for reclaiming any land shall be made by a registered instrument only.

(*2*) Notwithstanding anything contained in sub-section (*1*), the parties to such lease may, in lieu of registering the same, obtain the attestation thereto of a *girdawar*, a *naib-tahsildar,* or a *tahsildar,* within whose jurisdiction the land leased is situated in accordance with the provisions of sub-section (*4*).

(*3*) Such instrument shall be presented for attestation in duplicate.

(*4*) The attesting officer shall, after satisfying himself as to the identity of the parties and the execution of the instrument, make, sign and date an endorsement thereon to the effect that he has so satisfied himself, and shall deliver one copy to the lessor and the other to the lessee:

Provided that no such instrument shall be accepted for attestation, unless it is presented within four months of its execution.

(*5*) An instrument so attested shall be deemed to be registered within the meaning of the Indian Registration Act, 1908 (XVI of 1908).

Declaration of rights

43. Declaration of rights in certain cases.—(*1*) In case of doubt or dispute, the landholder or the tenant may apply for a declaration as to any of the following matters:—

(*i*) the rent payable or any other particulars prescribed for the lease;

(*ii*) the right of a person claiming to be a tenant or a joint tenant of a holding, or the specification of his share in such holding;

(*iii*) question of status of a tenant;

(*iv*) whether a particular plot is—

(*a*) *niji jot,* or

(*b*) stable or unstable land.

(*2*) Such application shall be filed in the court of the sub-divisional officer who shall decide the dispute in accordance with the provisions of this Act, and submit the record of the case for confirmation of the order passed by him to the collector.

Improvements

44. Right of certain tenants to make improvements.—An occupancy, an exproprietary or a hereditary tenant may make any improvement, but he shall not construct a tank unless he has obtained the written consent of the landholder.

45. Right of non-occupancy tenants to make improvements.—No non-occupancy tenant shall make any improvement except with the written consent of his landholder:

Provided that, if such tenant is a sub-tenant, he shall not make any improvement unless—

(*a*) it is an improvement which his landholder could himself have made; and

(*b*) he has obtained the written consent of his landholder.

46. Right of landlord to make improvement.—(*1*) A landlord may, with the sanction of the sub-divisional officer, make an improvement on, or affecting, the holding of a tenant:

Provided that no such sanction shall be required if the tenant of such holding is a non-occupancy tenant, or the improvement which the landlord desires to make is a well.

(*2*) If the sub-divisional officer refuses to give sanction, he shall submit the record of the case for confirmation of the order passed by him to the collector.

47. Provision when both landlord and tenant want to make the same improvement.—(*1*) If both the landlord and the tenant want to make the same improvement which they are entitled to make under this Act, the sub-divisional officer shall, on application, allow the tenant to execute the work within a specified period and may, on reasonable cause being shown, extend such period from time to time: Provided that the total period of such extensions shall not exceed six months.

(*2*) If the tenant fails to execute the work within such period or extended period, the landlord shall have the right to make such improvement.

48. Restrictions on making improvement.—Nothing in this Chapter shall entitle a tenant or a landholder to make an improvement on, or detrimental to, any land, not included in the holding to be benefited by such improvement, unless he is in possession of such land as owner, or has obtained the written consent of the landlord and of the tenant, if any, of such land.

49. Compensation for improvement, when permissible.—A tenant who has made a work of the kind to which the provisions of clause (*13*) of section 4 apply, whether such work was made before or after the commencement of this Act, shall be entitled to claim compensation—

(*a*) if an order of ejectment is passed against him; or

(*b*) if he has been wrongfully ejected from his land and has not recovered possession thereof:

Provided that in case of a dwelling house mentioned in sub-clause (*i*) of clause (*13*) of section 4, the tenant may, instead of claiming compensation, sell or remove the materials thereof or, with the written consent of the landlord and within such period as the court deciding the claim for compensation may specify, transfer the right of residence therein to any tenant of the village:

Provided further that except in case of such dwelling house, compensation shall not be payable for any work made more than thirty years prior to the date on which the order of ejectment was passed or the tenant was wrongfully ejected.

50. Determination of compensation.—When, under any provision of this Act, a court has to determine the amount of compensation due on account of an improvement, it shall have regard—

(*a*) to the amount by which the value or the produce of the holding, or the value of that produce, is increased by the work,

(*b*) to the condition of such work and the probable duration of its effect,

(*c*) to the extent or benefit to which the landholder or the tenant may be entitled under section 51, and

(*d*) to the labour and capital required for the making of such work, allowing for—

(*i*) any reduction or remission of rent or any other advantage allowed to the tenant by the landholder in consideration of the work,

(*ii*) any assistance given to the tenant by the landholder in money, material or labour, and

(*iii*) in the case of reclamation or of conversion of unirrigated to irrigated land, the length of time during which the party claiming compensation has had the benefit of the improvement.

51. Works benefiting other land.—(*1*) If a tenant has made an improvement on land from which he is ejected, the landholder shall, on payment of compensation, if awarded, become the owner of the work, but the tenant shall be entitled to the benefit of the work in respect of the land remaining in his possession to the same extent and in the same manner as it was hitherto benefited thereby.

(*2*) If a tenant has made an improvement on land which remains in his possession after he is ejected from the other portion of his holding, the landholder shall, in accordance with the conditions laid down by the court, be entitled to the benefit of such work in respect of the land from which the tenant has been ejected to the same extent and in the same manner as it was hitherto benefited thereby.

52. Disputes as regards improvements.—If a question arises between a tenant and his landholder—

(*a*) as to the right to make an improvement; or

(*b*) as to whether a work contravenes the provisions of section 48; or

(*c*) as to whether a particular work is an improvement; or

(*d*) as to the right to the benefit of an improvement under section 51,

the sub-divisional officer shall, on the application of either party, decide the question and submit the record of the case for confirmation of the order passed by him to the collector.

Trees

53. Right of tenant paying fixed money rent to plant tree.—A tenant, other than a non-occupancy tenant, who pays fixed money rent may plant on his Molding any tree:

Provided that—

(*a*) he shall not plant any tree in such a way as to diminish the value of any land, not included in his holding; and

(*b*) he shall, in the absence of a written agreement to the contrary, continue to be liable to pay the full rent of the holding.

54. Right of a tenant paying *batai* or *bighori* to plant tree.—A tenant, other than a non-occupancy tenant, who pays rent by *batai,* or *bighori* or partly by *batai* and partly by *bighori,* may plant any tree with the written consent of his landlord on such terms as may be settled between them:

Provided that he shall not plant any tree in such a way as to diminish the value of any land, not included in his holding.

55. Tenant's rights in tree existing at the commencement of the Act.—(*1*) Any tree standing at the commencement of this Act on the holding of a tenant, not being a sub-tenant, shall vest in such tenant, if he has continuously been in possession of such holding for not less than twelve years immediately before such commencement.

(*2*) If a tree does not vest in such tenant under sub-section (*1*), he may—

(*i*) if such tree hinders the cultivation of the folding, fell it with the previous sanction of the *tahsildar* and after notice in writing to the landlord or his agent, and deliver the timber thereof to such landlord or agent; or

(*ii*) appropriate such tree and pay to the landholder such price as the *tahsildar* may, on the application of the tenant, fix.

(*3*) The *tahsildar* shall, if the order giving or refusing sanction for felling, such tree or fixing the price thereof is passed in a contested case, submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

56. Decision of disputes regarding trees.—If a dispute arises between a landlord and a tenant as to the right to plant any tree, or the manner of planting it, or regarding the ownership of any tree, the dispute

shall, on the application of either party, be decided by the sub-divisional officer who shall submit the record of the case for confirmation of the order passed by him to the collector.

Surrender and abandonment

57. Surrender by tenant.—Subject to the provisions of section 29, a tenant, not bound by a lease or other agreement to continue to occupy any holding in the following year, may—

(*i*) by means of a registered letter, sent to his landholder before the first day of March in any year, notify his intention to surrender his holding at the end of the agricultural year, whether such holding is or is not held by a sub-tenant; and

(*ii*) surrender his holding by giving up possession thereof accordingly:

Provided that an exproprietary tenant shall not surrender his holding of any part thereof except to his own landholder, and unless (*a*) a period of two years has elapsed from the date of accrual of the exproprietary rights, and (*b*) such tenant has obtained the previous sanction of the collector:

Provided further that nothing in this section shall affect any arrangement by which a tenant, other than an exproprietary tenant, and the landholder may agree to the surrender of the whole or any portion of the holding.

58. Abandonment.—(*1*) Subject to the provisions of sub-sections (*2*) and (*3*), a tenant, who ceases to cultivate his holding and leaves the neighbourhood, shall not lose his interest in such holding, if he leaves in charge thereof a person responsible for payment of the rent as it falls due and gives written notice to the landholder of such arrangement.

(*2*) If the person so left in charge is a person—

(*a*) on whom, in the event of the tenant's death, the tenant's interest would devolve, or

(*b*) who is to manage the holding for the benefit of the person on whom, in the event of the tenant's death, the tenant's interest would devolve,

the tenant shall, on the expiry of a period of seven years, lose his interest in his holding unless he, within such period, resumes cultivation thereof, and such interest shall devolve on the person on whom the interest of the tenant would devolve in the event of his death.

(*3*) If the person so left in charge is not a person mentioned in sub-section (*2*), the tenant shall, on the expiry of a period of three years, be deemed to have abandoned his holding, unless within such period he resumes cultivation thereof.

(*4*) A tenant who ceases to cultivate and leaves the neighbourhood, otherwise than in accordance with the provisions of sub-section (*2*), shall be deemed to have abandoned his holding.

59. Taking possession of holding surrendered or abandoned.—A landholder may enter upon, and occupy, the land surrendered or abandoned in accordance with the provisions of this Act.

60. Dispute arising out of surrender and abandonment of land.—(*1*) If a dispute arises as to—

(*a*) the right of a tenant to surrender his holding or part thereof, or

(*b*) the right of a landholder to enter upon and occupy the land under the provisions of section 59,

either party may, within three months from the date of such dispute, apply to the *tahsildar* for decision.

(*2*) The *tahsildar* shall decide the dispute and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

CHAPTER VII

PREMIA AND OTHER LEVIES

61. Acceptance of premium; how far permissible.—No landholder shall accept a premium for admitting a person to a holding:

Provided that this prohibition shall not apply to a landlord who confers *biswadari* right in any waste or unimproved land or common land of a village.

62. *Lag,neg* and cess.—(*1*) Notwithstanding any custom or contract to the contrary, no *lag*, or *neg,* by whatever name called or known, shall, in addition to the rent of the holding, be levied on, or recovered

from, a tenant:

Provided that this prohibition shall not apply to a village development cess levied under sub-section (*2*).

(*2*) The Chief Commissioner may, with the previous approval of the Central Government, declare that the tenants of any village shall be liable to pay a village development cess, not exceeding two and a half per cent. of the rental to be applied for such purposes, and to be collected and disbursed in such manner, as may be prescribed in this behalf.

(*3*) In case of doubt, the Chief Commissioner may determine whether any levy is a levy prohibited by sub-section (*1*).

CHAPTER VIII

RENT AND ITS RECOVERY

PART I—*Basic rent of tenants*

63. Liability for payment of rent.—Every occupancy, exproprietory, hereditary or non-occupancy tenant shall be liable to pay rent in accordance with the provisions of section 64:

Provided that if, at the commencement of this Act, a lower rent is payable by a tenant, or, after such commencement, a lower rent is agreed upon between him and his landholder, he shall be liable to pay such rent only.

64. Scale of rent for different classes of tenants.—Subject to the provisions of section 63, a tenant shall be liable to pay rent in accordance with the following scale:—

(*a*) a hereditary or a non-occupancy tenant, other than a sub-tenant

one-fifth of the produce of his holding;

(*b*) an occupancy tenant

one-sixth of the produce of his holding;

(*c*) an exproprietary tenant

one-eighth of the produce of his holding:

Provided that if in any area *bighori* at customary rate is payable for any crop, a tenant may elect to pay such rate for such crop:

Provided further that if a tenant grows cotton, or a crop in which cotton predominates, on more than one fourth of the irrigable area of his holding, the rent of such excess area shall be payable at double the *bighori* at customary rates.

*Explanation.—*In this section the expression "produce of his holding" shall not include the straw chaff (*bhusa*) of the *rabi* or the dry stalks of *kharif* crop.

65. Status and liability of person permitted to retain possession.—Notwithstanding anything contained in section 106, a person occupying any vacant land in contravention of the provisions of this Act shall, if permitted in writing by the landlord to retain possession of such land, become a hereditary tenant thereof and shall be liable to pay rent in accordance with the provisions of sections 63 and 64.

PART II—*Payment and recovery of rent*

General provisions

66. Hypothecation of produce towards payment of rent.—The produce of every holding, whether sub-let or not, shall be deemed to be hypothecated to the landlord for the rent payable in respect of such holding and, until the demand for such rent has been satisfied, no other claim on such produce shall be enforced by sale in execution of a decree of a civil or revenue court, or otherwise.

67. Procedure when produce is attached by civil or revenue court.—(*1*) If the produce of any holding is attached by an order of a civil or revenue court, such court shall give notice of such attachment to the landlord who may apply to such court to sell the produce and pay to him, out of the proceeds of the sale thereof, any arrears of rent due in respect of such holding up to the date of the attachment.

(*2*) If such court, on inquiry, finds the landlord's claim to the whole or any part of the rent to be proved, it shall sell the produce or such portion thereof as it may deem fit, and apply the proceeds of the sale, in the first instance, to satisfy such claim.

68. Right of landlord to collect rent from cultivator.—(*1*) If the rent of a holding which is sub-let, or is left in charge of another person under section 58, is payable to the landlord by *batai,* he may collect such rent from the sub-tenant or such person:

Provided that if any rent is so collected by the landlord, the sub-tenant may deduct such rent from any rent payable by him to his landholder.

(*2*) If any conflict arises between the claims of the landlord and the tenant of such holding to collect rent from the sub-tenant the claim of the landlord shall prevail.

69. No cartage allowed.—When rent is paid by *batai,* the landholder shall not claim or receive any additional quantity of the produce or its money equivalent for cartage to his own residence or to any market place.

70. Presumption as to payment by tenant and application of such payment.—If a tenant makes a payment to his landholder, the payment shall, in the absence of a direction to the contrary, be deemed to have been made on account of rent, and shall be credited to any year, instalment or holding, specified by the tenant:

Provided that no such payment shall be applied to the discharge of an arrear of rent which has been outstanding for more than two years at the date of such payment.

71. Modes of making payment of money rent.—(*1*) A payment of a money rent may be made by a tenant to his landholder, either direct or by money order:

Provided that the acceptance by a landholder of a sum paid by money-order shall not, by itself or by virtue of any thing written on the money-order form, be deemed to constitute an admission by him as to the amount of rent payable or due on account of any particular year, instalment or holding, or an admission that the payer is a tenant.

(*2*) When such rent is sent by money order, in the case of acceptance, the payee's receipt and in the case of refusal, the endorsement of such refusal on the money-order form, duly stamped by the post office, shall be admissible in evidence without formal proof and shall, until the contrary is proved, be presumed to be a correct record of such acceptance or refusal.

72. Right to get receipt.—(*1*) Every tenant, lessee or licensee who makes payment on account of rent, *sayar* or premium shall be entitled to obtain forthwith from the landholder a written receipt signed by the landholder or his agent.

(*2*) The landholder shall, from a book printed under section 74, give a separate receipt for each sum paid on account of rent, *sayar* or premium, and shall prepare and retain a counterfoil of each receipt given by him.

73. Penalty for not issuing proper receipt.—If a receipt is not issued in the prescribed form, or does not contain substantially the particulars required to be stated therein, or if a joint receipt for rent, *sayar* or premium has been given in contravention of the provisions of sub-section (*2*) of section 72, it shall be presumed, until the contrary is proved, to be an acquittance in full of all demands for rent, *sayar,* or premium, as the case may be, up to the date on which the receipt was given.

74. Obligation of Chief Commissioner to print and supply books of receipt.—The Chief Commissioner shall cause to be printed and kept for sale to landholders, at all *tahsil* headquarters, books of receipts with counterfoils in the prescribed form at a rate, not exceeding the actual cost of production, *plus* five per cent. thereon to cover incidental charges.

75. Penalty for non-production of receipt book with counterfoils.—If, in any proceeding under this Act between a landholder and a tenant in which the payment of rent, *sayar* or premium is in dispute, the landholder, when ordered by the court to produce the book of receipts with counterfoils which he is required to retain under section 72, fails accept the plea of the tenant regarding

such payment as correct or may make any presumption against the landholder which it considers reasonable.

Produce rents

76. Rights and liabilities in respect of produce.—(*1*) When rent is payable by *batai,* the tenant shall have a right to the exclusive possession of the crop and to cut and harvest it in due course of husbandry without any interference on the part of the landholder, but shall not be entitled to cut any portion of the produce of his holding or to remove it from the threshing-floor at such time or in such manner as to prevent the due division thereof at the proper time.

(*2*) If a landholder prevents a tenant from tending, cutting, gathering or storing the crop, or otherwise interferes with harvesting operations, he shall be liable, on the complaint of the tenant, to pay to him such sum, not exceeding one hundred rupees, as may be awarded as compensation and such sum shall be recovered as arrears of revenue and paid to the tenant.

(*3*) Such complaint shall be made in writing to the sub-divisional officer who shall inquire into, and decide, the case and submit the record for confirmation of the order passed by him to the collector.

(*4*) If the tenant cuts or removes any portion of the produce of his holding, contrary to the provisions of sub-section (*1*), such produce shall, for the purpose of determining the share of the landholder, be deemed to be equal to that of the best crop of the same kind grown at that harvest on similar land in the neighbourhood.

77. Application for officer to make division.—(*1*) When the rent of any land is payable by *batai*, the tenant may, when the crop is ripe, apply to the *tahsildar,* requesting that an officer be deputed to make the division and, subject to the payment of the prescribed fee, the *tahsildar* shall, within ten days of such payment, depute an officer for the purpose.

(*2*) The officer so deputed shall proceed to the spot on a day of which notice shall be given to the landholder and the tenant, cause the crop to be cut or gathered, and stored, and, after such inquiry as he deems fit, get the produce divided in accordance with the shares to which the parties may be respectively entitled.

(*3*) The weighment charges or other expenses, if any, incurred in making the division, shall be borne by the parties in proportion to their shares in the produce.

(*4*) In making the division, such officer shall take the assistance of assessors to be appointed, as nearly as may be, in accordance with the provisions of sub-sections (*2*) and (*3*) of section 79, draw up a note specifying the share of produce delivered to each party and other necessary particulars, explain such note to the parties and assessors, get it signed by them and submit it with his report to the *tahsildar.*

(*5*) Such officer shall not allow any levy prohibited by sub-section (*1*) of section 62 to be charged at the time of *batai*, and in his report to the *tahsildar* he shall state that no such levy was charged.

(*6*) If either the landholder or the tenant is dissatisfied with the division he may, within fifteen days of such division, complain in writing to the *tahsildar* who shall inquire into the matter and, if necessary, pass a decree for money in favour of the party entitled, and submit the record of the case for confirmation of the decree or order passed by him to the sub-divisional officer If no such complaint is made, the *tahsildar* shall confirm the note of the officer deputed.

(*7*) The sub-divisional officer may confirm, amend or set aside the decree of order or pass such other order as he deems fit.

(*8*) A decree for money passed under sub-section (*6*) or (*7*) shall, if against the tenant, be deemed to be a decree for arrears of rent and, if against the landholder, be realised in accordance with the provisions of sections 88 and 89.

78. Application for *kuta*.—If, by an agreement between a landholder and his tenant, the *batai* rent of a holding is payable in cash by *kuta,* either party may apply in the prescribed form to the *tahsildar* to depute an officer to make the *kuta.*

79. Procedure on application.—(*1*) On receipt of an application under section 78, and on payment of the prescribed fee, the *tahsildar* shall, within ten days of such payment, issue a written notice to the landholder and the tenant to attend on such date and at such time and place as may be specified in the notice, and shall depute an officer by whom the *kuta* shall be made.

(*2*) On the day, and at the time and place, so fixed, such officer shall attend and call upon each party to appoint a resident of the neighbourhood as an assessor to assist him.

(*3*) If any party fails to attend, or refuses to appoint an assessor, sum officer shall appoint an assessor on his behalf and shall, with the assistance of the assessors so appointed, make the *kuta* and deliver an award in the prescribed form and submit the same with a report of the proceedings to the *tahsildar.*

(*4*) The *tahsildar* shall issue notice to the parties to file objections, if any, to the award within fifteen days of the date of service of such notice and shall, after hearing such objections and making such inquiry, as he considers necessary, accept or modify such award and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

(*5*) The sub-divisional officer may, after further inquiry, if necessary, confirm or modify the award.

(*6*) After the award has become final, the *tahsildar* shall assess the money value of the rent payable to the landholder and pass a decree for arrears of rent against the tenant.

80. Collector to publish return of current prices.—Within one month of the end of harvesting operations in a *tahsil,* or as soon thereafter as may be, the collector shall prepare, in the prescribed manner, a return of market prices current at the harvest time of all food and non-food crops grown in such *tahsil* and the return so prepared shall be accepted for assessing the money value of the produce of a holding in cases triable under this Act:

Provided that if, in any area, the Central Government has fixed any price for any agricultural produce such price shall be accepted for making such assessment.

81. Assessment of *bighori* by court.—(*1*) In case of *bighori*—

(*a*) if the landholder or the tenant neglects to measure the area sown at the proper time, or

(*b*) if there is a dispute about the extent of the area sown, the length of the measuring chain, or the manner of measurement of such area,

either party may make an application to the *tahsildar,* requesting that a measurer be appointed to measure such area.

With the application, the applicant shall deposit such fee as may be prescribed.

(*2*) The provisions of sub-sections (*1*) to (*3*) of section 79 shall apply to an application made under this section, as if for the words "*kuta*" and "officer", wherever they occur in such sub-sections, the words "measurement" and "measurer" respectively were substituted.

(*3*) On receipt of the measurer's award, the *tahsildar* shall issue notice to the parties to file objections, if any, within fifteen days of the date of service of such notice and, after hearing such objections, pass a decree for the arrears of rent found due, and submit the record of the case for confirmation of the decree passed by him to the sub-divisional officer.

82. Commutation of *batai* rent into *bighori* in certain cases.—(*1*) Where a tenant, other than a non-occupancy tenant, has heretofore paid his rent by *batai,* or partly by *bighori* and partly by *batai,* he may, apply to the sub-divisional officer to commute his rent paid by *batai* into *bighori.*

(*2*) The sub-divisional officer shall, in accordance with the table of rates prepared in the prescribed manner, declare the *bighori* which such tenant shall be liable to pay.

83. Payment of commuted rent.—The rent commuted under the provisions of section 82 shall become payable from June next following the date of the order and shall remain in force for three agricultural years unless, at the end of such period, the landlord and the tenant, by a joint application made to the sub-divisional officer, get the period extended for any term agreed upon between them.

Arrears

84. Rent when and how payable.—(*1*) Subject to the provisions of this Act, the rent of a tenant shall be payable as follows:—

(*i*) in case of *batai* or *bighori*—

(*a*) as agreed upon between the tenant and the landholder,

(*b*) in the absence of any such agreement, according to local custom, and

(*ii*) in case of fixed money rent, in instalments proportionate to the revenue instalments payable one month before the dates appointed for the payment of the revenue instalments.

(*2*) Rent, or any instalment thereof, not paid by due date, shall be deemed to be in arrears.

85. Claim for arrears of rent.—(*1*) If rent, which is payable by *batai* or *bighori*, is in arrears, or if the tenant has, without sufficient cause, failed to cultivate his holding, the landholder may, within two years of the date on which rent became payable, apply to the *tahsildar* for the recovery of arrears of rent.

(*2*) An application for the recovery of fixed money-rent shall be made to the *tahsildar* within two years of the date on which such rent became payable.

(*3*) For purposes of the assessment of the rent recoverable under sub-section (*1*)—

(*i*) in case of *batai,* the provisions of sub-section (*4*) of section 76 shall apply, and

(*ii*) in case of *batai* or *bighori,* the entire area of the holding of the defendant shall, in the absence of evidence to the contrary, be deemed to have been actually cultivated during the period to which the claim relates.

(*4*) The *tahsildar* shall decide the case and submit the record for confirmation of the decree passed by him to the sub-divisional officer.

86. Interest in cases of arrears of rent.—When a court passes a decree for arrears of rent under the provisions of this Chapter, it shall allow interest on the amount decreed from the date of such decree till the date of its satisfaction at the rate of one *anna* per rupee per annum simple interest unless, for reasons to be recorded in writing, it disallows the interest or allows interest at a lower rate.

87. Landlord's power to charge irrigation dues.—If a landlord has constructed a tank, whether before or after the commencement of this Act, he shall, subject to the rules made by the Chief Commissioner, be entitled to charge irrigation dues from persons irrigating land from such tank, at such rates as may be prescribed.

88. Method of recovering *sayar.*—(*1*) A landlord to whom any sum is due on account of *sayar* may, on an application to the *tahsildar,* recover the same by attachment and sale of the property of the defaulter with the exception of the following:—

(*a*) the necessary wearing apparel, cooking utensils, beds and bedding of the defaulter, and of his wife and children and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;

(*b*) his implements of husbandry and such cattle and seed grain as may, in the opinion of the court, be necessary to enable him to earn his livelihood as an agriculturist; and

(*c*) houses and other buildings belonging to the defaulter and actually occupied by him or used by him as a cattle-shed.

(*2*) If, in the course of any proceeding under sub-section (*1*), any claim is preferred to, or any objection is made to the attachment of, any property by any person, whether a party to such proceeding or not, the *tahsildar* shall decide the dispute and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

89. Realisation of *sayar* as arrears of revenue.—(*1*) If, in the opinion of the *tahsildar* the arrears of *sayar* cannot be recovered under section 88, he may move the sub-divisional officer to sanction the collection of such arrears as arrears of revenue.

(*2*) The sub-divisional officer may, if he is satisfied that such arrears cannot be recovered under section 88, direct the *tahsildar* to recover such arrears as arrears of revenue.

(*3*) Any arrears of *sayar* recovered under section 88 or under this section shall be paid by the *tahsildar* to the person entitled.

PART III—*Emergency provision*

90. Recovery of arrears in the event of general refusal to pay.—(*1*) In case of any general refusal to pay rent or any demand on account of *sayar* to persons entitled to collect the same in any area, the Chief Commissioner may, by notification in the Official Gazette, declare that such rent or demand may be recovered in accordance with the provisions of sub-section (*2*).

(*2*) In any area to which a notification made under sub-section (*1*) applies, a landholder entitled to collect such rent or demand may, notwithstanding anything to the contrary contained in this Act or any other law for the time being in force, apply in writing to the *tahsildar* to recover the same, and the *tahsildar* shall, after satisfying himself that the amount claimed is due, recover file same with costs as arrears of revenue and submit the record of the case for confirmation of the orders passed, and the action taken, by him to the collector.

(*3*) The collector may, after examining the record, order that, after deducting from the amount recovered the collection charges which shall not ordinarily exceed seven per cent. of the amount so recovered, the balance shall be made ever to the person entitled:

Provided that the total amount deducted as court-fee under section 178 and collection charges shall not, in the aggregate, exceed fourteen and a half per cent. of the amount so recovered.

(*4*) No order passed under this section shall debar a landholder from recovering, under the provisions of this Act, any amount due to him which has not been recovered under this section.

PART IV—*Payment of revenue by biswadars to jagirdars and muafidars*

91. Application of certain sections to *biswadars*.—(*1*) The provisions of sections 62, 66, 67, 69 to 77, 81, 87 to 90 and 108 to 112 shall apply to a *biswadar* in relation to a *jagirdar* or a *muafidar,* as if in such sections for the word 'tenant', the word *'biswadar'* and for the word 'landlord' or 'landholder' the word '*jagirdar'* or *'muafidar'*, as the ease may be, and for the word "rent" the words "revenue payable by a *biswadar*", were substituted.

(*2*) The amount of a decree for arrears of revenue passed against a *biswadar,* if not satisfied within thirty days of the date when such decree becomes final shall, on the application of the decree-holder, be recovered by the *tahsildar* as arrears of revenue and paid to the person entitled.

CHAPTER IX

EJECTMENT OF TENANTS

General

92. Arrears deemed satisfied when tenant is ejected.—Subject to the provisions of sub-section (*2*) of section 94, when a tenant is ejected from his holding for non-payment of arrears of rent, all arrears, whether decreed or not, and irrigation dues due in respect of such holding on the date of ejectment shall be deemed to have been satisfied.

93. Decree for arrears, how executed.—No decree for arrears of rent shall be executed against a tenant otherwise than in the manner provided by section 98.

94. Adjustment of arrears and compensation on ejectment.—(*1*) A court, deciding any proceeding under this Act by which a tenant is ejected from his holding or part thereof shall, before passing an order of ejectment, award the amount of compensation due to him on account of an improvement, a tree or a crop belonging to him and existing on such holding:

Provided that if, on the date of such order, no arrears of rent, decreed or undecreed, or irrigation dues are outstanding against him on account of such holding and there is a tree or crop upon the land, he may cut and remove such tree and, subject to such payment and such other terms as the court passing the order may specify, use such land for tending, gathering and removing such crop.

(*2*) If, on such date, any such arrears are outstanding against the tenant and the amount of compensation awarded to him under sub-section (*1*) exceeds the amount recoverable from him as such arrears, the order for ejectment shall be conditional on the payment into court by the landholder of the balance due to the tenant within such time as the court may direct; and if the amount of such compensation does not exceed such arrears, any claim for compensation made by the tenant shall be deemed to have been satisfied on his ejectment.

95. Entry of landholder on land from which tenant is ordered to be ejected.—(*1*) A landholder may enter upon possession of a holding or part thereof from which a tenant is ordered to be ejected:

Provided that he shall not enter upon such holding or part unless—

(*a*) in a case to which the proviso to sub-section (*1*) of section 94 applies, the tenant has gathered and removed the crop in due course of husbandry; and

(*b*) the amount of compensation, if any, awarded by the court has been paid into court or adjusted in accordance with the provisions of sub-section (*2*) of section 94.

(*2*) If the amount of compensation awarded under sub-section (*1*) of section 94 has not been paid into court or adjusted in accordance with sub-section (*2*) of that section, the order of ejectment shall be cancelled, and the landholder shall be liable to pay to the tenant the cost of the proceedings which shall be collected as arrears of revenue and paid to the tenant.

(*3*) If the tenant offers any resistance or obstruction to entry on land on which a landholder has become entitled to enter under sub-section (*1*), the court passing the order of ejectment shall, on the application of the landholder, direct that such landholder be put into possession of such land and where he is still resisted or obstructed in obtaining possession, the court may, at his instance, order the tenant to be detained in the civil prison under rule 98 of Order XXI of the Code of Civil Procedure, 1908 (V of 1908).

(*4*) The court hearing any proceeding by which a tenant is ejected from his holding or part thereof shall decide all disputes arising under section 94 or this section and such decision shall be subject to confirmation by the court to which the record of such proceeding is submitted for confirmation.

Grounds of ejectment

96. Grounds of ejectment.—A tenant shall be liable to ejectment from his holding on one or more of the following grounds:—

(*a*) that a final decree against him for arrears of rent in respect of that holding had remained unsatisfied; or

(*b*) that he is guilty of any act detrimental to the land in that holding, or inconsistent with the purpose for which it was let; or

(*c*) where rent is payable by *batai,* that for three successive years he has, without sufficient cause, failed to cultivate his holding; or

(*d*) that he or any person holding from him has broken a condition on breach of which he is, by special contract which is not contrary to the provisions of section 8, liable to be ejected; or

(*e*) that he has sub-let or otherwise transferred his holding or part thereof in contravention of the provisions of this Act:

Provided that the use of one-twentieth part of a plot included in a holding for growing grass or for the construction of enclosures on such part for stock raising, or for any purpose subservient to agriculture, shall not constitute a ground for ejectment under clause (*b*).

97. Special grounds of ejectment of non-occupancy tenants.—A non-occupancy tenant, other than a sub-tenant to whom the provisions of section 32 apply, shall be liable to ejectment on the ground that he holds only as a tenant from year to year, or under a lease which has expired or will expire by the end of the current agricultural year.

98. Procedure in ejectment for decreed arrears.—(*1*) Immediately after a decree for arrears of rent passed under section 77, 79, 81 or 85 has become final, the *tahsildar* shall cause a notice to be served on the tenant stating the amount due under the decree, and requiring him, within two months from the service of the notice, to pay such amount into court.

(*2*) If the amount is so paid, the *tahsildar* shall record satisfaction on the decree and grant a receipt therefore which shall operate as an acquittance for the amount deposited as if such amount had been received by the decree holder and pay such amount to the person entitled to receive it.

(*3*) If the amount is not so paid by the tenant the *tahsildar* shall order his ejectment from his holding or part thereof as prescribed and submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

(*4*) The sub-divisional officer may—

(*a*) on the application of the tenant, extend the tithe for the payment of the decretal amount for a period, not exceeding two months from the date of such order; or

(*b*) allow payment into court of such amount by installments and specify the time for payment thereof; or

(*c*) confirm the order of ejectment.

(*5*) If the sub-divisional officer by order extends the time for the payment of the decretal amount or allows payment by installments and such order is duly complied with, the order of ejectment shall be set aside.

(*6*) If the decretal amount or any installment is not paid into court within the period allowed under clause (*a*) or (*b*) of sub-section (*4*), the sub-divisional officer shall confirm the order of ejectment.

99. Procedure for ejectment on other grounds.—(*1*) When a landholder desires to eject a tenant on one or more of the grounds specified in clauses (*b*) to (*e*) of section 96, he shall file an application in the court of the sub-divisional officer containing such particulars as may be prescribed.

(*2*) If the sub-divisional officer finds that the tenants is liable to ejectment, he shall pass a conditional order for his ejectment either from the entire holding or from such portion thereof, as, having regard to all the circumstances of the case, he considers desirable and shall also direct that—

(*i*) in the case of an order under clause (*b*), (*c*) or (*d*) of section 96, the tenant shall repair the damage, or pay such compensation as the court may direct within two months from the date of the order, or such further time as the court may, for reasons to be recorded allow; and

(*ii*) in the case of an order under clause (*e*) of that section, the tenant shall obtain surrender of, or eject the sub-lessee or other transferee from, the holding or part thereof which is sub-let or otherwise transferred in contravention of the provisions of this Act and resume possession of such holding or part, as the case may be, within such time as the court may specify.

(*3*) If the sub-divisional officer is satisfied that the tenant has complied with the order passed under sub-section (*2*), he shall cancel the order of ejectment, but if he is not so satisfied, he shall make the order of ejectment absolute and shall, in either case, submit the record for confirmation of the order passed by him to the collector:

Provided that no application for ejectment shall be entertained on the ground mentioned in clause (*c*) of section 96, if the landholder has recovered under section 85 the arrears of rent for the period the tenant has failed to cultivate his holding.

100. Application for ejectment of non-occupancy tenant.—A landholder who desires to eject a non-occupancy tenant to whom section 97 applies may, in the month of May, make an application in duplicate to the *tahsildar* stating the following particulars:—

(*a*) the name, description and place of residence of the landholder;

(*b*) the name, description and place of residence of the tenant;

(*c*) a description of the holding, specifying the name of the village, the rent payable, and, unless the holding can be otherwise adequately described, the *khasra* number and area of each field; and

(*d*) the ground on which ejectment is applied for.

101. Procedure on application.—(*1*) The *tahsildar* shall send one copy of the application to the tenant and inform him that he may file objections, if any, within thirty days of the receipt of such application.

(*2*) It the tenant admits his liability to ejectment, or has not appeared within such period, the *tahsildar* shall pass an order for his ejectment.

(*3*) If the tenant contests his liability to ejectment on the ground that he is not a tenant, or claims occupancy, exproprietary or hereditary rights, or denies the right of the landholder to eject, the *tahsildar* shall forward the record to the sub-divisional officer for trial of the case.

(*4*) On receipt of the record, the sub-divisional officer shall hear and decide the case and submit the record for confirmation of the order passed by him to the collector.

(*5*) If the liability to ejectment is contested on any other ground, the *tahsildar* shall decide the case and submit the record for confirmation of the order passed by him to the sub-divisional officer.

Remedies for wrongful ejectment

102. Remedies for wrongful ejectment.—A tenant ejected by his landholder, otherwise than in accordance with the provisions of this Act may, within one year of such ejectment, apply to the sub-divisional officer—

(*a*) for possession of the holding;

(*b*) for compensation for wrongful dispossession; and

(*c*) for compensation for any improvement he may have made, or for a tree belonging to him.

103. Procedure on application.—(*1*) If the court finds that the tenant has been wrongfully ejected, it shall proceed as follows:—

(*a*) if the tenant is not entitled to remain in possession after the expiry of the agricultural year in which the order is passed, the order shall not be for recovery of possession, but for costs only, or, if compensation has been claimed and found due, for compensation and costs only;

(*b*) when the order is for recovery of possession, compensation, if claimed and found due, may be awarded for wrongful dispossession but not for an improvement or a tree;

(*c*) where an order is given for compensation for wrongful dispossession, but not for possession, the compensation shall be for the whole period during which the tenant was entitled to remain in possession.

(*2*) If the order is for recovery of possession, the sub-divisional officer shall put the tenant wrongfully ejected in possession.

(*3*) After the decision of the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector.

(*4*) Any amount awarded as compensation shall be recovered as arrears of revenue and paid to the person entitled.

Ejectment thout title

104. Ejectment of person occupying land without title.—(*1*) A person, other than a landholder mentioned in section 102, taking or retaining possession of a plot of land otherwise than in accordance with the provisions of this Act shall, on the application made to the sub-divisional officer, be liable to ejectment and also to pay damages.

(*2*) Such application shall be made—

(*a*) if the unauthorised occupation has existed from a date prior to the commencement of this Act, within two years of the commencement of this Act;

(*b*) in any other case, within three years from the date when the unauthorised occupation first began.

105. Procedure on application.—(*1*) If, on application under section 104, the sub-divisional officer is satisfied that any person taking or retaining possession of a plot of land is liable to ejectment, he shall order the ejectment of such person and award damages which may extend to four times the annual rental value of such plot, calculated in accordance with the sanctioned rates applicable to hereditary tenants.

(*2*) If, on the date of the order of ejectment, there is any ungathered crop or other produce belonging to the person ordered to be ejected, the applicant shall become owner thereof.

(*3*) The sub-divisional officer shall submit the record of the case for confirmation of the order passed by him to the collector.

(*4*) Any damages awarded under this section shall be recovered as arrears of revenue and paid to the person entitled.

106. Consequences of failure to file application under section 102 or 104.—If no application under section 102 or 104 is made within the period of limitation prescribed therefor, and the person ejecting the tenant from, or taking or retaining possession of, land, otherwise than in accordance with the provisions of this Act, cultivates such land, such person shall become—

(*i*) if he possesses proprietary interest in such land, *khudkasht*-holder; or

(*ii*) if he does not possess proprietary or tenancy interest in such land, a hereditary tenant.

107. No separate relief claimable, if not claimed in revenue court.—A person who has made an application under section 102 or 104, shall not be entitled to institute a separate suit or proceeding in a civil court for any relief which he might and ought to have claimed and has not claimed.

CHAPTER X

COMPENSATION AND PENALTIES

108. Tenant's right to claim inquiry for illegal exaction and other matters.—If any landholder or his agent—

(*i*) dishonestly collects a premium prohibited by this Act, or any sum, or produce in excess of the amount which is due as arrears of rent, or as *sayar,* or

(*ii*) charges interest on an arrear of rent, not expressly allowed by this Act or at a rate exceeding that allowed by this Act, or

(*iii*) realises, by proceedings in court or otherwise, any rent of which payment has been remitted, or, before the expiry of the period of suspension, any rent of which payment has been suspended under the provisions of this Act, or

(*iv*) habitually refuses or neglects to deliver to the tenant a receipt, or does not prepare and retain a counterfoil of the receipt in the manner prescribed by this Act, or

(*v*) without reasonable cause, credits or applies a payment made towards rent otherwise than in accordance with the provisions of this Act,

the sub-divisional officer shall, on the application of the tenant, if made within six months of the contravention of the provision of this A lates, institute an inquiry and, if he is

satisfied that the charge is established, shall award to the tenant monetary compensation not exceeding two hundred rupees and submit the record of the case for confirmation of the order passed by him to the collector.

109. Power to award compensation in proceedings for arrears of rent.—(*1*) If, in the course of proceedings for the realisation of arrears of rent, the trial or the confirming court finds that the landholder has committed any of the acts enumerated in clauses (*i*) to (*v*) of section 108, it may award to the tenant compensation, not exceeding one hundred rupees.

(*2*) If such compensation is awarded by the trial court, the record of the case shall be submitted for confirmation of the order passed by it to the sub-divisional officer, and if by the confirming court, to the collector.

110. Prosecution of landholder for illegal exaction.—If a landholder or his agent collects from a tenant any lag or *neg,* he shall be deemed to have committed an offence of extortion within the meaning of the Indian Penal Code (Act XLV of 1860).

111. Compensation for exaction by landholder and for false complaint by tenant.—(*1*) If a landholder compels his tenant to render any service, or makes use of any cattle or any agricultural implement of his tenant against the will of such tenant, whether for remuneration or not, the sub-divisional officer shall, on the application of the tenant made within one month of such service or use and on the charge being established, award to the tenant a sum, not exceeding one hundred rupees, as compensation.

(*2*) If, as a result of inquiry, the sub-divisional officer finds that the complaint is false, and either vexatious or frivolous, he shall award to the landholder a sum, not exceeding one hundred rupees, as compensation.

(*3*) After deciding the case, the sub-divisional officer shall submit the record for confirmation of the order passed by him to the collector.

112. Penalty for habitual infringement of rights of tenant.—If a landlord habitually infringes the rights of a tenant under this Act, he shall, notwithstanding anything in section 7 of the Ajmere Government Wards Regulation, 1888 (I of 1888), be deemed to be a "landlord who is disqualified to manage his own property" within the meaning of section 6 of the said Regulation and his property shall be liable to be taken under the superintendence of the Court of Wards.

113. Penalty for illegal entry on a holding.—(*1*) A tenant against whom an order of ejectment from a holding or any portion thereof has become final and who re-enters into or remains in occupation of such holding or such portion, as the case may be, without the written, consent of the person entitled to admit him as tenant, shall be deemed to have committed an offence of criminal trespass within the meaning of the Indian Penal Code (Act XLV of 1860).

(*2*) If a landholder enters upon a holding in the possession of a tenant with the object of dispossessing him of such holding, otherwise than under the provisions of this Act, such landholder shall be deemed to have committed an offence of criminal trespass within the meaning of the Indian Penal Code.

(*3*) Where a person is convicted of such offence and it appears to the court convicting him that the tenant or the landholder has, by reason of anything done in the course of the commission of the offence, been dispossessed of any land, the court shall order such tenant or landholder to be reinstated in such land.

114. Compensation, how realisable.—Any compensation awarded under this Chapter shall be recovered as arrears of revenue and paid to the person entitled.

CHAPTER XI

GRANTS

115. Exemption of *muafidar*.—The provisions of this Chapter shall not apply to a *muafidar*.

116. Interpretation.—(*1*) A rent-free grant means a grant by a landlord of a right to hold land rent-free with or without consideration.

(*2*) A grant of land at a favourable rate of rent means a grant held at a rent which, at the time when such grant was made, was below the rent generally payable by a tenant-at-will for land of the same class in the neighbourhood.

(*3*) A village service grant means a grant made rent-free or at a favourable rate of rent on condition of rendering any service to the village community.

117. Grant which cannot be resumed.—(*1*) No claim shall be entertained for the resumption of a grant—

(*a*) in *khalsa* area, if such grant has been held from a date prior to 1818; or

(*b*) in any other part of the State, if such grant has been held from a date prior to 1874; or

(*c*) which is hereditary and was made out of personal regard for the grantee or in lieu of his past services and loyalty to the grantor and big family; or

(*d*) which is held unconditionally; or

(*e*) which is not resumable under the terms of the grant; or

(*f*) to a charitable institution or for the maintenance of a sacred building so long as such institution or building exists.

(*2*) A holder of a grant to which clause (*a*), (*b*), (*c*), (*d*) or (*e*) of sub-section (*1*) applies and who has continuously been in possession thereof for twenty-five years immediately before the commencement of this Act, may, on an application made within one year of such commencement and on payment of compensation adjudged under sub-section (*3*), be declared a *biswadar* of such grant and shall, on such declaration, be liable to pay such revenue as may be fixed thereon.

(*3*) The compensation to be paid under sub-section (*2*) shall be four times the annual rental value of such grant, calculated at sanctioned rates applicable to hereditary tenants.

(*4*) On a declaration being made under sub-section (*2*), the sub-tenant, if any, of such grant shall become a hereditary tenant thereof.

(*5*) When land revenue is fixed on a grant in respect of which a declaration is made, the proprietor of such grant shall as prescribed be entitled to claim reduction in the revenue payable by him by an amount equal to the amount of revenue fixed under sub-section (*2*).

118. Grounds on which certain grants may be resumed.—Subject to the provisions of section 117, a landlord may apply for the resumption of a grant—

(*i*) in case of a grant held for the performance of religious service, on the ground—

(*a*) that the object for which the grant was made has ceased to exist; or

(*b*) that the grantee has died, leaving no heir entitled to succeed him under the law applicable to the deceased; or

(*c*) that the grantee has ceased to render the service which he is bound to render;

(*ii*) in case of a grant for the performance of secular service, on the ground that the landlord no longer requires such service or the grantee has ceased to render such service;

(*iii*) in case of a village service grant, on the ground that the grantee has ceased to render the service;

(*iv*) in case of a grant held for the life-time of the grantee or for a term, on the ground that the grantee has died or the term has expired, as the case may be;

(*v*) in case the grant is held at the pleasure of the grantor, on the ground that it is so held;

(*vi*) in case of a grant to which the provisions of clause (*f*) of section 117 apply, on the ground that the institution or the building has ceased to exist.

119. How to deal with resumable grant.—If the trial court finds on Inquiry that the grant is resumable under section 118, it shall—

(*i*) in a case to which the provisions of sub-clause (*a*) or (*b*) of clause (*i*), or clause (*ii*), (*iv*), (*v*) or (*vi*) of section 118 apply, declare the person in possession—

(*a*) a hereditary tenant if, on or resumption, such person has been

in continuous occupation of such grant for twelve years or more; or

(*b*) as holding without title, if the period of his occupation on such date is less than twelve years, and order his ejectment from such grant; and

(*ii*) in a case to which the provisions of sub-clause (*c*) of clause (*i*) or clause (*iii*) of section 118 apply, order the ejectment of the grantee and appoint a suitable successor in office with or without the consent of the landlord, as the court deems fit.

120. Application of certain Chapters and sections to grantees.—(*1*) A grantee may—

(*i*) obtain a declaration of his status;

(*ii*) make improvements and claim compensation therefore;

(*iii*) plant trees;

(*iv*) claim reinstatement in his holding, if wrongfully dispossessed; and

(*v*) eject a person taking or retaining possession of his land in contravention of the provisions of this Act and claim damages—

and the respective provisions of the Act relating to such matters shall, *mutatis mutandis,* apply to him as they apply to a hereditary tenant.

(*2*) The provisions of Parts II and III of Chapter VIII and of section 62 and sections 108 to 110 and sections 164 to 168 shall, *mutatis mutandis*, apply to a grantee at a favourable rate of rent as they apply to a hereditary tenant.

(*3*) The provisions of sections 88, 89 and 111 and of Chapters XIV and XV, so far as they are applicable, shall apply to a grantee as they apply to a hereditary tenant.

(*4*) The amount of a decree for arrears of rent passed against a grantee at a favourable rate of rent, if not satisfied within four months of the date on which such decree becomes final, shall, on an application to the *tahsildar,* be recovered under sections 88 and 89 as if it were a sum due on account of *sayar* and paid to the person entitled.

121. Grants, how far transferable.—(*1*) Except as otherwise provided in sub-section (*2*), no grantee shall transfer by sale, mortgage, gift or otherwise his interest in a grant which is liable to resumption under the provisions of this Act.

(*2*) No grantee shall let the whole or any portion of his holding for a term exceeding three years, or within three years of any portion of such holding being held by a sub-tenant.

122. Void transactions.—A transaction by which a grantee transfers or lets his holding or a portion thereof in contravention of the provisions of section 121 shall be void.

123. Power to hear cases of grantees.—An application under section 117, 118 or 120, shall be entertained, heard and decided by the sub-divisional officer who shall submit the record of the case for confirmation of the order or the decree passed by him to the collector.

CHAPTER XII

PREPARATION OF RECORD-OF-RIGHTS AND DETERMINATION AND MODIFICATION OF RENT AND RENT-RATES

124. Applicability of Part III.—No notification under sub-section (*3*) of section 1 shall be made in respect of Part III of this Chapter, unless, in the area to which such part is applied, rent-rates have been determined and the record-of-rights has been framed in accordance with the provisions of this Chapter:

Provided that if the Chief Commissioner is satisfied that in such area the rent-rates determined in the year of settlement and the record-of-rights framed in such year and maintained since are reliable, he may accept such rent-rates, with or without modification, and such record-of-rights, as framed and determined in accordance with the provisions of this Chapter.

PART I.—*Preparation and maintenance of maps and records*

125. Power to form and alter *Patwaris* circles.—The collector may, with the previous sanction of the Chief Commissioner, divide the area of the State into *mahals, thoks* or other convenient units, and arrange them into *girdawars*' and *patw* the number and limits of such circles,

but no such division, arrangement or alteration shall be final unless it has been sanctioned by the Chief Commissioner.

126. Appointment of *patwaris*.—The collector shall appoint a *patwari* to each circle for preparing and maintaining the record-of-rights and registers specified in this Act and for performing such other duties as the Chief Commissioner may prescribe.

127. Appointment of *girdawars*.—The collector shall appoint one or more *girdawars* in each *tahsil* for the proper supervision, maintenance and correction of the annual registers and records, and for such other duties as the Chief Commissioner may prescribe.

128. Cadre and pay of *girdawars* and *patwaris*.—The Chief Commissioner may fix the cadre, grades and pay of *girdawars* and *patwaris* and other staff required for the preparation and maintenance of the record-of-rights.

129. *Girdawars* and *patwaris* to be public servants.—Every *girdawar* and *patwari* shall be deemed to be a public servant within the meaning of the Indian Penal Code (Act XLV of 1860).

130. Maintenance of maps and fieldbooks.—The collector shall maintain a map and a field book of each village in the State and shall cause annually, or at such longer intervals as may be prescribed, to be recorded therein all changes in the boundaries of each village, *mahal* or field, and shall correct any error in such map or field book.

131. Obligation of owners as to boundary marks.—(*1*) Every landlord of a village, *mahal* or field is bound to maintain and keep in repair the permanent boundary marks and the collector may at any time order such landlord—

(*a*) to erect proper boundary marks on such village, *mahal* or field; or

(*b*) to repair or renew, in such form and with such material as he may order all such boundary marks.

(*2*) If such order is not complied with within thirty days from the communication thereof, or such longer period as the collector may allow, he shall cause such boundary marks to be erected, repaired or renewed, and shall recover the charges incurred from the landlord concerned as arrears of revenue.

(*3*) Survey marks shall, as prescribed, be maintained and kept in repair by the collector.

132. Record-of-rights.—(*1*) There shall be a record-of-rights for each village, or if a *mahal* or other unit formed under section 125 consists of two or more villages or portions of villages, the record may be prepared for each such village or portion separately.

(*2*) The record-of-rights shall include the following documents:—

(*i*) a *khewat* which shall comprise—

(*a*) a register of all the proprietors in the village, including the proprietors of specific areas, and, in estates mentioned in the Second Schedule, maintenance-holders; and

(*b*) a register of *jagirdars* and *muafidars.*

(*ii*) a *khatauni* which shall be a register of persons cultivating or occupying land as tenants or otherwise; and

(*iii*) a *wajib-ul-arz* which shall be a record of customs obtaining in the State or any part thereof.

Explanation.—In this section the word "proprietor" shall include a person in possession of proprietary rights under a mortgage or lease.

133. Contents of certain registers.—The registers specified in clauses (*i*) and (*ii*) or sub-section (*2*) of section 132 shall specify the nature and extent of the interest of each person recorded therein and shall be prepared in the prescribed form.

134. Registers of revenue-paying, revenue-assigned and revenue-free villages.—The collector shall prepare and maintain—

(*a*) a register of all revenue-paying villages, *mahals, thoks* or other units, specifying the revenue assessed on each and the person by, or through whom it is payable; and

(*b*) a register of all revenue-free and revenue-assigned villages and areas, specifying the authority and conditions for exemption or assignment as the case may be.

135. The annual registers.—(*1*) The collector shall be responsible for maintaining the record-of-rights specified in clauses (*i*) and (*ii*) of sub-section (*2*) of section 132, and, for that purpose, shall annually, or at such longer intervals as may be prescribed, cause to be prepared an amended set of such registers, and the registers so prepared shall be called annual registers.

(*2*) The collector shall cause to be recorded in the annual registers all changes that may take place as a result of succession or transfer or otherwise, and shall correct any error in such registers.

(*3*) No entry in the *wajib-ul-arz* shall be altered except as a result of inquiry in any settlement or record operations in the State.

136. Obligation to furnish information necessary for compilation of certain record-of-rights.—(*1*) Every person, obtaining possession by succession or transfer of any proprietary or other right which is required by this Act or any rule made thereunder to be recorded in any register prescribed by clause (*i*) or clause (*ii*) of sub-section (*2*) of section 132, shall report such succession or transfer to the prescribed authority. If such person is a minor or otherwise disqualified, the guardian in charge of his property shall make such report.

(*2*) Every such person, or, if he is a minor or otherwise disqualified, his guardian, shall furnish, on the requisition of the *patwari,girdawar* or any other officer or employee of the revenue department, engaged in compiling such register, all information necessary for the correct compilation thereof.

(*3*) No revenue court shall entertain any application under this Act by the person so succeeding or otherwise obtaining possession, until such person, or, if he is a minor or otherwise disqualified, his guardian, has made a report required by this section.

Explanation.—In this section, the word "transfer" shall include a family settlement.

137. Decision of disputes.—All disputes affecting the entries in the annual registers shall be decided in the following manner:—

(*i*) those relating to entries to be made in the *khewat,* on the basis of possession or, if possession is doubtful, on the basis of summary inquiry into the question of title;

(*ii*) those relating to class or tenure of any tenant, the rent payable by him or any other matter to be recorded in the *khatauni*, in accordance with the provisions of this Act and the terms of the lease, if any, so far as they are consistent with such provisions; and

(*iii*) those relating to boundaries, on the basis of the survey map, and in case one was not prepared or is not available, on the basis of actual possession.

138. Inquiry into cases.—(*1*) Contested cases relating to entries in the annual registers and to boundary disputes shall be heard and decided by the sub-divisional officer who shall submit the record of the case for confirmation of the order passed by him to the collector.

(*2*) Uncontested cases shall be disposed of by the *tahsildar.*

139. Certain decisions, no bar to civil suit.—No entry made or order passed under section 138, relating to entries in the *khewat*, or to boundary disputes, shall debar any person from establishing his right to any property in a court of competent jurisdiction.

140. Value of entries and decisions in contested cases.—Subject to the provisions of section 139, the decision given under sub-section (*1*) of section 138 shall be binding on the parties to the dispute and an entry made in the *khewat* or *khatauni* under the order of the sub-divisional officer or the collector in a contested case shall be presumed to be correct until the contrary is proved.

141. Appointment and punishment of *lambardars* and *patels.*—The collector may appoint one or more *lambardars* or *patels* in a village, nd, remove or dismiss them.

PART II. —*Record and rent-rate operations and the appointment of officers*

142. Record and rent-rate operations.—(*1*) The Central Government may, by notification in the official Gazette, order that in any estate mentioned in the Second Schedule or group of such estates or in any other area of the State, a preparation or revision of the record-of-rights or survey or re-survey, or the determination of rent-rates for any class or classes of soils, or some or all of these operations be taken in hand, whether by revision of the most recent records and rent-rates or otherwise, and may appoint an officer as a record officer or rent-rate officer to be in charge of record or rent-rate operations, as the case may be, and as many assistant record officers as it deems fit.

(*2*) From the date of the notification every such estate or group of estates or other area shall be held to be under record, or rent-rate operations or both, as the case may be, until the issue of another notification, declaring such operations to be closed therein.

143. Powers of the record officer, assistant record officer and rent-rate officer.—(*1*) For such period and to such extent as he deems fit, the Chief Commissioner may empower the record officer or the rent-rate officer—

(*i*) to perform the duties and exercise the powers of a collector under Part I of this Chapter; and

(*ii*) to commute, abate, enhance and determine rents in accordance with the provisions of Part III of this Chapter in any area to which such Part has been applied.

(*2*) An assistant record officer shall exercise such powers of the record officer or any other revenue court as the Chief Commissioner may, by order in writing, specify, and shall submit the record of cases decided by him to the record officer for confirmation.

144. Sanctioned rates.—The sanctioned rates shall be the rates determined under this Part:

Provided that if in any part of the State such rates have not been determined, a revenue court requiring the use of such rates, otherwise than for deciding abatement, enhancement or commutation of rent cases, shall in the manner prescribed work out appropriate rates after making local inspection and considering the rent generally payable by tenants of the same class for land of the same class in the vicinity, and the rates so worked out shall be deemed to be the sanctioned rates.

145. Duration of rent-rates.—When rent-rates are determined for any area, they shall not, unless the Central Government otherwise directs, be determined again until a period of not less than twenty years has elapsed.

Procedure in determining cash rent-rates

146. Circle and soil classification.—(*1*) If, any estate or group of estates or any other area for which rent-rates in money are to be determined, has not been divided into assessment circles, or, if classification of the soil thereof has not been made, or if the Central Government orders a revision of the existing circles or soil classification or both, the rent-rate officer shall make circles and classify she soils, and shall propose rent-rates for each class of soil in each circle.

(*2*) If such estate, group of estates or area has previously been divided into assessment circles, the rent-rate officer shall propose separate rates for each circle, and for each separate class of soil previously demarcated therein, unless, by order of the Central Government, the circles or the classification of soils, or both are revised by him.

147. Basis of rates for hereditary tenants.—(*1*) The rates proposed by the rent-rate officer for hereditary tenants shall be based on genuine and stable rents paid by such tenants.

(*2*) In proposing rates in accordance with sub-section (*1*), the rent-rate officer shall have regard to the provisions of sections 63 and 64 and shall, before framing his proposals, take into consideration—

(*a*) the value of the produce with a view to seeing that the valuation of the holdings of hereditary tenants at the proposed rates does not exceed one-fifth of such value;

(*b*) the prices of agricultural produce prevailing in the main markets of the neighbourhood;

(*c*) the changes in the crops grown and in the amount of the produce;

(*d*) the rotation of crops and periods of rest which tenants usually allow to land;

(*e*) the average size of holdings in the circle and methods of cultivation;

(*f*) the results of crop-cutting experiments in the local area for which rates are proposed and in the different parts of the State generally;

(*g*) the level of *bighori* rates, if payable in any particular area in respect of certain crops; and

(*h*) such other matters as generally affect rents payable by tenants.

(*3*) In proposing rates for occupancy and exproprietary tenants, the rent-rate officer shall have regard to the scale of rents prescribed for such tenants in relation to the scale of rent payable by hereditary tenants under sections 63 and 64.

(*4*) The rent-rate officer shall also record for each village whether the rates proposed by him are applicable without modification to the village as a whole or to a specified area or class of soil therein, and in case they require modification, the extent of such modification; and, in their application to such village, area or class, the rates shall be deemed to be modified accordingly.

148. Provision for rates in special cases.—The rent-rate officer shall propose rates for the commutation of—

(*a*) rent paid by *batai,* or partly by *batai* and partly by *bighori,* into fixed money rent; and

(*b*) rent paid by *batai* into *bighori* at current rates.

149. Procedure in publishing and sanctioning rates.—(*1*) The rent-rate officer shall publish, in such manner as may be prescribed, the proposals and records made by him under sections 147 and 148 and shall receive and consider any objection which may be made to him.

(*2*) When such objections, if any, have been considered and disposed of, the rent-rate officer shall submit the proposals and records made by him after such modification, if any, as he may deem fit, to the Chief Commissioner.

(*3*) On receipt of the proposals, the Chief Commissioner may direct further inquiry into any of the matters contained therein and shall, if satisfied that such proposals have been rightly framed, submit them to the Central Government for acceptance.

(*4*) The Central Government shall either sanction the proposed circles, soil classification, rates and other matters recorded under sections 147 and 148, or may, for reasons to be recorded, sanction them with such modification as it deems fit, and the rates so sanctioned shall be sanctioned rates.

150. Civil suit relating to record-of-rights and certain other matters barred.—Subject to the provisions of section 139, no suit shall be brought in any civil court in respect of any matter concerning the entries in, or preparation of, a record-of-rights, the framing, publication, signing or attestation of such record or of any part of it, or the determination of rent-rates under the provisions of this Chapter.

PART III.—*Commutation, abatement, enhancement, and determination of rent*

151. Commutation of rent from kind to cash.—(*1*) Where an occupancy, an exproprietary or a hereditary tenant has heretofore paid his rent by *bighori* or *batai,* or partly by *bighori* and partly by *batai,* he may apply for the commutation of such rent to a fixed money rent:

Provided that in an area where rents are paid by *bighori* for some crops and by *batai* for others, the tenant may elect to have that portion of the rent which is payable by *batai* alone commuted into *bighori* on the basis of sanctioned rates appropriate to him, and in such case the court shall commute that portion which is payable by *batai* by fixing a rate of rent per *bigha* for *batai* crops grown on the holding.

152. Commutation of rent from cash to kind.—Where the rent of an occupancy, an exproprietary or a hereditary tenant has been commuted under section 151, he may, subject to the provisions of clause (*ii*) of section 161, apply that the rent of su yable by *batai* in accordance with the

provisions of sections 63 and 64, or, if before commutation it was payable partly by *bighori* and partly by *batai,* in the manner it was payable before such commutation, and the court shall make such declaration.

153. Grounds of abatement of fixed money rent.—The fixed money rent or the *bighori,* determined under section 151, of an occupancy, an exproprietary of a hereditary tenant shall be liable to abatement on one or more of the following grounds:—

(*a*) that the rent payable by the tenant is substantially greater than the rent calculated at the sanctioned rates appropriate to him; or

(*b*) that the productive power of the land held by the tenant has decreased by any cause beyond the control of the tenant during the currency of the present rent; or

(*c*) in case of fixed money rent, that the area of his holding has been decreased by diluvion, or by the taking up of land for a public purpose, or for a work of public utility.

154. Ground of enhancement of fixed money rent.—The fixed money rent of the *bighori,* determined under section 151, of an occupancy, an exproprietary or a hereditary tenant, shall be liable to enhancement on one or more of the following grounds:—

(*a*) that the rent payable by the tenant is substantially less than the rent calculated at the sanctioned rates appropriate to him; or

(*b*) that the productive power of the land held by the tenant has increased by an improvement effected by, or at the expense of, the land holder, other than a work in respect of which irrigation dues are payable under section 87 or which is carried out under the scheme sanctioned by the Central Government under section 5 of the Delhi and Ajmer-*Merwars* Land Development Act, 1948 (LXVI of 1948); or

(*c*) in case of fixed money rent, that the area of the holding has been increased by alluvion.

155. Order for determination, commutation or variation of rent, when to take effect.—Except as otherwise provided in sub-section (*3*) of section 163, every order for abatement, enhancement, commutation or determination of rent shall take effect from the commencement of the agricultural year, next following the date of such order.

156. Joinder of parties in cases relating to variation of rent.—(*1*) An application for commutation, abatement or enhancement of rent may be made against, or by, any number of tenants collectively:

Provided that all such tenants are tenants of the same landholder, and all the holdings in respect of which the application is made are situated in the same village.

(*2*) No order shall be passed in any such proceeding affecting the interest of any person, unless the court is satisfied that he has had an opportunity of being heard.

(*3*) The order shall specify the extent to which each of the holdings is affected thereby.

157. Determination of rent on partial ejectment.—When a tenant is ejected under an order of a court from a part only of his holding which is assessed to fixed money rent, or being entitled to surrender a part of such holding legally surrenders such part, either he or his landholder may apply for the determinations of the rent of the remainder.

158. Rent, how calculated for commutation, variation or determination.—Subject to the provisions of sections 160 and 163, when rent is to be determined or commuted into fixed money rent, or the fixed money rent or the *bighori* determined under section 151 is to be abated or enhanced, the court shall calculate the rent—

(*a*) in the case of hereditary tenants, in accordance with the rates sanctioned for hereditary tenants; and

(*b*) in case of occupancy and exproprietary tenants, in accordance with rates which shall conform to the scale prescribed for such tenants in relation to hereditary tenants under the provisions of sections 63 and 64:

Provided that, for special reasons to be recorded, the court may modify the sanctioned rates applicable to any particular case, and it shall modify such rates if it finds that, as a result of their application, the rent arrived at on commutation, abatement, enhancement or determination, as the case may be, is substantially different from the money value of the rent payable by the same class of tenants under the provisions of sections 63 and 64.

159. Meaning of "substantial" in certain sections.—For the purposes of sections 153, 154 and 158 a difference of ten per cent. or more shall be deemed to be substantial.

160. Basis of variation of rent in certain cases.—(*1*) In any proceedings for abatement of fixed money rent on the ground that the area of the holding has decreased by diluvion or by the taking up of land for a public purpose or for a work of public utility, or under the provisions of section 37, or for enhancement on the ground that the area of the holding has increased by alluvion, the court shall abate or enhance the rent with reference to the existing rent and the decrease or increase in the area of the holding.

(*2*) In any proceedings for enhancement of fixed money rent or the *bighori* determined under section 151 on the ground that the productive power of the holding has increased by an improvement effected by, or at the expense of, the landholder or for abatement of rent on the ground that such power has decreased by any cause beyond the control of the tenant, the court shall enhance or abate the rent with reference to the existing rent and the increase or decrease of the productive power.

(*3*) In an application for the determination of the fixed money rent of a portion of a holding under section 157, the court shall determine the rent with reference to the rent payable before ejectment or surrender and the loss of area due to such ejectment or surrender.

161. Period for which rent is not liable to modification.—Save as provided in section 163, when the rent of an occupancy, an exproprietary or a hereditary tenant has been commuted, abated or enhanced in accordance with the provisions of this Act, it shall not be liable to be commuted, abated or enhanced unless—

(*i*) in case of abatement or enhancement of rent—

(*a*) the revenue payable by the landlord has been revised; or

(*b*) there has occurred a decrease or increase in the productive power or the area of the land held by the tenant, as provided in clauses (*b*) and (*c*) of sections 153 and 154; or

(*c*) the sanctioned rates have been altered; and

(*ii*) in case of commutation of rent, a period of three years, or such longer period as may have been extended under section 83, has elapsed since the date of the last commutation order.

162. Applications for variation of rent, by whom to be entertained.—(*1*) Save as provided in sub-sections (*2*) and (*3*), all applications for commutation, abatement, enhancement or determination of rent shall be made to, and heard and decided by, the sub-divisional officer who shall submit the record of the case for confirmation of the order passed by him to the collector.

(*2*) When any area is under rent-rate operations, or when rent-rates have been determined under this Act for any area, or accepted under the proviso to section 124 and such area is placed under record operations, all such applications relating to such area shall be filed in the court of the rent-rate officer or the record officer, as the case may be.

(*3*) If such application is heard and decided by the rent-rate officer or the record officer, the record of the case shall be submitted for the confirmation of the order passed by him to the Chief Commissioner.

CHAPTER XIII

163. Provision of rent and revenue in an emergency.—(*1*) Notwithstanding anything in this Act or in any other law for the time being in force, when the Central Government is satisfied that an emergency has arisen in any area, it may appoint to such area an officer of the grade of an assistant commissioner and invest him with all or any of the following powers:—

(*a*) the powers of a rent-rate offi

(*b*) if sanctioned rates have not been determined or have not been accepted under the proviso to section 124 for such area, powers to commute, abate, enhance or determine rents summarily otherwise than in accordance with such rates; and

(*c*) powers to revise revenue assessed on any estate, *mahal,* village or *thok* in which rents have been commuted, abated, enhanced or determined under this Chapter.

(*2*) If, as a result of any order passed by the officer appointed under sub-section (*1*), the assets of any estate or area are increased or decreased, such officer shall increase or decrease, as the case may be, the revenue of such estate, village, *mahal* or *thok* in the proportion which such increased or decreased assets bear to the assets before such increase or decrease.

(*3*) Every order passed by such officer in exercise of the powers conferred on him under sub-section (*1*) shall be submitted for confirmation to the collector or such other officer as the Chief Commissioner may, by order, specify and shall take effect from such date as the officer passing it or the confirming court may direct.

164. Remission or suspension of rent in agricultural calamities.—(*1*) On the occurrence of an agricultural calamity, affecting the crops of any village or area, the Central Government or any authority empowered by it in this behalf, may remit or suspend for any period the whole or any portion of the rent payable by a tenant in respect of any holding affected by such calamity.

(*2*) When the Central Government or such authority remits or suspends rent, it shall remit or suspend for a like period the whole or portion of tie revenue assessed on such village or area.

165. Bar to collection of rent remitted or suspended.—No landholder shall collect, under the provisions of this Act or otherwise, any rent the payment of which has been remitted or, during the period of suspension, any rent the payment of which has been suspended under section 164.

166. Period of suspension to be excluded in computing period of limitation.—When the payment of rent has been suspended in accordance with the provisions of section 164, the period during which the suspension continues shall be excluded in computing the period of limitation under this Act for the recovery of such rent.

167. Remission for calamity by court decreeing claim for arrears.—(*1*) If it Appears to a court passing a decree for arrears of rent that the area of the holding was so decreased by diluvion or otherwise, or that the produce thereof was so diminished by drought, hail, pests, deposit of sand or other like calamity during the period for which the arrears are claimed, or that the full amount of rent payable by the tenant for that period cannot be equitably decreed, it may, with the sanction of the collector, allow such remission from the rent payable by the tenant for that period as it deems fit.

(*2*) The court allowing such remission shall submit the record of the case for confirmation of the order passed by it to the collector.

(*3*) No remission made under this section shall be deemed to vary the rent payable by the tenant otherwise than for the period in respect of which such remission was made.

(*4*) When remission of rent is granted in accordance with the provisions of this section, the collector shall, on the application of the landlord, grant a remission of revenue in proportion to the rent remitted for the corresponding area belonging to the same landlord.

168. Jurisdiction of certain courts excluded in cases of remission and suspension of rent or revenue.—Except as provided in this Act, an order for revision, remission or suspension of rent or revenue passed under this Chapter shall not be called in question in any court.

CHAPTER XIV

PROCEDURE AND JURISDICTION OF COURTS

General provisions

169. Cases cognizable by revenue courts.—A case which is cognizable by a revenue court under this Act shall be heard and decided by such court, and no court other than a revenue court shall, except as

provided in this Act, hear or decide any such case, or any suit or application based on a cause of action in respect of which relief could be obtained in a revenue court.

Explanation.—If the cause of action is one in respect of which relief might be granted by the revenue court, it is immaterial that the relief asked for from the civil court is different from, greater than, or additional to, that which the revenue court could have granted.

170. Procedure of revenue courts.—The Chief Commissioner may frame rules for regulating the procedure of revenue courts and may, in doing so, extend or apply any provisions of the Code of Civil Procedure, 1908 (V of 1908), with or without modification:

Provided that until such rules are framed and, subject to them when framed, the provisions of the Code of Civil Procedure, 1908 (Act 5 of 1908), shall, except when they are inconsistent with anything in this Act, or relate to special suits or proceedings outside the scope of this Act, apply, in so far as they are applicable, to proceedings under this Act.

171. Application of Indian Limitation Act, 1908.—Sections 4, 5 and 12, sub-section (*2*) of section 14 and sub-sections (*1*) and (*2*) of section 17 of the Indian Limitation Act, 1908, shall apply, *mutatis mutandis,* to applications and other proceedings under this Act.

172. Limitation in cases under this Act.—Except as provided in section 171, no application under this Act shall, if the period for filing it is specified therein, be filed after the expiry of such period.

173. Payment of court-fees under this Act.—(*1*) No court-fee shall be payable when the first application is filed by a party to any proceeding under this Act.

(*2*) Any second or subsequent application made in the course of the same proceeding shall bear a court-fee stamp of four *annas* only:

Provided that when, under this Act, any sum is collected by a revenue court as arrears of revenue or as *sayar* on behalf of an applicant or a party to a proceeding, or when the amount of a decree is paid into court under section 98, such court shall, notwithstanding anything in this Act, before making payment to the person entitled, deduct seven and a half per cent. of the amount so collected or paid into court as court-fee and pay the balance to such person:

Provided further that if in any case, after issues have been framed and any evidence has been recorded, the first application is dismissed or withdrawn, the trial court or the confirming court, as the case may be, shall assess the amount of the court-fee which, but for the provisions of sub-sections (*1*) and (*2*), the applicant would have been liable to pay under the Court-Fees Act, 1870 (7 of 1870), as applied to the State, deduct the amount, if any, paid as court-fee under sub-section (*2*) and recover the balance as arrears of revenue.

Subordination of courts

174. Subordination of courts.—(*1*) All revenue courts in the State shall be subordinate to the Chief Commissioner.

(*2*) All revenue courts specified in sub-clauses (*iv*) to (*viii*) of clause (*35*) of section 4 shall be subordinate to the collector, and the revenue courts specified in sub-clauses (*vi*) to (*viii*) of the said clause shall be subordinate to the sub-divisional officer of the area within which they exercise jurisdiction.

(*3*) An assistant record officer shall be subordinate to the record officer.

Powers of courts and places for holding courts

175. Place of sitting of revenue courts.—(*1*) A revenue court mentioned in sub-clause (*i*), (*ii*) or (*iii*) of clause (*35*) of section 4 and, subject to the orders of the collector, a revenue court mentioned in sub-clause (*v*) of the said clause may hear and dispose of cases at any place within the State.

(*2*) A sub-divisional officer may hold his court at any place within his sub-division or, with the sanction of the collector, in any other part of the State.

(*3*) A *tahsildar* or a *naib-tahsildar* may hold his court at any place within his *tahsil.*

(*4*) A revenue court, mentioned in clause (*a*) or (*b*) of section 180, may sit in any part of the State specified by the collector.

176. Chief Commissioner's power to confer powers.—The Chief Commissioner may, by notification in the Official Gazette, confer on an assistant commissioner or a sub-divisional officer all or any of the powers of a collector under this Act to be exercised in respect of such cases or class of cases or such other matters as may be specified in such notification.

177. Collector's power to place assistant commissioner in charge of sub-division.—(*1*) The collector may place any assistant commissioner in charge of a sub-division and may remove him therefrom.

(*2*) The assistant commissioner so placed in charge shall be sailed a sub-divisional officer and shall, subject to the control of the collector, exercise all the powers conferred, and discharge all the duties imposed, upon the sub-divisional officer by this Act, or any rules made thereunder.

178. Collector's powers to authorise certain courts to entertain and dispose of applications.—The collector may, by order in writing, empower—

(*a*) an assistant commissioner to entertain and decide applications, and to receive and dispose of cases submitted for confirmation of a decree or an order passed by a *tahsildar,* which a sub-divisional officer is empowered under this Act to entertain, decide, receive or dispose of; and

(*b*) a *naib-tahsildar* of not less than three years standing, to entertain and dispose of such applications as a *tahsildar* is empowered under this Act to entertain and dispose of.

179. Powers of revenue courts to refer cases for investigation and report.—Any revenue court may refer any case which it is empowered to dispose of to any revenue court subordinate to it for investigation and report.

180. Powers of Chief Commissioner to create *shamlat* committee and courts.—The Chief Commissioner may—

(*a*) create an honorary court and invest it with powers to hear and dispose of cases which a *tahsildar* may hear and dispose of under the provisions of this Act;

(*b*) establish a *punchayat* in any village or group of villages of the State, and invest such *punchayat* with powers to hear and dispose of cases which a *tahsildar* may hear and dispose of under the provisions of this Act, and to perform such other duties as may be prescribed;

(*c*) sanction the creation of a *shamlat* committee in any village or town which has at least three hundred acres of stable land as *shamlat deh;* and

(*d*) define the jurisdiction of the courts created or established under clause (*a*) or (*b*) of this section and provide for submission of the cases decided by them for confirmation to courts specified by him:

Provided that no court so created or established under clause (*a*) or (*b*) shall hear or decide a case if such court or a member thereof is interested in the result of such case:

Provided further that if, at the commencement of this Act, there exists a *shamlat* committee in any village or town to which the provisions of clause (*c*) apply, the Chief Commissioner may recognise such committee as one created under this section.

Confirmation of orders

181. Decree or order to be final in certain circumstances.—Subject to the provisions of sections 185, 186 and 187, a decree or an order which is not required by this Act to be submitted to a confirming court shall be final.

182. Submission to confirming court.—When, under the provisions of this Act, a revenue court is required to submit the record of a case to a confirming court, it shall not comply with such provisions—

(*i*) unless any of the parties to such case has, within seven days of the decree or the order passed therein, made an application bearing a court-fee stamp of the value of two rupees and eight *annas* to such revenue court, requesting that the record be submitted for confirmation; or

(*ii*) if such decree or order is passed on the admission of a party to the case, or in terms of a compromise; or is based on the award of an arbitrator appointed by the parties; or

(*iii*) if the parties to the case apply in writing that they accept the decree or order as final:

Provided that if any party challenges a decree or an order mentioned in clause (*ii*) on the ground that it does not conform to the compromise or the award, or that it goes beyond it, such court shall, on the application of such party, submit the record to the confirming court.

183. Form of decree or order to be submitted for confirmation.—(*1*) An order submitted for confirmation shall contain a concise statement of the case, the points for determination, the decision thereon, and the reasons for such decision.

(*2*) A decree submitted for confirmation shall conform to the order passed and shall be prepared only in cases and in the form prescribed.

184. Procedure for confirmation.—When the record of a case is received by a confirming court and the provisions of the section under which such, record is submitted do not specify the manner of confirmation, such court shall—

(*i*) call upon each of the parties to file, if he wishes to do so, a written statement setting forth, concisely and under distinct heads, the grounds of objection to the decree or order, numbered consecutively without any argument or narrative;

(*ii*) treat the written statement of the party against whom the decision was given by the trial court as memorandum of appeal, and that presented by the other party as memorandum of cross-objection; and

(*iii*) after hearing the parties or such of them as appear before him, pass an order which a court of appeal may pass under the provisions of Order 41 of the Code of Civil Procedure, 1908 (5 of 1908):

Provided that no such written statement shall be entertained on behalf of a party who has not applied for submission of the record under clause (*i*) of section 182, unless it bears a court-fee stamp of the value of rupees two and *annas* eight.

Review

185. Review by the Chief Commissioner.—The Chief Commissioner may, on his own motion, or on the application of a party, review any decree or order passed by him and may rescind, vary or confirm it.

186. Review by other courts.—Every other revenue court may review its judgment, order or decree to correct clerical or arithmetical errors, or errors arising therein from any accidental slip or omission:

Provided that no application for review shall be entertained—

(*a*) after the record has been submitted to a confirming court; or

(*b*) if such application cannot be disposed of without recording further evidence.

Revision

187. Revision.—(*1*) The Chief Commissioner or, in respect of a decree or an order passed by a civil court, the Judicial Commissioner may, on the application of a party, call for the record of any case which is decided by a court subordinate to him and if such subordinate court appears—

(*a*) to have exercised a jurisdiction not vested in it by law, or

(*b*) to have failed to exercise a jurisdiction so vested, or

(*c*) to have acted in the exercise of its jurisdiction illegally or with material irregularity, he may make such order as he thinks fit.

(*2*) An application for revision shall be made within three months of the passing of an order or a decree sought to be revised.

Transfer of cases

188. Power to transfer cases.—The collector may, on the application of a party, transfer an application pending before a subordinate mitted to such court for confirmation

of a decree or an order from such court to any other court of competent jurisdiction:

Provided that if the collector refuses to transfer such application or case, he shall submit the record for confirmation of the order passed by him to the chief Commissioner.

189. Power of collector to transfer and withdraw cases.—The collector may—

(*a*) transfer any case submitted to him or to any subordinate court for confirmation of a decree or an orderto any subordinate court of competent jurisdiction; or

(*b*) by order recall to his own court any case pending for confirmation in a subordinate court; or

(*c*) withdraw from any court subordinate to him any case other than a case which is submitted to such court for confirmation, and try such case himself or transfer it to any other subordinate court of competent jurisdiction:

Provided that if the collector himself hears and decides any case withdrawn under clause (*c*) he shall submit the record for confirmation of the order passed by him in such case to the Chief Commissioner.

190. Sub-divisional officer's power to transfer cases.—A sub-divisional officer may, with the previous sanction of the collector, transfer any case or class of cases pending before him to any assistant commissioner competent to try such case or class of cases.

191. Power of record officer to transfer and withdraw cases.—A record officer may transfer any case or class of cases pending before him to any assistant record officer, and may withdraw any case or class of cases from an assistant record officer and try such case or class of cases himself or transfer the same to any other assistant record officer:

Provided that if the record officer himself tries any case so withdrawn, he shall submit the record for confirmation of the order passed by him in such case to the Chief Commissioner.

192. Transfer of cases by the district judge.—A district judge may, with the previous sanction of the Judicial Commissioner, transfer any case submitted to him for confirmation of an order or a decree to an additional district judge or to a subordinate judge, and such additional district judge or subordinate judge shall dispose of such case as if he had the powers of a district judge under this Act.

Question of proprietary right in revenue court

193. Dispute as regards ownership of land.—(*1*) If, in connection with any action taken by a landlord under clause (*iii*) of section 9, a dispute arises between him and any other person who claims to have a proprietary interest in the land in respect of which such action is taken, either party may apply to the collector for the decision of such dispute.

(*2*) On the receipt of such application, the collector shall follow the procedure specified in section 38 and the provisions of that section shall, *mutatis mutandis*, apply to the case.

(*3*) If, in consequence of the order passed by the collector, any loss results to a tenant or to any other person having an interest in the land to which such order relates, the collector shall, before submitting the record of the case to the confirming court, award monetary compensation to such tenant or other person.

(*4*) Any compensation awarded under this section shall be recovered as arrears of revenue and paid to the person entitled.

194. Procedure when plea of proprietary right raised in revenue court.—(*1*) Except as otherwise provided in sections 38 and 193, if in any proceeding, other than a proceeding under section 137, a question of proprietary right is raised and such question has net previously been determined by a court of competent jurisdiction, the revenue court shall frame an issue on the question of proprietary right, and submit the record to, the competent civil court for the decision of that issue only.

Explanation I.—A plea of proprietary right which is clearly untenable and intended to oust the jurisdiction of the revenue court shall not be deemed to raise a question of proprietary right within the meaning of this section.

Explanation II.—A question of proprietary right does not include the question whether land is *khudkasht* or *niji jot.*

(*2*) The civil court, after refraining the issue, if necessary, shall decide such issue and return the record together with its finding thereon to the revenue court which submitted it.

(*3*) The revenue court shall then proceed to decide the case, accepting such finding and shall, notwithstanding anything in this Act, submit the record to the district judge for confirmation of the order or the decree passed by it.

Question of tenancy right in civil courts

195. Procedure when plea of tenancy raised in civil court.—(*1*) If in any suit relating to agricultural land instituted in a civil court, any question regarding tenancy right arises and such question has not been previously determined by a court of competent jurisdiction, the civil court shall frame an issue on the plea of tenancy and submit the record to the sub-divisional officer for decision of that issue only.

Explanation.—A plea of tenancy which is clearly untenable and intended only to oust the jurisdiction of the civil court shall not be deemed to raise a plea of tenancy.

(*2*) The sub-divisional officer, after refraining the issue, if necessary, shall decide such issue and return the record together with his finding thereon to the civil court which submitted it.

(*3*) The civil court shall then proceed to decide the suit, accepting the finding of the revenue court on the issue referred to it.

(*4*) The finding of the revenue court on such issue shall, for the purposes of appeal, be deemed to be part of the finding of the civil court.

Conflict of jurisdiction

196. Reference to Judicial Commissioner.—(*1*) Where either a civil or a revenue court is in doubt whether it is competent to try any case, the court may refer such case with a statement of the reasons therefor to the Judicial Commissioner:

Provided that if the court is a revenue court subordinate to the collector, no reference shall be made except with the previous sanction of the collector.

(*2*) On any such reference being made, the Judicial Commissioner may order the court either to proceed with the case or transfer such case to such other court as may be declared by him to be competent to try it.

CHAPTER XV

MISCELLANEOUS PROVISIONS

197. Provision for injunction and appointment of receiver.—(*1*) If, in the course of any proceeding under this Act, it is proved by affidavit or otherwise—

(*a*) that any property, tree or crop standing on the land to which such proceeding relates is in danger of being wasted, damaged or alienated by any party to such proceeding, or

(*b*) that any party to such proceeding threatens, or intends, to remove or dispose of the said property, tree or crop to defeat the ends of justice,

the revenue court before which any such proceeding is pending may grant a temporary injunction and, if necessary, appoint a receiver.

(*2*) Any person against whom an injunction has been granted under sub-section (*1*) may offer to give cash security of an amount determined by the court to compensate the other party in case the matter in dispute is decided against such person, and the court may withdraw the injunction on his depositing such security.

198. Cases in which legal practitioners may appear.—A legal practitioner shall be entitled to appear in any proceeding on behalf of a party before a revenue court under the provisions of this Act in the following cases only and in no others—

(*i*) to file a written statement, and to argue a case, before a confirming court,

(*ii*) to prosecute and defend cases under Chapters IX and X and Part III of Chapter XII, and

(*iii*) to file an application for revision under section 187 and to argue the case before the court hearing such application.

199. Persons who may appear before a revenue court.—A party to a proceeding or his authorised agent may appear, plead or act before a revenue court.

200. Costs in revenue courts.—A revenue court may allow and apportion the costs of any proceeding under this Act in any manner it thinks fit, but if it orders that costs shall not follow the event, it shall record its reasons for the order.

201. Power of revenue court to summon persons.—(*1*) A revenue court may summon any person whose attendance it considers necessary for the purpose of disposing of any proceeding before it.

(*2*) Unless exempted from personal appearance in court under sub-section (*1*) of section 133 of the Code of Civil Procedure, 1908 (Act 5 of 1908), a person so summoned shall appear at the time and place mentioned in the summons in person or, if the summons so allows, by his authorised agent.

(*3*) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes a statement, and to produce such document and other thing relating to any matter which may be within his power or possession as the court may require.

202. Mode of service of summons or notice.—(*1*) A summons issued by a court acting under this Act shall, if practicable, be served (*a*) personally on the person to whom it is addressed, or failing him on (*b*) his authorised agent or (*c*) an adult male member of his family who is residing with him.

(*2*) If service cannot be so made, or if any person mentioned in sub-section (*1*) refuses to accept service, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the *tahsil* in which such court is held, and the case to which the summons relates has reference to land in that *tahsil,* then by posting a copy of the summons on some conspicuous place in or near the estate wherein the land is situated.

(*3*) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the court so directs, be served by delivery of a copy thereof to such of those persons as the court nominates in this behalf and by proclamation or publication in a local paper of the contents thereof for the information of the other persons interested in such case.

(*4*) A summons may, if the court so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to such person under a certificate of posting.

(*5*) When a summons is served in accordance with the provisions of this section, it shall be deemed to have been duly served.

(*6*) For the purposes of this section "summons" shall include a "notice" which a court may issue under this Act.

CHAPTER XVI

POWER TO MAKE RULES

203. Power to make rules.—(*1*) The Chief Commissioner may make rules for the purpose of giving effect to the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) for demarcation of pasture land and *niji jot;*

(*b*) for the attestation of leases and agreements;

(*c*) for the collection and disbursement of cesses, or assessment and recovery of irrigation dues, and for decision of disputes in respect of them;

(*d*) for the training of *patwaris* and *girdawars;*

(*e*) regulating the appointment and transfer of *girdawars* and *patwaris*, and other staff required for the maintenance of the record-of-rights, their salaries, qualifications, duties, leave, removal, dismissal or any other punishment;

(*f*) prescribing the form, contents, method of preparation, attestation and maintenance of the record-of-rights, annual registers, maps, field-books, and other records to be kept under this Act;

(*g*) for the erection of boundary and survey marks, and for their repairs and renewals, and for the recovery of costs in respect of such erection, repairs or renewals;

(*h*) for providing the principles on which the part of the holding from which a tenant is to be ejected be determined and for the demarcation of such part;

(*i*) for recording transfers and changes affecting interest in land, whether proprietary or otherwise;

(*j*) regulating the imposition of fines for failure to notify succession or transfer;

(*k*) for the appointment of *lambardars* and *patels,* the duties to be performed by them, the remuneration, if any, to be paid to them and for their removal and dismissal;

(*l*) for appeals or other modes of obtaining redress in cases of punishments inflicted on *girdawars, patwaris*, and other employees of land records establishment, and on *lambardars* and *patels;* (*m*) for the guidance of officers in cases for the determination, enhancement, abatement and commutation of rent;

(*n*) for the guidance of record officers and rent-rate officers;

(*o*) for the remission and suspension of rent and revenue in agricultural calamities;

(*p*) defining the powers of various classes of officers and revenue courts to hear and dispose of cases;

(*q*) for the establishment of honorary courts and village *punchayats* and for regulating their work; and

(*r*) for collection of fines, compensation, damages or other sums imposed, awarded or ordered to be paid under the provisions of this Act and the rules made thereunder.

[1][(*s*) for the levy of a fee in respect of any application or the grant of any relief under this Act in cases not specifically provided for.]

(*3*) In making any rule the Chief Commissioner may provide that any contravention of such rule shall be punishable with a fine not exceeding fifty rupees.

(*4*) All rules made under this Act shall be published in the Official Gazette and shall also be laid before Parliament, as soon as may be, after such publication.

CHAPTER XVII

TRANSITIONAL PROVISIONS

204. Reinstatement of tenant ejected before commencement of this Act.—(*1*) If, between the first day of June, 1942 and the commencement of this Act, the landlord of an estate mentioned in the Second Schedule had ejected a tenant from his holding, otherwise than in accordance with the Ajmere Land and Revenue Regulation, 1877 (2 of 1877), such tenant may, within [2][nine months] of such commencement, apply to the *tahsildar* to be reinstated in such holding.

(*2*) An application under this section shall state—

(*i*) the *Khasra* number and area or other description of such holding and the name and address of the person who is in possession thereof;

1. Ins. by Act 63 of 1950, s. 2 (w.e.f. 1-12-1950).

2. Subs. by s. 3, *ibid.,* for "three months" (w.e.f. 1-12-1950).

(*ii*) if such holding is held by a tenant, the *khasra*, number and area of other land in the possession of the landlord which may be given to the applicant in lieu of the holding from which he was so ejected; and

(*iii*) such other particulars as may be prescribed.

(*3*) The *tahsildar* shall, after hearing the parties and making such other inquiry as he deems fit, order—

(*i*) if such holding is in the possession of the landlord, that the applicant be reinstated in such holding; and

(*ii*) if such holding is held by a tenant, that an area of the land mentioned in clause (*ii*) of sub-section (*2*) or any other land in the possession of the landlord which is approximately equal in value to the holding from which the applicant was so ejected be allotted to him and demarcated on the spot.

(*4*) If the applicant cannot be reinstated in his holding under clause (*i*), or allotted other land under clause (*ii*) of sub-section (*3*), the *tahsildar* shall award to the applicant monetary compensation which shall be six times the annual rental value of the holding from which he was so ejected calculated at sanctioned rates applicable to hereditary tenants, recover the amount of such compensation as arrears of revenue and pay it to him.

(*5*) No person shall be reinstated in his holding under this section unless, within such time as may be allowed by the *tahsildar*, he pays to the landlord compensation, calculated in accordance with the provisions of this Act, for any improvement on such holding made by such landlord.

(*6*) The applicant shall be a hereditary tenant of the land in which he is reinstated or which is allotted to him under this section.

(*7*) The *tahsildar* shall, after deciding the case, submit the record for confirmation of the order passed by him to the sub-divisional officer.

205. Provision for pending and other cases.—(*1*) After the commencement of this Act, no court shall entertain any proceeding for the establishment or enforcement of a claim, prohibited by, or inconsistent with, the provisions of this Act, whether such claim arose before or after such commencement.

(*2*) A proceeding, in respect of any matter covered by this Act, pending in any civil or revenue court at the commencement of this Act shall, notwithstanding anything contained in section 169, be heard and decided by such court in accordance with the corresponding provisions of this Act, and if there is no such corresponding provision, it shall be quashed.

(*3*) Notwithstanding anything contained in this Act, the record of every case in which the proceeding is so quashed shall be submitted for confirmation in accordance with the provisions of section 183 by the court quashing the proceeding to the court to which it is immediately subordinate and the court to which the record is so submitted shall follow the procedure specified in section 184.

THE FIRST SCHEDULE

General

1. The provisions of this Schedule and the rates of fees specified therein for occupying a house site in the village or for grazing and pasturing animals in the waste land of such village shall apply to tenants other than sub-tenants:

Provided that if, at the commencement of the Act, no such fee is charged in any village or estate from the tenants or any class of them or such fee was charged at a rate lower than that entered in this Schedule, such exemption or lower rate, as the case may be, shall continue in force as heretofore.

2. The fees for grazing and occupying a house-site shall be assessed annually by the *tahsildar* in the manner prescribed.

3. If any person has not paid grazing fee within six weeks of its becoming due, the *tahsildar* shall, on the application of the landlord, exclude the animals of such person from the waste-land until he has paid up his arrears.

Fee for occupation of house-site

4. A landlord shall provide a tenant with a house-site of reasonable dimensions, preferably in the village *abadi.*

Explanation.—For the purposes of this paragraph "reasonable dimensions" shall ordinarily mean—

(*a*) in the case of a tenant who has a residential house in the village, the present site of his house; and

(*b*) in the case of a tenant who has no such house, 800 square yards.

5. No premium shall be charged for providing any house-site, and the fee to be charged therefor shall not exceed one *anna* per 100 square yards per year.

Grazing fee

6. (*1*) No grazing fee shall be charged for the following classes of animals:—

(*i*) cows;
(*ii*) calves;
(*iii*) bullocks;
(*iv*) he-buffaloes;
(*v*) *padis* (up to two years of age);
(*vi*) *padas;* and
(*vii*) kids and lambs:

Provided that in *bir,* cows, calves, bullocks and he-buffaloes shall be allowed to graze on payment of one anna per head per annum and *padis* and *padas* on payment of one-half of such rate.

(*2*) A grazing fee at the following rates shall be payable for the other classes of animals:—

	Bir			Other waste land			
	Rs.	A.	P.	Rs.	A.	P.	
(*i*) She-buffaloes	0	12	0	0	3	0	per head per year.
(*ii*) *Jhotis* (over two years old)	0	6	0	0	1	6	per head per year.
(*iii*) Goats or sheep	0	1	6	*Nil*			per head per year.
(*iv*) Donkeys	0	4	0	*Nil*			per head per year.
(*v*) Ponies	0	4	0	*Nil*			per head per year.
(*vi*) Camels	0	8	0	0	4	0	per head per year.

7. Any dispute arising under this Schedule shall be decided by the *tahsildar* who shall submit the record of the case for confirmation of the order passed by him to the sub-divisional officer.

THE SECOND SCHEDULE

Names of estates

1. Binai.
2. Sholyan.
3. Saholao.
4. Sarans.
5. Sawar.
6. Piplaj.
7. Deokheri.
8. Basundni.
9. Chandthali.
10. Chausla.
11. Mehrun khurd.
12. Masuda.
13. Sathana.
14. Sakrani.
15. Lamba.
16. Nagar.
17. Shergarh.
18. Akrol.
19. Lalawas.
20. Jamola.
21. Sheopuri.
22. Aaan.
23. Pisangan.
24. Pranhera.
25. Khawas.
26. Sadara.
27. Gulgaon.
28. Junia.
29. Bogla Kalahera.
30. Karonj.
31. Deolia Khurd.
32. Manda.
33. Lasaria.
34. Deolia Kalan.
35. Gudha Kalan.
36. Jetpura.
37. Nandsi.
38. Shokli.
39. Arwar.
40. Rammalian.
41. Kaibania.
42. Kharwa.
43. Nasun.
44. Bandanwara.
45. Padlia.
46. Jotayan.
47. Kalyanpura.
48. Amargarh.
49. Mehrun.
50. Kadera.
51. Tiswaria.
52. Sankaria.
53. Nimode.
54. Para.
55. Kodah.
56. Meoda Khurd.
57. Deogaon Baghera.
58. Salari.
59. Govindgarh.
60. Tantoti.
61. Baori.
62. Barli.
63. Gcela.
64. Nagelao.
65. Kanai Khurd.
66. Baghsuri.
67. Bubania.
68. Kerote.
69. Kurthal.
70. Kanai Kalan.
71. Manoharpura.
72 Mewaria.
73. Richmalian.
74. Sathan.

STATEMENT OF OBJECTS AND REASONS

Section 204 of the Ajmer Tenancy and Land Records Act, 1950, which came into force on the 10th May, 1950, required that if a tenant awas ejected form his holding between the 1st day of June, 1942, and the 10th day of May, 1950, other wise than in accordance with the Ajmer Land and Revenue Regulation, 1877, he may apply for reinstatement w er date stating the particulars required

under that section and also such other particulars as may be prescribed by rules No rules have so far been made and the limitation prescribed under section 204 expires on the 10th of August, 1950. Although it was open to any ejected tenant to have made his application under that section without having waited for the rules, no such application has so far been made probably due to a misapprehension that it would not be entertained in the absence of any rules on the subject. As the rules are of a complex nature, the Chief Commissioner has taken some time in finalizing them and they are now ready for publication. It is, however, felt that in the circumstances of the case the benefit of this section should be made available to *bona fide* tenants for a further period of three months.

Advantage is taken of this opportunity to amend section 203 of the said Act or the purpose of enabling a fee to be levied in suitable cases. It is found that, in respect of such an important proceeding as mutation, no fee can be levied at the present moment, and the amendment of the Act will enable this to be done.

NEW DELHI; K.M. MUNSHI.
The 9th August, 1950.