THE RAJASTHAN LAND REFORMS AND ACQUISITION OF LAND-OWNERS ESTATES ACT, 1963

(ACT NO. 11 OF 1964)

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THE RAJASTHAN LAND REFORMS AND ACQUISITIONOF LAND-OWNERS ESTATES ACT, 1963 (ACT NO. 11 OF 1964)

As amended by Raj. 15 of 1975.

[Received the assent of the President on the 6th day of April, 1964].

An Act to provide for the acquisition of estates of landowners and [1][for other measures of agrarian reform, removal of intermediaries, allotment of land to landless persons, development of agriculture] and, in consequence thereof, to amend certain other Acts.

BE it enacted by the Rajasthan State Legislature in the Fourteenth Year of the Republic of India as, follows:-

CHAPTER I

Preliminary

1. Short title, extent and commencement. –

(1) This Act may be called the Rajasthan Land Reforms and Acquisition of Landowners' Estates Act, 1963.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

COMMENTARY

1. Application of the Act.-[l] The Act applies to Ex-rulers of covenanting States in Rajasthan exclusively and authorises resumption of land in respect of those lands in respect of which khatedari rights have not been acquired by such Ex-rulers land- owners. *Giriraj Singh v. State of Raj.,* **1977 RRD 210.**

[2] Land owned by Ex-Rulers is covered by this Act and not under the Rajasthan Tenancy Act, 1955. The Ex-Rulers become automatically khatedar tenants of the land held by them under the covenants. Thus their khatedari lands are subject to ceiling law.

[3] The khudkast land of the Ex-Ruler is not acquired under this Act. *State of Raj.v.Raghunath Singh,* **1976 RRD 166.**

[4] The Land under Sardarsamand estate was under the personal cultivation of the petitioner at the commencement of this Act and in that land there were no tenants. The petitioner, therefore, became the khatedar tenant thereof as from the date of vesting, i.e. September 1, 1964 and was not bound to deliver the possession of the land to the Collector, immediately after the publication of the Rajasthan Land Reforms and Acquisition of Land Owners Estates (Amendment)) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, and the Collector is not authorised to recover its possession from the petitioner under section 9-A of the Act, which was inserted into

[1] Subs.by Raj. 15 of 1975.

principal Act by Act No. 15 of 1975. The notice marked Annexure 18 given to the petitioner by the Collector, Jodhpur, on April 5, 1975, is therefore, liable to be quashed so far as it relates to agricultural land under his personal cultivation of which the petitioner has become a khatedar tenant as from the date of vesting, i.e. September 1, 1964 on account of the land having been in his personal cultivation at the date of commencement of the Act. *Maharaja Shri GajSingh of Jodhpur v. State of Rajasthan &Ors.,* **1981 WLN (UC) 73**.

2. Applicability of CPC-Section 144 CPC.-Section 20 of this Act provides a limited right of appeal to the Board of Revenue. An order under section 144 CPC is not specified in section 20 of this Act thus such order (under section 144 CPC) of the Collector is not appealable under this Act. Matters in respect of which appeals can be filed is enumerated under sections 3(2), 10(2), 11(2) and 15(2) of this Act and beyond that there is no right to appeal against. *State of Raj.v. Dr. Kami Singh of Bikaner,* **1983 RRD 414.**

In view of the Rule 27 under this Act, which provides that in contested cases, trial of such suits shall be conducted by revenue court and under the provisions of the Raj. Tenancy Act, 1955, CPC is applicable under section 208 of the Raj. Tenancy Act, therefore, in view of Rule 27, section 144 CPC is applicable to the proceedings under this Act as well. *State of Raj.v.Dr. Karni Singh of Bikaner,* **1983 RRD 414.**

3. Rajasthan Urban Improvement Act (1959), S.52(l)-The word "land" to be given broad meaning-Private property of Ex-Ruler Satisfaction of two conditions (a) Land contains palace, fort, building, or building plot, and (b) it is specified in inventory to save it from acquisition.-The word 'land' right from Manu's time, Mughal period and British rule, the terms and conditions of the covenant settled between the rulers of the erstwhile States and the Central Government, a broad meaning has been given to the word land' in the Act. Landis presumed to be agricultural lands unless the same has been put to 'non-agricultural use by the construction of forts, palaces or has specifically been set apart as building plots and the same has been recognised as such by the Central Government. To bring the case within the exception it is not sufficient for the land holder to only prove that the land in dispute contains a fort, palace, buildings or building plots. He is further required to prove that the same had been specified as such in the inventory. Unless both the above noted conditions are fulfilled, the land owner cannot save the land from its acquisition under the Act. *The State of Rajasthan v. Bhawani Singh former His Highness Jaipur and Ors.* **1980 WLN 295.**

4. Extra-ordinary remedy by writs under Art. 226.-There is no bar to the issue of the writs claimed by the petitioners, merely because they could file a suit for declaration of their Khatedari rights in the lands under dispute before invoking the extraordinary jurisdiction of this court by way of these writ petitions. The Collector Jodhpur, had no jurisdiction to issue notices to the petitioners under section 9-A of the Act calling upon

them to deliver possession of the lands in dispute to him. If the petitioners had not resorted to this alternative remedy they would have been ousted from the lands in their possession before they could get interim relief because even under sub- section (2) of section 10 CPC the Court is not empowered to grant relief in the suit whether interim or otherwise except after giving to the Government or to the Collector, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit. Consequently, I am of the view that the alternative remedy suggested by the Additional Government Advocate was inadequate and this court is not deprived of its

discretion to issue the writs in the particular circumstances of these cases. *Mohan Singh v. State of Raj. And Narendra Singh v. State of Raj. & Anr.* **1981WLN (UC) 62.**

5. Validity of Amending Act No. 15 of 1975.-This Amending Act No. 15 of 1975 has been declared valid and become effective with effect from 13-4-1964. Thus the Lands as estate belonging to the ex-rulers and land owners vest in the State of Rajasthan. The State Government slept over the Act and inaction on the part of the State Government is highly objectionable thus deplored. *State of Raj.v. Smt. Gayatridevi,* **1980 RRD 307.**

6. Scheme of the Act. - Section 2(b) defines "estate" as land or the right, title or interest in land held by a landowner. "Land" itself has been defined by the Amendment Act of 1975 in the substituted section 2(f) to include any land held or let for agriculture or for purposes ancillary thereto. The net effect is that an estate for purposes of the Act will certainly include agricultural land. Section 6 forms a separate Chapter by itself and deals with the khatedari rights of the landowners themselves and their tenants.

The Amendment Act of 1975 has substituted Chapter IV of the principal Act retrospectively. Section 7 says that as soon as may be after the commencement of the Act, the Government may for the purpose of carrying out agrarian reform by notification in the official gazette appoint a date for the acquisition of landowner's estates in the State and for their vesting in the State Government. The notified date is 1.9.1964. If section 7 is read with section 6(2) the position emerges that with the vesting of an estate under section 7 there is a simultaneous conversion of land in an estate personally cultivated by the landowner to khatedari land. The Act does not envisage any separate order in respect of section 6(2); its operation is automatic with the vesting. It follows that chapter IV envisages the acquisition of ownership rights in land

forming part of an estate in the personal cultivation of the ex-ruler but leaves the latter with khatedari rights in that land. It could not have been the intention of the legislature to disturb the possession of a khatedar and it is patently incorrect to claim .that possession even of such land in an estate is required to be delivered under S.9-A. This section requires the landowner and every person claiming through him to deliver possession of the "estate acquired under section 7". In respect of land covered by section 6 only the ownership rights are acquired and khatedari is left untouched. *State*

of Rajasthan v. KishanGopal, **1978 RRD 36.**

2. **Definitions.-**In this Act, unless the context otherwise requires,—

(a) "Compensation Commissioner" means the person appointed by the Government to perform the functions of a Compensation Commissioner;

(b) "estate" means land or right, title or interest in land held by a landowner;

(c) "Government" means the Government of the State of Rajasthan;

(d) "Inventory" means the inventory of the private properties of the Ruler prepared in pursuance of Article XII of the Covenant and finally approved by the Government of India;

(e) "Khudkasht" means any land cultivated personally by a landowner and includes any land recorded as the land-owner's sir or khudkasht;

(f)[2]"land" means any land held or let for purposes of agriculture or for purposes ancillary thereto including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans and includes—

(a) tanks, lakes, ponds, rivers and water channels held for purposes of irrigation,

(b) surface of hills,

(c) landing grounds or strips, and

(d) shikargah,

but does not include forts, palaces, buildings and building plots, specified in the inventory;

(g) "landowner" means the Ruler of a Covenanting State in Rajasthan than holding an estate under and in accordance with the settlement of his personal or private properties made in pursuance of the Covenant and finally approved by the Central Government;

(h) "settled" when used with reference to a village or any other area, means the village or other area in respect of which settlement, or resettlement, of rent or revenue or both has been made; [3][x x x]

(i) "words and expressions" defined in the Rajasthan Tenancy Act,1955 (Rajasthan Act 3 of 1955), and in the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) but not defined in this Act shall,& wherever used herein be construed to have the meanings respectively assigned to them by those Acts [4](and)

[5][(j) All words and expressions used in this Act, to denote the person hi possession of any right, title or interest in estate shall be deemed to include the predecessor and successor in right, title or interest of such person.]

[2]Subs. by Raj.15 of 1975.

[3]Omitted by Raj.15 of 1975.

[4]Subs. by Raj. 15 of 1975

[5]Ins.By Raj.15 of 1975.

COMMENTARY

1. Scope of-Agricultural land in personal cultivation of erstwhile ruler-Ceiling proceedings.-The Khudkasht or khatedari land of an Ex-ruler is amenable to ceiling proceedings whether they are included in the inventory or not. It is only that land which is a part of a Fort, Palace building or building plots and are specified ceiling area because they do not form part of the land as defined in s.2(f) of the Act. Once they form part of the land as defined in s.2(f) read with s.2(b) of the. Act ceiling proceedings about them can very well be initiated by S.D.O.(South), Bikaner. *SushilaKumari v. State of Rajasthan,* **996 (1) WLC96=1995 (2) WLN 377=1996 (2) RLW 78.**

2. Land-Connotationof.- [1] 'Land* as defined is not restricted to agricultural land, but it also includes waste land and for pasture as well as sites of buildings and other structures occupied by the cultivators of land, agricultural labourers and village artisans, tanks, lakes, ponds, river and water channels held for purposes of irrigation as well as surface of hills, landing grounds or strips and shikargah are also included in the definition of land. *State of Rajasthan v. Prajapati Garh Nirman Samiti Ltd.,* **1987 WLN UC 103 (DB).**But reversed in **AIR 1989 SC 869.**

[2] Lands as open enclosures and in personal cultivation of landowner (Ex-ruler of Covenanting State) even if included in inventory of private properties, they form part of khatedari land of Ex-ruler. *Sushila Kumari v. State of Rajasthan,* **1997 RRD 240 (HQ (DB).**

[3] Land does not include abadi land which is no longer agricultural land. *State ofRajasthan v. Bhawanisingh,* **1993 RRD 554 (SC).**

3.Special Case regarding land in Khasra No.421 and 426.-

[1] So far as the land in dispute i.e. Khasra Nos. 421 and 426 is concerned the admission made by the State and which was also clear from various documents which have been considered by the High Court in their judgments in these petitions clearly show that these lands were within the boundaries of the Umaid Bhawan Palace which is the private property in accordance with the inventory prepared and approved by the Government of India and therefore which will not fall within the ambit of the definition of the 'land' as defined in s.2(f) and thus will not fall within the ambit of the 'estate' which could vest under the provisions of this section and in this view of the matter even without going into the question about whether land being agricultural or not the view taken by Justice M.L.Jain is. the only view which could be sustained. *Adhunik Griha Nirman Sahkari Samiti Ltd. v. State of Rajasthan,* **AIR 1989 SC 867 (874) =1989Supp. (l) SCC 656 (664).**

[2] Disputed land whether agricultural land.- As regards the question as to whether this land is agricultural or not it will be relevant to note that the Settlement

Officer is alleged to have stated that the plan was carefully perused, checked and tallied with the corresponding old settlement record of Samvat 1979 together with the site plan of Umaid Bhawan Palace which indicates the private property of His Highness the Maharaja Sahib Bahadur Jodhpur duly verified on 12.11.1958 by then Dy. Secretary, G.A.D. and the Commissioner, Jodhpur Division, Jodhpur wherein the said land is included in the premises of Umaid Bhawan Palace. The Settlement Officer further added that the fact that this land had never been assessed to rent, that it never has been cultivated and that it is included within the Umaid Bhawan Palace is sufficient to show that it is 'abadi land' within the meaning and definition under s.158 of the 13 of Rajasthan Land Revenue Act, 1956, The view expressed by the Government that this land does not appear to be agricultural land is fully established and it

was on the basis of these documents that the learned Judge *Shri M.L.Jain* came to the conclusion that:

> 'The documents clearly demonstrate that the land in dispute is not an agricultural land rather it forms part of the abadi land. In the revenue records, Khasra Nos are allotted not only to agricultural plot but they are also allotted to banjar land and to abadi land as well. The copies of the jamabandi and girdwari filed by the State shows that the land is padat and does not carry and land revenue. It is, therefore, clear that the land in question being an abadi land is not covered by the provisions of the Act."

It is clear that the contention raised by the learned Counsel for the respondent that this land is an agricultural land also cannot be accepted and in view of our conclusions reached above it is clear that the view taken by learned Judge Shri M.L.Jain is the only view which could be taken. Consequently the appeals filed by the appellants including *Prqjapati Griha Nirman Sahkari Samiti Ltd. Jodhpur v. State of Rajasthan & Ors.* are allowed. The Judgment passed by the Division Bench of High Court of Rajasthan in the appeals is set aside and it is held that no action under the provisions of Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 could be taken against the appellants and all notices or actions taken are hereby quashed. *Adhunik Griha Nirman Sahkari Samiti Ltd. v. State of Rajasthan,* **AIR 1989 SC 867 (874)=1989 Supp.(l) SCC 656 (664).**

4. Compensation Commissioner-The Collector has no jurisdiction to enquire into the personal property of an estate owner Ex-ruler. The Collector must have referred the matter to the compensation Commissioner who alone has the jurisdiction of enquiry. Section 10(2) authorities the. Compensation Commissioner and not the Collector. *Raj Kumar v. AmbikaPratapSingh v. State of Raj.,* **1983 RRD 743**; *Col. MohanSinghv.*

State, **1981 (UC) 62**,

5. 'Land owner-Who is.-[1] Land owner means the Ex-ruler of a covenanting State of Rajasthan holding as an estate under in accordance with the settlement of his personal and private properties made in pursuance of the covenant and finally

approved by the Central Government of India. Such covenant was entered into and admitted by the respondentsand not by the appellant. Appeal was rightly rejected. *Parmeshwar Raj Shri Eklingji Maharaja v. Shri Bhagwat Singh,* **1982 RRD 509.**

[2] Under section 10 of this Act, respective claims in respect of land of Landowner (ex-ruler) and the state of Rajasthan are to be taken into consideration. Idol of Lord Ekling thus cannot be considered Landowner under this Act. *Paimeshwar Maharaja Eklingji v. Shri Bhagwat Singhji,* **1982 RRD 509.**

CHAPTER II

Assessment of Land-owners' Estates to Land Revenue

3. Liability of estates to pay Land Revenue.-

(1) Every estate shall be liable to the payment of land revenue to the Government as from the 1st day of April, 1963 and till the day immediately preceding its acquisition.

(2) The amount of land revenue payable in respect of any estate of a landowner shall be assessed by the Collector in a manner hereinafter provided in this Chapter.

(3) The amount of Land revenue payable under sub-section (1) shall be equal to one-fourth of the rental income from the estate as determined i accordance with the provision of section 4 and 5.

C O M M E N T A R Y

1. Liability to pay land revenue.-Under s.2(g), the landowner is who is a Ruler of a Covenanting State in the State of Rajasthan holding an estate under or in accordance with the settlement made in pursuance of the Covenant and approved by the Central Government for personal or private properties. Under this definition, the Ruler was to be treated as a landowner if there is Covenant in respect of personal or private properties approved by central Government 'Estate' is defined to be the land or right, title or interest in land held by the landowner. If the properties are not held by landowner, it will not be an estate within the definition of s.2 (b) of the Act. In the instant case the petitioners are not the landowners and as such the land held by them shall not be estate within the meaning of s.2 (b). Under s.3, every estate is made liable to pay land revenue to the Government of Rajasthan as from the 1st day of April, 1963 and till the day immediately preceding its acquisition. The 'estate' has a significant meaning under the Act. 'Estate' is defined in s.2(b). If there is no estate, there cannot be a levy of land revenue u/s.3 of the Act because it is only the estate, which is liable to payment of land revenue. *State of Rajasthan v. Mahendrasingh,* **1994 (2) WLC 543.**

2. Scope.-Land revenue can only be levied w.e.f. 1.4.1963 and not for any previous period. **1969 RRD 292.**

4. Determination of rental income from estates. –

(1) For the purpose of assessing land revenue payable for any year in respect of any estate of a landowner, the Collector shall first determine the rental income for that year from such estate in the manner herein after provided.

forming part of any estate are situated in more then one village, the rental income from such lands in each village shall be separately determined.

(a) where the Village' is a settled village, be the total of—
(i) the rents assessed on lands

forming part of the estate (other than Khudkasht lands which have not been assessed) as entered in the revenue records of the village, and

(ii) the rents which would have payable in respect of Khudkasht lands (which have not been so assessed) if they had been let out to tenants on the prevailing rent rates in the locality;

(b) where the village is not a settled village, be the amount determined in the manner specified in section 5.

5. Computation of rental income from estates situated in villages which are not settled. -(1) Where any lands forming part of any estate are situated in a village which is not settled, the Collector shall give notice, hi the prescribed manner, requiring the landowner to furnish within such period, not being less than sixty days, as may be specified in the notice, a statement in the prescribed from showing—

(a) the income from rents during each of the three agricultural years 1960- 61, 1961-62 and 1962-63, and the annual average thereof,

(b) the income from rents which would have been payable in respect of Khudkasht lands, if they were let out to tenants on the prevailing rent rates in the locality.

(2) Where a landowner has furnished a statement under sub-section (1), the annual average or rental income mentioned therein from the estate, shall, subject to the provisions of sub section (3) be deemed to be the rental-income therefrom for the purpose of assessment of land revenue thereon.

(3) Where a landowner has failed to furnish a statement under sub-section (1) in respect of any estate, or where the Collector has reason to belive that in any such statement the landowner has concealed any rental income or deliberately furnished inaccurate particulars thereof, the Collector shall determine the rental income from the estate after holding such enquiry and in accordance with such principles as may be prescribed.

(4) The statement furnished by a landowner under sub-section (1) may be used against him for the purposed of determining the compensation payable tothe land-owner, if the estate is acquired under this Act or under any other law for the time being in force.

CHAPTER III

Khatedari Rights of Tenants in Landowners' Estates

6. Khatedari Rights in estates.-(l) Every person who, at the commencement of this Act, is or so, entered in the revenue records asa tenant or a tenant of Khudkasht, but not as a sub-tenant, of any land

forming part of an estate shall, unless he had become a Khatedari tenant thereof previously to such commencement by virtue of any law or otherwise, be deemed to be the Khatedar tenant of such land holding from the landowner of the estate:

Provided that Khatedari rights under this sub-section shall not accrue to any person to whom land is or has been let out temporarily in the Gang Canal, Bhakra, Chambal, Jawai or Rajasthan Canal Project Area; and no Khatedari rights shall accrue if the land belongs to any of the categories specified in section 16 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(2) In respect of land under the personal cultivation of the landowner and in which there are no tenants, the landowner shall, as from the date of vesting, be the Khatedar tenant thereof:

Provided that nothing in this sub-section shall affect the provisions contained in Chapter III-B of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

COMMENTARY

1. Sub-section (2) not invalid.-The Act having been included in IX Schedule of the Constitution at serial No, 163, validity of *8.6(2)* cannot be challenged on the basis of infringement of fundamental rights. **1977 WLN 426, AIR 1981 SC 271&AIR 1995 Raj 21** Disting, *SushilaKumari v. State of Rajasthan,* **1996 (1) WLC 96=1995 (2) WLN 377= 1996 (2) RLW 78.**

2. General.-[1] Notice issued under Rajasthan Ceiling Act contained third paragraph which was invalid and ultimately quashed. Part of notice is severable from rest of the contents. Tests laid down in **AIR 1957 SC 628**Foil. *Maharaj Gajsingh v. State of Rajasthan,* **1985 RLW 518.**

[2] See also *State of Rajasthan v. Dhanchi Mahasabha,* **1997 RRD268=1997 RRC 215 (Rev).**

[3] Section 6 deals with Khatedari rights of landowners themselves. and their tenants with the vesting of an estate u/s. 7-No separate order in respect of Sec, 6(2), envisaged by Act-Its operation is automatic with vesting-Hence-Chapter IV envisages acquisition of ownership rights in land

forming part of an estate in personal cultivation of ex-ruler. *State of Raj. v. Kishan Gopal&Ors.,* **1978 RRD 36**.

[4] The land under Sardarsamand estate was under the personal cultivation of the petitioner at the commencement of this Act and in that land there were no tenants.

The petitioner, therefore, became the khatedar tenant thereof as from the date of vesting, i.e. September 1, 1964 and was not bound to deliver the possession of the land to the Collector, immediately after the publication of the Rajasthan Land Reforms and Acquisition of Land Owners Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the official Gazette, and the Collector is not authorised to recover its possession from the petitioner under section 9-A of the Act, which was inserted into the principal Act by Amending Act No.15 of 1975- The notice marked Annexure 18 given to the petitioner by the Collector, Jodhpur on April 5, 1975 is therefore, liable to be quashed so far as it relates to agricultural land under his personal cultivation of which the petitioner has become a Khatedar tenant as from the date of vesting, i.e. September 1, 1964 on account of the land having been in his personal Cultivation at the date of commencement of the Act. *Maharaja Shri Gaj Singh of Jodhpur v. State of Raj.&Ors.***1981 WLN (UC)73.**

[6][CHAPTER IV

Acquisition of Estates

7. **Acquisition of estates.** –(1)As soon as may be after the commencement of this Act, the Government may for the purpose of carrying out agrarian reform in accordance with the provision of this Act, by notification in the Official Gazette, appoint a date for the acquisition of land owners estates in the State and for their vesting in the State Government.

(2) The date appointed under this section in relation to the acquisition of landowner's estates in the State is in this Act referred to as the date of vesting of such estates.

COMMENTARY

1. Acquisition of estate not dependent on determination of rental income. –The determination of the rental income from the estate of land owner under sections 3 to 5 of the Act is only for the purpose of assessment of land revenue for the said estate. The acquisition of the estates under s.7 is not dependent upon prior assessment of the land revenue payable for the estate. It is open to the State Government to take steps for acquisition of the estates at any time after the coming into force of the Act. The action of the State in issuing notification cannot be challenged on the ground that prior to the issuance of the said notification, the land; revenue payable for the estates has not been assessed. *State of Rajasthanv. Prajapati Grah Nirman Samiti Ltd.,* **1987 WLN UC 103 (DB).** But reversed in **AIR 1989 SC 869**.

2. Natural justice-Opportunity of hearing.-Grant made by Ex-ruler in December 1969 i.e. much after the prescribed date viz. 1.9.1964. Such a grant made by ex-ruler created no right in the petitioner and did confer status of tenant. No useful

[6]Subs. by Raj.15 of1975.

purpose could be served by giving an opportunity of hearing. *Balsing v. State of Rajasthan,* **1986 (2) WLN**

7-A. **Non-recognition of certain transfers and agreements.** Notwithstanding anything contained in any law of judgment, decree or or*der o*f a court to the contrary- (i) no transfer of an estate liable to acquisition under this Act or part thereof made by the landowner on or after

the date of commencement of this Act and before the date of vesting, whether by way of sale, mortgage, gift, exchange, lease, assignment, surrender, bequest, creation of trust or otherwise, shall be recognised for any purpose of this Act and the estate or part so transferred shall be deemed to continue to vest in the landowner;

(ii) all transfers of an estate liable to acquisition under this Act or part thereof of the nature referred to in clause (i) made by the land owner on or after the date of vesting shall be null void; and

(iii) any agreement made by a landowner with any other person on or after the commencement of this Act for transfer of his estate liable to acquisition under this Act or part thereof or for relieving, whether in whole or in part, a tenant from liability for payment of rent of any land comprised in his estate shall be and is hereby declared to be null and void.

COMMENTARY

[1] Sale-deed executed by former ruler of Jodhpur in favour of the petitioner in the month of August, 1964 was of no value and the petitioner does not get any benefit from the alleged sale. *Mohanlal v. State,* **1985 WLN UC251.**

[2] See also *State of Rajasthan v. Dhanchi Mahasabha,* **1997 RRD 268=1997 RRC 215** (Rev).

8. Consequences of acquisition.-(1) As from the date of vesting of any estate,—

(a) the right, title and interest of the landowner and of every other person claiming through him in his estate, shall stand acquired by and vested in the Government free from all encumbrances and shall be utilised by it for the purpose of carrying out agrarian reform in accordance with the provisions of this Act;

(b) all rights, titles and interests created in or over the estate by the landowner or his predecessor-in-interest shall, as against the Government, cease and determine;

(c) all rents and cesses in respect of any holdings (including any land leased by or on behalf of the landowner for any purpose other than agriculture) in the estate for any "period after the date of vesting which, but for such vesting, would have been payable to the landowner, shall be payable to the Government;

(d) all revenue, rents, cesses or other dues for the agricultural year in which the

date of vesting falls recovered by the landowner before the said date or by the Government after the said date, shall, after deducting therefrom the expenses of collection at the rate of seven per cent, be rate ably distributed between the land owner and the Government, the amount to be distributed bearing to the total amount during the agricultural year the same proportion which the period before the date of vesting or, as the case may be, the period after the said date, bears to the whole of The agricultural year;

(e) all arrears of revenue, cesses or other dues in respect of any estate due from the landowner for any period prior to the date of vesting including any sum due from him under (d), shall continue to be recoverable from such land-owner.

(f) the right, title, and interest of the landowner or any other person in the estate acquired under clause (a) shall not be liable to attachment or sale in execution of any decree or other process of any Court, civil or revenue, and any attachment passed before such date shall cease to be in force.

(g) the landowner, shall cease to be liable to pay and shall not be required to pay to the Government in respect of any estate acquired under this Act, any land revenue payable by him under any existing law or under this Act.

(2) Nothing contained in this section shall —

(a) render the Government liable for the payment of debts incurred by the landowner and the landowner shall be personally liable for the payment of all such debts;

(b) operate as a bar to the recovery through the Collector as an area of land revenue by the landowner off any sum which is legally due (subject to the deduction of collection charges at the rate of seven per cent) to him by virtue of his rights in the estate in respect of any period prior to the commencement of the agricultural year in which the date of vesting falls:

Provided that where a tenant disputes the landowner's claim for the dues mentioned in clause (b), the landowner shall be required to file a suit for such dues according to law;

(c) operate as a bar to the recovery of arrears of land revenue payable by the landowner for the period preceding the date of vesting or the recovery of rent in respect of land referred to in sub-section (2) of section 6.

COMMENTARY

1. Rights, title and interests already vested in Government, Collector cannot issue show cause notice.-As from the date of vesting the estate, rights, title and interest of the land owner and of every person claiming through him shall stand vested in the Government free from all encumbrances and that all rights, titles and interests created in or over the estate by the land owner or his predecessor-in interest shall as

against the Government cease and determine. In view of the consequences of the acquisition laid down in section 8 of the Act, the Collector in exercise of his powers under section 9-A of the Act is not required to issue a show cause notice to the land owner calling upon him to appear and make any objection to the recovery of possession of the estate from him. *Maharaja Shri Gajsingh of Jodhpur v.The State of Raj.& Ors.***1981 WLN (UQ) 73.**

2. Scope.-Till the Act of 1963 came into force, the erstwhile rulers of princely states had been exempted from the payment of land revenue and, therefore, it is but natural that Settlement records relating to the period prior to 1965 would not show any land revenue to be payable by the erstwhile rulers. However after the coming into force of the aforesaid Act in 1964, land revenue would become payable by the erstwhile Rulers in respect of the lands held by them as tenants. The question of determination of land revenue is a separate one and is only procedural in nature, while the liability to pay land revenue is substantive, and is incurred by the operation of law. **1978 RRD 514.**

9. Land-owner to deliver records.-(1) Every landowners whose estate is acquired under this Act shall, within two months of the date of publication of the Rajasthan Land Reforms and Acquisition of Landowners' Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, deliver to the Collector, or to any officer authorised in this behalf by the Collector, after obtaining a duly signed receipt from him for the same, all records relating to the administration and management of his estate so acquired or pertaining to the various items of receipts and disbursements mentioned in clauses (2) and (4), respectively of the Schedule to this Act, which in respect, of such estate, such landowner may have maintained or caused to be maintained or which may then be in his possession or power.

(2) If any such landowner fails without reasonable excuse to deliver his records in accordance with the provisions of sub- section (1), then, without prejudice to any other action that may be taken against him under any other provision of this *Act* or under the provisions of any other law for the time being in force, the Compensation Commissioner may, on the report of the Collector made in this behalf and after making such inquiry as he considers necessary,—

(i) impose upon such landowner a penalty not exceeding one-fifteenth of the aggregate amount of compensation finally determined under section 15 as payable to him, and

(ii) Direct the Collector to take recourse to legal process through a competent Magistrate for enforcing the surrender of such records.

(3) The Government or a landowner aggrieved by an order of the Compensation Commissioner under sub-section (2) may appeal to the Board within sixty days from the date of such order and the provisions of sub-sections (3) and (4) of section 20 shall apply to the hearing of such appeal and the decision of the Board thereon.

(4) The amount of any penalty imposed upon a landowner under clause (i) of sub-section (2) may be deducted from the amount of compensation payable to him under this Act *and* shall otherwise be recoverable as an arrear of land revenue.

COMMENTARY

1. Scope. The Collector in issuing notices to the buyers and considering their answer was merely carrying out a fact-finding exercise as a revenue officer. Neither the Landowners' Estates Act nor the rules envisage such an enquiry and it is to be viewed as a precautionary exercise to ensure that hardship was not caused by taking forcible possession of land not liable to such action under the Act. Since the Collector as a revenue officer is in its subordination, the Board of Revenue certainly has the power under S. 9 of the Raj. Land Revenue Act to examine the decision taken by him. **1978 RRD 36.**

2. Delivery of records by landowners.-See **1978 RRD 36.**

9-A. Landowner to deliver possession.-The landowner and every other person claiming through him in his estate, shall deliver the possession of the estate acquired under section 7 to the Collector immediately after the publication of the Raj as than Land Reforms and Acquisition of Landowners' Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette and if he fails to do so; the Collector shall recover its possession from the landowner and such other person in the prescribed manner.

COMMENTARY

[1] Board of Revenue has unlimited powers to set aside orders against law passed by subordinate courts. Order conferring khatedari rights held against provisions of law. *State of Rajasthan v. Smt. Krishna Kumari,* **1997 RRD 553** (Rev).

[2] It is established that Col. Mohan Singh, petitioner, was a tenant of the entire land under controversy

forming part of the estate of Maharaja Gajsingh of Jodhpur, at the commencement of the Act. The Collector Jodhpur, therefore, had no jurisdiction or power to issue notices marked Annexure 8 and annexure p. 4 to Col. Mohan Singh and Narendra Singh respectively under section 9-A of the Act requiring them to deliver the possession of the lands under controversy.

The alternative remedy suggested by the Additional Government Advocate in these cases was not equally effective and satisfactory for the purpose of meeting the ends of justice. *Col. Mohan Singh v. State* **1981 WLN (UC) 62.**

[3] No bar to the issue of writ.-There is no bar to the issue of the writs claimed by the petitioners, merely because they could file *a* suit for declaration of their Khatedari rights in the lands under dispute before invoking the extraordinary jurisdiction of this court by way of these writ petitions. The Collector Jodhpur had no jurisdiction to issue

notices to the petitioners under section 9-A of the Act calling upon them to deliver possession of the lands in dispute to him. If the petitioners had resorted to this alternative remedy they would have been ousted from the lands in their possession before they could get interim relief because even under sub section(2) of section 10 CPC, the Court is not empowered to grant relief in the suit, whether interim or otherwise except after giving to the Government or to the Collector a reasonable opportunity of showing cause in respect of the relief prayed for in the suit. Consequently, I am of the view that the alternative remedy suggested by the Additional Government Advocate was inadequate and this court is not deprived of its discretion to issue the writs in the particular circumstances of these cases. *Col. Mohan Singh v. State of Raj.,* **1981 WLN (UC)62.**

10. Private lands, buildings, wells, house-sites and enclosures.-

(1) Notwithstanding anything contained in section 8—

(a) (i) all open enclosures in the possession of the landowner used for agricultural or domestic purposes,

(ii) all private buildings, places of worship, and wells situated in, and trees standing on, lands, included in such enclosures or house-sites, as are specified in clause (i) above, or land appertaining to such buildings or places of worship,

(iii) all groves, wherever situate, belonging to or held by the landowner or any other person,

(b) all private wells and buildings belonging to *or* held by the landowner or any other person. and

(c) all tanks in the persona] occupation of the landowner and used solely for irrigating the land referred to in *sub*-section **1982 RRD 509.** landowner or other person subject in the case of tanks, to:the terms and conditions, if any, mentioned in the Covenant,

(2) If any question arises whether any property is of the nature referred to in sub-section (1), it shall be referred to the Compensation Commissioner, who may, after holding the prescribed enquiry, make such order thereon as he deems fit.

COMMENTARY

1. 'Landowner'-Who is. –[1] Landowner means the Ex-Ruler of a covenanting State of Rajasthan holding as an estate under and in accordance with the settlement of his personal and private properties made in pursuance of the covenant and finally approved by the Central Government of India, Such covenant was entered into and admitted by the respondents and not

by the appellant. Appeal was rightly rejected. *Parmeshwar Raj Shri Eklingji v. Shri Bhagwat Singh,* **1982 RRD 509.**

[2] Under section 10 of this Act, respective claims in respect of land of Landowners

(Ex-rulers) and the state of Raj as than are to be taken into consideration. Idol of Lord Ekling thus cannot be considered Land owner under this Act. *Parmeshwvar Maharaja Eklingji v. Shri BhagwatSinghji,***1982 RRD 509.**

[3]The Collector has no jurisdiction to enquire into the personal property of an estate owner-Ex-ruler. The Collector must have referred the matter to the compensation Commissioner who alone has the jurisdiction of enquiry under the Act. Section 10(2) authorises the Compensation Commissioner and not the Collector. *Raj Kumar v. Ambika Pratap Singh v. State of Raj.***1983 RRD 743**.

2. Scope of Enquiry under.-Enquiry envisaged by Section 10(2) is in respect of properties claimed as private properties- Compensation Commissioner is empowered to examine list of private properties exempt from acquisition as. *State of Raj. v, KishanGopal & Ors. v. Ram Taparia & Ors.,* **1978 RRD 36.**

3. Jurisdiction of Compensation Commissioner.-The question as to whether a particular property is part and parcel of a fort, palace or building specified In the inventory of the private properties of a former ruler and is to be excluded wholly or partially from acquisition under the Act. is a matter which is required to be determined by the Compensation Commissioner under sub-section (2). The question as to whether thelands in Khasra No,421 and 426 form part and parcel of Umaid Bhawan Palace and are to be excluded wholly or partially from acquisition under the Act and are to be retained by the landowner, is a question which was required to be determined by the Compensation Commissioner and the Collector, Jodhpur was in error in refusing to refer the same to the Compensation Commissioner on the ground that in his view no such dispute existed in relation to the nature of the said lands. *State of Rajasthan v. Prajapati Garh Nirman Samiti Ltd,* **1987 WLN UC 103 (DB).** But reversed in **AIR 8C 869.**

11. Refund of sums to which landowner is not entitled.–

(1)On and from the date of vesting, no landowner shall recover or receive from any tenant or resident of the estate, or from any contractor or other person any rent, cess or other clues which he is not entitled to recover or receive, under the provisions of this Act.

(1-A) If any landowner has, before the publication of the Rajasthan Land Reforms and Acquisition of Landowners' Estates (Amendment) Act, 1975 in the Official Gazette, recovered or received any amount on account of rent, cess or other dues in contravention of sub-section (1), he shall refund the same to the Collector within two months from thedate of publication of the said Act and submit a proper account of suchamounts recovered or received by him.

(2) If the landowner fails to refund such amount to the Collector within the time specified in sub-section (1-A) or if the Collector finds that the landowner has refunded

lesser amount than what has been recovered or received by him, the Collector shall, after giving the landowner a reasonable opportunity of being heard, determine the amount of such rent, cess or other dues and shall order him to refund the same with interest calculated from the expiry of the time specified in the said sub-section at such rates as may be prescribed and within the time specified in such order, and if the landowner fails to refund the amount as so determined and ordered to him, the Collector may impose on him a penalty not exceeding five hundred rupees:

Provided that before imposing any penalty on the landowner under this sub-section, the Collector shall give the landowner an opportunity to show-cause against the imposition of such penalty.

(3) All sums recoverable from a landowner under sub-section (2) may be deducted from the amount of compensation payable to him under this Act and shall otherwise be recoverable as in arrear of land revenue

11-A. Mode of utilisation of acquired estates.-(1) The Government shall, after reserving such extent of the land comprised in the estates acquired by or vesting in it under section 7, as may be necessary for purposes directed towards the promotion of agriculture or the welfare of the agricultural population to be settled on such lands, allot the remaining lands to landless persons, agriculturists and agricultural labourers in such manner, on such terms and subject to such conditions and restrictions, as may be prescribed.

(2) The Government may, by notification in the Official Gazette, delegated their powers of allotment under sub-section (1) to the Collector or to any other officer or authority subordinate to it subject to such restrictions and control as may be specified in the notification],

CHAPTER V

Liability for Compensation

12. Liability to pay compensation. –

(1) Subject to the other provisions of this Act, the Government shall be liable to pay to every landowner whose estate is acquired under section 7, such compensation as shall be determined in accordance with the principles laid down in the Schedule.

(2) Compensation payable under this section shall be due as from the date of vesting and shall carry simple interest at the rate of two and half per cent per annum from that date up to the date of payment:

Provided that no interest shall be payable on any amount of compensation which remains unpaid for any default of the landowner, his agent or his representative in interest.

13. Liability to make payments to religious institution.-Not withstanding anything contained in this Act, if the Government is satisfied, after making such inquiry

as may be prescribed, that a religious institution was receiving from the income of any estate acquired under this Act a grant of money for a period exceeding six years from the date of acquisition, Government may continue to make such grant or any part thereof as it may deem fit from the Consolidated Fund of the State,

[7][CHAPTER VI

Payment of Compensation

14.Statement of claim.-(1) Every landowner whose estate has been acquired under section 7 shall, within two months of the date of publication of the Rajasthan Land Reforms arid Acquisition of Landowners Estates (Amendment) Ordinance,1975 (Ordinance No. 6 of 1975) in their Official Gazette, file, in the prescribed form, a statement of claim of compensation before the Compensation Commissioner:

Provided that the Compensation Commissioner may entertain a statement submitted after the period prescribed in this section, if he is satisfied that the landowner was prevented by sufficient cause from submitting the statement within the prescribed time.

(2) Every such statement of claim shall contain the following particulars, namely:—

(i) description of the estate and the name of the landowner;

(ii) the number and names of villages comprised in his estate or in which lands

forming part of his estate are situated together with the particulars of area and the income therefrom on account of rent;

(iii) the amount of gross income from his estate calculated in accordance with, and the details of such income from various sources specified in the Schedule;

(iv)the amounts which are required to be deducted from the said gross income in accordance with the Schedule for the computation of the net income of the landowner;

(v) the amount of dues recoverable from the landowner under clause (e) of sub-section (1) of section 8; and

(vi) such other particulars as may be prescribed.

(3)Where a landowner relies upon any documents (whether in his possession or not) as evidence in support of the statement of claim, he shall enter such documents in a list to be added or annexed to the statement of claim.

15. Determination of compensation.-(1)On receipt of a statement of claim under section 14, or if no such statement of claim is received within the period specified in that section, upon the expiry of that period, the Compensation Commissioner shall, after making such enquiry as he deems necessary, by order in writing, provisionally determine—

(a) the amount of compensation payable to the landowner under section 12;

(b) the amount recoverable from the landowner under clause (e) of sub-section

[7]Subs. by Raj.15 of 1975.

(1) of section 8 and the Schedule.

(2) A copy of an order made under sub-section (1) shall be served upon the Government and the landowner, and the Compensation Commissioner, shall, after giving the Government and the landowner a reasonable opportunity of being heard in the matter, make a final order.

16. Communication of decision.-The Compensation Commissioner shall communicate, as soon as practicable, his final order made under sub-section (2) of section 15 to the Government and the landowner.

17.Payment of compensation.-(1) After the amount of compensation payable to a landowner under section 12 is finally determined under sub-section (2) of section 15 and the amount specified in clause (b) of sub-section (1) of that section as finally determined is deducted therefrom, the balance shall be divided into thirty equal annual installments.

(2) The payment of compensation, money under this Act to a landowner shall be a full discharge of the Government from the liability to pay compensation in lieu of the acquisition of his estate by the Government, but shall not prejudice the rights to which any other persons may be entitled by due process of law to enforce against the landowner.

18.Form of compensation.-The compensation payable under this Act shall be given in cash or in bonds or partly in cash and partly in bonds, as may be prescribed.

19.Payment of compensation on the death of land-owner.-If any landowner to whom compensation is payable under this Act dies before the full payment of such compensation to him, such compensation as may remain payable to him under this Act, shall be payable to the person who is successor of such landowner to the estate acquired in accordance with the law of succession applicable to such landowner and for the time being in force:

Provided that in cases in which the question of such succession is in dispute, the Compensation Commissioner shall direct all claimantsto succession to have their respective title thereto

adjudicated upon by a competent civil court and the payment of the remaining compensation shall be in accordance with such adjudication].

CHAPTER VII

Appeal and Review

2O. Appeals from the orders of Compensation Commissioner and Collector.

(1) The Government or any person aggrieved by any decision of the Compensation Commissioner or the Collector, as the case may be, may— (a) under sub-section (2) of section 3, sub-section (2) of section10 and sub-section (2) of section 11, within ninety days ofthe date of such decision, and

(b) under sub-section (2) of section 15, within ninety days from the date of communication of such order, appeal to the Board.

(2)When an appeal is made to the Board under sub-section (1), the appeal shall be heard and decided by a Bench of the Board consisting of two members.

(3) In deciding an appeal under this section, the authority hearing the appeal shall follow the same procedure as is prescribed for the hearing of appeals made to it under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(4)The decision of the Board in an appeal under this Section shall be final.

COMMENTARY

1. Appeal-[l] Section 20 of this Act provides a limited right of appeal to the Board of Revenue. An order under section 144 CPC is not specified in section 20 of this Act thus such order (under section 144 CPC) of the Collector is not appealable under this Act, Matters in respect of which appeals can be filed is enumerated under Sections 3(2), 10(2) and 15(2) of this Act and beyond that there is no right to appeal against. *State of Raj. v. Dr. Kami Singh of Bikaner,* **1983 RRD 414.**

[2] Any person aggrieved may file appeal or revision as contemplated under this Section. The appellant being an 'Ex ruler Land Owner* of the personal property is entitle under this Section to appeal. The objection of the State that the appellant was not the party in proceedings before the trial court is held not tenable. *Raj Kumar Ambika Pratap Singh v. State of Raj.,* **1983 RRD 743.**

[3] An appeal by transferee of land from Land owner is not maintainable as he is not an aggrieved person under this Act. *Gir Raj Singh v. State of Raj.,* **1977 RRD 210.**

2. Fact finding exercise.-Notices, issued by Collector to purchasers-Collector held that sales, not hit by Sec. 7-A(ii) and vacated notices-Collector was merely carrying out a fact-finding exercise as a revenue officer-Fact-Finding enquiry, not carried out properly by Collector-Order of Collector, set aside. *State of Raj. v. Kishan Gopal & Ors. v. Ram Taparia & Others,* **1978 RRD 36.**

21.Review.-(1) The Board, or the Compensation Commissioner may, either on an application made within three months of the date of order by an interested party, or suomo to, review an order passed by the Board or by such Commissioner himself or by his predecessor-in-office and pass such order in relation thereto as it or he thinks fit.

(2) No order passed by the Board or the Compensation Commissioner shall be reviewed under sub-section (1) otherwise than on any of the grounds mentioned in Rule 1, Order 47 of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and the provisions of the said Order shall apply.

22. Correction of clerical errors.-Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act, or errors arising therein from any accidental slip, or omission, may, at any time be corrected by such officer or authority,

either of his own motion or on an application received in this behalf from any interested person:

Provided that no order prejudicial to any person shall be made under this section unless such person has been given a reasonable opportunity of being heard.

CHAPTER VIII

Miscellaneous

23. State Government to be a party.-The State Government shall be. and be deemed to be, a party in every proceeding under this Act before the Compensation Commissioner or the Board, and every notice to be served, or intended to be served, on the State Government may be served on the Collector.

24.**Officers holding inquiries to have powers of civil courts. -** Any officer or authority holding a n inquiry or hearing an appeal under this Act shall have the powers of civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) relating to—

(a) proof of facts by affidavits,

(b) enforcing attendance of any person and his examination on oath,

(c) production of documents.

(d) issuing of commission,

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

25. Delegation of powers.-(1) The Government may, by notification in the Official Gazette, delegate to the Compensation Commissioner, or any other officer subordinate to it, all or any of the powers conferred upon it by this Act, other than those conferred by section 7 and 30.

(2) Subject to any general or special order of the Government, the Compensation Commissioner or the Collector may delegate, with the previous sanction of the Government, all or any of the powers conferred upon him by this Act to any officer subordinate to him or to any officer of the Revenue Department not inferior in rank to that of an Assistant Collector.

26. Certain officers to be public servants.-Every officer acting under on in pursuance of the provisions of this Act, or under any rules made thereunder, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, I860 (Central Act 45 of 1860).

27. Protection of action taken under this Act.-(l) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done,

or intended to be done, under or in pursuance of this Act, or any rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused, or likely to be caused, or any injury suffered, or likely to be suffered, by virtue of any provision contained in this Act, or any rules made thereunder, or by anything in good faith done, or intended to be done, under or in pursuance of this Act, or any rules made thereunder.

28.Bar of jurisdiction.-(1) Save as otherwise provided in this Act, no civil or revenue court shall have jurisdiction in respect of any matter which is required to be settled, decided or dealt with by any officer or authority under this Act.

(2) No order made by any such officer or authority under this Act shall be called in question in any Court.

29. Act to override other laws.-Save as otherwise expressly provided in this Act, the provisions of this Act, and of the rules and orders made thereunder, shall have effect notwithstanding anything therein contained being inconsistent with any existing law or any other law for ihe time being in force.

30. Power to make rules.-(1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, the Government may make rules to provide for—

(a) The form of statement of claim under sub-section (1) of section 14;

*(b)*the payment of compensation in cash or bonds;

(c) the delegation of powers conferred on any officer under this Act;

(d) the manner of holding inquiries under this Act;

(e) the manner of service of any order or notice made or issued under this Act; and

(f) any other matter which is to be, or may be, prescribed under this Act.

(3) All rules made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modification in any of such rules, or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form, or be of 110 effect, as the case may be, so however that any such modification or annulment shall be without

prejudice to the validity of anything previously done thereunder,

31. Amendments in Raj as than Act 3 of 1955.-In the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).—

(a) in section 5,—

(i) in clauses (10) and (11), after the words "or a Zamindar", the words "or a landowner" shall be inserted,

(ii) after sub-clause (d) of clause (22), the following new sub-clause shall be inserted, namely:—

"(e) land or interest in land held by a landowner;"

(iii) after clause (25), the following new clause shall be inserted, namely:—

"(25-A) "landowner" shall mean the Ruler of a Covenanting State in Rajasthan holding an estate, as defined in clause (b) of section 2 of the Rajasthan Land Reforms and Acquisition of Landowners' Estates Act, 1963 (Rajasthan Act 11 of . 1964), under and in accordance with the settlement of his personal or private properties made in pursuance of the Covenant and finally approved by the Central Government;"

(iv) in clause (41), after the words "the tenant thereof, the words "including a Malik or a tenant holding from a landowner" shall be inserted, and

(v) after sub-clause (f) of clause (43), the following new sub-clause shall be inserted, namely:—

"(ff) a tenant holding from a landowner;"

(b) in sections 44, 45 and 46, after the words "holder of khudkasht" the words "or a landowner" shall be inserted, and

(c) in sections 65, 67 and 71 after the words "Government", the words "or a landowner" shall be inserted.

32. Amendments in Rajasthan Act 15 of 1956.-Inthe Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956),—

(a) in sub-section (1) of Section 89, the words "subject to the subsisting rights of private persons" shall be omitted; and

(b) in the proviso to section 228 after the words "jagir land", the words "or the estate of a land owner" shall be inserted.

8[**33. Savings.** -(1) Notwithstanding any judgment, decree or order of any Court to the contrary, any notification issued under section 7, appointments, orders or rules made, things done or action taken I under this Act before the publication of the Rajasthan Land Reforms and Acquisition of Landowners* Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, shall be deemed to have been issued, made, done or taken, as the case may be, under this Act as

8Ins.By Raj.15 of 1975.

amended by the said Ordinance.

(2) Nothing contained in this Act shall apply or shall be deemed never to have applied to that part of an estate which, before the publication of the Rajasthan Land Reforms and Acquisition of Land owners Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, has already been acquired by or vested in the Government under any law relating to imposition of ceilings on agricultural land for the time being in force.

(3) nothing contained in this Act shall affect the right of the Government to recover the amount referred to in clause (e) of sub-section (1) of section 8 or the balance thereof through a civil or revenue court.)

9[THE SCHEDULE

[See section 12 and clause (iii) of sub-section (2) of section 14]

Principles governing determination of compensation payable to landowners.

1. Basic year.-The expression 'basic year' means the agricultural year in which the date of vesting falls.

2. Gross income.-The gross income of a landowner for the basic year shall be the total income from his estate under the following heads:—

(a) Income from land revenue and rents from occupied lands, which would have accrued to him but for acquisition thereof;

(b)income from forests calculated on the basis of average yield for three years preceding the basic year;

(c)income from grazing dues calculated on the same basis as forest income except that where grazing fees are prescribed by the Government, income shall be calculated on the basis of the prescribed scale of fees;

(d)income from other non-agricultural uses of land as for example, market fees, sale of fishing rights and the like, but not including rents from houses on village sites, calculated on the basis of average yield for three years preceding the basic year;

(e)income from conversion of culturable land into abadi and vice versa and from sale of culturable or abadi land calculated on the basis of average income therefrom during twenty years immediately preceding the basic year;

(f) income from any other prescribed source calculated in the prescribed manner:

Provided that where a landowner received or would have received a fixed sum from any person in respect of any of the aforesaid heads of income or any part thereof, such

[9]Subs. by Raj.15 of 1975.

fixed sum shall, notwithstanding anything contained in clause (3), be substituted for the income from any such head or part thereof.

3. Calculation of the income from rent.-The income from rent shall be calculated in accordance with the provisions of sections 4 and 5.

4.**Net income.-The** net income of a landowner for the basic year shall be calculated by deducting from his gross income therefor.—

(1) any sums of recurring nature due to the Government from the landowner for the basic year on any account, including revenue; and Administrative charges, inclusive of the cost of collection, maintenance of land records, managements of estates and ir-recoverable arrear of rents, at the rate of twenty-five per cent of the gross income: Provided that in no case shall the net income be computed at a figure less than fifty per cent of the gross income.

5. Amount of compensation money.-The compensation payable under section 12 to a landowner shall be seven times his net income calculated in accordance with the provisions hereinbefore in this Schedule contained]

6.Charitable and educational institutions.-Notwithstanding anything in section 12 or in clause (5) of this Schedule, where any part of the estate in respect of which a notification under section 7 has been issued is held as a grant made before the first day of July. 1959, by the landowner for the maintenance of an institution for educational or charitable purposes, or any place of religious worship, or for the performance of any religious service such part of the estate shall be excluded in assessing the amount of compensation payable for the whole of such estate to the landowner and the State Government shall, in respect of such part, pay, by way of compensation, an annuity in perpetuity equal in amount to the net income from such part of the estate in or for the basic year, determined in accordance with the provisions governing determination of compensation as contained in this Schedule to the person who is, or may hereafter be, recognised, in accordance with law as being charged, for the time being, with the duty of maintenance of such institution or place of worship, or the performance of such service, and any such person shall file a statement of his claim for compensation in the prescribed manner within the prescribed period.

THE RAJASTHAN LAND REFORMS AND ACQUISITION OF LANDOWNERS ESTATES RULES, 1964

CONTENTS

1. Short title and commencement.

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THE RAJASTHAN LAND REFORMS AND ACQUISITION OF LANDOWNERS ESTATES RULES, 1964

[Notfn. No. F. 19(29) Rev./A/6O, dt. 29-7-1964: pub. in Raj. Gaz. Pt. IV-C.*Ext., dt.* 3O-7-64].

And as amended by the following notfhs:—

1. No. F. 19(29) Rev./A/60, dt. 29-8-1964; pub. in Raj. Gaz.Pt. IV- C, Ext,,dt. 29- 8-64.

2. No. G.S.R. 8/F. 6(122) Rev./Gr. IV/75, dt. 1-5-1975; pub.in Raj. Gaz. Ext. Pt. IV-C(I), dt. 1-5-75.

Note.-In the footnotes appearing hereinafter, the amending notifications are referred to by Serial Nos. as given to them above.

In exercise of the powers conferred by section 30 of the Rajasthan Land Reforms and Acquisition of Landowners Estates Act. 1963 (Rajasthan Act No. 11 of 1964), the State Government hereby makes the following rules, namely:—

1. Short title and commencement.-(1) These rules may be called the Rajasthan Land Reforms and Acquisition of landowners Estates Rules, 1964.

(2) They shall come into force at once.

2. Interpretation.-In these rules, unless the context otherwise requires,—

(1) the Act means the Rajasthan Land Reforms and Acquisition Landowners Estates Act, 1964;

(2) Collectors means the Collector of the District in which a land owner permanently resides whether or not the whole of his estate is situate within that district;

(3)

Form means a form appended to these rules;

(4) Section means a section of the Act.

3. Issue of notice under section 3.-To enable the Collector to discharge the duty imposed on him by sections 3 and 4 of the Act, the Collector shall, [10][within sixty days of the commencement of these rules].

(a) Scrutinise the inventories in respect of every landowner residing in his district and prepare a statement of the lands liable to assessment under section 3 of the Act; (b)call for a report from the Tehsildars and the Settlement Department as to— (i) whether such lands are settled;

(ii) the rents in respect of settled lands as entered in the revenue record of the village;

(iii) the prevailing rent-rates in the locality of khudkasht or other lands that have not been assessed; and

(c) issue a notice, in form *A', to every landowner permanently residing in his district

[10]Subs. by No. 1 dt. [29-8-64]

requiring him to furnish a statement in form B, of the rental income from his estate.

4. Examination and preparation of statement of Income.-(1) Upon receipt of the statement of income in form 'B the Collector shall examine the same with reference to the statement prepared under clause (a), and the reports received under clause (b), of rule 3.

(2) If such a statement in respect of any estate is not received by the Collector within the period specified in the notice issued under rule 3, the Collector shall immediately proceed to prepare the statement himself and make such further enquiry as may be necessary.

5. Power to examine witnesses and receive evidence.-The Collector may examine witnesses and receive and admit in evidence the revenue records of the landowner, receipts for rents and other documents produced by or on behalf of the landowner or his tenants and other persons and for that purpose the Collector may exercise all the powers conferred on him by section *24 of* the Act.

6. Representation of landowner and Government at enquiries.-

At every such enquiry or examination, the landowner may, if he so desires, appear in person or by a recognised agent; and the Collector may, if he considers it necessary, require any officer subordinate to him, not lower in rank to a Tehsildar, to represent Government interest at such enquiry.

7. Hearing of objections and final determination by Collector.-

(1) The Collector shall, upon completion of the enquiry and hearing of objections, determine the amount of rental income under section 4 or section 5, as the case may be. If the landowner has failed to furnish a statement under sub-section (1) of section 5 and clause (c) of rule 3, or where the Collector has reason to believe that in any such statement the landowner has concealed any rental income or deliberately furnished in accurate particulars thereof the Collector shall determine the rental income from the estate after holding such enquiry, as he deems fit.

(2) If the estate or any part thereof has been settled after the date of vesting but before the determination of compensation under section 15, the income from agricultural land shall be calculated on the basis of the sanctioned rent rates for the assessment circle or circles in which the estate is situate; and the income from grazing dues shall be calculated at the sanctioned rate of grazing fee in some neighbouring Government forests or pasture land.

[11][8. **Manner of recovery of possession.-if** the landowner and airy-other person claiming through him in his estate fails to deliver the possession of the estate acquired under section 7 of the Act, the Collector shall recover its possession from the

[11]Subs. by No. 2 [1-5-75].

landowner and such other person by proclaiming the fact of the taking over possession of the estate by beat of drum near the estate and by affixing a notice to that effect on the notice boards of the offices of the Collector and the concerned tehsil and at a conspicuous place near the estate acquired and the recovery of possession of the estate in such manner shall, for all purposes, be effective as against the landowner and every other person claiming through him in his estate].

9. Sub-mission of list of private lands, buildings etc.-(I) The landowner shall, while delivering the records. mentioned in [12][Section 91 also file a list of the properties that he claims as his private and personal properties under sub-section (1) of section 10 of the Act, Such lists shall be filed in triplicate.

(2) One copy of the list shall be forwarded by the Collector to the Government in the Revenue Department for information and the other copy shall be got affixed on the notice board of the Tehsil concerned; and Collector shall inform the Municipal Board or Village Panchayat concerned that they may see the list in the Tehsil and submit: their objections, if any, to the inclusion of any property or part thereof, to the Sub-Divisional Officer within a specified period not exceeding one month.

(3) The Sub-Divisional Officer may extend the time by another thirty days, if he is satisfied that there are sufficient grounds for doing so, and shall submit the objections received from the Municipal Board or the Village Panchayat with his opinion to the Compensation Commissioner through the Collector.

10. Inquiry by Compensation Commissioner in the matter of private properties of landowners.-Upon receipt of the Sub-Divisional Officer's report under rule 9, through the Collector, the Compensation Commissioner shall, after such further inquiry as he may consider necessary and after giving an opportunity of being heard if they so desire, to the landowner, the Government, the Municipal Board or the Village Panchayat pass order as laid down in sub-section (2) of section 10.

[13][**11. Rate of interest on the amount recovered in contravention of sub-section (1) of section** 11.-The rate at which interest shall be paid by the landowner on the amount of rent, cess or other dues recovered by him in contravention of sub-section (1) of section 11 and which he has failed to refund within the time specified in sub-section (1-A) of the said section shall be six per cent per annum].

[14][**12**. **Imposition of penalty.-In** fixing the amount of penalty under sub-section (2) of section 11, the Collector shall take into consideration the following matters:— (a) the date of recovery; (b) the period for which the amount recovered was due;

[12]Subs. by No. 2, [1-5-75].
[13]Subs. by No. 2, [1-5-75].
[14]Subs. by No. 2, [1-5-75].

(c) the amount recovered; and

(d) the circumstances under which the amount was recovered].

[15][13. **Appropriation of amount of rent cess and other dues.-**The amount of any rent, cess or other dues refunded by the landowner under sub-section (1-A) or sub-section (2) of section 11 or recovered from him under sub-section (3) of the said section shall be appropriated by the Collector as against the arrears of rent cess or other dues due to the Government under clause (c) of sub-section (1) of section 8 of the Act).

14. Application by religious institution for grant under section 13.-An application by a religious institution which was receiving from the income of any estate acquired under the Act a grant of money for a period exceeding six years from the date of acquisition shall be in form 'C', and shall be submitted in duplicate.

15. Inquiry and disposal of application made under rule 14. -(1) On receipt of an application under section 13 of the Act and rule 14 of these rules, the Collector shall forward the duplicate copy of the application to the Assistant Commissioner, Devasthan, concerned for an inquiry and report as to the correctness or otherwise of the statements made in the application.

(2) The Assistant Commissioner shall complete the inquiry and submit his report to the Collector within two months of the receipt of the order.

On receipt of the Assistant Commissioner's report and after such further inquiry if any, as he may deem fit to make, the Collector shall forward the application, alongwith the record of the case, and his own recommendation, to the Secretary to Government in the Revenue Department, for the orders of the Government.

16. Utilisation of acquired estates.-(1) The Government shall reserve such extent of the land comprised in the estates acquired by or vesting in it under section 7 as may be necessary for purposes directed towards the promotion of agriculture or the welfare of the agricultural population to be settled on such lands.

(2) Fifty percent of the land remaining after the reservation mentioned in sub-rule (1), shall be allotted to landless persons, agriculturists and agricultural laborers belonging to the scheduled caste and the scheduled tribe and the remaining land shall be allotted to other landless persons, agriculturists and agricultural laborers according to the order of priority specified in sub-rule, (3).

(3) In making allotment of land under sub-rule (2), the following order of priority shall be observed :—

(a) A landless person or agricultural laborer who is in possession of the land under a transfer by the landowner which is not recognised under clause (i) of section 7 A or which is null and void under clause (ii) of the said section.

(b) Co-operative agricultural society.

[15]Subs. by No. 2, [1-5-75].

(c) A landless person who is a member of Armed Forces of the Union of India.

(d) A landless person or agricultural laborer residing in the village in which the land vested is situated and who does not hold any land whether in his own name or in the name of any member of his joint family.

(e) Other landless person and agricultural laborer residing in the village in which the land vested is situated.

(f) A tenant of contiguous plot of land holding landless than the ceiling area applicable to him.

(g) Any other landless person:

Provided that if there are more than one applicant belonging to the categories mentioned in clauses (b) to (g) for the same land, allotment shall be made to the applicant whose application was received first.

(4) In areas other than those covered by sub-rule (5) allotment shall be made by the Sub-Divisional Officer exercising jurisdiction in the areas where land is situated.

(5) The allottee shall have to pay the price of land allotted to him proportionate to the amount of compensation paid by the Government to the landowner for the land allotted to the allottee. In addition to the price of the land, the allottee shall also be liable to pay compensation for an improvement existing on the land as may be determined by the sub-Divisional Officer having regard to the provisions contained in section 75 of the Rajasthan Tenancy Act, 1955 and also compensation for the trees standing thereon at the rate prescribed under section 80 of the said Act.

(6) The initial allotment of land shall be on Ghair Khatedari tenure but on full payment of the price and compensation referred to in sub-rule (5) by the allottee; he shall be conferred Khatedari rights and become entitled to all the rights and subject to all the liabilities of a Khatedari tenant under the Rajasthan Tenancy Act, 1955.

(7) The allotment of land shall be subject to the payment of rent at sanctioned rent rate applicable to the land:

Provided that if the existing assessment of the land is at the rate applicable to uncultivated land, the allottee shall have to pay rent at the rate applicable to the lowest class of cultivated land to which it will on cultivation belong.

(8)Notwithstanding anything to the contrary contained in these rules, allotment in area to which the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) applies shall be made in accordance with the rules made and subject to the statement of conditions issued under the Rajasthan Colonisation Act, 1954 for allotment of land in such areas.

[16]**[17. Statement of claim for compensation.-**Thestatement of claim for compensation to be filed under sub-section (1) of section 14 of the Act shall be in form 'D' and shall be filed in duplicate. It shall be signed by the landowner himself provided

[16]Subs. by No. 2, [1-5-75].

that the Compensation Commissioner may entertain a statement signed by any other person duly authorised by the landowner].

[17]**[18. Other sources of income to be included in gross income.-** In addition to the sources of income specified in sub-clauses (a) to (e) of clause 2 of the schedule appended to the Act, the following other sources of income shall, for the purpose of calculating the gross income of the landowner, be included, namely:—

(a) income from irrigation charges realised in respect of tanks, lakes, ponds, rivers and water channels held for purposes of irrigation calculated on the basis of average income therefrom for three years preceding the basic year;

(b) income from landing grounds or strips calculated on the basis of average income therefrom for three years preceding the basic year; and

(c) income from shikargah calculated on the basis of average income therefrom for three years preceding the basic year].

[18]**[19. Determination of compensation and amount recoverable from landowner.-** In order to determine provisionally or finally the amount of compensation and the amount recoverable from the landowner under clause (e) of sub-section (1) of section 8 and the schedule appended to the Act, the Compensation Commissioner shall, without prejudice to any other provision contained in the Act, have power to—

(a) call for any information or report from any officer or authority relevant to the matters specified in section 15 and the schedule to the Act;

(b) call for or receive from any Officer or Authority statement regarding the amount recoverable from the landowner under clause (e) of sub-section (1) of section 8 and the schedule together with documents in support thereof;

(c) require the landowner to produce any register, record, document or other evidence as may be in his possession or power, and

(d) examine the landowner, tenants or other persons on matters relevant to enquiry before him].

20. Form of final order under section 15(2).-The Compensation Commissioner's final order under sub-section (2) of section 15 of the Act shall be in [19][Form E].

21.**Statement of claim for annuity in perpetuity under clause 6 of the schedule to the Act.-A** statement of claim for an annuity in perpetuity under clause 6 of the Schedule to the Act shall be filed in [20][Form 'F'] and shall be in duplicate.

22. Determination of annuity in perpetuity under clause 6 of the schedule. -(1)

[17]Subs. by No. 2, [1-5-1975].
[18]Subs. by No. 2, [1-5-1975].
[19]Subs. by No. 2, [1-5-75].
[20]Subs. by No. 2, [1-5-75].

On receipt of a statement of claim in [21][Form F] for an annuity perpetuity under clause 6 of the schedule to the Act, the Collector shall issue a notice in [22][Form 'G'].

(2) The notice shall be served in accordance with rule 28, and a copy of the notice shall also be served on the landowner who made the grant in respect of which the annuity is claimed.

(3) On receipt of objections, if any, or on the expiry of the period of notice, the Collector shall proceed to determine the amount of annuity in perpetuity payable in accordance with the provisions of clause 6 of the Schedule to the Act, and necessary deductions shall be made from the amount of compensation to be paid to the landowner who made the grant.

(4) For determining the amount of annuity in perpetuity [23][Form 'E'] may be used. The amount of annuity in perpetuity shall be equal to the amount arrived at by deducting the grand total of the deductions to be made from the grand total of the gross income for the basic year.

(5)Determined under clause 2 of the schedule to the Act.
(5) A certificate for the payment of the annuity in perpetuity shall be issued in [24]Form 'H'].

23. Payment of annuity in perpetuity.-(1) The annuity in perpetuity payable under clause 6 of the schedule shall be paid in cash from the Government Treasury or sub-Treasure in which the institution for which the annuity is made is situated.

(2) The order of the Devasthan Commissioner or the Director of Education, as the case may be, for payment of the annuity shall be [25]

Form I] and the amount shall be drawn on a bill in [26][Form J] and shall be paid in the following manner :—

(i) In the case of Muslim Wakf	To the Mutwali as defined in the Wakfs Act, 1954 (Central) Act XXIX of 1954), who is, or may ' hereafter, be recognised, in accordance with law as being charged for the time being with the duty of maintenance of the institution or the place of worship or the performance of the religious service: Provided that in the event of a dispute as to succession to the office of Mutwali, the amount shall be paid to the Board of

[21]Subs. by No. 2, [1-5-75].
[22]Subs. by No. 2, [1-5-75].
[23]Subs. by No. 2, [1-5-75].
[24]Subs. by No. 2, [1-5-75].
[25]Subs. by No. 2, [1-5-75].
[26]Subs. by No. 2, [1-5-75].

	Wakfs, Raj as than established under section 9 of the said Act.
(ii) In the case of a public trust as defined in the Rajasthan Public Trust Act, 1959. (Rajasthan Act 42 of 1959).	To the trustee or other person who is, or may hereafter, be recognised in accordance with law as being charged for the time being with the duty of maintenance of the institution or the place of worship or the performance of the religious service: Provided that in the event of a dispute to succession to the office of the trustee or other person, the amount shall be paid to the Devasthan Commissioner: Provided further that if a Committee of management has been constituted for a public trust under section 53 of the Rajasthan Public Trust Act, 1959, (Rajasthan Act 42 of 1959) the payment shall be made to such committee of management.

(iii) If the grant was made for an educational purpose.	To the person who is, or may hereafter be recognised, in accordance with law, as being charged for the time being the duty of maintenance of such institution: Provided that in the event of a dispute in regard to the person who is so charged, the amount shall be paid to the Director of Education concerned

24. Certificate of payment of Compensation.-(1) A certificate in duplicate shall be prepared by the Compensation Commissioner in [27][Form K], showing the total amount of compensation payable the arrears of Government dues to be deducted from the amount of each installment, and the interest thereon, and the date on which, and the Treasury or the Sub-Treasury at which, the annual installment will be payable to the landowner.

(2) One copy of the certificate shall be issued to the land owner, the second copy shall be issued to the Secretary to the Government, Revenue Department, the third copy

[27]Subs. by No. 2, [1-5-75].

shall be sent to the Accountant

General, Rajasthan, and the fourth copy shall be kept on the file in the office of the Compensation Commissioner.

25. Date of payment of installment.-The payment of each installment shall become due on the date rioted in the certificate issued under rule 24 or on the next working day if that date happens to be holiday.

26. Form of Compensation.-All Compensation payable under the Act shall be given in cash.

27. Enquiries.- How to be conducted.-All enquiries under the Act, shall, unless otherwise specifically provided therein or in these rules, be conducted:—

(a) In contested cases.-In the manner provided by law for the trial of a suit in a Revenue Court; and

(b) In other cases.-In the manner provided by law for the trial of an application by a Revenue Court.

28. Mode of service of notice or order.- Every notice or order under the Act or under these rules may be served either by tendering or delivering a copy thereof or sending such copy by post in a cover registered under the Indian Post Office Act, 1898 (Central Act VI of 1898) to the person on whom it is to be served or his authorised agent, or if service in the manner aforesaid cannot, be made, by affixing a copy thereof at his last known place, of residence or at some place of public resort in the village in which the land to which the notice relates is situated.

29. Court fee.-The court fee on applications and appeals under the Act shall be the same as is provided for the time being for application and appeals presented to a Revenue Court, and process fees shall be payable in respect of a notice issued under the Act, as if they were processes issued by a Revenue Court.

30**. Inspections and Copies.**-(1) Inspection of all documents statements and registers maintained under the Act or under these rules shall be allowed on application to the Compensation Commissioner, or the Collector, as the case may be during office hours on working days, on payment of the same fees as are prescribed for the inspection of revenue record, statements and registers maintained by the collector under rules in force for the time

being:

Provided that inspection for official purposes shall be allowed free of charge.

(2) Copies of such documents, statements and registers may be issued under the orders of the Compensation commissioner, or the Collector, as the case may be. on payment of the same fees as are prescribed for the issue of a copy of the revenue record, registers arid statements maintained by the collector under the rules in force for the time being:

Provided that no fees shall be charged for copies required for official use.

FORM 'A'

(See Rule 3)

Notice under rule 3 of the Raj as than Land Reforms and Acquisition of Landowners' Estates Rules, 1964.

From:

The Collector of……. District

To:

…….

(full name and title of the landowner to be mentioned)

Whereas the Rajastan Land Reforms and Acquisition of Land owners payment of land revenue to the State Government as from the 1st of April. 1963. and till the day immediately preceding its acquisition by a notification under section 7 of the Act;

And Whereas I ..... (name) Collector of (name of district to be mentioned) and required by sub-section (2) of section 3 of the said Act to assess the land revenue payable in respect of your estate and to determine under sub-section (1) of section 4, the rental income from such estate;

You are hereby requested kindly to furnish, within sixty days of the receipt of this notice, a statement in form 'B' (copy attached) of the rental income from all the villages and lands

forming part of your estate.

Kindly note that if the statement of rental income is not furnished within the period specified above. I shall, as empowered by sub-section (3) of section 5 of the Act. proceed to determine the rental income in accordance with the provisions of the said sub-section of the said section.

I have also to invite your attention to the provisions of sub- section (4) of section 5 of the Act, which lays down that the statement furnished by a landowner may be used against him for the purpose of determining the compensation payable on the acquisition of his estate.

Given under my hand and the seal of the Court this .. …….day **of…….20.....**

Seal of the Court Signature of Collector

……..

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Land Reforms & Acquisition of Estates Act, 1963

FORM 'B'

See Rule 3(c)

Statement of rental income for assessment of land revenue under section 3 of Rajasthan Act No. 11 of 1964.

From:

…….

……....

(Name and address of landowner)

To:

The Collector of. ..... (District)

Dear Sir,

In response to your notice dated the ..... I hereby furnish the following statement of the rental income of my estate for the purpose of assessment of land revenue: Name of landowner .....

Date of acquisition .....

PARTICULARS.OF ESTATE

Part A — *Settled villages and lands*

(1) Name of village, with name of tehsil .....

(2) Whether whole (Salim) village belongs to the landowner or only specified areas. If the later is the case, the Khasra numbers of all such areas

(3) Total area of the village/land in acres, with particulars of occupied and unoccupied area .....

(4) Total irrigated area in acres, irrigation source-wise e.g. Chahi, Nahri. Talabi, etc .....

(5) Total area of each soil class in the village/land in acre

(6) Soil class-wise rent rates, if known .....

(7) Total rent, as assessed by Settlement Officer and as entered in the revenue record of the village .....

(8) Particulars of lands under the personal cultivation of the landowner and total area with total area of each soil class irrigated and un-irrigated

(9) Income from rents actually realised from tenants in respect of occupied lands……

Land Reforms & Acquisition of Estates Act, 1963

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(10) Total rent of Sayar realised from unoccupied lands.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(11) Total rents that would have been payable for land under personal cultivation of the landowner at prevailing rent rates.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(12) Income from grazingdues.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(13) Income from forest dues

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

[28][(14) Income from irrigation charges of tanks, lakes, ponds, rivers and water channels held for purposes of irrigation.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

[28]Ins. by No. 2, [1-5-75].

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(15) Income from landing grounds or strips.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(16) Income for Shikargah.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

Part B — *Unsettled villages and lands.*

*(1)*Name of village, with name of tehsil...

(2) Whether whole (Salim) village belongs to the landowner or only specified areas. If the later is the case, the Khasra numbers of all such areas.

(3) Total area of village/land in acres, with particulars of occupied and unoccupied area.

(4) Total irrigated area in acres, irrigation source- wise e.g. Chahi, Nahri, Talaui, etc.

(5) Income from rents actually realised from tenants in respect of occupied lands with particulars whether realised in cash or in kind; and if the latter, the share of produce taken.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(6) Total rent or Sayar realised from unoccupied lands on rent-rates prevailing in neighbouring settled villages /lands.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(7) Total rents that would have been payable for land under personal cultivation of the landowner at prevailing rent-rates in the locality.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(8) Income from grazing dues.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(9) Income from forest dues.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(10) Income from irrigation charges of tanks, lakes, ponds, river and water channels held for purpose of irrigation.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(11) Income from landing grounds and strips.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

(12) Income from Shikargah.

1960-61	1961-62	1962-63	Total for three years	Yearly average
1	2	3	4	5

Certified that the entries in this statement are true to the best of my knowledge and belief.

Signature of landowner with date

……..

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Land Reforms & Acquisition of Estates Act, 1963

FORM 'C'

(See Rule 14)

Application by religious institution for grant under section 13 of Rajasthan Act, 11 of 1964.

To

The Secretary to the Government of Rajas than, Revenue Department through the Collector of. .....

..... District.

Sir,

This is an application for a grant under section 13 of the Rajasthan Land Reforms and Acquisition of Landowners' Estate Act, 1963, and rule 14 of the Rajasthan Land Reforms and Acquisition of Landowners' Estate Rules, 1964.

2. The required particulars are given below:—

(1) Name of religious institution (temple, mosque, church, gurdwara, etc.) with name of place and particulars of locality where situated.

(2) Whether the religious institution is open to the general public or only to some specified community or whether it is a private religious institution of the landowner.

(3) Whether it has been registered as a public trust under the Rajasthan Public Trust Act. 1959 (Rajasthan Act 42 of 1959), if so number and date of registration certificate.

(4) The date of the order, if any, where the landowner first made the grant to the religious institution, (a certified copy of the order should be attached), and whether the grant originally
made by the landowner was being received by the religious institution regularly for a period of six years from the date of the acquisition of the estate.

(5) The approximate value of the immovable property held by the religious institution.

(6) The average annual income of the religious institution from all sources, such as the rent etc. of its immovable property investment, offerings etc.

(7) The average yearly expenditure of the religious institution.

(8) The name and particulars of the working trustee, manager or other person charged with the duty of maintenance of the religious institution or its worship, to whom the grant if sanction will be payable.

3. I request that the Government may be pleased to make a grant from the Consolidated Fund of the State.

Signature .....

Date ..... : .....

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Land Reforms & Acquisition of Estates Act, 1963

VERIFICATION

I solemnly verify that the statements made in the above application are true to the best of my knowledge and belief; and that I have stated the truth and have not suppressed or concealed any fact.

Signature .....

Date.....

.....

FORM 'D'

[See Rule 29[17]]

Statement of claim for compensation under Section 14(1) of the Rajasthan Land Reforms and Acquisition.

of Landowners' Estate Act, 1963.

PART A — *(General)*

1. Name of estate-holder with address. ....
2. Name and description of the .... estate and name of district.
3. Date of vesting of estate (see sub-section (3) of section 7 of the Act) .....
4. Basic year (see clause 1 of the Schedule to Rajas than Act, 11 of 1964) ....
5. Date of filing of this state- .... ment.

Part B — *(Particulars of Estate)*

1. Names of villages comprised ....

forming part of the estate are situated.

(i) S. No. . .....

(ii) Name of village with name of Tehsil. .....

(iii) Whether whole village is held or only a part; and if the latter,

Khasra numbers .....

2.(i) Total area of estate including land under personal cultivation of the landowner in Bighas / acres. .....

[29]Subs. by No. 2, [1-5-75].

Occupied	Unoccupied	Total	Cultivated
1	2	3	4

Un-cultivated	Irrigated	Cultivated
1	2	3

Total area of each soil

(ii) Area of estate under personal cultivation of landowner …….....

3. Sanctioned of rent-rates . .....

Part C – *(Details of Gross Income)*

1. Income from land revenue and rents. .....

(i) From land under personal cultivation of the landowner .....

(ii) Rent from other tenants (See Section 4 of the Act). If the rent was not realised in accordance with the cash rent determined by the settlement Officer, particulars of the rate at which rent was realised and if the rent was realised in kind, the share of produce should be given. .....

(iii) Revenue or rent received from grantees, if any .....

(iv) Average income during three years preceding the basic year. .....

1st year	2nd Year	3rd Year	Average of 3 years
Rs. P.	Rs. P.	Rs. P.	Rs. P.

(b) Income from grazing fees. The scale of grazing fees prescribed by Government and the scale of grazing fees realised by the landowner should be specifically mentioned.

[30][(c) xxx]

[31][(c)] Income from other non-agricultural uses of land, e.g. market fees, sale of fishing rights and the like, but not including rents from houses or village sites.

[32][(d)] Average income from conversion of culturable land into Abadi and vice versa

and from sale of culturable and Abadi land on the basis of average income therefrom during the 20 years immediately preceding the basic year (vide details given in the statement attached.)

[33][(e) Average income from irrigation charges realised in respect of tanks, lakes, ponds, rivers and water channels held for purpose of irrigation calculated on the basis of average income therefrom for three years preceding the basic year.

(f) Average income from landing grounds or strips calculated on the basis of average income therefrom for three years preceding the basic year.

(g) Average income from Shikargah calculated on the basis of average income therefrom for three years preceding the basic year.]

Part D — *(Deductions to be made)*

(1) Land revenue and other sums of recurring nature, e.g., agricultural income-tax, other taxes, cesses, etc. due to the Government...

(2) Revenue, rents, cesses or other dues for the agricultural year in which the date of vesting falls recovered by the landowner before the said date (vide clause (d) of sub-section (1) of section 8 of the Act.)

(3) Arrears of revenue, cesses or other dues in respect of the estates due from the landowner for any period prior to the date of vesting (vide clause (e) of sub-section (1) of sec.8)

(4) Administrative charges inclusive of cost of collection, main tenance of land records, management of estate and irrecoverable arrears of rent at twenty five per cent of the gross income.

Part E — *(Particulars of documents is support of the Statement of claim)*

See sub-section (3) of section 14 of the Act. (Particulars to be given).

Signature.....

Date .....

VERIFICATION

I verify that the entries made in the statements are correct to the best of my

[30]Omitted by No. 2, [1-5-75].

[31]Re-numbered by No. 2, [1-5-75].

[32]Re-numbered by No. 2, [1-5-75].

[33]Ins. by No. 2, [1-5-75].

knowledge and belief; and that no other claim has been made or remains to be made on account of the acquisition of my estate.

Signature.....

Date.....

[34][FORM 'E']

(See Rule 20)

Form of final order under sec. 15(2) **of Rajasthan Act** No. **11 of 1964.**

1. Name arid description of Estate.....
2. Name and address of landowner.....

3. Date of vesting .....

4. Basic year.....

PART I—*Income*

a	Income from land revenue and rents determined in accordance with the provisions of section 4 and 5 of the Act.	
b	Income from forests calculated on the basis of average yield for 3 years preceding the basic year	
c	Income from grazing dues calculated on the basis of average yield for 3 years preceding the basic year, subject to the provisions of item (c) of clause 2 of the schedule to the Act.	
d	[35][Income from other non-agricultural uses of land calculated on the basis of average yield for 3 years preceding the basic year.	
e	[36][(e)] Income from conversion of culturable land into Abadi and vice-versa and from sale of culturable or Abadi land calculated on the basis of average income there from during 20 years immediately preceding the basic year Gross income under all heads (a) to (f)	
f	[37][Income from irrigation charges realised in respect of tanks, lakes, ponds, rivers and water channels held for purposes of irrigation calcu-lated on the basis of average income therefrom	

[34]Form 'E' ommitted and Form 'G' renumbered as Form 'E' by No. 2, [1-5-75]. [35]Re-numbered by No. 2, [1-5-75].

[36]Re-numbered by No. 2, [1-5-75].

[37]Ins. By No. 2, [1-5-75].

	for three years preceding the basic year.	
g	Income from landing grounds or strip calculated on the basis of average income there from for three years preceding the basic year.	
h	Income from Shikargah calculated on the basis of average income therefrom for three years preceding the basic year.	
	PART II —*Dues & deductions, Net Income*	
1	Sums of recurring nature due to the Government from the landowner for the basic year on account of land revenue, agricultural income-tax, other taxes, rents and cesses.	
2	Administrative charges inclusive of the cost of collection maintenance of land records, manage-ment of estate and irrecoverable arrears of rent @ 25% of the gross income. Total of items (1) & (2)	

3	Net income (total of gross income Under all heads minus total of Deduction).	
	PART III – *Compensation*	
1	Total amount of compensation payable (net income multiplied by 7 equals to	
2	Arrears of revenue, ceases or other dues in respect of the estate due from the landowner for any period prior to the date of vesting, including revenue, rent, cesses or other dues for the agricultural year in which the date of vesting falls, recovered by the landowner before the said date.	
3	Net amount actually payable mentioned at S. No. (1) minus the amount of S.N. (2) equal to.	
4	Annual installment (amount mentioned at S. No. (3) divided by 30)	
5	Rate of interest @2.1/2% per annum simple interest from date of vesting till the date of payment.	

Date — Compensation Commissioner

Seal — Rajasthan

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Land Reforms & Acquisition of Estates Act, 1963

[38][FORM 'F']

(See Rule 21)

Statement of claim for annuity in perpetuity under clause 6 of the Schedule to Rajasthan Act 11 of 1964.

To

The Compensation Commissioner, Rajasthan, (name of head-quarter to be mentioned).

Sir,

I hereby apply for payment of an annuity in perpetuity under clause 6 of the Schedule to the Rajasthan Land Reforms and Acquisition of Land-owners' Estates Act, 1963. The required particulars are given below:—

1	Name of applicant with parentage, age and full address.	
2	2 Name of religious/ educational/ charitable instit-ution	
	/purpose/service for which the grant was made (full particulars to be given).	
3	3 Name and address of the landowner who made the grant.	
4	4 Date on which the grant was made	

5	5 Particulars of grant:— (i) Name of village with name of Tehsil and name of District. (ii) Khevat numbers, if any (iii) Khasra numbers. (iv) Area in Bighas/acres (v) Soil-class. (vi)Annual rent.	
6	6 Date of vesting of the estate (see sub-section (3) of section 7 of the Act).	
7	Basic year (see clause 1 of the Schedule to the Act).	
8	8 Date of submission of this claim for annuity.	
9	9 Name of the person who is at present charged with the duty of maintenance of the institution or place of worship or the performance of the service; and name of authority who made the appointment together with particulars of the order.	

[38]Form 'F' omitted and Form 'H' renumbered as Form 'F' by No. 2, [1-5-75].

The particulars of income, dues and deductions and other particulars as per form 'B' appended to the Rajasthaii Land Reforms arid Acquisition of Landowners Estates Rules, 1964 are attached.

Yours faithfully

Date ..... Signature

VERIFICATION

I solemnly verify that the statements made in the above application and the appended forms are true to the best of my knowledge and belief; and that I have stated the truth and have not suppressed or concealed any fact.

Signature

1. Witness

2, Witness

Dated .....

Place .....

[39][FORM 'G']

(See Rule 22)

Notice inviting objections to claim for annuity in perpetuity under clause 6 of the Schedule to Rajasthan Act 11 of 1964.

Whereas Shri.... ..... …….S/o ..... …… Resident of. ..... …….. Tehsil..... …… District……. ..... who claims to hold a grant made, before the first day of July, 1959, by Shri (who is a Landowner, within the meaning of clause (g) of section 2 of the Rajasthan Land Reforms and Acquisition of Landowners* Estates Act 1963 (Rajasthan Act II of 1964) for the maintenance of ..... institution /purpose/service, (full particulars to be given), has applied under clause 6 of the Schedule to the said Act and rule 21 of

the Rajasthan Land Reforms and Acquisition of Land owners' Estates Rules, 1964, for an annuity in perpetuity, notice is hereby given to all concerned of the said claim and objections are hereby invited.

All objections should be filed in my court on or before (date to be mentioned) when the claim will be taken up for determination.

[39]Form 'I' Renumbered as Form 'G' by No. 2, [1-5-75].

Notice is also hereby given to the said…….. landowner, by whom the grant is alleged to have been made, to show cause, on or before the said date, why that part of the estate covered by the alleged grant should not be excluded in assessing the amount of compensation payable for the abolition of the said estate.

Take notice that if no objections are filed by the said date, the undersigned will pass suitable orders.

Given under my hand and the seal of this court on .. (date) of the month of. ..... 19 ....

Seal Signature

Compensation Commissioner

[40]**[FORM 'H']**

(See rule 22(5)]

Office of the Compensation Commissioner, Rajasthan.

Certificate for the payment of annuity in perpetuity under clause 6 of the Schedule to the Rajasthan Land Reforms and Acquisition of Landowners' Estates Act, 1963.

Name of the estate.....
Tehsil..... District.....
Name of the Institution.....
Claim No.....

This is to certify that..... (Name of the Institution), being an (Nature of the Institution whether Religious, Educational or Charitable) ....institution has been held under clause 6 of the Rajasthan Land Reforms and Acquisition of Landowners' Estate Act, 1963, to be entitled to an annuity in perpetuity of Rs ..... (in words) on account of acquisition of the estate noted above with effect . from ....19 ...(dated).

The annuity will be paid to the said institution b}' the Devasthan Commissioner /Director of Education, Rajasthan, debitable to his Budget grant commencing one year from the date of acquisition of the estate noted above.

Issued this ..... day of the month of. ..... of the year ..... under my hand and the seal of this court.

Seal Signature

Compensation Commissioner

[40]Form 'J' renumbered as Form 'H' by No. 2, [1-5-75].

[41]**[FORM'I']**

(See rule 23(2))

Order for Payment of annuity in perpetuity

From:

The Director of Education,
Rajasthan, Bikaner.
or
The Devasthan Commissioner,
Rajasthan, Udaipur.

To:

The Collector, or
The Tehsildar,

Sub:-Payment of annuity in perpetuity to institutions in lieu of grants made by landowners.

Ref.-Certificate No .... ……dated …….issued by the Compensation Commissioner.

Sir,

In pursuance of the certificate mentioned above, sanction is hereby accorded to the disbursement of an annuity of Rs…….. (in words) to …… (Name of Institution) every year, on (date) commencing from …….day and till further orders.

The expenditure is debitable to head…….. of the Budget.

Yours faithfully,

---

[42]**[FORM 'J']**

(See rule 23(2))

Bill of annuity in perpetuity

Bill No ..... Voucher No.....

Month of Drawal

Head of Account .....

[41]Form 'K' renumbered as Form 'J' by No. 2 [1-5-75].
[42]Form 'L' renumbered as Form 'J' by No. 2 [1-5-75].

.....

.....

Received on behalf of .... (Name of Trust etc.) a sum of Rs ..... ……..(in words) being the amount of annuity for the period from ..... to……. as sanctioned above ..... (Name of the Authority) in his Order No dated

Signature..... .....

Dated ..... Mutwali/ Trustee of.....

Counter signature
Countersigned for Rs.

Signature Collector / Tehsildar

For use in Treasury
Pay Rs .....
Examined .....

Treasury Accountant Treasury Officer

For Bank
Paid Rs ..... Manager Bank

For Treasurer
Paid Rs. Treasurer

For use in Accountant General's Office.
Admitted Rs .....
Objected to Rs .....
Reasons for objection .....

[43]**[Form 'K']**

(See rule 24)

Certificate of payment of compensation

This is to certify that (name of landowner) ..... resident of……. Tehsil…….. District ..... has been held under section 15 of the Rajasthan Land Reforms and Acquisition of Land owners' Act. 1963 to be entitled to a compensation of Rs .....

(rupees .....) on account of the acquisition of his estate.

The above mentioned amount will be paid to him in 30 annual installments as mentioned below alongwith simple interest @ 2 1/2% per annum on production of this Certificate.

Compensation Commissioner,
Rajasthan Date

(1) Amount of compensation Rs .....

(2) Annual installments Rs..,. .....

(3) Interest payable Rs .....

(4) Date of payment of each installment .....

(5) Treasury or Sub-treasury at which the installment and interest will be payable .....

(1) No. of installments. 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 (2) Amount of installments.

(3) Amount of interest

(4) Total of Columns 2 & 3

(5) Date

(6) Signature of Recipient.

(7) Initial of Treasury Officer or Sub-Treasury Officer.

(!) The landowner .....
(Name & Address)

(2) The Secretary to Government of Rajas than, Revenue Department, Jaipur.

(3) Accountant General, Rajasthan, Jaipur.

Compensation Commissioner,
Rajasthan

[43]Form ‘M’ renumbered as Form ‘K’ by No. 2, [1-5-75].

THE RAJASTHAN LAND REFORMS AND RESUMPTION OF JAGIRS ACT, 1952

(ACT NO. VI OF 1952)

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