The Rajasthan Land Reforms and Resumption of Jagirs Act, 1952

Act No. 6 of 1952

[Received the assent of the President on the 13th day of February, 1952; Assent first published in Rajasthan Gazette Extraordinary dated 16.2.1952]

An Act to to provide for the resumption of jagir lands and other measures of land reforms.

CHAPTER-I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952.

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

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

(a) 'Agricultural year' means the year beginning on the first day of July and ending on the thirtieth day of June, next following;

(b) 'Agriculture' includes horticulture;

(c) 'Board' means the Board of Revenue for the State of Rajasthan established under the Rajasthan Board of Revenue Ordinance, 1949;

[(cc) 'Commissioner for Khudkasht lands' means the person appointed by the Government to perform the functions of the Commissioner for Khudkasht lands under this Act;]

(d) 'Existing Jagir Law' means any Act, Ordinance, Regulation, Rule, Order, Resolution, Notification or bye-law relating to jagirs or jagirdars in force in the whole or any part of the State at the Commencement of this Act and includes. -

(i) any custom or usage, relating to such jagirs or jagirdars prevailing at the commencement of this Act in the whole or any part of the State and having the force of law, and

(ii) the terms and conditions contained in any order or instrument granting, or recognising the grant of a jagir;

(e) 'Government' means the Government of Rajasthan;

(f) 'Jagir Commissioner' means the person appointed by the Government to perform the functions of a Jagir Commissioner under this Act;

(g) 'Jagirdar' means any person recognised as a jagirdar under any existing Jagir Law and includes a grantee of jagir land from a jagirdar;

(h) 'Jagir land' means any land in which or in relation to which a Jagirdar has rights in respect of land revenue or any other kind of revenue and includes any land held on any of the tenures specified in the First Schedule;

[(i) 'Khudkasht' means any land cultivated personally by a Jagirdar and includes-

(i) any land recorded as Khudkasht, Sir, or Hawala in settlement records, and

(ii) any land allotted to a Jagirdar as Khudkasht under Chapter IV];

(j) 'land' includes benefits to arise out of land and things, attached to the earth or permanently fastened to anything attached to the earth and also shares in or charges on, the revenue or rent of villages or towns, sites of villages or towns, or other defined portions of territory;

(k) 'land cultivated personally' with its grammatical variations and cognate expressions means land cultivated on one's own account-

(i) by one's own labour; or

(ii) by the labour of any member of one's family; or

(iii) by servants on wages payable in cash or in kind (but not by way of a share in crops) or by hired labour under one's personal supervision or the personal supervision of any member of one's family [x x x]:

Provided that in the case of a person who is a widow or a minor or is subject to any physical or mental disability or is a member of the Armed Forces of the Union, or who/being a student of an educational institution recognised by the Government is below the age of twenty-five years, land shall be deemed to be cultivated personally even in the absence of such personal supervision;

[(kk) 'occupied land' means land which for the time being has been let out to, and is in the occupation of, tenant and includes Khudkasht; and 'unoccupied land' means land which is not occupied;]

(l) prescribed' means prescribed by rules made under this Act;

(m) 'rent' means anything which is payable in cash or in kind or partly in cash and partly in kind on account of the use or occupation of land or on account of any right in land and includes any income from the natural produce of land.

[(n) 'settled', when used with reference to a village or any other area, means the village or other area to which the rent-rates determined during settlement operations have been made applicable, whether prospectively or retrospectively, and the whole of such village or other area shall be deemed, for the purposes of this Act and the rules and orders made thereunder, to be so settled if such rates have been made so applicable to not less than three-fourths of such village or other area;]

(o) 'State' means the State of Rajasthan:

(p) sub-tenant' means a person who holds land from a tenant;

(q) 'tenant' means a person by whom rent is, or, but for a contract, express or implied, would be payable in respect of jagir land, and save as otherwise expressly provided, includes a sub-tenant but does not include a lessee, for a fixed term of years;

(r) 'tribute' in relation to a jagir, includes rekh, rakem, chatund, chakri or other charge of a similar nature; and

[(s) X X X]

3. Interpretation. - Unless the context otherwise requires the General Clauses Act. 1897, (X of 1897), [of the Central Legislature] shall apply for the interpretation of this Act as it applies for the interpretation of an Act of Parliament.

CHAPTER-II

Assessment of Jagir lands to land Revenue

4. All lands liable to pay land revenue. - Notwithstanding anything contained in any existing Jagir Law or any other law, all jagir-lands shall, as from the commencement of this Act, be liable to payment of land revenue to the Government; and as from such commencement, [the liability of-

(a) all Jagirdars to pay tribute to the Government, under any existing Jagir Law shall cease, and

(b) any grantee of jagir land from a jagirdar to pay any sum to the jagirdar in respect of such grant shall likewise cease:

Provided that nothing contained in this section shall apply to any jagir land-

(a)[which was originally granted or was or is deemed to have been granted, and the income of which is being utilised, for the maintenance of any educational or charitable institution] or any place of religious worship or for the performance of any religious service, or

(b) the rental income of which as determined under section 6 or section 7 is less than five hundred rupees].

5. Assessment of land revenue. - The land revenue payable in respect of the jagir lands of every jagirdar shall be assessed by the Collector in accordance with the provisions of this Chapter.

6. Determination of rental Income from Jagir lands. - (1) For the purpose of assessing the land revenue payable in respect of the jagir lands of a jagirdar the Collector shall first determine the rental income from such lands in the manner hereinafter provided.

(2) Where the jagir lands are situated in more than one village, the rental income from such lands in each village shall be separately determined.

(3) The rental income from the jagir lands in a village shall-

(a) where the village is a settled village, [be the total of -

(i) the rents assessed on the jagir lands (other than Khudkasht lands which have not been so assessed) as entered in the revenue records of the village, and

(ii) the rents which would have been 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 jagir-lands are under the direct management of the Government or under the superintendence of the Court of Wards and clause (a) does not apply, be the total of-

(i) the rents payable by the tenants thereof as entered in the Government records relating to the jagir lands, and

(ii) the rents which would have been payable in respect of [x x x] Khudkasht lands if they had been let out to tenants on the prevailing rent-rates in the locality; and

(c) where the village is not a settled village and clause (b) does not apply, be the amount determined in the manner specified in section 7.

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

(a) the income from rents during each of the three agricultural years 1949-50, 1950-51 and 1951-52, and

[(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 lands rent-rates in the locality].

(2) Where a jagirdar has furnished a statement under sub-section (1), the rental income mentioned therein from the jagir lands, shall subject to the provisions of sub-section (3), be deemed to be the rental-income from those for the purpose of assessment of land revenue thereon.

(3) Where a jagirdar has failed to furnish a statement under subsection (1) in respect of any jagir lands, or where the Collector has reason to believe that in any such statement the jagirdar has concealed any rental income or deliberately furnished inaccurate particulars thereof, the Collector shall determine the rental income from those jagir lands after holding such enquiry and in accordance with such principles as may be prescribed.

(4) The statement furnished by a jagirdar under sub-section (1) may be used against him for the purpose of determining the compensation payable to the jagirdar if the jagir are resumed under this Act or under any other law [for the time being in force].

8. Amount of land revenue payable. - The land revenue payable by a jagirdar in respect of his jagir shall be-

(a) for the agricultural year 1951-52, an amount equal to the amount of tribute payable by him to the Government for that year;

[(b) for the agricultural year 1952-53 and each of the [six succeeding agricultural years]-

(i) in the case of jagir lands the annual rental income of which as determined under section 6 or section 7, exceeds five hundred rupees but does not exceed five thousand rupees, one-sixteenth of such rental-income or the amount of the tribute which was payable by the jagirdar for the agricultural year 1950-51, whichever is greater;

(ii) in the case of jagir lands the rental income of which as determinated under section 6 or section 7 exceeds five thousand- rupees, one-eighth of such [annual rental-in-come] or the amount of the tribute which was payable by the jagirdar for the agricultural year 1950-51, whichever is greater.

Explanation. - For the purpose of this clause, the amount of tribute payable by a jagirdar to the Government for the agricultural year 1950-51 shall be deemed to be the amount of such tribute less the amount of any tribute payable to such jagirdar by any person to whom the jagirdar may have granted any of his jagir lands],

(c) for the [agricultural year 1959-60] and subsequent years, one-fourth, of the rental income from the jagir lands as determined under ,section6 and 7;

Provided that -

(i) where no tribute was payable by the jagirdar before the commencement of this Act or where the whole of the tribute has been paid before such commencement, the jagir lands shall be deemed to be exempt from the payment of land revenue for the agricultural year 1951-52; [X X X]

(ii) where the jagirdar has paid p part of the tribute before the commencement of this Ace, the land revenue payable by him for the agricultural year 1951-52 shall be an amount equal to the balance of the tribute which would have been payable by him for that year if this Act had not been passed, [and

(iii) the Government may direct that for the purposes of clauses (b) and (c) of this section, the rental income of any jagir land for all or any of the agricultural year mentioned in those clauses shall be determined or determined on the basis of the rental income which actually accrued to the jagirdar from the jagir land in such year or years, as the case may be],

CHAPTER-III

Khatedari rights of tenants in jagir lands

9. Khatedari rights in jagir lands. - Every tenant in a jagir land who at the commencement of this Act is entered in the revenue records as a Khatedar, pattedar, khademdar or under any other description implying that the tenant has heritable and full transferable rights in the tenancy shall continue to have such rights and shall be called a khatedar tenant in respect of such land.

10. Khatedari rights in Khudkasht land. - As from the date of resumption of any jagir land, any khudkasht land of a jagirdar [x x x] shall be deemed to be held by the jagirdar [x x x] as a khatedar tenant and shall be assessed at the village rate.

Explanation. - In this Section, the expression 'village rate' means the rate fixed for a particular class of soil in the current settlement and in an area which is not brought under settlement, the rate as fixed by the Collector after taking into consideration the prevailing rates for similar class of soil, in the adjoining village or villages.

[11 & 12. * * *]

CHAPTER-IV

Khudkasht

13. Commissioner for Khudkasht lands. - The Government may, by notification in the Rajasthan Gazette, appoint a Commissioner for Khudkasht lands who shall exercise such powers and perform such duties as may be prescribed.

14. Application for allotment of Khudkasht. - (1) [A jagirdar who on the 1st day of July, 1954, does not hold any khudkasht or who on such date holds khudkasht less in area than the maximum area specified in section 18 [may not later than] [the thirty-first day of August, 1958] or within three months of the date of resumption, whichever is later, apply to the Collector or to the Commissioner for khudkasht land for allotment of khudkasht], (2) Every such application shall be in the prescribed form and shall be signed and verified in the manner provided in the Code of Civil Procedure, 1908 (Act V of 1908) for the signing and verification of plaints.

15. Interim lease of land. - Pending the final determination of an application under section 14 the Collector may let out to the applicant for being cultivated personally by him such vacant land in the village where he ordinarily resides or where his jagir lands are situate or in the neighbouring villages as may be available on such terms and conditions as may be prescribed.

[16. Allotment of Khudkasht. - (1) Where an application under section 14 is received by the Commissioner for khudkasht lands, he shall after holding the inquiry in the prescribed manner pass such orders thereon as he deems fit having regard to the provisions of clause (a) of sub-section (2).

(2) Where an application under section 14 is received by the Collector the Collector after holding in the prescribed manner such inquiry as he deems fit may-

(a) where the jagirdar has conferred khatedari rights in his jagir land on any person after the commencement of this Act, or where any member or members of the jagirdar's family hold land according to the scale laid down in section 18, reject the application;

(b) where the area applied for to be allotted as khudkasht does not exceed thirty acres, either reject the application or allot tot he applicant such area of land (not exceeding the area applied for) as khudkasht as he may deem proper; and

(c) in any other case submit his report in respect of the matters contained in the application to the Commissioner for khudkasht lands for his order and where the Collector makes a recommendation for the allotment of khudkasht, he shall specify the manner in which his recommendation may be carried out.

(3) As soon as may be after an order is passed by the Commissioner for khudkasht lands under sub-section (1) or sub- section (2) the Collector shall give effect to such order.]

17. [x x x]

18. Maximum areas of Khudkasht. - (1) Subject to the provisions of sub-section (2), the maximum area of land allotted as khudkasht under this Chapter together with any land held as khudkasht before the Commencement of this Act shall not exceed-

(a) where the area of the jagir land does not exceed 60 acres, one half of that area;

(b) where the area of the jagir land exceeds 60 acres but does not exceed 200 acres, 25% of the area in excess of 60 acres in addition to the area permissible under clause (a);

(c) where the area of the jagir land exceeds 200 acres but does not exceed 500 acres, 15% of the area in excess of 200 acres in addition to the area permissible under clauses (a) and (b);

(d) where the area of the jagir land exceeds 500 acres but does not exceed 1000 acres, 10% of the area in excess of 500 acres in addition to the area permissible under clauses (a), (b) and (c);

(e) where the area of the jagir land exceeds 1000 acres, 5% of the areas in excess of 1,000 acres in addition to the area permissible under clauses (a), (b), (c) and (d) so however that the maximum area so allotted shall not exceed 500 acres.

Explanation. - (1) In this section, an acre of land means an acre of unirrigated land.

Explanation. - (2) For the purpose of calculating the area of land under this section, one acre of irrigated land shall be deemed to be equal to three acres of unirrigated land.

(2) Notwithstanding anything contained in sub-section (1) where a jagirdar holds khudkasht land at the commencement of this Act in excess of the maximum area specified therein, he shall continue to hold such land as khudkasht.

[19. Land to be allotted as Khudkasht. - Only the land situated within Stage-II of the Indira Gandhi Nahar Pariyojana shall be allotted as Khudkasht under this Chapter.]

[19A. Exchange of lands under personal cultivation for other lands. - A jagirdar who wants to exchange any jagir land cultivated personally by him for any other land of the description specified in clause (vi) of sub-section (1) of section 19 may apply for such exchange to the Commissioner for khudkasht lands in the prescribed manner within six months of the date of notification issued under section 21, and the said Commissioner after holding such inquiry, as may be necessary, shall make a report to the Government and the Government may pass such orders thereon as it may deem fit.]

[19B. Examination and cancellation of allotment of certain lands as Khudkasht. - Notwithstanding anything contained in section 19 or in the rules made under this Act, the State Government, upon a complaint in writing made in that behalf or upon the facts otherwise coming to its knowledge, within six months from the date of the commencement of the Rajasthan Land Reforms and Resumption of Jagirs (Eighth Amendment) Act, 1958 or the date of such allotment, whichever may be later, may after hearing the person complained against-

(i) order that the matter of the allotment of any land specified in sub-section (1) of section 19 may be examined by such officer, not below the rank of a Collector, as the State Government may by such order authorise, and

(ii) cancel such allotment if it is found to have been secured by means of fraud or misrepresentation on the part of the allottee.]

CHAPTER-V

Resumption of jagir lands

20.[xxx]

21. Resumption of jagir lands. - (1) as soon as may be after the commencement of this Act, the Government may, by notification in the Rajasthan Gazette, appoint a date for the resumption of any class of jagir lands and different dates may be appointed for different classes of jagir lands.

(2) The Government may, by notification in the Rajasthan Gazette, vary any date appointed under this section at any time before such date.

(3) The date finally appointed under this section in relation to the resumption of any jagir lands is hereinafter referred to as the 'date of resumption' of those jagir lands.

22. Consequences of resumption. - (1) As from the date of resumption of any jagir lands notwithstanding anything contained in any existing jagir law applicable thereto but save as otherwise provided in this Act,-

(a) the right, title and interest of jagirdar and of every other person claiming through him *[x x x] in his jagir lands, including forests, trees, fisheries, wells, tanks, ponds, water channels, ferries, pathways, village sites, hats, bazaars and me la grounds and mines and minerals whether being worked or not, shall stand resumed to the Government free from all encumbrances;

(b) all rights, title and interests created in or over the jagir by the jagirdar 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 jagirdar for any purpose other than agriculture) in the jagir land for any period after the date of resumption which, but for such resumption, would have been payable to the jagirdar, shall be payable to the Government;

(d) all revenue, rents, cesses or other dues for the agricultural year in which the date of resumption falls, recovered by the jagirdar before the said date or by the Government after the said date, shall, after deducting therefrom the expenses of collection at the rate of 7 percent be ratably distributed between the jagirdar and the Government, the amount to be distributed bearing to the total amount recovered during the agricultural year the same proportion

which the period before the date of resumption 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, ceases or other dues in respect of any jagir land due from the jagirdar for any period prior to the date of resumption including any sum due from him under clause (d) and all loans advanced by the Government or the Court of Wards to the jagirdar shall continue to be recoverable from such jagirdar;

(f) the Government shall cease to be liable to pay to the jagirdar any cash payment in respect of his rights as such jagirdar;

(g) the right, title and interest of the jagirdar in all buildings, on jagir lands used for schools, [and hospitals not within residential compounds] shall stand extinguished and such buildings shall be deemed to have been transferred to the Government;

(h) the right, title and interest of the jagirdar or any other person in the jagir land resumed 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 existing on the date of resumption or any order for attachment passed before such date shall cease to be in force;

(i) the jagirdar shall cease to be liable to pay and shall not be required to pay to the Government in respect of any jagir land resumed under this Act, any tribute or land revenue payable by him under any existing jagir 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 jagirdar and the jagirdar shall be personally liable for the payment of all such debts;

(b) operate as a bar to the recovery, [through the Collector as an arrear of land revenue by the jagirdar of any sum which is legally due (subject to the deduction of collection charges at the rate of 7%) to him by virtue of his rights in the jagir land in respect of any period prior to the commencement of the agricultural year in which the date of resumption falls;

[(c) preclude the Government from remitting wholly or in part any loans advanced to the jagirdar by the Government and utilised by the jagirdar for the economic or agricultural development of his jagir lands other than khudkasht lands:

Provided that where a tenant disputes the Jagirdar's claim for the dues mentioned in clause (b) the jagirdar shall be required to file a suit for such dues according to law.]

[22A. Jagirdar to deliver records. - (1) Every jagirdar whose jagir-lands have been or are resumed under this Act shall, within two months of the date of the commencement of the Rajasthan Land Reforms and Resumption of Jagirs (Eleventh Amendment) Act, 1959 or of the date of resumption of his jagir lands, whichever may be later, 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 jagir lands so resumed or pertaining to the various items of receipts and disbursements mentioned in clauses (2) and (4) respectively of the Second Schedule to this Act, which, in respect of such jagir lands, such jagirdars may have maintained or caused to be maintained or which may then be in his possession or power:

Provided that it shall not be necessary so to deliver any records which exclusively deal with or evidence the grant or recognition of the grant to the jagirdar of the whole or any portion of the jagir lands so resumed.

(2) If any such jagirdar 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 Jagir 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 jagirdar a penalty not exceeding one-fifteenth of the aggregate amount of compensation and rehabilitation grant finally determined under sections 32 and 38D respectively 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 jagirdar aggrieved by an order of the Jagir 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 (2), (3) and (4) of section 39 shall apply to the hearing of such appeal and the decision of the Board thereon.

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

23. Private lands, buildings, wells, house, sites and enclosures. - (1) Notwithstanding anything contained in the last preceding section-

[(a) Khudkasht lands of a Jagirdar:]

(b) (i) all open enclosures used for agricultural or domestic purposes and in his continuous possession (which including possession of any predecessor-in-interest) for *[six] years immediately before the date of resumption;

[(ii) xxx]

(iii) 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) [x x x] above, or land appertaining to such buildings or places of worship;

(iv) all groves [and fruit trees] wherever situate, belonging to or held by the jagirdar or any other person;

(c) all [x x x] private wells and buildings belonging to or held by the jagirdar or any other person;

(d) all tanks in the personal occupation of the Jagirdar and not used for irrigating the lands of any tenant in the jagir land;

shall continue to belong to or be held by such jagirdar or other person:

[Provided that nothing contained in clause (d) shall affect the rights of the jagirdar in any portion of a tank which may be in the personal cultivation of the jagirdar.]

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

[24. xxx]

25. Penalty for recovering sum to which Jagirdar is not entitled. - (1) On and from the date of resumption, no jagirdar shall recover or receive from any tenant, or resident of the jagir, or from any contractor or other person, any rent, cess or other dues, which he is not entitled to recover or receive, under the provisions of this Act.

(2) Where any Jagirdar recovers any rent, cess or other dues in contravention of the provisions of sub-section (1), he shall be liable to pay to the Government as penalty such sum not exceeding Rs. 500/- as the Collector may, after making an enquiry in the prescribed manner direct, and the Collector may further direct the refund of such rent, cess or other dues.

(3) All sums recoverable under sub-section (2) shall be realised as an arrear of land revenue.

CHAPTER-VI

Liability for compensation

26. Liability to pay compensation. - (1) Subject to the other provisions of this Act, the Government shall be liable to pay to every Jagirdar whose Jagir lands are resumed under section 21, such compensation as shall be determined in accordance with the principles, laid down in the second schedule.

(2) Compensation payable under this section shall be due as from the date of resumption and shall carry simple interest at the rate of 2½ 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 jagirdar, his agent or his representative in interest.

[26A. Certain transfers not to be recognised for the assessment of compensation. - Where a jagirdar has on or after the first day of January, 1949-

(a) transferred any jagir land by sale or gift or by making a grant, or

(b) granted a lease of his jagir land or any part thereof or any non-agricultural purpose for a period of three years or more, or

(c) granted a lease or entered into a contract relating to any forest in his jagir land;

and the Jagir Commissioner is satisfied that such transfer, grant, lease or contract was not made, granted or entered into in the normal course of management but in anticipation of *[x x x] the resumption of jagir lands, the Jagir Commissioner may direct, that such transfer, grant, lease or contract shall not be recognised for the purpose of assessment of compensation or rehabilitation grant payable to the Jagirdar under the provisions of this Act.]

27. Amount for maintenance. - [(1)] Any person who under any existing jagir law, is entitled to receive a maintenance allowance out of the income of any jagir, shall be entitled to receive, out of the compensation [and rehabilitation grant] payable to the jagirdar, such amount for maintenance annually as the Jagir Commissioner may fix after taking into consideration-

(i) the amount of maintenance allowance which that person used to receive from the jagirdar before the date of resumption, [or was entitled to receive].

(ii) the net income of the jagirdar from the jagir at the time of fixing the said maintenance allowance:

(iii) the net amount of compensation [and rehabilitation grant] payable to the Jagirdar; and

(iv) such other matters as may be prescribed.

[(2) Notwithstanding anything contained in sub-section (1), the Government may, in the case of a widow who is entitled to such maintenance allowance continue to pay to her out of the Consolidated Fund of the State the whole or any part of the maintenance allowance during her life-time even after the full compensation and rehabilitation grant payable under this Act have been paid to the jagirdar.]

[28. Liability to make certain payments. - Notwithstanding anything contained in this Act, if the Government is satisfied after making such inquiry as may be prescribed-

(a) that a religious institution was receiving from the income of any jagir [lands] resumed under this Act a grant of money for a period exceeding six years from the date of resumption. Government may continue to make such grant or any part thereof as it may deem fit from the Consolidated Fund of the State;

(b) that a jagirdar was liable to pay to any person out of the income of his jagir land resumed under this Act any pension. Government may pay such pension or any part thereof as it may deem fit from the Consolidated Fund of the State.]

29. Amount payable to a co-sharer . - Any co-sharer of a jagirdar who under any existing Jagir Law, is entitled to receive any share out of the income of any jagir land shall be paid such amount every year from the annual installment of compensation [and rehabilitation grant] payable under this Act as bears to the total compensation [and rehabilitation grant] the same proportion which his share of the income of the jagir land bears to the total income of the jagir land.

30. Dues and Debts. - The amounts due from a jagirdar under clause (e) of sub-section (1) of section 22 shall be recoverable out of the compensation payable to him under section 26.

CHAPTER-VII

Payment of compensation

31. Statement of claim. - (1) Every jagirdar whose jagir land has been resumed under section 21 shall, within two months from the date of [the notification issued under that section], file in the prescribed from, a statement of claim for compensation before the jagir Commissioner;

[Provided that Jagir Commissioner may entertain a statement submitted after the period prescribed in this section if he is satisfied that jagirdar 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 jagir and the name of the jagirdar:

(ii) the number and names of villages comprised in his jagir lands or in which they are situated together with the particulars of area and the income therefrom on account of rent;

[(iii) the amount of gross income from his jagir lands calculated in accordance with and the details of such income from various sources specified in the second Schedule];

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

(v) the amount of dues and debts recoverable from the jagirdar under clause (e) of sub-section (1) of section 22;

(vi) the names of persons, if any entitled to a maintenance allowance together with the amount of maintenance allowance payable to each such person;

(vii) the names of co-sharers, if any, in the jagir land, together with the particulars of the share of each such co-sharer;

(viii) the names of the Zamindars, if any, in the jagir land, together with the amount of land revenue which each of them pays to the jagirdar; and

(ix) such other particulars as may be prescribed.

(3) where a jagirdar relied upon any documents (whether in his possession or power 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.

32. Determination of compensation. - (1) On receipt of a statement of claim under the last preceding section [x x x] [or if no such statement of claim is received within the period specified in that section upon the expire of that period] the jagir Commissioner shall after making such enquiry as he deems necessary, by order in writing, provisionally determine-

(a) the amount of compensation payable to the jagirdar under section 26;

(b) the amount recoverable from the jagirdar under clause (e) of sub-section (1) of section 22 and the Second Schedule;

(c) the amount of annual maintenance allowance, if any, payable to persons entitled to such allowance under section 27;

[(d) xxx]

(e) the amount, if any, payable to co-sharers under section 29.

(2) A copy of an order made under sub-section (1) shall be served upon the Government, the jagirdars and every other interested person and the jagir Commissioner shall after giving the Government, the jagirdar and any such interested person a reasonable opportunity of being heard in the matter, make a final order. **33. Communication of decision.** - The jagir Commissioner shall communicate as soon as practicable his final order made under sub-section (2) of section 32 to the Government, the jagirdar and every other interested person.

34. Dues and deductions how payable. - (1) The amounts recoverable from a jagirdar under clause (e) of sub-section (1) of section 22 and those determined in an order made under sub-section (2) of section 32 shall be deducted from the compensation payable to him under section 26.

(2) The amount finally determined under clauses (b), (c) [xxx] and (e) of sub-section (1) of section 32 shall be payable in the same number of instalments as the compensation payable to the jagirdar.

35. Payment of compensation. - (1) After the amount of compensation payable to a jagirdar under section 26 is finally determined under sub-section (2) of section 32 and the amounts specified in clauses (b), (c), [x x x] and (e), of that section as finally determined are deducted therefrom, the balance shall be divided into fifteen equal instalments or at the option of the jagirdar into thirty equal half-yearly instalments.

(2) The amounts finally determined under each of the clauses (b), (c), [x x x] and (e) of sub-section (1) of section 32 shall be deducted and paid to each of the persons entitled there to from every instalment referred to in sub-section (1) and the remaining amount of the instalment shall be payable by the Government to the jagirdar.

(3) Where compensation under this Act is payable to-

(a) a minor or a person suffering from a legal disability who is under the superintendence of the Court of Wards, the compensation money shall be paid to the Court of Wards;

[(b) a minor or a person suffering from a legal disability who is not under the superintendence of the Court of Wards, the compensation money shall be paid to the person found by the Collector upon inquiry in the prescribed manner to be the natural guardian of such minor or disabled person according to his personal law:

Provided that, in cases in which the question of such guardianship is in dispute, the Collector shall apply to the District Judge having jurisdiction to determine such question and to appoint a guardian of the minor or disabled person for the purposes of this section].

(4) The payment of compensation money under this Act to a jagirdar and to [x x x] co-shares and to persons entitled to a maintenance allowance if any, shall be a full discharge of the Government from the liability to pay compensation in lieu of the resumption of his jagir lands by the Government but shall not prejudice tire rights to which any other person may be entitled by due process of law to enforce against the person to whom any amount has been so paid.

[35A. 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.]

[36. Interim compensation and rehabilitation grant. - (1) Where within the period of six months from the date of resumption of any jagir land, the compensation and rehabilitation grant payable to the

jagirdar is not finally determined the Government may, subject to such conditions (including conditions relating to the obtaining of a security or an indemnity bond as may be prescribed), direct the payment to the jagirdar [by way of interim compensation and rehabilitation grant, such sum, not exceeding one-tenth of the estimated amount of compensation and rehabilitation grant, as the Jagir Commissioner may fix], and such sum shall be inclusive of any interim payment ordered under section 36-A to be made.]

[(a) and (b) xxx]

[Provided that if the compensation and rehabilitation grant payable to the jagirdar is not finally determined within the period of one year from the date of resumption of his jagir land, the Government may likewise direct the periodical payment to the jagirdar of such fraction of the estimated amount of compensation and rehabilitation grant by way of interim compensation and rehabilitation grant until the final determination thereof as the Government may specify in each particular case.]

(2) The interim compensation and rehabilitation grant payable under sub-section (1) shall be deemed to be a part of the compensation and rehabilitation grant payable under this Act.

[36A. Interim maintenance allowance and shared. (1) In the circumstances specified in and subject to the conditions prescribed under section 36 every person entitled to receive out of the compensation and rehabilitation grant payable to a jagirdar under this Act-

(a) a maintenance allowance under section 27, or

(b) a share under section 29,

shall also be entitled, on application made in that behalf to receive periodically by way of interim maintenance allowance or share, as the case may be, such amount as may be fixed by the Jagir Commissioner.

(2) The interim payment made under sub-section (1) shall be deemed to form part of the amount of the maintenance allowance finally fixed under section 27 or of the amount of the share finally fixed under section 29, as the case may be.]

[37. Question of title. - [(1)] If in the course of a proceeding under this Act any question relating to title, right or interest in any jagir land, other than [a question as to any Khudkasht land or the correctness or otherwise of any entry relating thereto in settlement records or as to any boundary, map,field- book, record of rights or annual register or as to any Wazib-ul-arz or Dasturgahwai or any other settlement paper lawfully prepared or as to the correctness or otherwise of any entry made therein or a question referred to in section 3 of the Rajasthan Jagir Decisions and Proceedings (Validation) Act, 1955, arises and the question so arising has not already been determined by a competent authority, the Jagir Commissioner shall proceed to make an inquiry into the merits of the question so arising and pass such orders thereon as he deems fit.]

(2) Every question referred to in section 3 of the Rajasthan Jagir Decisions and Proceedings (Validation) Act, 1955 shall be inquired into and decided by a Revenue officer or court declared by the provisions of the said Act competent to do so.

(3) Every other question excluded by sub-section (1) from the jurisdiction of the Jagir Commissioner shall be inquired into and decided by a revenue officer or court competent to do so under the provisions of the Rajasthan Land Revenue Act, 1956 or the Rules made thereunder.

(4) If any such question as is referred to in sub-sections (2) and (3) arises in the course of a proceeding under this Act, the Jagir Commissioner shall refer it for inquiry and decision of the court competent to do so and shall be bound by, and act according to such decision.]

38. Payment of compensation on the death off a Jagirdar. - If any jagirdar 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 or persons found by the Collector upon inquiry in the prescribed manner to be the heir or heirs of the deceased jagirdar according to his personal law]: [Provided that in cases in which the question of such succession or heirship is in dispute, the Collector shall direct all claimants to succession or heirship to have their respective title thereto adjudicated upon by a competent Civil Court and payment of the remaining compensation shall be in accordance with such adjudication.]

CHAPTER-VII-A

Rehabilitation Grant

38A. Liability for payment of rehabilitation grant. - (1) There shall be paid to every jagirdar to whom compensation is payable under this Act a rehabilitation grant on the scale specified in the Third Schedule: Provided that such rehabilitation grant shall not be payable to any institution mentioned in clause (7) of the Second Schedule.

(2) The rehabilitation grant payable under sub-section (1) shall be clue as from the date of resumption and shall carry simple interest at the rate of 2-x/2 per cent per annum from the date upto the date of payment:

Provided that no interest shall be payable on any amount of rehabilitation grant which remains unpaid for any default of the jagirdar or his agent or his legal representative-in-interest.

38B. Application for payment of rehabilitation grant. - (1) Every jagirdar whose jagir land has been resumed under section 21 shall, within two months of the date of the notification under that section, apply in writing in the prescribed form to the Jagir Commissioner for determination and payment of rehabilitation grant. (2) On receipt of an application under sub-section (1), the Jagir Commissioner shall, after making such inquiry as he deems fit, by order in writing, determine the rehabilitation grant payable under this Chapter.

38C. Deduction from rehabilitation grant. - Where compensation payable to a jagirdar under Chapter VI is not sufficient for deducting an amount referred to in section 34, such amount or the balance of such amount may be deducted from the rehabilitation grant payable to the jagirdar under this Chapter.

38D. Provisions of Chapter VII to apply to payment of rehabilitation. - The provisions of Chapter VII shall, so far as may be, apply to the determination and payment of the rehabilitation grant under this Chapter as they apply to the determination and payment of compensation.

[38E. Payment of additional rehabilitation grant to certain Jagirdar. - (1) To every jagirdar to whom a rehabilitation grant is payable under section 38-A and whose gross income from jagir lands calculated in accordance with the provisions of the Second Schedule does not exceed five thousand rupees there shall be paid in additional rehabilitation grant at the scales specified in the Fourth Schedule:

Provided that such additional rehabilitation grant shall not be payable to any institution mentioned in clause (7) of the Second Schedule.

(2) The additional rehabilitation grant mentioned in sub-section (1) shall carry simple interest at the rate of two and a half per cent per annum from the date of resumption till the date of payment thereof:

Provided that no interest shall be payable on any amount of the additional rehabilitation grant which remains unpaid for any default of the jagirdar or his agent or his legal representative- in-interest.]

[(3) The payment of the additional rehabilitation grant mentioned in sub-section (1) and of the interest thereon mentioned in sub-section (2) shall commence after the total amount of compensation payable under section 26 and of rehabilitation grant payable under section 38-A has been paid upto the jagirdar and shall be made in three equal annual instalments or six equal half yearly instalments either in cash or in bonds or partly in cash and partly in bonds.]

CHAPTER-VIII

Miscellaneous

39. Appeals from the orders of Jagir Commissioner and Collector. - (1)The Government or any person aggrieved by any decision of the Jagir Commissioner or the Collector, as the case may be, under section 5, sub-section (2) of section 23, section 24, sub-section (2) of section 25, [Section 26-A] sub-section (2) of section 32, [sub-section (3) of section 35], section 36, [section 36-A], [section 37], [x x x] section 38, [or section 38-B] may within ninety days from the date of such decision appeal to the Board.

[(1-A) Any person aggrieved by an order made by the Collector under section 16 may appeal therefrom to the Commissioner fro Khudkasht lands within sixty days from the date of the order.]

[(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 *[or the Commissioner for Khudkasht lands as the case may be] in an appeal under this section shall be final.

[40. 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 any 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;]

[40A. Review. - [(1)] The Board, the Jagir Commissioner or the Commissioner for Khudkasht Lands may either on an application made, within three months of the 18th of January, 1958 or of the date of order, whichever is later, by any interested party or suo moto, review an order passed by the Board or by such Commissioner himself or 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 Jagir

Commissioner or the Commissioner for Khudkasht Lands shall be reviewed under subsection (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 V of 1908), and the provisions of the said Order shall apply.]

40B. 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 Commissioner for Khudkasht Lands or the Jagir 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.]

41. False statement. - [(1)] If in any proceeding under this Act any person makes a statement which is false or which he knows to be false, or has reason to believe it to be false or does not believe it to be true, he shall be punishable with imprisonment which may extend to three years or with time or with both.

[(2) If any person is convicted of an offence punishable under sub-section (1), then without prejudice to such conviction and any punishment imposed on that account, such person shall be further liable to refund or restore any benefit which he may have obtained under any provision of this Act in consequence of the statement in respect of which he is convicted, and such refund or restoration may be enforced by the Collector upon the order of conviction becoming final.]

42. Officers holding inquiries to have powers of Civil Court. - Any Officer or authority holding an inquiry or hearing an appeal under this Act shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 (v 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 section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

[42A. Delegation of powers. - (1) The Government may, by notification in the Rajasthan Gazette, delegate to the Jagir Commissioner [x x x] the Commissioner for Khudkasht lands or any other officer subordinate to it, all or any of the powers conferred upon it by this Act other those conferred by section 21 and 48.

(2) Subject to any general or special order of the Government the Jagir Commissioner, the Commissioner for Khudkasht lands 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]

43. Certain Officers to be public servants. - Every officer acting under or 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 Panel Code (Act XXV of 1860)

[44. Employees of Jagirdar to be employed by State Government. - Subject to any rules made under this Aet, any person employed by a jagirdar in connection with the management of his jagir lands resumed under this Act shall so far as may be practicable be employed by the Government.]

45. Protection of action taken under this Act. - (1) No suit, prosecution other legal proceedings shall he 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.

46. 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.

47. 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 existing Jagir law or any other law for the time being in force.

48. Power to make rules. - (1) The Government may, be notification in the Rajasthan Gazette, make rules for the purpose of cariying 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) xxx];
[(b) xxx];
(c) the form of application under sub-section (1) of section 14;
(d) the terms and conditions on which a temporary lease may be granted under section 15;
[(dd) the powers of the Commissioner for Khudkasht Lands in respect of disposal of Khudkasht matters and the manner of holding of inquires for the allotment of Khudkasht or land in exchange of Khudkasht;] [(e) xxx]
[(f) the concessional terms and conditions on which any land of the description specified in clause (vi) of sub-section (1) of section 19 may be allotment as Khudkasht;]

[(ff) the manner in which instalment of interim compensation and rehabilitation grant may be fixed;] (g) the form of statement of claim under sub-section (1) of section 31 [and of application under section 38- B];
[(gg) the payment of compensation and rehabilitation grant in cash or bonds;]
(h) the conditions under which interim compensation may be granted under section 36;
[(hh) the terms and conditions for employment in Government service under section 44;]
(i) the delegation of powers conferred on any officer under this Act;
(j) [X X X]
(k) the manner of holding inquires under this Act;
(l) the manner of service of any order of notice made or issued under this Act, and
(m) any other matter which is to be or may be prescribed under this Act,

The First Schedule

[See clause (h) of section 2]

1. Jagir.
2. Istamrar.
3. Chokoti.
4. Tankha.
5. Suba.
6. Mamla.
7. Inam.
8. Lalji.
9. Khangi.
10. Aloofa.
11. Thikanas of Dholpur State.
12. Khanpan.
13. Khidmat.
14. Jaidad Singha.
15. Muafi.
16. Tankedar.
17. Bhom.
18. Salami.
19. Chakana.
20. Petroti.
21. Rajvi.
22. Tazimi.
23. Bhogta.
24. Hazuri.
25. Sansan.
26. Mutsadi.
27. Khawas Pas wan.
28. Risala.
29. Merzidan.
30. Patta.
31. Guzara.
32. Udak.
33. Juna Jagir.
34. Bhomichara.
35. Pasaita.
36. Baad.
37. Dumba.
38. Doli.
39. Milak.
40. Punarth.
41. Dharmada.
[42. Ijara Istamrar].
[43. Bapoti.
44. Bakhashis.

45. Any other class or tenure of State grant of land].

The Second Schedule

[See section 26 and clause (iii) of sub-section (2) of section 31]

Principles governing determination of compensation payable to jagirdar.

1. Basic year. - The expression 'Basic year' means the agricultural year immediately preceding the agricultural year in which the date of resumption falls;

[Provided that as from the twentieth day of August, 1958 and in relation to jagir land resumed on or after that day, the expression "basic year" means the agricultural year in which the date of resumption falls.]

2. Gross Income. - The gross income of a jagirdar for the basic year shall be the total income from his jagir lands under the following heads:-

[(a) Income from land revenue and rents] [from occupied lands].

[Which accrued to him, or in relation to jagir lands resumed on or after the twentieth day of August, 1958, would have accrued to him but for resumption there of,]

(b) Income from forest calculated on the basis of average yield for 3 years preceding the basis year.

(c) income from grazing fees 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 quarries calculated on the basis of average yield for 3 years preceding the basis year.

[(e) Income from other non-agricultural uses of land as per example, market fees, sale of fishing rights and the like, but not including rents from housed on village sites, calculated on the basis of average yield for 3 years preceding the basis year.]

[(f) Income from sale of culturable or abide land calculated on the basis of average income the reform during twenty years immediately preceding the basis year,

(g) The amount of compensation or income from rents paid [or payable] in respect of the basic year by the Central Government for taking over the manufacture of salt in the jagir lands.

(h) The amount of compensation paid in cash by the Government to the Jagirdar for taking over the exercise administration and the production or manufacture of accessible articles in jagir lands calculated on the basis of average income of three years, preceding the basic year.

(i) Income from payments, if any, received by [or due to] the jagirdar from the grantees of his jagir land in respect of the grants made by the jagirdar:

Provided that where a jagirdar 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 fixed sum shall notwithstanding anything contained in clause (3) be substituted for the income from any such head or part thereof.]

3. Calculation of income from rent. - The income from rent shall be calculated in accordance with the provisions of section 6 and 7.

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

(i) the amount that the jagirdar would have been liable to pay to the Government as tribute, in the case of grantee from a jagirdar, to the jagirdar in respect of such grant, for the basic year, if this Act had not been passed;

(ii) any sums of recurring nature due to the Government from the jagirdar, or in the case of grantee from the jagirdar to the jagirdar, for the basic year on any account other than land revenue; and

(iii) administrative charges, inclusive of the cost of collection, maintenance of land records, management of jagir lands and irrecoverable arrears 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 percent of the gross income];

[Provided further that no amount on account of administrative charges mentioned in sub-clause (iii) shall be deductible in the case of a jagirdar who was not in actual possession of his jagir lands and the income therefrom was, immediately before the date of resumption, being collected by the Tehsildar or other
Government officer and paid to the jagirdar in cash without making any charge of collection, maintenance of land records or management of such jagir lands.]
[Provided also that where the gross income of a jagirdar also consists of income under sub-section (h) of clause (2), the amount of administrative charges, if any deducted by the Exercise Department of the rate before arriving at the amount of the compensation payable to the jagirdar in cash under the said subclass off the said clause shall be deducted from the amount of administrative charges deductible under sub-clause (iii) of this clause out of the gross income of the jagirdar],

5. Amount of compensation money. - The compensation payable under section 26 to a jagirdar shall be [seven] times his net income calculated in accordance with the provisions hereinbefore contained. **[6. Compensation for customs duties. -** In addition to the compensation payable in accordance with clause 5, the Government shall continue to pay to the jagirdar, the compensation if any, [received by or due to the jagirdar from the Government in or for the basic year] in respect of customs duties:

Provided that the amount of such compensation shall be reduced in the same proportion in which the customs duties levied by the Government are reduced.

7. Charitable and educational institutions. - Notwithstanding anything contained [in section 26 or in clauses 5 and 6 of this Schedule] where any jagir lands are held, whether directly or as a grant from a jagirdar for the maintenance of an institution for educational or charitable purpose, [or of any place of religious worship or for the performance of any religious service] the Government shall pay [x x x] by way of compensation an annuity in perpetuity equal in amount to the net income from such jagir lands [in or for the basic year] [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 the maintenance of such institution or place of worship or the performance of such service].

Explanation. - For the purpose of this clause the net income of any jagir land shall, notwithstanding anything hereinbefore contained, be an amount equal to the gross income from such land calculate in accordance with the provisions of clauses (2) and (3) minus ten percent of such gross (income to be deducted on account of expenses of the management of the land).]

"82. Amendment of Rajasthan Act 6 of 1952. - As from the date on which a committee of management is constituted for a public trust under section 53, clause & of the Second Schedule to the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act 6 of 1952), shall, in relation to that public trust, have effect as if, for the words" 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, the words "to the committee of management constituted for it under section 53 of the Rajasthan Public Trusts Act, 1959, were substituted."

[The Third Schedule]

(See section 88-A)

1. Gross income and net income. - Except as otherwise provided, the gross and net income of jagir lands for the purpose of this Schedule shall be determined in accordance with the provisions of the Second Schedule.

2. Scale of rehabilitation grant. - The rehabilitation grant shall, be payable on following scale:-

(1) Where the gross income of a jagirdar does not exceed Rs. 5000.

(a) if such gross income does not exceed Rs. 250	eleven times the net income
(b) if such gross income exceeds Rs. 250 but does not exceed Rs. 500	ten times the net income
(c) if such gross income exceeds Rs. 500 but does not exceed Rs. 1,000	nine times the net income
(d) if such gross income exceeds Rs. 1,000 but does not exceed Rs.	eight times the net income

2,000	
(e) if such gross income exceeds Rs. 2,000 but does not exceed Rs. 3,000	seven times the net income
(f) if such gross income exceeds Rs. 3,000 but does not exceed Rs. 4,000	six times the net income
(g) if such gross income exceeds Rs. 4,000 but does not exceed Rs. 5,000	five times the net income:

Provided that for the purpose of calculating the rehabilitation grant payable to a jagirdar falling in this category such marginal adjustments shall be made as will ensure that a jagirdar having a higher [net income] does not get an amount by way of rehabilitation grant which is less than that payable to a jagirdar having a lower [net income]:

[Provided further that in comparing, jagirdars with different amounts of income for the purpose of the first proviso to this sub-clause,-

(i) jagirdars who were not paying tribute shall be compared only with jagirdars who were not paying tribute,

(ii) jagirdars who were paying tribute shall be compared only with Jagirdars who were paying tribute,

(iii) jagirdars who were paying any sums of recurring nature referred to in sub-clause (ii) of clause (4) of the Second Schedule shall be compared only with jagirdars who were paying such sums, and

(iv) in respect of jagirdars who were paying tribute or any sums of recurring nature referred to in sub-clause (ii) of clause (4) of the Second Schedule at different scales, the Government shall prescribe a percentage of the gross income at which the amount of tribute or such sums in respect of each jagirdar shall be calculated irrespective of whether such amount exceeds or falls below the amount of tribute or such sums of recurring nature that were being actually paid by him.]

(2) Jagirdars whose gross income exceeds Rs. 5,000:-

(a) if such gross income exceeds Rs. 5,000 but does not exceed Rs. 20,000	four times the net income
(b) if such gross income exceeds Rs. 20,000 but does not exceed Rs. 30,000	three times the net income
(c) if such gross income exceeds Rs. 30.000	twice the net income:

Provided that in respect of a jagirdar falling in this category the aforesaid multiplies shall be so adjusted that the total amount of compensation and rehabilitation grant payable to such jagirdar shall be equal to fen times the net income of his jagir lands, if such income were calculated under clause 4 of the Second Schedule and the deductions to be made [under sub-clause (iii), of that clause were on the following scale:-

(1) on the first Rs. 5,000 or 10 percent gross income

(2) on the next Rs. 5,000 of 15 per cent gross income

(3) on the next Rs. 10,000 of 25 percent gross income

(4) on the next Rs. 30,000 of 40 percent

gross income

(5) on the balance of Gross 50 per cent
income

3. Additional rehabilitation grant in lieu of Khudkasht land. - A jagirdar entitled to a rehabilitation grant, who holds thirty acres of irrigated land or less of Khudkasht on the date of resumption, may, on application made to the Jagir Commissioner, be paid an additional rehabilitation grant for a period of fifteen years from such date equal to 12½ per cent of the rents assessed on such Khudkasht land in accordance with the provisions of section 6 or section 7.]

[The Fourth Schedule]

(See section 38-E)

Additional rehabilitation grant referred to in section 38E shall be payable at the following scales, namely:-

(i) where the gross income of a jagirdar calculated in a accordance with the provisions of Second Schedule does not exceed Rs. 250. four times the net income of the jagirdar as determined in accordance with the provisions of the Second Schedule;

(ii) where such gross income three times such exceeds Rs. 250 but does not net income; exceed Rs. 500

(iii) where such gross income three times such exceeds Rs. 500 but does not net income; exceed Rs. 1,000

(iv) where such gross income three times such exceeds Rs. 1,000 but does not net income; exceed Rs. 2,000

(v) where such gross income twice such net exceeds Rs. 2,000 but does not income:
exceed Rs. 3,000

(vi) where such gross income twice such net exceeds Rs. 3,000 but does not income;
exceed Rs. 4,000

(vii) where such gross income twice such net exceeds Rs. 4,000 but does not income:
exceed Rs. 5,000

Provided that for the purpose of calculating the additional rehabilitation grant payable to a jagirdar under this Schedule such marginal adjustments shall be made as will ensure that a jagirdar having a higher net income does not get an amount by way of additional rehabilitation grant which is less than that payable to a jagirdar having a lower net income and, in comparing jagirdars with different amounts of income for this purpose, the provisions of the second proviso to item (1) of clause 2 of the Third Schedule shall be followed.

Notifications

[Notification No. D.5727/F.4 (365) Revenue (A) 55, dated 17-6-1958, published in the Rajasthan Gazette, Part 4-C, dated 19-6-1958].

In exercise of the powers conferred by section 21 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952) and in partial modification of Revenue (At Department Notification No. 1822/F.4 (365) Revenue A/55, dated 16th May, 1958, the Government of Rajasthan hereby appoints the 1st day of July, 1958 as the date

for the resumption of all Jagir lands (not being Jagir lands which were originally granted or were or are deemed to have been granted, and the income of which is being utilised, for the
maintenance of any place of religious worship or for the performance of any religious service) that have not so far been resumed under or in pursuance of any previous notification and have been settled within the meaning of clause (n) of section 2 of the said Act with effect from the first day of July, 1957 or some earlier date. [Notification No. F.1 (336) Revenue A/57, dated 2-5-1958, published in the Rajasthan Gazette, Part 4-C, dated 29-5-1958.]

In exercise of the powers conferred by section 4 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act No. III of 1955) the Government of Rajasthan hereby declare that as from the first day of July, 1958, all the estates situate in the Ajmer area and held by the following calsses of intermediaries shall vest, in the State Government, and as from the beginning of the said date all such estates shall stand transferred to and vest, except as provided in the said Act, in the State Government free from all encumbrances, name-

(a) Minor Istimardar,

(b) Bhornia,

(c) Muafidar, and

(d) Usufructuary Mortgagee of an estate.

[Notification No. 1822/F.4 (365) Revenue A/55, dated 16-5-1958, published in the Rajasthan Gazette, Part 4-C, dated 29-5-1958.]

In exercise of the powers conferred by section 21 of f lie Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952), the Government of Rajasthan hereby appoints the First day of July, 1958 as the date for the resumption of all jagir lands that have not so far been resumed under or in pursuance of any previous notifications and that have been settled within the meaning of clause (n) of section 2 of the said Act with effect from the 1st day of July, 1957 or earlier.

[Notification No. D. 17153/F.1 (290) Revenue/A/58, dated 14-10-1958, published in the Rajasthan Gazette, Part 4-C, dated 23-10-1958].

In exercise of the powers conferred by section 21 of the Rajasthan Land Reforms and Resumption of Jagirs Act. 1952 (Rajasthan Act VI of 1952 as amended) the Government of Rajasthan hereby appoints the 1st day of November, 1958 as the date for the resumption of all Jagir Lands (not being Jagir Lands which were originally granted or were or are deemed to have been granted and the income of which is being utilised, for the maintenance of any place of religious worship or for the performance of any religious service) that have not so far been resumed under or in pursuance of any previous notification and that have been settled within the meaning of clause (n) of section 2 of the said act with effect from the first day of July, 1958 or some earlier date.

[Notification No. D. 22081/F.1 (290) Revenue A/58, dated 27-11-1958, published in the Rajasthan Gazette, Part 4-C, dated 11-12-1958].

In exercise of the powers conferred by section 21 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952 as amended), the Government of Rajasthan hereby appoint the 1st of January, 1959 as the date for the resumption of all Jagir Lands which were originally granted or were or are deemed to have been granted and the income of which is being utilised for the maintenance of any place of religious worship or for the performance of any religious service, and that have been settled within the meaning of clause (n) of section 2 of the said Act with effect form the first day of July, 1958 or some earlier date.

In exercise of the powers conferred by section 4 of the Industrial disputes Act, 1947 (XIV of 1947), the Government of Rajasthan hereby appoints in virtue of their office, the following Labour Inspectors to be the Conciliation Officers for the areas noted against each, namely:-

1. Labour Inspector, Jaipur	Ajmer Division excluding Ajmer District.
2. Labour Inspector, Jodhpur	Jodhpur Division.
3. Labour Inspector, Bikaner	Bikaner Division.
4. Labour Inspector, Bilwara	Udaipur Division.

5. Labour Inspector, Kotah — Kotah Division.

6. Labour Inspector, Ajmer — Ajmer District.

[Notification No. F.8 (396) Revenue/B /58 Irg., dated 5-11-1958, published in the Rajasthan Gazette, Part 4-C, dated 11-12-1958].

In exercise of the powers conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act XXVII of 1954) the State Government is hereby pleased to make the following amendments in the Rajasthan Colonisation (Ganj Canal Land Permanent Allotment) Rules, 1956 namely-

Amendment

In the said rules:-

In rule 5, for sub-rule (1), the following shall be substituted:-

"(1) Every person eligible for allotment of land on a permanent basis under these Rules shall submit his application by February 28, 1959."

[Notification No. D. 16806/F. 1 (403) Revenue /A/59. dated 30-10-1959, published in the Rajasthan Gazette, Part 4-C, dated 30-10-1959.]

In exercise of the powers conferred by section 21 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952 as amended), the Government of Rajasthan hereby appoints the 1st day of November, 1959, as the date for the resumption of Jagir Lands with annual rental income over Rs. 5,000/- (Rupees Five thousand) which were originally granted or were or are deemed to have been granted and the income of which is being utilised for the maintenance of any any place of religious worship or for the performance of any religious service, that have not been resumed under or in pursuance of any previous notification and that have been settled within the meaning of clause (n) of section 2 of the said Act, with effect from the 1st day of November, 1959 or some earlier date.

[Notification No. 12 (16) Revenue D/56, dated 19-6-1958, published in the Rajasthan Gazette, Part 4-C, dated 31-7-1958]

In exercise of the powers conferred by section 122 of the State Re-organisation Act, 1956 (Central Act 37 of 1956) read with the provisions of the laws referred to in columns 1 and 2 of the Schedule hereto annexed, and all other powers enabling it in this behalf and in partial modification of the Government Notification No. F. 12(16) Revenue D/56, dated 31-10-57 the State Government hereby specifies in column 5 thereof the authority officer or person as the corresponding authority, officer or person who or which in relation to the law mentioned in column I of the said Schedule shall be competent to exercise all the functions exercisable under that law by the authority, officer or person mentioned in column 4. All references in any law or instrument having the force of law to any existing authority officer or person in column 4 shall be construed so specified in column 5.

Schedule

	Laws	Provision	Functions	Existing authority, officer or person	Corresponding authority, officer or person
1.	1. The Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act III of 1955) as in force in the	Section 2(i), (iii)	.....	Compensation Commissioner	Additional Jagir Commissioner, Ajmer
2.	-do-	Section 2 (i), (iv)	.....	Compensation Officer	Deputy Collector, Jagir, Ajmer.