Rajasthan Tenancy Act, 1955

[1]Rajasthan Act No. 3 of 1955

Received the assent of the President on the 14th Day of March, 1955 An Act to consolidate and amend the law relating to tenancies of agricultural lands, and to provide for certain measures of land reforms and matters connected therewith.

Be it enacted by the Rajasthan State Legislature in Sixth 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 Tenancy Act, 1955.

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

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint in this behalf.

2. Omitted.

3. Repeal— (1) On and from the coming into force of this Act, the following shall stand repealed, namely:—

(a) the enactment mentioned in Column 2 of the Fist Schedule to the extent specified in Column 3 thereof;

(b) any corresponding laws, other than the enactments referred to in clause (a) , hitherto in force in any of the Covenanting States in so far as such laws are covered by or are inconsistent with the provisions of this Act, and

(c) any laws amending the enactments or laws referred to in the preceding clauses of this sub-section.

[1] Notification no. F.12(17)L, dated 21-03-1955

(2) Nothing contained in any Act, Ordinance, regulation, rule, order, resolution, notification or bye-laws not repealed hereby or by the Rajasthan Revenue Laws (Extension) Act, 1957 or in the terms or conditions of any order or instrument granting, or recognising the grant of a Jagir or Zamindari or Biswedari rights which is contrary to or inconsistent with the provisions of this Act, shall be operative or in any way affect those provisions.

(3) Any custom or usage relating to agricultural tenancies prevailing at the commencement of this Act in any part of the pre-recognisation State of Rajasthan except the Sironj area at the commencement of the Rajasthan Revenue Laws (Extension) Act, 1957, in the Abu, Ajmer or Sunel area, and having the force of law, shall, if such custom or usage is repugnant to or inconsistent with the

provisions of this Act, cease to be operative to the extent of such repugnancy or inconsistency.

(4) The provisions of any agreement relating to agricultural tenancies; existing and operative at such commencement, which are repugnant to or inconsistent with, the provisions of this Act, shall, subject to such savings as are- elsewhere Provided in this Act or in the Rajasthan Revenue Laws (Extension) Act, 1957, become void and cease to be operative to extent such repugnancy or inconsistency.

[2]**4. Omitted.**

5. Definitions— In this Act, unless the context otherwise requires—

(1) ***"agricultural year"*** shall mean the year commencing on the first day of July and ending on the thirtieth day of June next following;

(2) ***"Agriculture"*** shall include horticulture, [3]{Cattle breeding, dairy farming,[4]{ Poultry farming and forestry development.}

(3) ***"Agriculturist"*** shall mean a person who by himself or by servants or tenants earns his livelihood wholly or principally by agriculture.

[2] Omitted vide Raj. Act no. 2 year 1958

[3] Amended vide Act No. 11 of 1978.

[4] Substituted vide the Act No. 23 of 1987.

(4) ***"Assistant Collector"*** shall mean an Assistant Collector appointed under the Rajasthan Territorial Divisions Ordinance, 1949, or under any other law for the time being in force;

[5](5) ***"Biswedar"*** shall mean a person on whom a village or portion of a village in any part of the State is setelled on the Biswedari system and who is recorded as Biswedar or as an owner in the record of rights and shall include a Khatedar in the Ajmer area;

(6) ***"Board"*** shall mean the Board of revenue for the State established and constituted under the Rajasthan Board of Revenue Ordinance, 1949. or under any other law for the time being in force;

(6A) ***"Ceiling area"*** [x x x]

(7) ***"Collector"*** shall mean a Collector or an Additional Collector appointed under the Rajasthan Territorial Divisions Ordinance, 1949, or under any other law for the time being in force;

(8) ***"Commissioner"*** shall mean the Commissioner of a Division and shall include an Additional Commissioner.

(9) ***"Crops"*** shall include shrubs, bushes, plants and climbers such as rose bushes, plants, mehendi bushes plantains and papittas, but shall not include fodder and natural produce.

(10) ***"Estate"*** shall mean Jagir land or interest in Jagir land held by a Jagirdar and shall include land or interest in land held by a Biswedar. or a Zamindar; or a Land owner.

(11) ***"Estate holder"*** shall mean the holder for the time being of an estate, that is to say, a Jagirdar, a Biswedar or a Zamindar; or a Land owner.

(11-A) ***"Existing Jagir Law"*** shall mean any Act, Ordinance, Regulation, rule, order, resolution, notification or bye-law relating to

5 Subs. By part A of the First Schedule to Raj. Act No. 2 of 1958.

Jagir Lands or Jagirdars in force in the whole or any part of the State at the commencement of this Act and shall include—

(a) any custom or usage or relating to such Jagir land 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

(b) the terms and conditions contained in any order or instrument granting or recognising the grant of Jagir lands;

(11-B) ***"fragment"*** shall mean a piece of land less in area than the minimum preScribed by the State Government;

(12) ***"Grant"*** shall mean a grant or a right to hold land or interest in land in any part of the St-Ate and the person to whom such right is granted shall be called the 'grantee' thereof;

(13) ***"Grant at a favourable rate of rent"*** shall mean a grant in any part of the State at a rent which is less than the rent thereof, calculated in accordance with the sanctioned rent rates and which is, in accordance with the terms of the grant, not liable to variation under Chapter IX; and the holder of such a grant shall be called a 'grantee at a favourable rate' which expression shall also include concessional holder in the Sunel area;

(14) **Grove holder"** shall mean, so long as the frove retains its character, a khatedar tenant or holer of khudkasht who has a grove over the whole or a part of his holding and has got it recorded as such in the prescribed manner;

(15) ***"Grove-land"*** shall mean any specific piece of land in any part of the State having trees planted thereon in such numbers that they preclude, or where full grown, will preclude, such land or any considerable portion thereof from being used primarily for any other agricultural purpose and the trees so planted shall constitute a grove.

(16) ***"High Court"*** shall mean the High Court for the State of Rajasthan;

(17) ***"Holding"*** shall mean a parcel or parcels of land, held under one lease, engagement or, in the absence of such lease, engagement or grant, under one tenure and shall include, in the case of an Ijaradar or Thekadar, the ijara or theka area:

Provided that, for the purposes of Chapter III-B, all parcels of land held anywhere throughout the State by a person under one or more than one lease, engagement, grant or tenure, and whether cultivated personally or let or sub-let by him, shall be deemed to be his holding and, where any such land is held by more then one person as co-tenants or co-sharers, the share of each of them shall be deemed to be his separate holding whether a division thereof has or has not actually taken place;

(18) ***"Ijara or Theka"*** shall mean a farm or lease granted for the collection of rent, the area to which an Ijara or Theka relates shall be called the "Ijara or Theka area" And an "Ijaradar" or "Thekadar" shall mean the person to whom an Ijara or Theka is granted;

(19) ***"Improvement"*** shall mean, with reference to a tenant's holding- (a) a dwelling house erected. on the holding by the tenant for his own occupation or a cattle-shed or a storehouse or any other construction for agricultural purposes erected or set up by him on his holding;

(b) any work which adds materially to the value of the holding and which is consistent with the purpose for which it was let; and subject to the foregoing provisions of his clause, shall include

(1) The construction of bunds, tanks, wells, water channels and other work for the storage, supply or distribution of water for agricultural purposes,

(2) the construction of works for the drainage of land for its protection from floods or from erosion or from other damage by water,

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

(4) the erection in the immediate vicinity of the holding, otherwise than on the village-site, of building required for the convenient or profitable use or occupation of the holding.

(5) the renewal or reconstruction of any of the foregoing works or such alteration therein or additions thereto as are not of the nature of mere repairs;

but shall not include such temporary wells, water channels, bunds, enclosures or other works as are made by tenants in the ordinary course of cultivation.

(20) **Omitted.**

(21) ***"Jagirdar"*** shall mean any person holding Jagir land or any interest therein in any part of the State and recognised as a Jagirdar under any existing Jagir Law and shall include a grantee of Jagir land from a Jagirdar;

(22) ***"Jagir land"*** shall mean land in any part of the State in which or in relation to which a Jagirdar has rights in respect of land revenue or any other kind of revenue and shall include—

(a) land held in the pre-reorganisation State of Rajasthan other than the Sironj area on any of the tenure; specified in the Second Schedule,

(b) land, if any, held in the Abu area as Jagir as defined in clause (vi) of subsection (1) of section 2 of the Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act 39 of 1954).

(c) land, if any, held in the Ajmer area as an estate as defined in clause (v) of sub-section (1) of section 2 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act HI , 1955) that is to say, as an Istmrari estat, or as Jagir, Bhum, Muafi or Guzara or by a minor Istmradar or a non-Sanadi Istmrardar, and

(d) Jagir land as defined in clause (vii) of sub-section (2) of the Madhya Bharat Abolition of Jagirs, Act, Samvat 2008 (Madhya Bharat Act 28 of 1951) , if any, held in the Sunel area;

(e) land or interest in land held by a Land owner.

(23) ***"Khudkasht"*** shall mean land in any part of the State cultivated personally by in estate holder and shall include

(i) land recorded as Khudkasht, Sir, Havala, Niji-jot, Gharkhed in settlement records at the commencement of this Act in accordance with law in force at the time when such record was made, and

(ii) land allotted after such commencement as Khudkasht under any law for the time-being. in force in any part of the State.

(24) ***"land"*** shall mean land which is let or held for agricultural purposes or for purposes subservient thereto or as grove land or for pasturage, including land occupied by houses or enclosures situated on a holding, or land covered with water which may be used for the purpose of irrigation or growing singhara or other similar produce but excluding abadi land; it shall include benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to earth.

(25) ***"land cultivated personally"*** with all its grammatical variations and cognate expressions, shall mean 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) under the personal supervision of oneself or any member of one's family by hired labour or by servants on wages payable in cash or in kind but not by way of a share in crop:

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 Military, Naval or Air Services of India or who, being a student of an educational institution recognised by the State 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.

(25-A) **Land Owner**—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 Landowner's Estate 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.

(26) ***"land-holder"*** shall mean the person (in any part of the State, by whatever name designated) to whom rent is, or, but for a contract, express or implied, would be, payable and shall include

(i)an estate-holder,

(ii) a grantee at a favourable rate of rent,

(iii) in the case of a sub-lease, the tenant-in chief who has sublet or his mortgagee,

(iv) for the purposes of Chanter IX' and X, and ijaradar or Thekadar, and

(v) generally every person who is a superior holder, in relation t;) persons holding directly from or under him;

(26-A) ***"Landless person"*** shall mean an agriculturist by profession who cultivates or can reasonably be expected to cultivate land personally but who does not hold any land, whether in his own name or in the name of any member of his joint family, or holds a fragment;

(26-AA) ***"Malik"*** means a Zamindar or a Biswedar who;upon the vesting of his estate in the State Government under the Rajasthan Zamindari and Biswedari Abolition Act, 1959, becomes, under section 29 thereof, the Malik of the Khudkasht land by him;

(26-B) ***"Member of the Military, Naval or Air Services of India"*** or ***"member of the Armed Force of the Union"*** shall include a member of the Rajasthan Armed Constabulary.

(27) ***"Occupied land"*** shall mean land which for the time being has been let out to, and is in the occupation of, a tenant and shall include khudkasht, and ***"unoccupied land"*** shall mean land which is not occupied;

(28) ***"Pasture land"*** shall mean land used for the grazing of the cattle of a village or villages or recorded in settlement records as such at the

commencement of this Act or thereafter reserve as such in accordance with rules framed by the State Government;

(29) ***"Pay"*** with all its grammatical variations and cognate expression, shall, when used with reference to rent, include "deliver" with all its grammatical variations and cognate expressions;

(30) ***"Prescribed"*** shall mean prescribed by rules made under this Act;

(31) ***"Registered"*** shall mean registered under the Indian Registration Act, 1908 (Central Act XVI of 1908) and shall include "attested" under the provisions of section 33 of this Act;

(32) ***"Rent"*** shall mean whatever is in cash or in kind or partly in cash and partly in kind payable on account of the use of (he occupation of land or on account of any right in land and, unless the contrary intention appears, shall include sayer,

(33) **Omitted.**

(34) ***"Revenue"*** shall mean land revenue, that is to say, the annual demand payable directly to the State Government on any account whatsoever in respect of and or of any interest in or use of land and shall include assigned land revenue;

(34-A) ***"Revenue appellate authority"*** shall mean the officer appointed as such authority under section 20A of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) ;

(35) ***"Revenue Court"*** shall mean a court or an officer having jurisdiction to entertain suits or other proceedings relating to
agricultural tenancies, profits and other matters, connected with land or any right or interest in land, wherein such court or officer is required to act judicially; it shall include the Board and every member thereof, a revenue appellate authority, a Collector, a Sub-Divisional Officer, an Assistant Collector, a Tehsildar or any other revenue officer while so acting;

(36) ***"Revenue Officer"*** shall mean any officer employed in the business of revenue and rent or in maintaining revenue records;

(37) ***"Sayar"*** shall include whatever is to be paid by a lessee or licensee on account of the right to gather from unoccupied land such produce as grass, thatching grass, wood, fuel, fruits lac, gum, long; pala, panni, water-nuts or the like or such refuse as bones or dung lying scattered on the surface or on account of fisheries of forest rights or the use of water for irrigation purposes from artificial sources;

(37-A) ***"Scheduled caste"*** shall mean any of the castes, races or tribes or members of, groups within, the castes or tribes, specified in Part XIV of the Constitution (Scheduled Castes) Order 1950.

(37-B) ***"Scheduled tribe"*** means any of the tribes, tribal communities or parts of or groups within the tribes or tribal communities, specified in Part XII of the Constitution (Scheduled Tribes) Order, 1950;

(38) ***"Settlement"*** shall mean settlement or resettlement of rent or revenue or both and shall include a summary settlement under the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953) ;

(39) ***"State"*** shall mean the State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) ;

(40) ***"Sub-Divisional Officer"*** shall mean an Assistant Collector placed incharge of one or more sub-divisions under the Rajasthan Territorial Divisions Ordinance, 1949, or under any other law for the time being in force; and includes for the purpose of Chapter III-B, an Assistant Collector in respect of all the subdivisions in the district where he is posted for the time being.

(41) ***"Sub-tenant"*** shall mean a person in any part of the State by whatever name designated who holds land from the tenant thereof including a Malik or a tenant from a land owner and by whom rent is or but for a contract express or implied would be, payable;

(42) ***"Tehsildar"*** shall mean Tehsildar appointed under the Rajasthan Territorial Divisions Ordinances, 1949, or under any other law for the time being in force;

(43) ***"Tenant"*** shall mean the person by whom rent is, or, but for a contract, express or implied, would be, payable and, except when the contrary intention appear, shall include-

(a) in the Abu area, a permanent tenant or a protected tenant.

(b) In the Ajmer area, an ex-proprietary tenant or an occupancy tenant or a hereditary tenant or a non-occupancy tenant or a Bhooswami or a Kashtkar,

(c) In this Sunel area, an ex-proprietary tenant or a pakka tenant or an ordinary tenant.

(d) a co-tenant,
(e) a grove-holder,
(f) a village servant,
(ff) a tenant holding from a land owner, (g) a tenant of Khudkasht,
(h) a mortgagee of tenancy rights, and (i) a sub-tenant,

but shall not include a grantee at a favourable rate of rent or an Ijaredar or thekadar or a trespasser;

(44) ***"Trespasser"*** shall mean a person who takes or retains possession of and without authority or who prevents another person from occupying land duly let out to him;

(45) ***"Village service grant"*** shall mean a grant in any part of the State, by whatsoever name designated and either rent-free or at a favourable rate of rent, or on other terms made in lieu of or as remuneration for some specific service to be performed to the village community 'or in the village administration, and the holder of such grant shall be called a "village servant".

(46) ***"Zamindar"*** shall means a person on whom a village or portion of a village in any part of the State is settled on the Zamindari system and who is recorded as such in the record of rights and shall include a proprietor as defined in clause (a) of section 2 of the Madhya Bharat Zamindari Abolition Act, Samvat 2001 (Madhya Bharat Act 13 of 1951) , if any, in the Sunel area;

(47) ***"Nalbat"*** shall mean a payment in cash or in kind to the owner of a well by some person for using that well for irrigation.

6. Possessors of rights, etc. include their predecessors and Successors— All words and expressions used in this Act to denote the person in possession of any right, title or interest in land shall unless the context otherwise requires, be deemed to include the predecessors and successors in rights, title or interest of such person.

7. Applicability of the Act to State Government— In respect of land held by tenants directly from the State Government the provisions of this Act shall apply, unless expressly provided otherwise; as if the State Government were the land holder acting through the Tehsildar.

8. Power to act through agent— (1) Save as otherwise provided by the Code of Civil Procedure, 1908, (Central Act V of 1908) , in the case of proceedings governed by that Code, anything which is by this Act required or permitted to be done by a landholder or a tenant may be done by his agent duly authorised in the manner prescribed and, in the absence of evidence of a contrary intention, such agent shall, in all dealings between a

landholder and a tenant, be deemed to be acting under the authority of his principal

(2) Processes served on and notices given to such agent shall be as effectual for all purposes as if t: e same were served on or given to the landholder or the tenant, as the case may be, in person, and all the provisions of this Act relating to the service of process on, or the giving of notices to a party shall be applicable to the service of processes on or the giving of notices to such agent.

CHAPTER II

Khudkasht

9. Khudkasht right— 'Khudkasht right' means the rights conferred on holders of Khudkasht by this Act and by[6] [any other law for the time being in force in the whole or any part of the State].

10. Succession and transfer— (1) Khudkasht right shall evolve upon the person who succeeds to the estate of an estate holder.

(2) Khudkasht right is not transferable except by exchange or by partition of the Khudkasht or by gift for the purpose of maintenance:

[7]{**Provided** that nothing herein contained shall affect a transfer of Khudkasht right, lawfully made in the [8]{Abu, Ajmer and Sunel areas} before the commencement of the Rajasthan Revenue Laws (Extension) Act, 1957 otherwise than in the manner permitted by this sub-section.}

(3) On exchange each party shall have the same right in the land received in exchange as it had in the land given by it in exchange.

11. Restriction on letting of Khudkasht — No Khudkasht shall be let except as provided in sections 45 and 46.

12. Extinction of Khudkasht right— (1) Land shall cease to be Khudkasht-

(i) upon failure of successor to the holder thereof, or

[6] Substituted and inserted by part A of the First Schedule in Raj Act No. 2 of 1958.
[7] Added by Part A of the first Schedule to Raj. Act No. 2 of 1958
[8] Inserted by Raj. Act No. 46 of 1956.

(ii) upon transfer thereof in contravention of sub-section (2) of Section 10, or

(iii) when it is let in contravention of section 1 1 , or

(iv) when Khatedari rights accrue therein under the provisions of this Act or under any other law for the time being in force to any person other than the Khudkashtholder, or

(v) upon the holder of Khudkasht becoming a Khatedar tenant under section 13.

(2) Where land is transferred in contravention of sub-section (2) of section- 13 the transferee shall become a Khatedar tenant thereof.

[9]**13. Khatedari rights upon resumption or abolition**— On the resumption or abolition of an estate under any law in force in the whole or any part of the State, the estate-holder holding Khudkasht shall become a Khatedar tenant thereof and shall be entitled to all the rights conferred, and be subject to all the liabilities imposed, on a khatedar tenant by or under this Act;

Provided that the Zamindar or Biswedar holding Khudkasht land on the abolition of this estate under the Raj. Zamindari and Biswedari Abolition Act, 1959, shall become the Malik of such Khudkasht land and shall be entitled to all the rights conferred and be subject to all the liabilities imposed on a Khatedar tenant by or under this Act.

CHAPTER III

Classes of Tenants

14. Classes of tenants— For the purposes of this Act, there shall be the following classes of tenants, namely:

(a) Khatedar tenants,

(aa) Maliks, and

(b) Tenants of Khudkasht, and

(c) Gair Khatedar tenants.

9 Substituted and inserted by part A of the First Schedule in Raj Act No. 2 of 1958.

15. Khatedar tenants— (1) Subject to the provisions of section 16 and clause (d) of Sub-section (1) of section 180 every person who, at the commencement of this Act, is a tenant of land otherwise than as a sub-tenant or a tenant of Khudkasht or who is, after the commencement of this Act, admitted as a tenant otherwise than a sub-tenant or tenant of Khudkasht or an allottee of land under, and in accordance with, rules made under section 101 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) or who acquires Khatedari rights in accordance with provisions of this Act or of the Rajasthan Land Reforms and Resumption of Jagir Act, 1952 (Rajasthan Act VI of 1952) or of any other law for the time being in force shall be a Khatedar tenant and shall, subject to the provision of this Act be entitled to all the rights conferred; and be subject to all the liabilities imposed on Khatedar tenants by this Act:

Provided that no Khatedari rights shall accrue under this section to any tenant, to whom land is or has been let out temporarily in Gang Canal, Bhakra, Chambal or Jawai project area or any other area notified in this behalf by the State Government.

(2) Notwithstanding anything contained in sub-section (1) Khatedari rights shall not accrue there under to any person to whom land had been let out before the commencement of this Act by the State Government in furtherance of the Grow More Food Campaign or under some special order subject to some specified conditions or in pursuance of some statutory or non-statutory rules and who shall have, before such commencement, made a default in securing the objective of such campaign or a breach of any such order, condition or rule.

(3) Any person referred to in sub-section (2) may, within three years from the date of commencement of this Act and on payment of a court-fee of twenty five naye paise apply to the Assistant Collector having jurisdiction praying for a declaration that acquired Khatedari right under sub-section (1) in the land held by him.

(4) Such application may be made on any of the following grounds, namely:

(a) that the land held by him was let out to him after the"

commencement of this Act.

(b) that it was not let out to him in any of the circumstances specified in

sub-section (2).

(c) that when the- land was so let out to him he was not apprised of such circumstances.

(d) that he had, before such commencement made no default or breach of the nature specified in sub-section (2).

(5) The Assistant Collector shall, upon the presentation of an application under sub-section (3), make inquiry in the prescribed manner and afford reasonable opportunity to the applicant of being heard and shall, if he does not reject the application , declare the applicant to have become Khatedar tenant of his holding in accordance with and subject to the provisions of the subsection (I).

[10]**15A. Khatedari rights not to accrue in Indira Gandhi Canal Area**— (1) Notwithstanding anything contained in section 13 or in sub-section (1) of section 15 of this Act to in any other law for the time being in force, or in any lease, Patta or other document, land in the Indira Gandhi Canal area leased out on any terms what ever shall be deemed to have been let out temporarily with in the meaning of the proviso to the said sub-section of the said section 15 of this Act and no Khatedari rights shall accrue or shall be deemed ever to have accrued in any such land leased out as aforesaid.

Provided that nothing in sub-section (1) shall affect or apply to any person to whom Khatedari rights shall accrue in accordance with the provision of the Rajasthan Colonisation (General Colony) Conditions, 1955 or any other Statement of Conditions or Rules of Allotment and Sale of Government land made in exercise of the power conferred by section 7 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27, 1954) or the rules for allotment of land for Khudkasht in the Rajasthan Canal area made under the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act 6 of 1952).

(2) Any person claiming that he possesses and is in enjoyment of Khatedari rights in any land referred to in sub-section (1) because such land had been let out to him permanently before the commencement of this Act may within four years from the date of such commencement and on

payment of a court fee of twenty-five naya paise apply to the Assistant Collector having jurisdiction, praying for a declaration to that effect and the provisions of sub-section (5) of section 15 shall apply to such application.

[11]**15AA. Non-accrual of Khatedari rights in Chambal Project Area in certain cases.**— (1) Notwithstanding anything contained in any lease, assessment Parcha, Patta or other document no Khatedari right shall be deemed ever to have accrued to person holding land within the Chambal Irrigation Project area.

(2) Nothing in sub-section (1) shall affect or apply to any person who had since before the commencement of this Act, heritable and transferable rights under the tenancy laws of the former Kota State or the former Bundi State Or to whom

Khatedari rights may have accrued under section 13 or section 19 of this Act or under and in accordance with the provisions of the Rajasthan Colonisation (Chambal Project ((government Land Allotment and Sale) Rules, 1957; or under or in pursuance of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act 6 of 1952), or the Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act 8 of 1959).

[12]**15AAA. Accrual of Khatedari Rights in the Indira Gandhi Canal area**— (1) Notwithstanding anything contained in Section 15-A,krty person who, at the commencement of this Act—

(a) was a holder 'of Khudkasht or an occupancy tenant or a Maurusidar or a Khatedar tenant or a tenant with transferable and heritable rights and was recorded as such in the annual registers then current, or

(b) was not so recorded, but was a holder of Khudkasht or an occupancy tenant or a Maurusidar or a Khatedar tenant or a tenant with transferable and heritable rights,

shall, as from the date of the commence-ment of this Act, be entitled to all the rights, and subject to all the liabilities, of a Khatedar tenant under this Act.

(2) Every person claiming that the rights mentioned in clause (b) of sub-section (I) accured to him shall, within one year of the commencement

[11] Inserted by sec 2 of Raaj. Act No. 12 of 1961, publisehed on 05-04-61.
[12] Inserted by sec 2 of Raj. Act No. 16 of 1969, published on 29-12-79.

of the Rajasthan Tenancy (Amendment) Act. 1979 and on the payment of a court fee of fifty paisa, apply to the Assistant Collector having jurisdiction, or to any other authority as may be prescribed by the State Government from time to time, for a declaration that he acquired Khatedari rights under clause (b) of sub-section (1) in the land held by him and the provisions of sub-section (5) section 15 shall apply to such application.

[13] (2-A) Notwithstanding anything contained in section 15-A, any person who was a holder of Khudkasht or a tenant of land otherwise than as a sub-tenant or a tenant of Khudkasht within the Indira Gandhi Canal area, whether recorded as such at the commencement of this Act or subsequently in the record of rights, prepared during the survey or re-survey and record operations conducted under sections 106 and 107 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), shall be entitled to all the rights, and be subject to all the liabilities, of a Khatedar tenant under this Act, with respect to the whole or such part of the land held as does not exceed the maximum area of land which he is entitled to hold in accordance with the provisions of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act No. 11 of 1973).

[14](3) Notwithstanding anything contained in sub-section ;I) of section 15-A and save or otherwise provided in sub-section (I)any person who, at the commencement of this Act,—

(a) was a tenant of land or otherwise than as a sub-tenant or a tenant of Khudkasht and was recorded as such in the annual registers then current, or

(b) was not so recorded, but was a tenant of land otherwise than as a sub tenant or tenant of Khudkasht,

and was in continuous possession of the land as such tenant upto the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1983, shall, on an application being made in such form and in such manner as may be prescribed to the Assistant Collector having jurisdiction or to any other officer or authority authorised by the State Government in this behalf, within 1426 days of the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1983 i.e. upto 30th June 1987 and be granted Khatedari

[13] Inserted vide S.4(b) of the Act No.22 of 1992, W.e.f 11-08-87.
[14] Added by Raj. Act No. 11 of 1983, published on 14-09-83.

rights in respect of the land in his tenancy upto the limit of the area which can be held by him under the provisions of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973), provided he pays to the State Government the reserve price for the land held by him in excess of 25 bighas of irrigated or 50 bighas of un-irrigated land and upto the said limit at the rate prescribed under section 7 read with section 28 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act 27 of 1954) and in force on the date of commencement of Rajasthan Tenancy (Amendment) Act, 1983.

Provided that the State Government may, on being satisfied that it is necessary or expedient to do so, extend by notification the period beyond 30th June, 1987, not exceeding six months, up t.) we day as deemed fit.

Explanation I— For the purpose of grant of Khatedari rights under this subsection, the expression 'tenant' shall include his successor-in-interest but shall not include his transferee.

Explanation II— where there are two or more co-tenants in a holding on the date of commencement of the Rajasthan Tenancy(Amendment) Act, 1983, all such co-tenants shall, for the purpose of grant of Khatedari rights with respect to the area of land for which no reserve price is to be charged, be deemed to be the sole tenant in that area of the holding.

(4) subject to such rules as may be made by the State Government, the reserve price payable under sub-section (3) may be paid by the tenant in sixteen equal instalments of which the first instalment shall be paid along with the application under the said sub-section and the remaining instalments shall,

thereafter, be payable on the 1st day of January and 1st day of July of each succeeding year until the entire amount of reserve price is paid of:

Provided that where water from the Indira Gandhi Canal is released for irrigation for the first time, after the commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1984, to n e land in which Khatedari rights are granted under sub-section (3), the first instalment of Rs. 500/- shall be paid along with the application under the said sub-section, and the remaining amount shall be payable in sixteen equal instalments on the 1st day of January and 1st day of July of each succeeding year after the expiry of two years from the date of release of water to such land for irrigation:

Provided further that nothing in this sub-section shall preclude the tenant from making payment of the whole or part reserve price earlier than that provided in this sub-section

(5) Notwithstanding anything contained in sub-section (3), where a tenant pays to the State Government the entire reserve price in one lump sum within the period allowed for making an application under that sub-section, the amount of reserve price payable by him shall be deemed to be 25% less than that provided therein.

(6) tenant who fails to pay the reserve price in accordance with sub-section (4) or sub-section (5) shall not be entitled to the grant of Khatedari right under sub-section (3);

(7) All applications made by persons, other than those referred to in sub-section (2) but falling within the preview of sub-section (3), before the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1983 for declaration of accrual of or for grant of Khatedari rights in the land held by them at the commencement of this Act and pending before the Assistant Collector or before any other authority prescribed by the State Government under sub-section (2) on such date, shall be treated as applications for the grant of Khatedari rights and be deemed to have been made under sub-section (3) and shall be decided by the officer or authority mentioned in that sub-section in accordance with the provisions contained in sub-section (3) and sub-section (8).

(8) Where a person claims himself to be a tenant of land as is referred to in sub-section (3) but was not so recorded in the annual registers current at the commencement of this Act, the question whether he was such a tenant or not shall be decided on the basis of available evidence including the consensus opinion of the Gram Sabha, comprising of all adult persons residing in the village where the land is situated, reduced into writing by the Assistant Collector or any other officer or authority competent under the said subsection to grant Khatedari rights.

15B. Khatedar tenants in Abu, Ajmer & Sunel areas— Subject to the provisions contained in the proviso to sub-section (1) and in sub-section (2)to (5) of section 15 and in section 15-A and further subject to the provisions of section 16 and clause

(d) of sub-section (1) of section 180 every person who, at the commencement of the Rajasthan Revenue Law

(Extension) Act, 1957, is a tenant of land in the Abu, Ajmer or Sunel area otherwise than as a subtenant or a tenant of Khudkasht, shall be a khatedar tenant and shall, subject to the provisions of this Act, be entitled to all the rights conferred, and be subject to all the liabilities imposed, on Khatedar tenants by this Act:

Provided that if any such person shall have, before such commencement, acquired any status or property in pursuance of a right lawfully conferred on him in excess of the rights conferred, or incurred in accordance with law a liability in excess of the liability imposed on a Khatedar tenant by this Act, he shall, notwithstanding anything to the contrary in this Act, continue to hold and enjoy the status or property so acquired or to be subject to the liability so incurred.

16. Land in which Khatedari rights shall not accrue— Notwithstanding anything in this Act or in any other law or enactment for the time being in force in any part of the State Khatedari rights shall not accrue in

(i) pasture land;

(ii) land used for casual or occasional cultivation in the bed of river or tank;

(iii) land covered by water and used for the purpose of growing Singhara or other like produce;

(iv) land under shifting or unstable cultivation;

(v) land comprised in gardens owned and maintained by the State Governments;

(vi) land acquired or held for a public purpose or a work of public utility;

(vii) land which, at the commencement of this Act or at any time thereafter, is set apart for military encamping grounds;

(viii) land situated within the limits of cantonment;

(ix) land included within railway or canal boundaries;

(x) land within the boundaries of any Government forest;

(xi) municipal trenching grounds;

(xii) land held or acquired by educational institutions for purposes of instruction in agriculture or for play- ground; and

(xiii) land within the boundaries of a Government agricultural or grass farm;

(xiv) land which has been set apart or is, in the opinion of the Collector, necessary for flow of water thereon in to any reservoir or tanka for drinking water for a village or for surrounding villages:

Provided that the State Government may, by notification in the Official Gazette declare that any land which is under shifting or unstable cultivation, shall cease to be a land for such cultivation and thereupon such land shall be available for the grant of Khatedari rights and the State Government may by a like notification, declare that any land which was not at the commencement of this Act under shifting or unstable cultivation shall at any time after such commencement be under such cultivation from such date as may be specified in the notification and thereupon such land shall be available for such cultivation.

16A. Tenants of Khudkasht— Every person to whom at the commencement of this Act or at any time thereafter, Khudkasht has been or is let out lawfully by an estate holder in any part of the State shall be the tenant of such Khudkasht:

Provided that, upon the estate holder becoming a Khatedar tenant of his Khudkasht land sunder section 13, the tenant (4 such Khudkasht shall become a sub-tenant holding under and from such Khatedar tenni.

17. Ghair Khatedari tenant— Every tenant of land in any part of the State other than a Khatedar tenant, a tenant of Khudkasht or sub-tenant shall be a Gair Khatedar tenant.

17A. Maliks— Every Zamindar of Biswedar whose estate is vested in the State Government under the Rajasthan Zamindari and Biswedari Abolition Act, 1959 shall be a Malik within the meaning of section 29 of that Act in respect of any Khudkasht land in his occupation at the date of such vesting.

[15]**18. Omitted**.

[16]**{CHAPTER IIIA}**

Conferment of Rights On certain Sub-tenants and Tenants of Khudkasht on payment of compensation

19. Conferment of rights on certain tenants of Khudkasht and sub tenants— (1) Every person who, at the commencement of this Act—

(a) was entered in the annual registers then current as a tenant of Khudkasht or sub-tenant of land other than grove land, or

(b) was not so entered but was a tenant of Khudkasht or sub-tenant of land other than grove land.

shall as from the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1959, hereafter in this Chapter referred to as the appointed date, become, subject to the other provisions contained in this Chapter, the Khatedar tenant of such part of the land held by him as does not exceed the minimum area prescribed by the State Government for the purpose of clause (a) of sub-section (1) of section 130 or exceeds the maximum area from which such person is liable to ejectment under clause (d) of the said sub-section of the said section and rights in improvements in that part of the said land shall also accrue to such person:

Provided that Khatedari rights or rights in improvements shall not so accrue—

(i) if such part of the said land is held from any of the persons enumerated in section 46, or

(ii) if such rights therein may not accrue under the proviso to sub-section (I) of section 15 or under section 15-A or under section 15-B or under section 16, or

(iii) if such person has, after the commencement of this Act and before the appointed date, ceased to be such tenant of Khudkasht or sub-tenant by virtue of lawful surrender of abandonment in accordance with the provisions of this Act or because of his having been ejected in

15 Vide Raj Act No. 27 of 1956.

16 Substituted by sec 2 of Raj. Act No. 7 of 1959.

accordance with those provisions by and under the decree or order of a competent revenue court.

(1-A) Subject to the exceptions contained in the proviso to sub-section (1), every person referred to in that sub-section shall, as from the date of commencement of the Rajasthan Tenancy (Amendment) Act, 1961, hereafter in this chapter referred to as the 'appointed day' become, subject to the other provisions contained in this chapter, the khatedar tenant of that part of land held by him in which he has not acquired Khatedari rights under sub-section (1) , before the appointed day, no proceeding for his ejectment under clause (a) or clause (d) sub-section (1) of section 180 shall have been started within the time limit prescribed by section 182-A or if on that day no such proceeding previously started might have been pending.

(1-AA)- Every person who on the 31st day of December, 1969, was entered in the annual registers than current as the tenant of Khudkasht or sub-tenant or was not so entered but was a tenant of Khudkasht or sub-tenant of land other than grove land shall subject to the exceptions contained in the provisos to sub-section (1), as from the date of the commencement of the Rajasthan Tenancy (Amendment) Act, 1979, hereinafter in this Chapter referred to as the said date become, subject to the other provisions contained in this Chapter, the Khatedar tenant of that part of the land held by him in which he has not acquired Khatedari rights under sub-section (I) or sub-section (1-A), if before the said date, no proceedings for his ejectment under clause (a) or clause (b) of sub-section (1) of section 180 shall have been started with the time limit prescribed by section 182-A or if on that date, no such proceedings previously stated might have been pending:

Provided that no Khatedari rights shall accrue under this sub-section in the land which has been , or is liable to be declared surplus under any law relating to the imposition of ceiling on agricultural holdings:

Provided further that no Khatedari right shall accrue under this sub-section

on the land belonging to the scheduled caste or scheduled tribe but it shall not be the case if the sub-tenant is the member of scheduled caste or scheduled tribe:

Provided also that acquisition of Khatedari rights under this sub-section shall be subject to the provisions of section 17 of the Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973 (Rajasthan Act 11 of 1973)

(2) Every tenant of Khudkasht or subtenant referred to in clause (b) of subsection (1) claiming that the rights mentioned in that sub-section accrued to him on the appointed date in the whole or any part of his holding shall within two years of that date and on payment of a court-fee of Fifty naye paise, apply to the Assistant Collector having jurisdiction, praying for a declaration that such rights accrued to him as aforesaid, and the provisions of sub-section (5) of section 15 shall apply to such application and such tenant of Khudkasht or sub-tenant shall not be regarded to have become the Khatedar tenant of his holding or part, as the case may be, until he has obtained the declaration so prayed for.

(2-A) (i) Every tenant of Khudkasht or sub-tenant claiming that the rights mentioned in sub-section (1-AA) accrued to him on the said date in the whole or any part of his holding shall within one year of the date and on payment of a court fee of fifty paisa, apply to the Assistant Collector having jurisdiction, praying for a declaration that such right accrued to him as aforesaid, and the provisions of subsection (5). of section 15 shall apply to such application.

(ii) Where no application referred to in clause (i) has been made by the tenant of Khudkasht or the sub-tenant to whom the rights of Khatedar tenant accrued under sub-section (1—AA), the Assistant Collector having jurisdiction may on his own motion or otherwise within one year of the said date and after making an inquiry in the same manner as is prescribed for an inquiry under subsection (5) of section 15 and after affording a reasonable opportunity to the parties of being heard and on being satisfied that Khatedari rights accrued to such tenant of Khudkasht of sub-tenant under sub-section (1—AA), issue a declaration to that effect.

(ii-a) Where . no declaration has been obtained or issued under clause (i) or clause (ii) in the case of a tenant of Khudkasht or sub-tenant claiming that the rights mentioned in sub-section (l—AA) accrued to him on the holding, the tenant or subtenant, as the case may be, may notwithstanding the expiry of the time laid down in those clauses, specified from time to time by the State Government and on payment of a court fee of fifty paise, apply to the Assistant Collector having jurisdiction,

praying for a declaration that such rights accrued to him as aforesaid, and the provisions of sub-section (5) of section 15 shall apply to such application ; and

(iii) Where no declaration has been obtained or issued under clause (i) or clause (ii) or clause (ii-a) such tenant of Khudkasht or sub-tenant shall not be regarded to have become the Khatedar tenant of his holding or part thereof, as the case may be.

(iv) Where and to the extent such declaration as aforesaid is made in favour of the tenant of Khudkasht or sub-tenant referred to in sub-section (1-AA) , the Assistant Collector having jurisdiction shall on the application of any person entitled to any benefit by way of restitution, cause such restitution to be made as will place the person in the position to which he would be entitled as a result of the aforesaid declaration having been made in his favour excepting any claim to mesne profits, of any, for the period during which such person remained out of.possession, or compensation in any form whatsoever; and for this purpose, the Assistant Collector may make such orders as are just and reasonable and are required in the circumstances of the case.

(3) in respect of land in which rights accrue to him under sub-section (1) or subsection (I-A) or sub-section (1-AA) —

(a) every tenant of Khudkasht in relation to the estate-holder who let out such Khudkasht,

(b) and every sub-tenant, in relation to

(i) the State Government, if his tenant-in-chief held the land sub-let by the latter from the State Government, or

(ii) the estate-holder, if such tenant-in-chief held such land from an estate-holder,

shall, as from date of accrual of Khatedari Rights be entitled to all rights conferred and be subject to all liabilities imposed, on a Khatedar tenant by this Act.

(4) Every tenant of Khudkasht or subtenant to whom rights accrue under sub section (1) or sub-section (1-A) or subsection (1-AA) shall be bound to pay to his land holder compensation determined in accordance with the provisions of this Chapter:

Provided that such tenant or sub-tenant may, three years of the appointed date intimate in writing to the Assistant Collector having jurisdiction that he does not wish to acquire Khatedari rights on payments of such compensation, in which case he shall not acquire Khatedari rights or be liable to pay compensation and he shall continue as tenant of Khudkasht or sub-tenant as heretofore.

20. Submission of claims for compensation— (I) Every person claiming compensation on account of the accrual of rights in improvements (other than wells and other irrigation works) existing on, and of Khatedari right in respect of, the

land held from him by his tenant of Khudkasht or sub-tenant shall submit a detailed statement of his claim for such compensation to the Sub-Divisional Officer in the prescribed form and in the prescribed manner. Every such claim shall be submitted:—

(i) where such rights have accrued under sub-section- (1) or sub-section (1-A) of section 19 within four years of appointed day; and

(ii) where such rights have accrued by virtue of a declaration under sub-section (2) Or sub-section 2-A) of that section thin four years of such declaration.

(2) The Sub-Divisional Officer shall, upon receipt of the statement of claim under sub-section (1) :

(a) furnish a copy thereof to the tenant of Khudkasht or sub-tenant concerned, and require him by notice to submit objections, if any, to the claim within thirty days of the receipt of the notice, and

(b) proceed to determine the amount of compensation payable by him in act accordance with the provisions of sections 23, 24, 25 and 26.

17**[{21. Omitted}**.

17 Amended by sec 5 of Raj.A ct no. 7 of 1959

{22. Omitted.}

{23. Compensation for Khatedari Rights — (1) The amount of compensation payable to a landholder under sub-section (4) section 12 for the accrual of rights under that section in respect of the whole or a part of the holding of a tenant of Khudkasht or sub-tenant shall be, in the case of un-irrigated lands, fifteen times and in the case of irrigated lands, twenty times:

(a) the rent rate sanctioned for such holding or part during the last settlement, where rent in respect thereof has been settled, or

(b) where rent in respect to such holding or part has not been settled, the rent rate sanctioned during the last settlement for similar land in the neighbourhood.

(2) Subject to the provisions contained in section 25, no compensation shall be payable separately in respect of a well or other irrigation work existing on or in respect of any irrigational benefit arising or attached to the land in which rights have accrued as aforesaid.}]

24. Compensation for Rights in improvements— (1) The Sub-Divisional Officer shall determine the value of any improvement (other than a well or other irrigation work) made by the land holder or at his expense in respect of which he claims compensation, having regard to the following matters, namely:–

(a) the cost of the improvement at the time ii was made,

(b) the extent to which such improvement is likely to benefit the land in which khatedari rights have accrued under sub-section (I) or sub-section (1-A) or sub-section (I-AA) of section 19 during the period of ten years next following the agricultural year in which such determination is made, and

(c) such other matters as may be prescribed.

(2) Subject to the provisions contained in section 25, the amount of compensation payable to a landholder under sub-section (4) of section 19 by the tenant of Khudkasht or sub-tenant concerned for rights in improvements (other than wells or other irrigation works) in or attached to that part of the land in his possession in which Khatedari rights accrue to
him under sub-section (1) or sub-section (I–A) or sub-section (1–AA) of section 19 shall be forty per cent of the value of such improvements as determined under subsection (1).

25. Computation of share of compensation in lieu of Nalbat— (I) Where a well is attached to any land in which Khatedari rights accrue under section 19 and by any person other than the landholder is entitled to realise Nalbat in respect of such well, the Sub-Divisional Officer shall determine the share payable to such person out of the amount of compensation payable to the landholder in respect of such land under sub-section (I) of section 23.

(2) For the purpose of determining such share, the Sub-Divisional Officer shall calculate the average value of the right to such nalbat in the following manner, namely:—

(a) Where a Nalbat is being realised in cash, the average value of the right thereto shall be calculated on the basis of the average of the annual amounts so realised during the five years immediately preceding the agricultural year in which such calculation is made.

(b) Where it is being realised in the form of a share of the produce, such value shall be calculated on the basis of the average money value of such share according to the average of the prices of like produce during the five years immediately preceding the agricultural year in which such calculation is made.

(3) The amount of compensation payable in respect of the right to Nalbat shall be ten times the average value of such right as determined under sub-section (2) subject to a maximum of fifty per cent of the present market value of the well.

(a) **Omitted.**

(b) **Omitted.**

(c) **Omitted.**

(4) The present market value of a well shall be determined by the Sub-Divisional Officer, having regard to the following matters. namely:-

(i) the time of construction of the well.

(ii) the present stage of repairs of the well.

(iii) the area irrigated by the well in a normal year.

(iv) the average present cost of the construction of such well, and

(v) such other matters as may be prescribed.

(5) The share payable to the person entitled to realise Nalbat out of the compensation determined under section 2 ;hall in no case exceed fifty percent of 'such compensation.

26. Composition of Compensation— (1) the total compensation payable by a tenant of Khudkasht or a sub-tenant for the Acquisition of Khatedari rights in land and of right in improvements including well shall consists of the aggregate of the amounts determined under section 23 and 24.

(2) Any amount payable under section 25 shall be ordered to be paid out of the total amount mentioned in sub-section (I).

27. Mode of Payment of Compensation- (1) On the determination of the amount of compensation payable for the acquisition of Khatedari rights in improvements or both in accordance with the foregoing provisions the Sub-Divisional Officer shall order payment thereof either in a lumpsum or in a suitable number of annual instalments.

(2) If the Sub-Divisional Officer orders such payment in annual instalments, such instalments shall not exceed ten in number and shall be fixed with due regard to the following matters, namely:

(i) the total amount of compensation payable,

(ii) the paying capacity of the liable to pay the sum, and

(iii) such other matters as may be prescribed.

(3) When the amount of compensation or any instalment thereof remains unpaid exceeding three months from the date of its falling due, it shall be realised by the Sub-Divisional Officer as an arrear of land revenue and paid to the person entitled to receive payment of the same.

(4) All compensation payable under section 26 shall be deposited in the Tehsil and the Tehsildar shall pay the same to the person or persons entitled to receive the same.

(5) The total amount of compensation payable in accordance with section 26 shall be a charge upon the holding and its produce next after the charge for rent and

revenue in respect thereof and no tenant of Khudkasht or sub-tenant who acquire Khatedari rights and rights in improvements under section 19 shall be competent to alienate his holding or any part thereof unless and until the total amount ,of compensation as aforesaid shall have been paid up in full.

Provided that such tenant or sub-tenant may alienate the whole or any part of his holding in accordance with the provisions of section 43 primarily for the purpose of the payment of such compensation, whether or not accompanied with any other purpose.

[18]**{28. Omitted.**

29. Omitted.}

30. Special provision for payment of compensation in certain specific case—(1) Where before the accrual of rights under sub-section (1) or sub-section (1-A) or or sub-section (l-AA) of section 19, a sub-tenant was holding the land in respect of which the right so accrued to him from a person who became a Khatedar tenant.

(a) upon the commencement of this Act, under section 15; or

(b) upon the commencement of the Rajasthan Revenue Laws (Extension) Act, 1957(Rajasthan Act 2 of 1958) , under section 15-B;

but who had, previous to such commencement, no rights of transfer over such land the amount of compensation assessed under section 26 shall not be payable to such person unless he is entitled under sub-section (2).

(2) In the cases contemplated by sub-section (1) —

[18] Omitted by sec 10 of Raj. Act N0. 7 of 1959.

(a) Compensation for the acquisition of Khatedari rights in the land shall be payable to the person who immediately before the commencement of this Act had rights of transfer in such land, and

(b) Compensation for the acquisition of rights in improvement attached to such land shall be payable primarily to the person by whom or at whose expense they were made.

30A. Savings and disposal of pending applications- (1) Nothing in this Chapter shall affect the decision on and disposal of any application under section 19 made before the appointed date and every such decision shall be operative as if validly and lawfully given.

(2) All such applications pending at such date shall be consigned to records without any orders.

CHAPTER III B

Restrictions on Holding Land in Excess of Ceiling Area

Repealed vide Notification No. F. 2(i) Vidhi/73 dated 29.03.1973 w.e.f. 01.01.1973 and is replaced by Rajasthan Imposition of Ceiling Act, 1973 (Rajasthan Act No. 11 of 1973). As this Chapter still governs the pending cases.

CHAPTER III C

Primary Rights of Tenants

31. Rights to residential house— (I) Subject to any rules, that may be made by the State Government in this behalf, a tenant shall have the right, free of charge to possess in the abadi of the village in which he holds land a site for a residential house:

Provided that, if he holds land in more than one village, he may choose the village in which he wishes to enjoy his concession and shall not be entitled to this concession in more than one village:

Provided further that he shall have to make an application to the Tehsildar, if he has no residential house, for allotment of a suitable site for the purpose.

Explanation—A residential house shall Mei:1de an enclosure or shed for cattle as well as accommodation for stocking seed fodder and agricultural implements and also land required for the construction of reservoir or tanka.

(2) Subject as aforesaid and notwithstanding any thing to the contrary contained in sections 95, 96, 97, 98 and 102 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) agricultural worker or an artisan who may have been permanently residing in the abadi of a village for a ten years or more shall also have the right, free of charge, to possess in the abadi of that village a site for a residential house and the provisions contained in the second proviso to subsection (1) shall apply.

Explanation— For the purpose of sub-section (2) —

(a) ***agricultural worker*** shall mean a person who is not a tenant but works as a labour on the field or fields of a tenant lying within the village of his residence; and

(b) ***"artisan"*** shall include a blacksmith, a carpenter, a cobbler. a potter and a weaver.

32. Right to written lease and counterparts— (I) Every tenant shall be entitled to receive from his land holder a written lease consistent with the provisions of this Act in the prescribed Corm and containing the prescribed particulars.

(2) Upon delivering or tendering to a tenant such a lease as is mentioned in sub-section (1), the land-holder shall be entitled to receive from the tenant a counterpart thereof.

(3) If a lease or counterpart is not received by the person entitled to receive it under this section, he may bring a suit for obtaining such lease or counterpart, as the case may be,

33. Attestation of leases in lieu of Registration— (1) Notwithstanding anything contained in the Indian Registration Act, 1908 (Central Act XVI of 1908) , the parties to a lease may, in lieu of registering the same, obtain the attestation thereto of such officer or person as the State Government may appoint in this behalf,

(2) Such officer or person may, after making such inquiry as may be prescribed, attest the instrument of lease in the prescribed manner:

Provided that no such instrument shall be accepted for attestation unless presented within four months of its execution:

Provided further that nothing contain in this sub-section shall apply in respect of leases granted by or on behalf of the State Government.

(3) An instrument so attested shall be deemed to be registration within the meaning of the Indian Registration Act, 1908 (Central Act XVI of 1908).

34. Prohibition of premium or Forced Labour— Subject to any other provisions of this Act, no land holder shall accept a premium for the grant or a lease or make a tenant liable to render any service of the land-holder whether for wages or otherwise and such condition shall be void, notwithstanding any law or custom to the contrary:

Provided that nothing in this section shall bar the recovery of the price of land allotted to any person in accordance with rules made under section 100 or section 101 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) or the recovery of any payment required to be made under rules made under section 30F of this Act,

35. Prohibition of payment other than rent.— Notwithstanding any custom or contract to the contrary, no payment by whatever name called or known, shall in addition to the rent of the holding, or any other charge imposed by law or approved by the- State Government, be levied on or recovered from a tenant.

36. Use of materials— Notwithstanding anything contained in this Act or any other law for the time being in force, ki tenant shall have the right to remove and utilise for any work in connection with his holding or residential house, stones or other materials lying on, or under the surface of his holding or obtained by digging during the course of making an improvement:

Provided that the exercise of this right by tenants may be re:Dilated by rules ma by the State Government in this behalf.

[19]36A. Acquisition of right to Nalbat-(1) If any person has. since before the commencement of this Act or in the Abu Ajmer and Stine' areas since before the commencement of the Rajasthan Revenue Laws .(Extension) Act. 1957 (Rajasthan Act 2 of 1958) been Khatedar tenant of. or upon such commencement acquires under section 15 or section 15-B Khatedari rights in land with a well is attached thereto and the right to realise Nalbat in respect of such well is vested in some person other than the landholder. such first mentioned person may apply to the Sub-

Divisional Officer in the presCribed from and prescribed manner for the acquisition of such right within one year from the date of the commencement of the Rajasthan Tenancy (Amendment) Act. 1959:

Provided that the Sub-Divisional Officer may entertain an application made under this section after the expiry of the period of one year if he is satisfied that the applicant had sufficient cause for not making the application within the said period.

(2) On receipt of application under sub-section (I) the Sub-Divisional Officer shall issue a notice to the person in whom the right to realise Nalbat so vests informing him that if he desires to contest the application he must submit his objections in writing within thirty days of the receipt of the notice.

(3) Whether or not the application is contested. such person shall submit to the Sub-Divisional Officer a detailed statement in the prescribed form and in the prescribed manner of his claim for compensation on account of the acquisition of such right to Nalbat.

(4) If the landholder contests the application the Sub-Divisional Officer after holding such inquiry as he thinks fit: reject the application or grant the same subject to the provisions contained in sub-section (5).

(5) If the Sub-Divisional Officer grants an application, he shall determine the amount of compensation payable for such acquisition in accordance with the provisions of section 25, and the provisions of sections 27 and 30 shall apply to and govern the payment of such compensation.

(6) Nothing in this section shall affect the decision on and disposal of any application under section 29 made before the commencement of the

19 Inserted by sec 13 of rajasthan act no. 7 of 1959

Rajasthan Tenancy (Amendment) Act, 1959 and every such decision shall be operative as if validly and lawfully given.

(7) All such application pending at such commencement shall be -deemed to have been presented under this section and shall be proceeded with accordingly.

37. Bar to seizure, attachment and sale by process of Court-- The rights of a tenant in a holding shall not be liable to seizure, attachment or sale by process of any civil court.

CHAPTER IV

Devolution, Transfer, Exchange and Division

General

38. Interest of tenants— Save as Provided in this Act, the interest of a tenant in his holding is heritable but not transferable.

Devolution of Tenancies

39. Bequest.— A Khatedar tenant may by will bequeath his interest in the holding of part thereof in accordance with the personal law to which he is subject.

40. Succession to tenants— When a tenant dies intestate, his interest in his holding shall devolve in accordance with the personal law to which he was subject at the time of his death.

Transfer of Tenancies

41. Transferability of Khatedar's interest— The interest of a Khatedar tenant shall be transferable otherwise than by way of sub-lease, subject to the conditions specified in sections 42 and 43.

[20]**42. General restrictions on sale, gift and bequest**— The sale, gift or bequest by a Khatedar tenants of his interest in the whole or part of his holding shall be void, if —

(a) **Omitted**.

(b) such sale, gift or bequest is by a member of Scheduled Caste in favor of a person who is not a member of the Scheduled Caste, or by a member of a Scheduled Tribe in favor of a person who in not a member of the Scheduled Tribe.

[(bb) such sale, gift or bequest, notwithstanding anything contained in clause (b), is by a member of Saharia Scheduled Tribe in favour of a person who is not a member of the said Saharia tribe.]

(c) **Omitted**.

[21]**42A. Omitted.**

[22]**42B. Declaration as valid of sale, gift and bequest**— Where any sale, gift or holding before the commencement of the Rajasthan Tenancy (Second Amendment) Act, 1992 Act No. 22 of 1992 was void on account of contravention of any of the provisions of clause (a) of section 42, as it stood before the said amendment Act of 1992, such sale, gift or bequest may be declared to be valid by the Collector or any officer or authority empowered by the State Government in this behalf on an application made to him or it within such time and in such manner and on payment of such fee and penalty as may be prescribed:

Provided that-

(a) - such sale, sift or bequest was otherwise legally valid and in conformity with the provisions of the laws for the time being in force except those contained in clause (a) of section 42 as aforesaid:

(b) the parties to the sale, or bequest comply with all the terms and conditiOns as may be prescribed by the rules or by any special or general order:

(c) the payment is -made of such premium or penalty as may be

[20] Substituted by sec 3 of Raj. Act.No. 12 of 1964, published on -01-05-64

prescribed:

(d) the applicant undertakes to pay urban assessment levied at such rate and in accordance with such manner as may be prescribed.

21 Deleted w.e.f 11.nov.1992.

22 Inserted by Act no. 7 of 1959

23**43. Mortgage**— (1) A Khatedar tenant, or with the general or special permission of the State GoVernment or any officer authorised by it in this behalf a Gair Khatedar tenant may hypothecate or mortgage his interest in the whole or part of his holding for the purpose of obtaining-loan from the State Government or Land Development Bank as defined in the Rajasthan Co-operative Societies Act. 1965 (Act 13 of 1965) or a Co-operative Society registered or deemed to be registered as such under the said Act or any Scheduled Bank or any other institution notified by the State Government in that behalf.

(2) A Khatedar tenant may transfer his interest in the whole or part of his holding in the form of usufructuary mortgage to any person but such mortgage must provide that the mortgage amount shall be deemed to be. paid off by the usufruct of the property within a specified time not exceeding five years. and in the absence of such period being specified such mortgage shall be deemed to be for five years :

Provided that on or after the publication of the Rajasthan Tenancy (Pnenchrent) Act. 1970 in the official Gazette no Kharedar tenant being a member of a scheduled caste or schedule tribe shall so transfer his rights in the whole or a part of his holding to any person who is not a member of a scheduled caste or a scheduled tribe.

(3) A usufructuary mortgage under sub-section (2) shall. upon the expiry of the period mentioned herein before be deemed to have been satisfied in full without any payment whatsoever by the mortgagor. and the mortgage debt shall be deemed to have been extinguished and the mortgaged land redeemed and the possession thereof shall be delivered by the mortgagee to the mortga2or free from,all encumbrances.

(4) A usufructuary mortgage of any land -made before the commencement of this Act shall. upon the expiry of the period mentioned in the mortgage-deed or twenty years- from the date of execution thereof. whichever period is less. be deemed to have been satisfied in full without any payment whatsoever by the mortgagor and the mortgage debt shall accordingly be deemed to have been extinguished and thereupon the mortgaged land shall be redeemed and possession thereof shall be delivered to the mortgagor free from all encumbrances.

23 Sub. By Raj. Act. No. 9 of 1970, publisehd on 07-05-70

24(4-A) A usufructuary mortgage of any land made after the commencement of this Act and subsisting on the date of the commencement of the Rajasthan Tenancy (Amendment) Ordinance. 1975 shall upon the expiry of the period mentioned in the mortgage deed or live years from the date of execution thereof, whichever period

expires first. be deemed to have been satisfied in full without any payment whatsoever by the mortgagor and mortgage debt shall accordingly be deemed to have been extinguished and thereupon the mortgaged land shall be redeemed and possession thereof shall be delivered to the mortgagor free from all encumbrances.

(4-B) Where a usufructuary mortgage has once been made for any term under Subsection (2) or under Sub-section (4) , no further usufructuary mortgage of the same land shall be made within two years of the expiry of the first mentioned mortgage.

(4-C) Where a usufructuary mortgage stands redeemed under sub-section (4-A) from a date earlier than the date of commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1975, such redemption shall not be deemed to have been rendered the mortgagee liable to pay to the mortgagor any penalty or mesne profits or both for the period from the date such redemption and the date of such commencement.

(4-D) On the redemption of the mortgage under sub-section (2) or sub-section (4-A) the mortgagee shall deliver to the mortgagor all documents in his possession or power relating to the mortgaged property and shall re-transfer the property to the mortgagor and put him in possession thereof at his cost free from the mortgage and from all encumbrances created by him and those claiming under him within three months from the date of redemption of the mortgage:

Provided that in cases where the usufructuary mortgage has been redeemed under sub-section (4-A) from a date earlier than the date of the commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1975, the delivery of documents, re-transfer and delivery of the possession of the property as aforesaid, unless already made, be effected within three

[24] Inserted by Ordinance 1975 w.e.f. 06-09-75.

months from the date of the commencement of the Rajasthan Tenancy Amendment) Act, 1976.

(4-E) Any mortgagee who, without sufficient cause, fails to put the mortgagor :a possession of the property within a period of three months as specified in subsection (4-D) shall on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to Rs. 1000/- or both. The offence shall be cognizable and bailable and may be compounded by the mortgagor.

(5) Without prejudice to the provisions contained in sub-section (4-E), if the mortgages does not so re-deliver the possession of the land mortgaged, he shall liable to ejectment in accordance with Section 183-A.

[25]**43A. Provisions in relation to mortgages of agricultural holding effected before the commencement of the Act**— (I) Notwithstanding anything contained in section 43, a mortgage other than a usufructuary mortgage of a tenant's holding effected before the commencement of this Act and the rights and liabilities of the

parties too such a mortgage shall, notwithstanding anything contained in this Act, continue to be governed by the terms thereof and by the law in such relation thereto prevailing before such commencement.

(2) Any such right or liability may be enforced by means of a suit instituted by the person aggrieved in the court of the Assistant Collector having jurisdiction within the time, if any, fixed and on payment of the court fee prescribed, therefore by such law.

44. Rights to let or sub-let— A holder of Khudkasht may let and a tenant may sublet the whole or any part of his holding subject to such restrictions as are imposed by this Act :

Provided that no such sub-letting shall n any way relieve the tenant of any of his liabilities to his landholder.

45. Restrictions on letting and subletting.— (1) No holder of Khudkasht or land holder shall let and no Khatedar tenant or his mortgagee shall sub-

[25] Inserted by sec 4 of rajasthan act no. 12 of 1961.

let the whole or any part of his holding at any one time for a term exceeding five years :

[26]**[Provided** that for the purpose of agricultural operations in connection with such agro-processing and agri-business enterprises as may be approved in the prescribed manner by the State Government or any authority appointed by it [or for the purpose of plantation of *Prosopis Juliflora* or any other like plantation to be used for generation of electricity] a holder of Khudkasht or a land owner may let or a Khatedar tenant may sub-let whole or any part of his holding for a term of fifteen years and may extend such. lease or sub-lease for a further period of fifteen years].

[27][Provided further that for the purpose prescribed by the State Government under sub-section (5A) of section 90-A of the Rajasthan Land Revenue Act, 1956 (Act No. 15 of 1956), a holder of Kudhkast or a land owner may let or a Khatedar tenant may sub-let whole or any part of his holding for a term upto thirty years and may extent such lease or sub-lease for a further period of ten years.]

(2) Where a lease or sub-lease has once been Etranted [or extended] for any term under sub-section (1) no further lease or sub-lease. as the case may be. in respect of the same land shall be granted within two years of the expiry of the first mentioned lease or sub-lease.

(3) No Gair Khatedar tenant shall sub-let the whole or any part of his holding for a term exceeding one year.

(4) No sub-tenant or tenant of Khudkasht shall sub-let the whole or any part of his except in circumstances mentioned in Section 46.

46. Letting or sub-letting in exceptional cases— (1) The restrictions imposed by Section 45 on letting by a holder of Khudkasht and on sub-letting by a tenant. shall not apply to–

(a) a minor. or

(b) a lunatic. or

[26] Inserted by notification no. 2(11)/vidhi/2/2011, published on 01-04-11 [27] Inserted by Notification no. 2(35)/vidhi/2/2014, published on date 07-10-14

(c) an idiot. or

(d) a woman who is unmarried or divorced or separated from her husband. or is a widow. or

(e) a person incapable disability of cultivating his holding by reason of blindness or other physical disability or infirmity. or

(f) a person who is a member of :he' armed force of the Union. or

(g) a person who is suffering detention or confinement in prison; or

(h) a person not exceeding twenty-five years of age. who is a student prosecuting, his studies in a recognised institution:

Provided that where a holding is held jointly by more person than one the provisions of this section shall not apply unless all such persons are of one or more of the descriptions specified therein.

(2) A lease or sub-lease which would be invalid but for the provisions of subsection (1) shall not remain in force for more than two years after the lessor dies or cease- to come within any 'of the description specified therein.

[28]**46A. Special provision for letting or sub-letting by members of scheduled castes and scheduled tribes**— Not with standing anything contained in sections 44, 45 and 46, no person who is a member of a scheduled caste or a scheduled tribe shall let or sub-let the whole or any part of his holding under the said sections to any person who is not a member of a scheduled caste or a scheduled tribe.

47. Successor bound by sub-lease— The successor-in-interest of a tenant who has sub-let shall be bound by the terms of the sub-lease in so far as they are not inconsistent with the provisions of this Act.

47A. Provision in relation to certain transfers in the Abu, Ajmer and Sunel areas— W Nothing contained in the foregoing provisions of this Act relating to transfers of agricultural tenancies shall apply to the sale. mortgage. lease. sublease or other transfer of kind on a tenant's holding in the Abu. Ajmer or Sunel area lawfully effected before the commencement

[28] Inserted by sec 6 of Raj. Act No. 28 of 1956, published on 222-09-56.

of the Rajasthan Revenue Laws (Extension) Act. 1957 and the rights and liabilities of the parties to every such transfer shall, notwithstanding anything contained in this Act continue to be governed by the terms of such transfer and by the law in relation there to prevailing immediately before such commencement.

(2) The provisions of sub-section (2) of section 43-A shall mutatis-mutandis apply in respect of the enforcement of every such right or liability.

Exchange of Tenancies

48. Exchange of land— (1) Tenants of the same class may exchange land which they hold from the same landholder with the written consent of such landholder or which they hold from different landholders with written consent of all such land holders.

(2) A landholder may in agreement with a tenant given such tenant land other than land which is let, in exchange for land which is included in such tenant's holding.

29a[(3) Any person, company or government entity involved in the setting up of a power plant based on renewable energy on its land may submit a proposal to the State Government to exchange any parcel of land in its possession as a tenant and adjacent to the land used for setting up of a power plant, with any parcel of government land falling within the land used for setting up of a power plant. The State Government may on examining such proposal, order for exchange of parcel of government land with the land offered to be exchanged by such person company or government entity.

Provided that the land to be exchanged with the government land should be equivalent or higher in market value as determined by competent authority.

Explanation.-" market value" means the market value as defined in clause (xxiii) of section 2 of he Rajasthan Stamp Act, 1998 (Act No. 14 of 1999).]

49. Exchange for consolidation— (1) A Khatedar tenant who wishes to consolidate the area which he cultivates which he cultivates for land cultivated by another Khatedar tenant.

(2) If on receipt of an application under sub-section (1), the Assistant Collector is satisfied after making enquiry in the prescribed manner that reasonable grounds exist, he may grant such application either in whole or in part and allot to the other tenant land cultivated by the applicant which is

approximately equal in value to and is of same quality as the land received by the applicant.

29**49A. Special provision for exchange by members of scheduled castes or scheduled tribes**— Notwithstanding anything contained in section 48 and 49, no tenant who is a member of a scheduled caste or scheduled tribe shall have the right to exchange his holding under any of those sections for land which is included in the holding of a person who is not a Member of a scheduled caste or scheduled tribe and an application under section 49 shall be rejected if it contravenes the provisions of this section.

50. Right of tenants on exchange— On exchange of land under section 48 or section 49, a tenant shall have the same right in the land received in exchange as he had in the land given in exchange.

51. Right in lands allotted in exchange for other lands— Notwithstanding anything contained in any law for the time being in force if the land allotted in

exchange for other land in burdened with any lease, -mortgage or other encumbrance, such lease mortgage or other encumbrance shall be transferred and shall attach to such other land to, or to such part of such other land as may be specified by the Assistant Collector and thereupon, the lessee, mortgagee or other encumbrances shall cease to have any right in or against the land from which the lease, mortgage or other encumbrance was transferred:

Provided that no order shall be passed under this section without giving to the persons concerned a reasonable opportunity of being heard.

52. Entry of exchange in record of rights— On exchange of land under section 48 or section 49, the appropriate entry relating thereto shall be made in the record of rights.

Division of tenancies

53. Division of Holding— (1) **Omitted**. W.e.f.11-11-92.

(2) A division of a holding shall be effected in the following manner-

[29] Inserted by sec 7 of rajasthan act no. 28 of 1956, published on 22.09.56. [29a] Inserted by sec 2 of rajasthan act no. 23 of 2023, published on 06-09-2023..

(i) by agreement between the co-tenants in respect of—

(a) such division of the holding; and

(b) the distribution of rent over the several portions in to which the holding is so divided; or

(ii) by the decree or order of competent court passed in a suit by one or more of the co-tenants for the purpose of dividing the holding and distributing the rent hereof over the several portions into which it is divided.

(3) **Omitted.**

(4) To every suit for the division of one or More than one holding all the co-tenants and the landholder shall be made parties.

(5) A suit for the division of more than, one holding may be instituted provided hat the parties are the same.

{54. Omitted.

54A. Omitted.} w.e.f. 11.11.92

CHAPTER V

Surrender, Abandonment & Extinction Surrender of Tenancies

55. Surrender— A tenant. other than a tenant bound by a lease or other agreement to continue to occupy his holding in the following year may on or before he 1st May surrender his holding by giving up possession, there - of accompanied with a writing arrested by the Tehsildar having jurisdiction or by the Chairman of a Municipal Board whether such holding is or is not sub-let or mortgaged.

56. Notice to landholder— (1) Previously to any surrender under section 55. the tenant so surrendering shall send to his landholder a registered notice of his intention to do so. at least thirty days before the 1st May of any year and unless such notice is sent. the tenant shall be liable to the landholder for the rent of the holding for the agricultural year next following the date of the surrender:

Provided that the tenant shall not be so liable in respect of any period during which the holding is let to another tenant or is taken by the landholder into his own use or cultivation,

(2)Nothing in this section shall affect any arrangement by which a tenant and his landholder may agree. to the surrender of the whole or a portion of a holding :

Provided that such agreement is attested in the manner laid down in section 55.

57. Surrender on enhancement— Notwithstanding anything contained in sections 55 and 56. when a decree or order for the enhancement of the rent of any holding is passed. the tenant thereof may after sending the landholder. within thirty days of the date of such decree or order. a registered notice of his desire to surrender such holding at the date on which such enhancement takes effect surrender such holding accordingly. and in every such case the tenant shall not be liable for the rent payable for such holding in respect of any subsequent to such surrender.

58. Suit to set aside surrender— (1) A landholder to whom a notice has been sent under section 56 or section 57. may institute a suit to have such notice declared invalid.

(2) If no such suit is instituted. the landholder shall be deemed to have accepted surrender.

59. Taking possession of surrendered holding— A landholder may enter upon and take possession - of holding surrendered in accordance with the provisions of this Act.

Abandonment of Tenancies

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

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

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

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

the tenant shall on expiry of a period of seven years lose his interest

in his holding unless he, within such period, resumes cultivation thereof, and such interest shall devolve on the person on whom the tenant's interest would devolve in the event of his death.

(3) If the person so left in-charge is not person mentioned in sub-section (2) the tenant shall on the expiry of the period for which he could have sub-let, be presumed to have abandoned his holding unless within such period he resumes cultivation thereof.

(4) A tenant who ceases to cultivate and leaves the neighbourhood otherwise than in accordance with the provisions of sub-section (1) , shall be presumed to have abandoned his holding.

61. Procedure before taking possession of a holding treated as abandoned— (1) Where tenant is presumed to have abandoned his holding, the Tehsildar shall, on his own motion or on the application of the landholder, as the case may be, cause a proclamation to be issued and served or published in the prescribed manner, stating that the holding of such tenant is intended to be treated as abandoned and entered upon and taken possession of accordingly unless reasonable cause to the contrary effect is shown.

(2) The Tehsildar or landholder, as the case may be, may enter upon and take possession of the holding if in response to the proclamation—

(i) no appearance is made or no reasonable cause to the contrary effect is shown either by the tenant who is presumed to have abandoned the holding or by any person on behalf of such tenant or on his own behalf, within a period of sixty days from the date of the service or publication of the proclamation, or

(ii) an objection to such entry and possession is lodged within the period aforesaid and is rejected.

(3) If any holding is entered upon and taken possession of in contravention of the provision of this section, the tenant thereof shall be deemed within the meaning of section 186 to have been ejected therefrom otherwise than by process of law or in contravention of the provisions of this Act.

(4) Where any holding is entered upon and taken possession of under sub-section (2) , it may, subject to the provisions of section 62, be let to another tenant or cultivated personally by the landholder.

62. Rights of tenants presumed to have abandoned their holding— (I) Nothing contained in section 60 and 61 shall affect the right of a tenant ceasing to cultivate and leaving the neighbourhood on account of some widespread calamity such as drought, famine epidemic or the like or for some other reasonable cause to regain

possession of his holdings in the manner, within the period and subject to the conditions specified in sub-section (2).

(2) Any such tenant may, within one year from the date of the service or publication of the proclamation issued under subsection (1) of section 61 apply in the prescribed manner to the Tehsildar for his re-instatement and the restoration of his holding, and if he satisfies the Tehsildar of his having left the neighbourhood on any such account or for any such reason as is specified in sub-section (1), possession over the holding entered upon and take possession of under sub-section section 61 shall be restored to him as if he had not so abandoned it subject to payment by him of all arrears of rent due from him on account of such holding till the date of such restoration including the period of abandonment:

Provided that if the holding or any part thereof shall have under sub-section (4) section 61 :

(i) been let to another tenant. the amount of rent due from such other tenant shall be deductible from the amount of such arrears. or

(ii) been cultivated personally by the landholder. no rent shall be payable for the period of such cultivation.

63. Tenancy when extinguished— (1) The interest of tenant in his holding or a part thereof as the case may be. shall be extinguished

(i) When he dies leaving no heir entitled to merit in accordance with the provisions of this Act:

(ii) when he surrenders or abandons it in accordance with the provisions of this Act or 30Rajasthan land revenue Act:

(iii) when his land has been acquired under the Land Acquisition Act. 1894 (Central Act No. I of 1894)

(iv) when he has been deprived of possession and his right to recover possession is barred by limitation:

(v) when he has been ejected therefrom in accordance with the provisions of this Act.

(vi) when he acquires or succeeds to all the rights therein of a landholder or the landholder inherits or otherwise acquires the same.

(vii) when he sells or makes a gift thereof in accordance with the provisions of this Act. or

(viii) if he migrates from India to a foreign -country without obtaining a valid passport or without lawful authority:

(ix) if the allotment of land is cancelled or the land is ordered to be resumed under the provisions of they Rajasthan Land Revenue-Act. 1956 (Rajasthan Act No. 15 of 1956) or rules framed thereunder or under any other law for the time being in force.

Explanation-For the purpose of clause (viii) a tenant who moves or enters into a foreign country without obtaining a valid passport under the India Passport Act. 1920 (Central Act No. 34 of 1920) or without a lawful authority shall be presumed to have migrated from India to a foreign country.

(2) The extinction of the interest of a tenant shall operate to extinguish the interest of any sub-tenant holding under him :

Provided that in every case not being a case specified in clause (iii) of sub-section (1). such -sub-section shall unless he himself has also been

30 Added by Notification no. 2(32)-vidhi/2/99, published on 08-10-99.

ejected or has become or is liable to ejectment under any provision of this Act or any other law for the time being in force or unless he shall ha\ e been admitted to his holding otherwise than in accordance with law. have the right to apply for the acquisition of his right of his tenant-in-chief in such holding and in the improvements therein on payment of compensation determinable in accordance-with sections 23. 24 and 25.

64. Vacation on extinction— Except as otherwise provided in this Act. when the interest of a tenant or sub-tenant is extinguished. he shall vacate his holding. but shall have. in respect of the removal of an> crops. the same right as he would have upon ejectment in accordance with the provisions of this Act.

CHAPTER VI

Improvements

65. Right of Government to make improvements— The State Government or31{ a landowner} may make any improvement on or affecting, any land through out the State.

32 **66. Right of Khatedar Tenants to make improvements**— (1) A Khatedar tenant may make any improvement in his holding:

Provided that the State Government may, from time to time:–

(a) restrict, in the public interest, the making of any such improvement as is referred to in sub-clause (a) of clause (19) of section 5 in the areas to be notified for the purpose, and,

(b) make rules to regulate the making of any such improvement in areas not covered by any such notification.

(2) Notwithstanding anything contained in sub-section (1), no sanction shall be necessary for the construction of temporary structures.

(3) Any improvement made in a holding shall form part of the holding.

31 Inserted vide sec 31(c) of Raj. Act.No. 11 of 1964.

32 Substituted vide sec 4 of Rajasthan Act No. 12 of 1964, published on 13.04.1964.

67. Right of landholders to make improvements— A landholder other than the State Government may, with the sanction of the Tehsildar, applied for and accorded

in the prescribed manner make an improvement on or affecting the holding of any of his tenants ;

Provided that no such sanction shall be required if the tenant of such holding is a Gair Khatedar tenant or a tenant of Khudkasht or a sub-tenant or if the improvement which such landholder desires to makes is a well.

Provided further that all or any the improvements referred to in sub-clause (a) of clause (a) of clause (19) of section 5 shall not extend over such area, not exceeding one-fiftieth of the total area of the holding, as may be prescribed and sh:111 not be sanctioned otherwise than in prescribed circumstances.

68. When permission may be granted or refused by Tehsildar— The Tehsildar to whom an application is made under the provisions of section 67 may, after hearing the parties and making such further enquiry as he thinks fit, grant permission to make the improvement subject to such restrictions, if any, as he may deem reasonable, or may refuse permission:

Provided that the Tehsildar shall not grant permission for a work which,

(i) is not an improvement as defined in this Act,

(ii) too costly for the purpose for which it is intended,

(iii) is not an improvement which the applicant is entitled to make, or

(iv)requires written consent under section unless such consent has been previously obtained.

69. Provision when both landholder and tenant want to make the same improvement— (1) If both a Khatedar tenant and his landholder, not being the State Government, want to make the same improvement which they are entitled to make under this Act, the Tehsildar shall on application allow the tenant, execute the work within a specified period and may on reasonable cause being shown extend such period from time to time :

Provided that the total period of such extension shall not exceed one year.

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

[33]**70. Right of other tenants to make improvements**— Subject to the restrictions imposed by the 1st and 2nd proviso to sub-section (1) of section 66, a Gair Khatedar tenant or a tenant of Khudkasht. Or a sub-tenant may make any improvement. but he shall not be entitled to any compensation on ejectment unless for making such improvements he has obtained the previous order of the Tehsildar. or the written permission of the holder of Khudkasht or the Khatedar tenant as the case may be.

71. Restriction on making an improvement— Nothing in this Chapter shall entitled or be deemed to entitle to a tenant or a landholder. not being the State Government or a landowner.

(a) to make any improvement on. or

(b) to make any improvement detrimental to any land which is not included in the holding to be benefited to such improvement unless such tenant or landholder has obtained the written consent of the landholder. or as the case may be. of the State Government and also of the tenant. of any such land.

72. Liability for full rent— A tenant making an improvement shall. in it absence of a written agreement to the contrary. continue to be liable to pay the full rent of the holding:

Provided that where such rent is payable in kind and the Sub-Divisional Officer is satisfied that an improvement made by a tenant of Khudkasht or a subtenant under section 70 has resulted in an increase of agricultural produce the Sub-Divisional Officer shall. on appliCation by the tenant: compute the rent into cash in accordance with the provisions of Sections 118 and 119.

73. Compensation for loss— (1) As landholder making under section 67 an improvement on or affecting the holding of any tenant shall be liable to compensate tenant for any loss which he may cause to the tenant. while making it.

33 Substituted by sec 5 of Raj. Act no. 12 of 1964., published on 01-05-1964.

(2) If the effect of an improvement made by such landholder is to impair the productive powers of any land held by any tenant from such landholder. such tenant shall. in addition to compensation which may be awarded to him under sub-section (1) be entitled to such abatement of his rent as the court considers just.

74. Compensation for improvement— A tenant who has made an improvement under the provisions of this Act shall' by entitled to compensation in the following cases. namely-

(i) when a decree or order for his ejectment is passed. or

(ii) when he has been wrongful dispossessed and has not recovered possession of his holding. or

(iii) when he vacates the holding on the expiry of the term of his lease if the improvement was made under the provision of section 70 :

Provided that—

(a) except in the case of a dwelling house erected on the holding by the tenant for his own occupation or a short-hOuse or any other construction for agricultural purposes erected or set up by him on his holding. compensation shall not be payable for any improvement made thirty years or more before the date of the decree or for such ejectment or such dispossession or vacation.

(b) a tenant ejected in execution of a (13), decree or order for ejectment or in pursuance of a notice of ejectment shall not be entitled to compensation for

any improvement begun by him after the date of such decree or order or notice. and-

(c) compensation shall not be possible for any improvement which in the opinion of the Assistant Collector has ceased to be useful on the date on which the tenant becomes entitled to compensation therefor.

75. Amount of compensation— (1) In determining the amount of compensation due under any provision of this Act for or on account of an improvement, regard shall be had —

(i) to the amount by which the value or the produce of the holding is increased or decreased by or on account of such improvement;

(ii) to the condition of such work and the probable duration of its effects;

(iii) to the labour and capital employed for the making of such work allowing for —

(a) any reduction or remission of rent or any other advantage to the tenant in consideration of the work,

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

(c) in the case of reclamation or the conversion of un-irrigated to irrigated land, the length of time during which the party claiming compensation has had the benefit of the improvement; and

(iv) to such other matters as may be prescribed.

(2) When an improvement made by a tenant benefits —

(a) the land from which he has been ejected or wrongfully dispossessed, and

(b) other lands in his possession. compensation shall be determined with reference to the extent to which the land mentioned in clause (a) has been benefited by such improvement.

76. Work benefiting other lands— (1) If a tenant has made an improvement on land which is sold in execution of a decree for arrears of rent, or from which he is ejected, the purchaser or the landholder, as the case may be, shall become the owner of the work but the tenant shall be entitled to the benefit of the work in respect of the land remaining in his possession to the extent and in the same manner as it was hitherto been benefited hereby.

(2) If a tenant has made an improvement on land which remains in his possession after a portion of his land has been sold in execution of a decree for arrears of rent, or after he has been ejected from a portion of his land, the purchaser, or the landholder, as the case may be, shall be entitled to the benefit of such work in respect of the land which does not remain in the possession of the tenant to The same extent and in the same extent in the same manner as it has hitherto been benefited thereby.

(3) If a landholder has executed a work which benefits the holding of a tenant and the whole or any portion of such holding is sold in execution of a decree for arrears of rent, the purchaser shall be entitled to the benefit of

such work in respect of the land sold to the same extent and in the same manner as such land has hitherto been benefited thereby.

77. Registration of outlay or improvement— (I) If a landholder other than the State Government or a tenant desires that the amount expended on any improvement should be determined, the Tehsildar on application made to him for the purpose and after affording reasonable opportunity to 111e other party of being heard and after making such enquiries as he thinks fit, determine the amount of the outlay and enter it in a register kept in the prescribed form.

(2) The entry in the register shall be conclusive proof of the amount of outlay in any subsequent proceedings between the parties to the application or their successors in interest in respect.of the cost of the work.

78. Disputes as regards improvements — If a question arises as to-

(a) the right to make an improvement, or

(b) whether a particular work is an improvement, or

(c) whether a work contravenes the provisions of section 71, or

(d) the amount of compensation under sub-section (1) or of abatement of rent under sub-section (2) of section 73. or

(e) whether compensation is payable for any improvement, or

(f) the amount of such compensation .or

(g) the right to the benefit of an improvement under section 73.

the Assistant Collectors shall. on. application or otherwise. decide the question.

CHAPTER VII

Trees

79. Tenant's rights to plant trees— (1) A tenant may plant trees on his holding provided that such trees do not diminish the productive value of the land and such tenant continues to pay the full rent a the holding.

(2) If a tenant plants or proposes to plant trees in such a way as to diminish the value of land not included in his holding. any -person whose interest is adversely effected- thereby may apply to the Tehsildar for any order prohibiting the planting of trees on such land Or directing the tenant to remove trees already planted thereon and the Tehsildar may after giving to the persons. affected reasonable opportunity of being heard and after making such as he thinks fit. either grant the application. subject to such modifications. if any as he thinks fit or reject it.

[34]**79A. Tenant's right to plant trees on Government land along side public roads**— A tenant may plant trees on Government land (whether agricultural or

otherwise) alongside a public road adjoining his holding subject to such special or general conditions as may be prescribed from time to time by the State Government and such trees shall be the property of such tenant.

80. Tenant's right in trees existing at the commencement of this Act— Notwithstanding anything in this Act or any custom or contract to the contrary. scattered- trees standing on the holding of a Khatedar tenant at the commencement of this Act shall vest in such tenant:

Provided that where such trees are the property of any other person at the commencement of this Act. Such person shall be given compensation by the tenant in accordance with rules prescribed in that behalf.

81. Trees on unoccupied land (1) — A person who at the commencement of this Act. in lawful possession of any tree standing on unoccupied land. shall continue to remain in possession thereof and where land is let out to any other person. the tree shall vest in such other person - subject to the payment of such compensation as may be prescribed by rules made under section 80.

[34] Inserted by sec 6 of Raj. Ordinance no. 7 of 1978published on 22-06-78.

(2) Subject to the provision contained in sub-section (1), any tree standing on unoccupied land or planted in contravention of the provisions of this Act shall be deemed to the property of the landholder.

82. Trees not transferable independently of land— Subject to the other provisions of this Act. all trees standing on any holding shall be deemed to be attached to the land and to interest therein shall after the commencement of this Act. he transferable independently of the land have and except by way of lease of the produce of such trees for a period not exceeding one year at a time.

83. Trees not removable except as provided— Notwithstanding anything to the contrary in any law. custom or-contract. no trees standing on occupied or unoccupied land shall be removable therefrom except as provided in section 84.

84. When and by whom trees may be removed- (1)
Omitted.

(2) A Khatedar tenant holding land below the ceiling area may remove trees standing on his holding for any purpose;

Provided that no such tenant-shall remove trees for purpose other than his bonafide or agricultural use except with the permission of such authority and subject to such terms and conditions as may be prescribed by the State Government.

(3) A Gair Khatedar tenant may, with the previous permission of the Tehsildar, remove any trees standing on his holding for his own domestic or agricultural use.

(4) A sub-tenant may, with the previous permission of the person from whom he holds, remove any trees standing on his holding for his own domestic or agricultural use.

(5) A Khatedar tenant holding land in excess of the ceiling area desiring to remove any trees which vest in him or are in his possession may do so under a licence to be granted by the Sub-Divisional Officer.

(6) Upon receipt of an application under sub-section (5), the Sub-Divisional Officer may after making such inquiry as may be necessary in the prescribed manner and taking in to consideration the prescribed matter,
grant the requisite licence in the prescribed form on payment of the prescribed fee subject to such terms, restrictions, as may be prescribed.

(7) Nothing in this section shall apply to the State Government or affect the right or power of the State Government to remove or cause to be removed or order the removal of any tree standing on any land entered in the name of the State in Revenue Records for any purpose.

85. Disputes regarding trees— If a dispute arises —
(a) as to the right to plant any tree, or
(b) as to the manner of planting it, or
(c) as to its ownership, or
(d) as to the right to remove it, such dispute shall' on application or otherwise be decided by the Tehsildar.

86. Penalties for unlawful removal— Whoever contravenes all or any of the provisions of section 83 or section 84 or any of the terms, conditions or restrictions of a licence granted thereunder shall be punishable by an Assistant Collector on an application or a report made to him.

(a) in the case of a first contravention:

(i) where a tree has been removed, with fine which may extend to one hundred rupees for each tree that has been removed; and

(ii) in other case, with fine which may extend to one hundred rupees; and

(b) in the case of a second or subsequent contravention, with fine which may extend to double the amount of fine that can be imposed under clause (a), and any tree or timber thereof in respect of which such contravention shall have been committed may be forfeited to the State Government.

87. Omited.

CHAPTER VIII

Declaratory Suits

88. Suits for declaration of right— (1) Any person claiming to be a tenant or a co-tenant may sue for a declaration that he is a tenant or for a declaration of his share in such joint tenancy.

(2) A tenant of Khudkasht may sue for a declaration that he is such a tenant.

(3) A sub-tenant may sue the person from whom he holds for declaration that he is a sub-tenant.

(4) A landholder other than a State Government may sue a person claiming to be a tenant or co-tenant of a holding or a tenant of Khudkasht or a sub-tenant for a declaration of the right of such person.

89. Suit as to class of tenancy etc.— At any time during the continuance of a tenancy. the tenant or a landholder other than the State Government may sue for declaration as to all or any of the following matters. namely:-

(a) the class to which the tenant belongs.

(b) the area. numbered plots or boundaries of the holding.

(c) the rent payable in respect of the holding-and the manner in which it is payable:

(d) in the case of rent payable in case. the dates on which and the instalments in which it is payable.

(e) in-the case of rent payable in kind. the time place and manner of appraisement. division or delivery of the crops.

(f) in the case of a Gair Khatedar tenant or a tenant of Khudkasht or a sub-tenant. the term for which the tenancy is to run. and.

(g) any special conditions not inconsistent with the provisions of this Act.

90. Suit for declaration of land as Khudkasht— When land claimed by a tenant as his holding or as being under his Cultivation is also claimed by a Landholder as his Khudkasht: such tenant or landholder. may sue for a declaration of hiS status.

91. Suit for declaration of other rights — Except as otherwise specifically provided. any person may sue for a declaration of all or any of his rights conferred by this Act and not otherwise provided for.

92. Single suit in respect of several holdings— A single suit may be instituted under the provisions of section 88 or section 89 or section 90 in respect of a number of holdings. provided that the parties are the same.

[35]**92A. Suit for injunction**- Except as otherwise. specifically provided elsewhere in this Act. any person may sue. in respect of all or any of his rights conferred by this Act. for an injunction in accordance with and subject to the provisions of.Chapter X of the Specific Relief Act. 1877 (Central Act 1 of 1877).

CHAPTER IX

Determination and Modification of Rent

General Provisions

93. Liability for payment of rent-Every tenant shall be liable to pay rent in accordance with the provisions of this Act

Provided that a tenant of land in the Abu. Ajmer or Sunel area shall continue to pay rent at the rate at which it was payable by him immediately before the commencement of the Rajasthan Revenue Laws (Extension) Act 1957 until it is determined or varied in accordance with the provisions of this Act of the Rajasthan Land Revenue Act. 1956 (Rajasthan Act IS of 1056).

94. Initial rent- Subject to the other provisions of this Act a tenant on being admitted to the occupation of land is liable to pay such rent as may be agreed upon between him and his landholder.

95. Presumption as to rent- The rent or rate of rent or rate payable by a tenant shall he presumed to be the rent or rate of rent payable by him under section 94. until it is varied in accordance with the provisions of this Act.

Maximum limits of rent

[35] Inserted by Raj. Act.no 27 of 1956.

96. Maximum cash rent recoverable by Government- NotWithstanding any law rule usage or practice to the contrary the maximum amount recoverable as cash rent from a tenant holding any land directly from the State Government shall not exceed -

(a) Where rent in respect of such land has been settled, the rent-rate sanctioned therefor during the last settlement, and

(b) Where rent in respect of such land has not been settled, the rent-rate sanctioned during the last settlement for similar land in neighbourhood.

97. Authority to prescribe maximum cash rents— Notwithstanding any custom, usage or practice to the contrary, or anything contained in any law, enactment, rule, decree or order for the time being in force, the State Government may prescribe the maximum extent of cash rents that may be recovered by an estate-holder from a tenant or by a tenant from a sub-tenant in accordance with the provisions of sections 98, 99 and 100.

98. Maximum rent where land revenue is settled— In areas where land revenue has been settled and rent is payable by tenants in cash, the maximum rent recoverable by an estate-holder shall be prescribed by the State Government keeping in view the amount of land revenue and other agricultural conditions and shall not be more that three times the amount of such land revenue.

99. Maximum rent in areas where rent has been settled— In areas where rent has been settled and sub-tenant pay rent in cash, the maximum rent recoverable by

a tenant from his sub-tenant shall be prescribed by the State Government so that it does not exceed twice the amount payable by such tenant.

100. Higher maximum in certain cases — Notwithstanding anything contained in section 98 and 99 the amount of cash rents payable in respect of a holding in an urban area or payable to a widow, a minor, a disabled person or a student who is below 25 years of age and is studying in a recognised institution may extend to one and a half times of the maximum which may be prescribed under the said sections.

Explanation— 'Urban area' in this section means an area consisting of Abadi as well as agricultural lands within two miles of a town with population of not less that 15,000 persons.

101. Maximum not to operate for increase over present rate of rent— The maximum rent prescribed under section 97 in accordance' with the provisions of section 98,99 and 100 shall not operate to affect an increase in the amount of the rent recoverable from a tenant or a sub-tenant who shall have at the commencement of this Act, been paying rent at a scale lower than maximum so prescribed.

101A. Provisions as to the maximum not to apply to lands under fruit trees on unsettled lands— The provisions of sections 98, 99 and 100 shall not apply to lands which are under fruit trees and in respect of which land revenue has not been settled.

102. Recovery of amount realised in excess— If a landholder realises any rent in excess of the maximum rent prescribed tinder section 97 read with sections 98, 99 and 100 such excess shall be recoverable from such landholder as an arrear of land revenue on an application being made by the tenant to the Tehsildar in this behalf within three years of such realisation.

103. Conversion of kind rents into cash rents in certain cases— In areas in which rent rates have not been evolved, determined and sanctioned. but assessment circles have been formed and circle rates have been determined, the Assistant Collector may on application determine the rents in cash payable by tenants on the basis of such rates and announce the rents so determined in the village in the prescribed manner.

104. Maximum rate of rent in kind— (1) Notwithstanding any contract, custom, usage or practice to the contrary, where rents are payable in kind the maximum recoverable from a tenant by land holder shall not exceed one-sixth of the gross produce hereof for each harvest:

Provided that the State Government may from time to time by notification in the Official Gazette determine the excess over the maximum rent in kind prescribed under this section payable as rent by a sub-tenant to any of the persons mentioned in clauses (a). (b). (c). (d). (e) and (11) of sub-section (I) of section 46.

Explanation— The expression 'gross produce' in thiS sub-section does not include the straw. chaff (bhusa) or the dry stalks of crop or grass or any other natural produce like pala, loong or papdi (2) Nothing in sub-section (1) shall-

(a) operate to effect an increase' in the amount or proportion as the case may be. payable by a tenant as rent agreed upon under section 94 or fixed under section 115. or

(b) affect any such rent (locally called bighori) at a customary rate payable in respect of any crop such as cotton, fodder, zeera, dhania, tobacco, linseed and the like. or

(c) bar the right of a tenant to abetment or of a landholder to enhancement, or rent in accordance with the provisions of the Rajasthan Minor Irrigation and Drainage Works Act. 1953 ,Rajasthan Act XII of 1953). or

(d) affect the payable of any fee, rate of charge levied under any law, other than this Act for the time being in force.

105. Higher rate of kind rate where landholder contributes to production— Where crop-Sharing by landholders is contracted with sub-tenants or tenants of Khudkasht and the landholder contributes to the production 'of crops by sharing expenses on manure and seed to the extent of fifty percent the rents in kind recoverable in accordance with section 104 may extend to one fourth of the gross produce:

Provided that the contract of crop sharing under this section shall not be recognised by the revenue court unless such contract has been made under a registered deed by the landholder with the subtenant or tenant of Khudkasht.

Calculation of rent

106. Rent how calculated— Rent for a holding shall be calculated ordinarily, in accordance with the rent-rates determined and sanctioned for the area in which such holding is situated.

Rent Rates and Appointment of Rent Rate Officer

107. Determination of rent-rates in certain circumstances— In respect of any area for which rent rates have not been determined or in which revision of rent rates before the expiry of the term of the settlement is considered necessary, the State Government may, no notification in the Official Gazette —

(I) order that rent-rates shall be determined for such area or any district or part thereof whether by way of revision or otherwise, and

(ii) appoint any officer not below the rank of an Assistant Collector, here in after called a Rent Officer, to propose rent-rate in accordance with the provisions of the Act.

108. Duration of rent-rates— When rent-rates have been determined under the provisions a this Act for any area or part of an area, they shall not be determined again until the term of settlement of such area or part has expired :

Provided that the State Government may order the determination of rent-rates at an earlier date on the ground that there has been a substantial rise or fall in the prices of agricultural produce or of any particular form of produce:

Provided further that the State Government may postpone determination of rent-rates for such period as it may deem fit either on the ground that there has been no substantial rise or fall in the prices of agricultural produce or on ground of administrative convenience.

109. Additional Powers of Rent-Rate Officer— (1) In addition to proposing rent-rates according to the provisions of this Act, the Rent-Rate Officer shall, if so empowered by the State Government, decide suits for the determination, commutation, abatement and enhancement of rent in accordance with the provisions of this Act.

(2) Such suits may be instituted in his court within such period as may be fixed by him with the sanction of the Board, and decrees and orders passed therein shall be subject to appeal, revision and review as if they were decrees and orders passed by an Assistant Collector.

Procedure in determining rent-rates

110. Formation of circles and soil classification— (1) The Rent Rate Officer shall, if the area for which rent-rates are to be determined is already divided into assessment circles, propose separate rates for each circle and for each separate class of soil therein.

(2) If the area for which rent-rates are to be determined has not been divided into assessment circles or if the classification of the soil thereof has not been made, or if revision thereof is required to the done, the Rent Rate Officer shall classify the soil and make circles in the manner laid down in the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953), and shall propose rent-rates for each class of soil in each circle.

111. Basis of rates— . The Rent Rate Officer shall propose such rent-rate as will appear to him to be fair and in doing so, he shall have regard to and compare-

(i) the level of rents paid by tenants who held or were admitted at different times to substantial holding over a series of years;

(ii) the prices of agricultural produce prevailing in the main markets of the neighbourhood at such time;

(iii) the changes in the crops grown and in the quantity of the produce;

(iv) the value of the produce with a view to seeing that the valuation of the holding at the proposed rates does not exceed one-sixth of such value;

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

(vi) the result of crop cutting experiments in the local area for which rates are proposed or in other parts of the State;

(vii) the expenses of cultivation, and the cost to the cultivator of maintaining himself and his family, and

(viii) such other matters as generally affect rent payable by tenant.

112. Applicability of proposed rates with or without modification— The Rent Rate Officer shall also record for each village whether the rates proposed by him are applicable without modification or the extent to which they require modification either for the village as a whole or for a specified area or class of soil therein, and in their application to such village, area or class, the rates shall be deemed to be modified accordingly.

113. Provisions for rates in special cases— The Rent Rate Officer— shall also propose

(i) modified rent-rates for tracts of unstable and shifting cultivation and

(ii) when the greater part of the rents of a village is paid in kind, rates for the commutation of such rents;

114. Procedure in publishing and sanctioning rent-rates- (1) The Rent Rate Officer shall publish in such manner as may be prescribed the proposals and records made by him under the forgoing sections and shall receive and consider any objection which may be made in respect of such proposals and records.

(2) When such objections, if any has been considered and disposed of according to the prescribed procedure, the Rent Rate Officer shall submit the proposals and records made by him after such modifications, if any, as he may think fit, to the Board.

(3) On receipt of the proposals and records submitted by the Rent Rate Officer under sub-section (2), the Board may approve or vary such proposals after such inquiry as it may deem fit, and shall submit them for the sanction of the State Government.

(4) The State Government may sanction the proposals with or without modification or may return to the Board for reconsideration.

(5) The rent-rates finally sanctioned by the Sate Government shall be sanctioned rent-rates for the area in question until altered or revised in accordance with law.

Determination of rent

115. Fixation of tent— (1) When no rent has been agreed upon and any person has been admitted to the occupation of land by any person entitled to admit or permit him with the intention that a contract of tenancy should thereby be effected, the

person so admitted, or person entitled so to admit or permit him, may sue to have the rent of such land fixed in accordance with the provisions of this Act and for a decree for arrears of such rent.

(2) A decree passed in a snit under sub-section (1) shall take effect from such date as the court may direct.

116. Determination of rent' on partial ejectment or surrender— When a tenant is ejected from a part only of his holding under an order of decree of a court, or legally surrenders such part, either he or the landholder other that the State Government may at any time apply to the court, in which the suit for ejectment would lie for the determination of the rent of the remainder.

117. Disputes as to rent in certain cases — (1) When the rent payable in respect of any holding varies the harvest and there is a dispute regarding any such harvest, the Tehsildar may, on application, inspect the holding to ascertain the condition of the crops and the extent, if any, to which they have failed and in case the crops have been removed, the Tehsildar after making necessary inquiry may draw such inferences from the conduct of the parties as to him may appear reasonable.

(2) When there is a dispute as to the practice, hitherto obtaining, for the payment of the rent of any holding, the Tehsildar may, on application and after making a summary enquiry in the prescribed manner, give his award on such dispute and rent shall be payable in accordance with such award until it is set aside or modified in accordance with subsection (3).

(3) Any person feeling himself aggrieved by an award given under sub-section (2) may bring a suit for its modification or for setting it aside on any ground whatsoever.

(4) Where there is a dispute as to the mode of the payment of rest, namely, as to whether such rent is payable in cash or in hind or is based on an estimate or appraisement of the crop or on rates varying with the crop sown or with the harvest or harvest prices or partly in one such ways and partly in another or others of such ways, the landholder or the tenant may sue for a declaration of such mode.

118. Commutation of rent— (1) Where rent has hitherto been paid in kind or is based on an estimate or appraisement of the crop or on rates varying with the crop sown or with the harvest or harvest prices or partly in one of such ways and partly in another or others of such ways, the landholder other than the State Government or the tenant may sue for commutation of such rent to a fixed money rent and the court may pass such orders in the case it deems fit, provided that in a suit which the landholder is the plaintiff, and a plea is raised by the tenant that the cultivated area of the produce of the holding is exceptionally liable to fluctuation by reason of damage by wild animals, flooding and if the court considers that commutation is undesirable, it may dismiss the suit.

(2) A decree passed in a suit under sub-section (1) shall take effect from the commencement of the agricultural year next following that in which such decree is passed unless the court for special reasons to be recorded directs that it shall take effect from some earlier or later date to be specified.

(3) hi case of land held by a tenant directly from the State Government no suit shall be necessary for commutation of rent and the tenant may apply for such commutation to the Assistant Collector and in that case the other provisions of this section shall apply t) such application.

119. Period of currency and rent— When rent in respect of any land has been fixed under section 115 or commuted under section 118, it shall not be liable to modification until the period of the settlement of the area in which such land lies has to come to an end or until it is varied in accordance with the provisions of this Act.

Modification of rent

120. Method of varying rent— Subject to the other provisions of this Act, the rent of a tenant (including a tenant of Khudkasht and a sub-tenant) may enhanced or abated only—

(a) by a registered agreement, or

(b) by a decree or order of a competent revenue court passed in a suit of, in case of land held directly from the State Government on application by a tenant or report by the Tehsildar.

121. Grounds for enhancement of rent — The rent of a tenant shall be liable to enhancement under this Act on one or more of the following grounds namely:

(i) that the rent payable by the tenant is substantially less than the rent calculated at the sanctioned rent-rates appropriate to him, or

(ii) that the productive powers of the land held by the tenant have been increased by fluvial action, or

(iii) that the productive powers of the land held by the tenant have been increased by an improvement effected by or at the expense of the landholder, or

(iv) that the area of tenant's holding has been increased by alluvion or otherwise:

Provided that the rent shall in no case be enhanced so as to exceed the maximum laid down in this Chapter.

122. Limits of enhancement— The rent of a tenant shall net be enhanced by more that one fourth of his existing rent, subject to the condition that the rent fixed shall in no case be less that three-quarters of the rent calculated at the appropriate sanctioned rent-rates:

Provided that —

(i) this section shall not apply to a case of enhancement of rent on account of an increase in area, and

(ii) the enhancement shall be ordered to take effect by yearly increments extending over a number of years, not exceeding three, if it not less than one-fourth of the existing rent.

123. Tenant's plea in enhancement suit or application— If a tenant from whom enhancement of rent is claimed proves that the whole or any portion of the enhancement so claimed is due to an improvement which was made by him within the last year and which he was entitled to make, the court shall pass a decree or order only for such enhancement, if any, as it might have passed, if the tenant had made no improvement.

124. Grounds for abatement of rent— The rent of a tenant shall be liable to abatement under this Act on one or more of the following grounds, namely;

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

(ii) that the productive powers of the land by the tenant have been decreased by an improvement made by the landholder or by any cause beyond the control of the tenant during the currency of the present rent; or

(iii) that the area of his holding has been decreased by diluvion or encroachment or by the taking up of land for a public purpose or a work of public utility; or

(iv) that the rent payable by him is liable to abatement on some ground specified in a lease, agreement, decree or order under which he holds; or

(v) that such rent exceeds the maximum laid down in this Chapter.

125. Enhancement or abatement when to take effect— Every decree or order for the enhancement or abatement of rent shall take effect from the commencement of the agricultural year next following that in which such decree or order is passed unless the court for special reasons to be recorded orders that it shall take effect from some earlier or later date to be specified.

126. Remission or suspension of rent in agricultural calamities— On the occurrence of a famine or scarcity in any area or of an agricultural calamity affecting the crops of any area, the State Government or any authority empowered by it in this behalf may in accordance with rules made by the State Government in

that behalf remit or suspend for any period the whole or any portion of the rent payable by a tenant in such area.

127. Period of suspension to be excluded in computing period of limitation— When the payment of any sum has been suspended in accordance with the provisions of section 126, the period during which the suspension continues shall be excluded in the computation of the period of limitation prescribed for a suit or application for the recovery of such sum.

128. Non-recovery of rent remitted or suspended— No landholder shall collect, nor shall any suit or application lie for the recovery of, any rent, the payment of which has been remitted under section 126 or, during the

period of suspension, or any rent the payment of which has been suspended under the said section.

129. Revision of rent in emergencies— (1) Notwithstanding anything contained in this Act or in any other law for the time being in force when the State Government is satisfied that owing to some extraordinary cause there has been a sudden and substantial rise or all in the prices of agricultural produce or that an emergency has arisen within any specified area, it may, by notification in the Official Gazette, appoint an officer not below the rank of a Collector ?lid invest him with all or any of the following:

(a) the power of Rent Rate Officer under this Act;

(b) the power to abated or enhance rents in accordance with the sanctioned rent-rates,

(c) the power in any emergency to abate rents summarily otherwise than in accordance with such rent-rates.

(2) Every order abating or enhancing rent under this section shall take effect from such date not preceding the beginning of the agricultural year next following the year in which the order was passed as the officer passing it may direct.

(3) An appeal against an order of the officer appointed under this section abating or enhancing rent shall lie to the revenue appellate authority.

(4) A revision shall lie to the Board from an appellate order of the revenue appellate authority and the Board may pass such orders in the case it thinks fit.

CHAPTER X

Payment and Recovery of Rent

130. Hypothecation of produce towards payment of Rent— The produce of a holding shall be deemed to be hypothecate for the payable in respect thereof and, until the demand for such rent has been satisfied, no other claim on such produce shall be enforced by sale in execution of a decree of any civil or revenue court or otherwise.

131. Presumption as to payment by, tenant— Any payment made by a tenant from whom rent is due to the landholder' to whom it is due shall in the absence of evidence of a contrary intention on the part of the tenant, be deemed to be a payment on account of rent.

132. Application of rent payment— (1) A payment made by a tenant to his landholder, whether in satisfaction of a decree or otherwise, shall not be applied to the discharge of an arrear the recovery of which is barred by the law for the time being in force as to the limitation of suits and applications.

(2) Subject to the provision contained in sub-section (1), when tenant makes payment on account of rent to his landholder with the express intimation that he wishes the payment to be credited to any years, instalment or holding the payment, if accepted, shall be credited accordingly and if the tenant make no such intimation, the landholder shall credit the payment to an earlier arrear in preference to a later arrear and, where more than one arrear is of the same date, to a similar arrear in preference to a larger or arrear.

133. Rent how payable— A payment of money rent may be made by the tenant to the landholder either direct or by postal money order or by a deposit in accordance with the provisions of section 139.

(x x x)

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

134. Presumption as to money order acknowledgement— When rent is sent by postal money order, then, in the case of acceptance, the payee's receipts, and in the case of refusal, the endorsement on the money order duly stamped by the post office, shall be admissible in evidence without formal proof and shall, until the contrary is proved, be presumed to be a record of such acceptance or refusal.

135. Right of tenant to receipt— (1) Every person, who makes a direct payment on account of rent or sayer, shall be entitled to obtain forthwith from the landholder a written receipt for the amount so paid, signed by the landholder or his duly authorised agent.

(2) The landholder shall, from a book printed under the provisions of section 137, give a separate receipt for each sum paid on account of rent or sayer and shall prepare and retain a counterfoil of each receipt given by him.

(3) If in any suit or proceeding between landholder and a tenant in which the payment of rent is in issue, the landholder does not produce or, when order by the court to produce, fails to produce such receipt book, the court may make any presumption against the landholder which it considers reasonable.

136. Particular of receipts- (1) The receipt and counterfoil shall specify the following particulars, namely,

(a) the name and parentage of the payer and the name of the payee,

(b) the name of the village,

(c) the amount paid,

(d) whether the payment is on account of rent or on account of sayer.

(e) Whether there is more than one holding, . an indication of the holding or holding towards the rent of which the payment has been credited,

(f) the year and instalment to which the payment has been created,

(g) whether the payment has been accepted as payment in full or only in part,

(h) the date on which the payment is made, and

(i) such other particulars as may be prescribed.

(2) If a receipt does not contain substantially the particulars required by this section or if a joint receipt for rent and sayer has been given in contravention of sub-section (2) of section 135, it shall be presumed, until the contrary is shown, to be an acquittance in full of all demands for rent and for sayer upto the date the receipt was given.

137. Obligation of Government to print and supply book of receipts.— The State Government shall cause to be printed and kept for sale at cost price at all Tehsils, books of receipts with counterfoils in the prescribed form :

Provided that if no printed books are available in the Tehsil on any particular date, the landholder shall be entitled to get a certificate from the Tehsildar that no such books were available and the landholder shall then issue to the tenant to a tentative receipt giving substantially the particulars prescribed in section 136.

138. Right of tenant to statement of account— The tenant shall in accordance with rules made by the State Government he entitled on paying a fee of four annas to the landholder to receive from him within three months after the end of an agricultural year, a statement of account specifying such particulars as may from lime to time be prescribed either generally or for any particular local area or class of cases.

139. Deposit of rent in the Court of Tehsildar— (1) A tenant may make an application for permission to deposit in the court of the Tehsildar an instalment or instalments or the unpaid balance of an instalment or instalments of rent in arrears on the date of such application and if such application complies substantially with the provisions of sub-section (2), the Tehsildar shall receive such deposit and grant

a receipt therefor which shall operate as an a, quittance for the amount deposited as if such amount had been received by the person entitled to receive it.

(2) Such application shall specify the n me of the person to whom the amount deposited is due as arrears of rent, or where several persons are entitled to receive . such amount either jointly or separately, the name of each of such person or where the tenant entertains a bona fide doubt as to who is entitled to receive such amount, the name of the person to whom rent was last paid and of the person now claiming it.

140. Disposal of deposit by Tehsildar- If the Tehsildar receives the deposit, he shall cause a notice of the receipt of such deposit to be served

free of charge on the person or persons specified in the application and on any other person who, has reason to believe, is entitled to such deposit.

(2) The Tehsildar may pay the amount of the deposit to any person appearing to him to be entitled to the same or may, if in his opinion there is any doubt as to the person to whom the deposit should be paid, retain such amount until such doubt is removed by order of a court of competent jurisdiction.

(3) The payment may, if the Tehsildar so directs, be made by postal money order.

(4) If no payment is made under this section before the expiry of three years from the date on which a deposit is made the amount deposited may, in the absence of any order of a competent court to the contrary, be repaid to the deposit on his application and on his returning the receipt given by the Tehsildar under the provisions of section 139 or on his producing such other evidence of his having made the deposit as the court may consider sufficient.

141. Deposit of rent in court during pendency of suit— A tenant who is used for a portion of the rent of a holding under the provisions of sub-section (3) of section 211 may deposit the whole of the rent of such holding in the court before which the suit is pending and such deposit shall subject to any orders, passed in appeal, be disposed of in accordance with the orders of such court.

142. Bars of Suits— No suit or other proceeding shall be instituted against State Government or against any servant of the State Government in respect of anything done regarding a deposit under the provisions of the foregoing section of this Chapter, but any person considering himself entitled to recover the amount of such deposit may sue to recover the same from a person to whom it has been paid.

143. Section 139 to 142 when inapplicable— Nothing in section 139 to 142 shall apply in cases in which land is held by a tenant directly from the State Government to which, as the landholder, rent in respect thereof, is payable.

144. Right and liabilities in respect of produce— (1) When the rent based on an estimate or appraisement of the standing crop, the tenant shall be entitled to the exclusive possession of the crop.

(2) When the rent is based on an estimate or appraisement of the crop after it has been cut or harvested or is payable by a division of the produce, the tenant shall be entitled to the exclusive possession thereof, but shall not be entitled to remove any portion of the same from the threshing floor at such time or in such manner as to prevent the estime, appraisement or thereof at the proper time.

(3) In either case, the tenant shall be entitled to cut and harvest the produce in due course of husbandry without any interference of the part of the landholder.

(4) If the tenant removes Any portion of the crop or produce, contrary to the provision of sub-section (2), the crop or produce may for the purpose of making an award under the provisions of section 149, be deemed to have been equal to that of the best crop of the same kind grown at that harvest on similar land in the neighbourhood.

(5) If a landholder, other than the State Government, prevent a tenant from tending, cutting, gathering or storing the crop or otherwise interferes with harvesting operations, he shall be liable, on the complaint of the tenant, to pay to home such sum, not exceeding one hundred rupees as may be awarded as compensation and such sum shall be recovered as an arrear of land revenue and paid to the tenant.

145. Rent in kind to be recoverable by actual division of the produce— When rent is payable in kind as a share of the produce, it shall ordinarily be recoverable by an actual division of the produce :

Provided that, if the tenant and the landholder agree, or where such a custom be obtaining, the quantity of the produce payable as rent may be determined by an appraisement of the standing crop of the produce on the threshing floor.

146. No cartage allowed— When rent is paid in kind, the landholder shall not claim or receive any additional quantity of the produce or its money equivalent by way of cartage for conveying his share of the produce to his own residence or to any market place.

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

Provided that if the State Government has under any law for the time being in. force fixed the price of any agricultural produce. Such price shall be accepted for making such assessment.

148. Application for officer to make division, estimate or appraisement-(I) When the rent is payable by a division of the produce or is based on an estimate or appraisement of the crop—

(a) If either the landholder, not being the State Government , or the tenant neglects to attend at the proper time, or

(b) If there is dispute about the division, quantity or value of the produce, an application may be presented by either party to the Tehsildar requesting that an office be deputed to make the division, estimate or appointment.

(2) With the application the applicant shall deposit such fee as may be prescribed by the State Government by rules made in this behalf.

Explanation— For the purpose of this Chapter, the expression 'proper time' shall mean the date which the custom or practice in a local areas is deemed to be the last date for a division, estimate or appraisement of the crop or the date specified below, whichever may be earlier, namely :

(a) in respect of Kharif crop

(i) for estimate of appraisement - 5th November or Margashirsh Badi 30, and

(ii) for division— 5th February of Margashirsh Badi 30;

(b) in respect of the Rabi crop

(i) for estimate of appraisement - 30th March or Chait Badi 30, and

(ii) for division— 30th May of Jeth Sudi 15

149. Procedure on such application— (1) On receiving such application the Tehsildar shall issue a written notice to the opposite party to attend on the date which shall not he later than a week from the date of receipt of the application and at the time and place specified in the notice and shall depute an officer by whom such division, estimate or appraisement shall be made.

(2) If the opposite party objects that the rent is not payable by division of the produce is not based on an estimate or appraisement of the crop, per that no amount is to be paid, such officer shall record the objection but shall proceed as hereinafter provided,

(3) Such officer shall call on each of the parties to appoint and shall himself appoint, a resident of the neighbourhood as an assessor to assist in the division of the produce, or in the estimate or appraisement of the crop.

(4) If either party fails to attend or refuses to appoint an assessors, such officer shall nominate an assessor on his behalf.

(5) Such officer shall record the opinions of the assessors and in making his awards, shall take them into consideration.

(6) In the case of a division of the produce, if the parties agree to the manner of division proposed by the officer, the division shall be made accordingly and if the parties is not agree to such manner of division, or of it is claimed that no rent is

payable, such officer shall make an estimate of the value of the produce or crop deliver his award and submit it with a report of his proceedings to the Tehsildar.

(7) Notice shall be issued to the parties that the award has been delivered and they shall be entitled to file objections to the award within one week of the date of service of such notice' and the Tehsildar shall after hearing such objections and making such further inquiry as may appear to be necessary; confirm, modify or set aside the award except as provided in sub-section (8) and, if any amount is found due, shall pass an order for the payment of such amount and costs, if any, and such order shall have the affect of a decree for arrears of rent.

(8) In case where any party objects that the rent is not based on an estimate or appraisement of the crop or a division of the produce or that no amount is to be paid, car that the proportion of produce claimed by the landholder as rent is higher it than is really due, the Tehsildar shall not decide such objection but shall direct that parties to get their right decided by a court of competent jurisdiction and in such cases, the Tehsildar may on the application of a landholder direct the tenant to finish a bond with or without sureties to pay the rent according to the decision of the suit within one month of such decision.

(9) If a tenant refuses to furnish a bond as mentioned in sub-section (8) the Tehsildar may attach the crop or its produce to such extent as he may deem necessary.

150. Suit for appears of produce rent- If rent which is based on an estimate or appraisement of the crop or which is payable by a division of the produce is in arrears and no order having the effect of a decree for arrears of rent has been passed under the provision of sub-section (7) of section 149, the landholder may bring a for the recovery of such arrears.

151. Instalments ;low fixed— The rent of a tenant shall be payable in the following instalments and at the following rates :—

(a) If the instalment and dates have been agreed upon by the parties to tenancy, the instalments and dates so agreed upon;

(b) in the absence of any such agreement, such agreement, if such instalments and dates have been determined and recovered during settlement, the instalments and date's so determined and recorded.

(c) in other cases, in one or more instalments and on such dates or date as may he in accordance with the custom or practice in vogue.

152. Rent when in arrear— Any instalment of rent not paid on or before the day when it falls due becomes an arrear on the day following the day on which it fell due and the tenant shall thereupon become liable to pay interest on the arrear at such rate as may, by notification, be specified by, the State Government in this behalf.

153. Prohibition of arrest or detention for arrears— No decree for arrears of rent shall be executed by the arrest or detention of a tenant.

154. Method of recovering arrears— Except as otherwise provided by this Act, an arrear of rent shall he recoverable by suit or by notice in accordance with the provisions of section 169.

155. Suit against co-tenant— A cotenant who has paid rent on account of another co-tenant or from whom such rent has been recovered, may sue such cotenant of the amount so paid.

156. Joinder for arrears— (1) A plaintiff may unite in the same suit several claims for arrears of rent against the same tenant, provided that they are in respect of holding situated in the village.

(2) In such a suit the decree shall specify separately the amount, if any, found due in respect of the several holdings.

157. Remission for calamity by court decreeing claim for arrears— (1) If it appears to a court passing a decree in a suit for arrears of rent that the area of the holding was so decreased by dilution or otherwise or that the produce thereof was so damaged or diminished by drought, hail, pests, deposit of sand or other like calamity during the period for which the arrear is claimed that the full amount or rent payable by the tenant for the period cannot be equitably decreed, the court may allow such remission from the rent payable by the tenant for that period as may appear to it to be just.

(2) No remission allowed under this section shall be deemed to very the rent payable by the tenant otherwise than for the period in respect of which such remission is allowed.

158. Recovery for arrears of irrigation dues— Any person to whom any sum is due on account of irrigation dues or on account of Nalbat may sue for the recovery of such sum.

159. Suit of certain arrears as arrears of land revenue— Arrears of rent in respect of land held directly from the State Government or of other sums due to the State Government or in respect of an estate which has been attached under any law for the time being in force or which has been placed under the superintendence of the Court of Wards in accordance

with the provisions of the Rajasthan Court of Wards Act, 1951 (Rajasthan Act XXVIII of 1951), or any corresponding law in force in those parts of the State to which that Act does not extend and apply may be recorded as arrears of land revenue:

Provided that nothing contained in this section shall be deemed to authorise realisation of arrears relating to estates which are barred under the law of limitation.

160. Recovery of arrears in the case of general refusal to pay— (1) In the event of any general refusal to pay rent to the persons entitled to collect the same in any

local area, the State Government may, after making necessary enquiry declare by notification in the Official Gazette, that such rents may be recovered as arrears of land revenue.

(2) In any local area to which a notification issued under sub-section (1) applies, a landholder or any other person whom an arrear of rent is due may, notwithstanding anything to the contrary in this Act or in any other law for the time being in force, instead of suing for recovery of tin arrear under this Act, apply in writing to the Collector to realise the same, who shall after satisfying himself that the amount claimed is dire, proceed, subject to rules made by the State Government, to recover such amount with interest as an arrear of land revenue.

(3) The Collector shall not be made a defendant in any suit in respect of any amount of the recovery of which an order has been passed under this section.

(4) Nothing herein contained and no order passed under this section debar—

(a) a landholder from recovering by suit for the application any amount due to him which has not been recovered under this section; or

(b) a person from whom any amount has been recovered under this section in excess of the amount due from him, from recovering such access by suit against the landholder to other person on whose application the arrear was realised.

(5) The Collector shall deduct and credit to the State Government a sum equal to seven and a half percent of the amount actually recovered under sub-section (2) by way of costs of collection and the charge of such costs of collection shall fall on the tenant:

Provided that where the Collector is of opinion that there was a bonafide dispute between the tenant on the one hand and the landholder or any other person to whom an arrear of rent was due on the other hand as to the rent due, he may apportion the charge of the costs of collection between both parties in such proportion as he may consider fit.

CHAPTER XI

Ejectment

General

161. Ejectment to be in accordance with the Act— No tenant shall be ejected from his holding otherwise than in accordance with the provisions of this Act.

162. Arrear demand satisfied upon ejectment— Subject to the provisions of sections 164, 165 and 166, when a Khatedar tenants is ejectment from whole or any portion of his holding in execution of a decree or order for ejectment for nonpayment of rent, all arrears of rent, due in respect of such holding on the date of delivery of possession shall deemed to have been paid.

163. Omitted.

164. Compensation for improvement on ejectment— A court ordering ejectment of a tenant from his holding or any part thereof shall, if the tenant claims compensation for any improvement made by him and the claim is found to be admissible, assess the amount of compensation due to the tenant on account of such improvement.

165. Payment of compensation— (1) If the compensation determined under the foregoing section exceed the amount recoverable from the tenant as arrears of rent, on account of the holding together with costs, if any, the decree or order for ejectment shall be conditional on the payment of the balance due to the tenant within such time as the court may direct.

(2) If the compensation does not exceed the amount recoverable from the tenant as specified in sub-section (1), any claim made by the tenant for compensation shall be deemed to have satisfied on his ejectment.

166. Right to crops and trees when ejectment takes effect— (1) If on the date of the delivery of possession in pursuance of a decree or order for ejectment of a tenant, there exist on the holding any un-gathered crops or any trees vested in the tenant, the court executing the decree or order shall determine the value of such crops or trees and proceed in the following manner:—

(a) If after deducting the compensation if any, assessed under section 164, the amount due from the tenant is equal to or greater than the value of such crops or trees, the court shall deliver possession of the holding to the landholder and all rights of the tenant is such crops or 'trees shall pass to the landholder;

(b) If after deducting the compensation, if any, assessed under section 164, the amount due from the tenant is less than value of such crops or trees, and

(i) the landholder pays the difference between such amount and such value to the tenant, the court shall deliver the possession of the holding to the landholder and all rights of the tenant in such crops or trees, shall pass to the landholder, or

(ii) the landholder does not pay such difference:—

(a) where such value relates only to trees vested in the tenant or to such trees as well as un-gathered crops, the tenant shall not be liable to ejectment until his claims for such value has been satisfied, and<

(b) where such value relates only to un-gathered crops, the court shall deliver possession of the holding to the landholder but the tenant shall have the right of tending, gathering and removing such crops, paying

such compensation for the use and occupation of the land as the court may fix.

(X X X)

(1-A) On an application by the tenant or the landholder, the court executing the decree or order of ejectment by the tenant under the provision of clause (b) of subsection (1).

(2) Nothing in this section shall apply to a trespasser ejected from land under the provisions of section 183 and any crops or trees existing on such land at the time of tie delivery of possession shall subject to tine provision contained in sub-section (2) of section 183 vest in the landholder.

167. Contents and service of notice—

(1) Every notice to be issued to a tenant under this Chapter shall contain the following particulars: —

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

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

(c) a description of the holding, specifying the name of the village or other local area in which it is situated; and

(d) the recorded numbers of the holding, the amount of such instalment of rent, any portion of which is in arrears, and the amount of such arrears.

(2) The manner of service of such notice on a tenant shall be that of the service of a summons by the court:

Provided that such notice shall also be served on the tenant through registered post with acknowledgement due :

Provided further that if the tenant is not found or refuses to accept the notice or to sign the acknowledgement, the notice shall be served by affixing it to his usual place of residence in the presence of two persons of the place who shall sign the notice in attestation of such service, and such service shall be deemed to be due service on the tenant.

168. Immunity from ejectment from residential houses— No tenant shall be liable to ejectment from his residential house in village, other than a house erected as an improvement under the provisions of section 66 merely because he has been ejected from his holding in that village.

Ejectment for Arrears of Rent

169. Issue of notice' for payment of arrears and for ejectment in default— (1) Whenever rent due from a tenant is in arrear for two years or for a longer period, the Tehsildar may, *suo motu* in case of land held directly from the State Government and on the application of landholder in other cases, issue a notice to

such tenant calling upon him within thirty days of the service of the notice to pay the amount of the arrear or to appear and admit or contest the same:

Provided that no notice shall be issued under this section for the payment of an arrear which on the date of application therefore, has been outstanding for more than three years.

(2) A notice issued under this section shall state the tenant would be liable to ejectment from the holding in default of his paying the arrears.

170. Procedure after issue of notice- (1) If the tenant does not appear or appears and admits the arrear claimed, the Tehsildar shall pass an order directing him to pay such arrear:

Provided that, if the order is passed **exparte**, the tenant may apply for setting aside, such order, and if he satisfies the Tehsildar that either the notice was not served on him or he had sufficient cause for non-appearance on the date fixed, the Tehsildar shall set aside the order and shall proceed to hear the case in the manner hereinafter prescribed.

(2) If the tenant appears and contests the claim for arrears, the notice shall on payment of the prior court-fee, be deemed to be suit for arrears of rent:

Provided that-

(i) In the event of such notice having been issued by the Tehsildar suo motu no court-fee shall be payable, and

(ii) In the event of the Tehsildar not being competent to try the suit, papers shall be forwarded to the revenue court having jurisdiction.

(3) if in such suit the court finds that amount is due from the tenant, it shall pass a decree directing him to pay such amount into the court.

171. Consequences and cancellation of order passed under section 170— (1) If the tenant fails to pay the amount of the arrears as ordered by the Tehsildar under the provisions of sub-section (1) of section 170 or as decreed by the court under the provisions of sub-section (3) of that section together with interest thereon and the cost of the application or the costs if any awarded by the decree by the 31st day next following the expiry of the period of one year from the date of passing of such order or of the decree becoming final, the Tehsildar or the court executing the decree, as the case may be, shall forthwith order that the tenant be ejected from the whole or a part of the holding and he shall forthwith be ejected accordingly.

(2) Notwithstanding anything in this section, the tenant shall not be ejected for failure to pay any portion of his rent which has been remitted or suspended under the provisions of section 126.

172. Tenants claim for Compensation on appearance— Notwithstanding any thing to the contrary contained in section l64 and 165, when the tenant appears in response to the notice served on him under section 169, he

shall be asked whether he makes any claim for compensation on account of improvements in case an order of ejectment is passed against him, and, if he makes such claim, the Tehsildar shall forward the case for decision to the Sub-Divisional Officer.

173. Bar to suits and applications in certain cases— (1) Except as provided in sub-section (2) of section 170, no suit for arrears of rent shall lie in respect of the arrears specified in a notice under the provisions of section 169.

(2) No notice shall be issued under the provision of section 169 in respect of an arrears for the recovery of which a suit has been instituted under section 150 or section 154.

174. Ejectment in execution of decree for arrears of rent— (1) A decree for arrears of rent passed in a suit under Chapter X may be executed, in addition to any other mode of execution permissible under the law, by ejectment of the tenant from his holding.

Provided that no tenant shall be liable to ejectment unless recourse has been had to all other modes of execution and the decree has not been completely satisfied by any such mode within two years from the date of such decree.

(2) subject to the proviso to sub-section (1), the landholder may apply to the court which passed the decree for the issue of a notice to the tenant for payment of the amount due under the decree and for his ejectment in case of default,

(3) Upon receipt of an application under sub-section (2), the court shall issue a notice stating the amount due under the decree and requiring the tenant within two months from the service thereof to pay such amount in court or in case of default to show-cause why he should not be ejected from his holding and to state whether in case an order for his ejectment is passed he claims compensation on account of any improvements made by him.

(4) If the amount is so paid the court shall record satisfaction on the decree and grant a receipt therefor, which shall operate as an acquittance for the amount deposited as if such amount had been received by the decree-holder and shall pay such amount to the decree-holder.

(5) The court may, on the application of the tenant,

(i) from time to time extend the time for payment of the amount due under the decree, provided that the extended period shall in no case exceed three months, or

(ii) allow payment thereof by such instalments as it may fix.

(6) If the tenant appears and claims that the decree may be lawfully executed by any other mode to be specified by him, the court shall, without requiring another

application in that behalf, proceed in accordance with law to execute the decree by such other mode.

(7) If the tenant appears and claims that he is not liable to ejectment on any other ground, the court shall decide such claim.

(8) If the tenant does not appear in response to the notice issued under sub-section (2) or he appears but does not pay the decretal amount or does not apply under sub-section (5) for extension of time or for permission

for payment by instalments or, having so applied, does not pay the decretal amount within the extended time or by fixed instalments or does not claim non-liability to ejectment under subsection (6), or sub-section (7) or if the mode of execution specified by the tenant under sub-section (6) has proved infructuous or his claim under sub-section (7) has been rejected, the court shall pass an order that he be ejected from his holding:

Provided that, where the court seized of the proceedings under this section is inferior in grade of an Assistant Collector it shall not pass the order for such ejectment but shall submit the proceedings for the orders of the Assistant Collector who shall, after perusing the same and making such further enquiry and 'taking such further action as he may consider necessary and proper in the circumstances of the case either reject the application for ejectment or pass an order for the ejectment of the tenant from his holding.

(9) When an order for the ejectment of a tenant from his holding has been passed under sub-section (8) he shall, if in attendance be again asked to state whether he claims compensation on account of any improvement made by him, and if he makes any such claim or has previously made any such claim in response to the notice issued under sub-section (2), the court shall proceed to assess the amount of such compensation and the payment thereof shall be regulated by the provision of section 165.

(10) Ejectment of a tenant in pursuance of an order under sub-section (8) shall be subject to the provisions contained in section 166 and 168.

(11) If within one month after the passing of an order under for ejectment the tenant deposits the decretal amount in court, the order for ejectment shall be cancelled, unless possession in pursuance thereof has been delivered to the landholder.

175. Ejectment for illegal transfer or sub-letting— (1) If a tenant transfers or sub-lets, or executes an instrument purporting to transfer or sub-let, the whole or any part of his holding otherwise than in accordance with the provisions of this Act and the transferee or sub-lessee or the purported transferee or sub-lessee has entered upon or is in possession of such holding or such part in pursuance of such transfer or sub lease, both the tenant and any person who may have thus obtained or may thus be in

possession of the holding or any part of the holding, shall on the application of the land holder, be liable to ejectment from the area so transferred or sub-let or purported to be transferred or sub-let.

(2) To every application, under this Section the transferee or the sub-tenant or the purported transferee or the sub-tenant, as the case may be, shall be joined as a party.

(3) On an application being made under this section, the court shall issue a notice to the opposite party to appear within such time as may be specified therein and show cause why he should not be ejected from the area so transferred or sublet or purported to be transferred or sub-let.

(4) If appearance is made within the time specified in the notice and the liability to ejectment is contested, the court shall, on payment of the proper court fees, treat the application to be a suit and proceed with the case as a suit:

Provided that in the event of the application having been made by a Tehsildar in respect of land held directly from the State Government no court-fee shall be payable.

[36](4-a) Notwithstanding anything to the contrary contained in sub-section (4), if the application is in respect of contravention of the provision contained in section 42 or the proviso to subsection (2) of section 43 or section 49-A, the court shall, after giving a reasonable opportunity to the parties of being heard, conclude the enquiry in a summary manner and pass order, as far as may be practicable within a period of three months from the date of the appearance of the non-applicants before it, directing ejectment of the tenant and his transferee or sub-lessee from the area transferred or sub-let in contravention of the said provisions.

(5) If no such appearance is made, or if appearance is made but the liability to ejectment is not contested the court shall pass order on the application as it may deem proper.

176. Decree or order under section 175 — A decree or order under section 175 may direct the ejectment of a tenant and his transferee or sub-lessee or purported transferee of sub-lessee from the area transferred or

[36] Added by notification no.F.2(28) vidhi/81dated 05-10-81.

sub-let or purported to be transferred or sub-let otherwise than in accordance with the provisions of this Act.

177. Ejectment for detrimental act or breach of condition— (1) A tenant shall on the application of the landholder, be liable to ejectment from his holding—

(a) on the ground of any act or omission detrimental to the land in that holding or inconsistent with the purpose for which it was let, or

(b) on the ground that he or any person holding from him has broken a condition on the breach of which he is, by special contract which is not

contrary to the provisions of this Act, liable to be ejected:

Provided that the planting of trees or the making of an improvement in accordance with the provisions of this Act shall not constitute a ground for ejectment under this section.

(2) To every application under this section, any person claiming through the tenant may be joined as party and where the cause of action is based wholly or partly on any act or omission or breach of condition by a transferee or sub-lessee of the tenant, such transferee or sub-lessee shall be joined as a party.

(3) On an application being made under this section, the court shall issue a notice to the opposite party to appear within such time as may be specified therein and show-cause why he should not be ejected from the holding.

(4) If appearance is made within the time specified in the notice and the liability to ejectment is contested, the court shall, on payment of the proper court fees, treat the application to be plaint and proceed with the case as a suit:

Provided that in the event of the application having been made by a Tehsildar in respect of land held directly from the State Government no court-fees --shall be payable.

(5) If no such appearance is made or if appearance is made but the liability to ejectment is not contested the court shall pass such order on the application as it may deem proper.

178. Decree or Order under section 177 — (1) A decree or order under section 177 may direct the ejectment of a tenant either from such portion thereof as the court, having regard to all the circumstances of the case, may direct.

(2) Such decree or order shall further direct that if the tenant repairs the damage or pays such compensation as the court thinks fit within three months from the date of the decree or order or within suit further period as the court may, for, reasons to be recorded, allow the decree or order shall not be executed except in respect of costs.

179. Suit for compensation, etc.— Notwithstanding anything in section 177 a landholder may, in lieu of issuing or applying for the issue of notice for ejectment, sue:—

(a) for compensation, or

(b) for an injunction without compensation or,

(c) for the repair of the damage or waste with or without compensation.

180. Additional provisions for ejectment of Khudkasht or Gair-Khatedar tenants or sub-tenants— (1) A tenant of Khudkasht or a Gair-Khatedar tenant or sub-tenant shall also be liable, on applications to ejectment on any of the following grounds, namely—

(a) that the land held by such tenant or subtenant is in excess of the

minimum area prescribed by the State Government for the district or part of the district in which such land is situated and ejectment from the excess area is sought by the landholder for the purpose of his personal cultivation :

Provided that different limits may be prescribed for different districts or parts of a district, so however, as to ensure a net annual income of twelve hundred rupees for such tenant or sub-tenant exclusive of the cost of his labour and the labour of his family.

(b) that he is a tenant or sub-tenant holding from year to year:

Provided that no tenant or sub-tenant holding land in the Abu area from year to year shall be liable to ejectment under this clause;

Explanation— For the purpose of clause (b) a tenant or sub-tenant holding from year to year shall include a tenant or sub-tenant who remains in possession of the holding after the determination of the lease or sub-lease and the lessor or his legal representative accepts rent from the tenant or sub-tenant, or otherwise assents to his continuing in possession.

(c) that the lease or sub-lease granted after the commencement of this Act under section 45 has expired or will expire before the end of the current agricultural year and the landholder requires the land for his personal cultivation;.

(d) that the land had been under the personal cultivation of the landholder for a continuous period of five years immediately preceding the agricultural year 1948-49 and was during or after that year, given on lease or sub-lease for a fixed term and such lease or sub-lease would have terminated and the tenant or sub-tenant would have been liable to return possession of the land to his landholder but for the provisions of the Rajasthan (Protection of Tenants) Ordinance, 1949 (Rajasthan Ordinance IX of 1949) unless in the meanwhile Khatedari rights have accrued to such tenant or sub-tenant under any law during the term of such lease or sub-lease :

Provided that a landholder shall not be entitled to an order for ejectment under clause (d) unless he requires the land from which ejectment is sought for his personal cultivation, and unless such land is in excess of the minimum area prescribed for the purposes in clause (a);

Provided further that a landholder under his personal cultivation an area of land equal to the ceiling area applicable to him shall not also be entitled to an order for the ejectment of a tenant under clauses (d) and land-holder holding a less area shall be entitled to such an order only from such area which, together with the area already held by him, shall not exceed the ceiling area applicable to him.

(1-A) No tenant holding land in Abu area since before the commencement of the Rajasthan Revenue Laws (Extension) Act, 1957 shall be liable to ejectment on

any of the grounds mentioned in sub-section (1) by reason of efflux of time or if, before such commencement he has

been deemed to be the purchaser of his holding within the meaning of section 32 of she Bombay Tenancy and Agricultural Lands Act, 1948. (2) The State Government shall prescribe the procedure to be adopted in case where there are more tenants or sub-tenants than one, or where the area held by the tenant or tenants is in excess of the area from which ejectment can be sought under clause (d) of sub-section (1).

181. Application and notice— (1) An application for ejectment under section 180. shall be made between the first day of July and 30th day of September and not otherwise.

(2) Every application under sub-section 11) shall state the ground on which ejectment is applied for.

(3) On an application being made in accordance with the forgoing sub-sections, a . notice shall, on payment of the prescribed fee, be served on the tenant or sub-tenant in the prescribed manner informing him that if he desires to dispute the ejectment he must contest the notice within thirty days of its being served on him.

182. Procedure subsequent to the issue of notice— (1) If a tenant or sub-tenant on whom a notice is served under section 181 appears and admits his liability to ejectment, the court shall pass an order for his ejectment but he shall not be liable for any costs :

(2) If the tenant or sub-tenant does not appear within the period prescribed by such notice the court shall pass an order for his ejectment:

Provided that such tenant or sub-tenant may within thirty days from the date of such order, apply for setting it aside and if satisfies the court that either the notice was not served on him or he had sufficient cause for non-appearance within the period prescribed by the notice, the court shall set aside the order and shall proceed to hear the application in the manner hereinafter prescribed.

(3) If within the period prescribed the tenant or sub-tenant appears and contests his liability to ejectment the court shall, on payment of the proper court fees, treat the application to be a plaint and proceed with the case as a suit:

Provided that in the event of the application having been made by a Tehsildar in respect of land held directly from the State Government, no court-fee shall be payable.

(4) to a decree or order passed under this section, the provisions of sub-section (1) of section 178 shall apply.

(5) Where an estate-holder who has been a member of the Armed Forces of the Union seeks the ejectment of his tenant of Khudkasht or Gair-Khatedar tenant, or where a Khatedar tenant having been such a member seeks the ejectment of his subtenant under clause (a) or clause (d) of sub-section (1) of section 180, then,

notwithstanding anything contained in the provisos to those clauses or in section 19, the court may direct by such decree or order that the tenant of Khudkasht or Gair-Khatedar tenant or as the case may be, the sub-tenant shall be, ejected from the whole of his holding or, as the case may be, from a portion, if it does not exceed the ceiling area applicable to such estate holder or such Khatedar tenant.

182A. Limit of the time for certain application under Section 180— No application for ejectment under clause (a) or clause (d) of Section 180 shall be entertained if made after expiry of three years from the commencement of this Act :

Provided that where land is held by Gair-Khatedar tenant or a tenant of Khudkasht or a sub-tenant from any of the persons enumerated in section 46, such application for ejectment may be presented within three years from the date of commencement of this Act or within three years from the disability contemplated by that section ceases, whichever may be later:

182B. Restoration of land not brought under personal cultivation— (1) If the landholder at whose instance or upon whose application the order of ejectment from some land is made under clause (a) or clause (d) of section 180 fails to cultivate such land personally for a period of two years from the date of actual ejectment, the person ejected shall have the right to apply :

(i) for the restoration of the land from which he was so ejected, or

(ii) for the acquisition of Khatedari rights and rights in improvements in such land, or

(iii) both for such restoration and acquisition,

(2) To an application under sub-section (1) for the acquisition of Khatedari rights and rights in improvements in any land, he provisions contained in section 20 to 31 shall be applicable as if it were an application under section 19.

183. Ejectment of certain trespasser— (1) Not withstanding anything to the contrary in any provision of this Act, a trespasser who has taken or retained possession of any land without lawful authority shall be liable to ejectment, subject to the provision contained in sub-section (2), on the suit of the person or persons entitled to eject him and shall be further liable to pay as penalty for each agricultural year during the whole or any part whereof he has been in such possession, a sum which may extend to fifteen times the annual rent.

(2) In case of land which is held directly from the State Government or to which the State Government, acting through the Tehsildar, is entitled to admit the trespasser as tenant, the Tehsildar shall proceed in accordance with the provisions of section 91 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956).

[37]**183A. Summary eviction of mortgagee on non-delivery of possession of land after the expiry of the period of mortgage**— (1) If the mortgagee does not deliver possession of the land as provide in sub-sections (3), (4) or (4-A) of section 43, the mortgagor may make an application within twelve years from the' date of the expiry

of the period of mortgage, and where such period is deemed to have expired under sub-section (4-A), of section 43 before the commencement of the Rajasthan Tenancy (Amendment) Ordinance, 1978 within twelve years of such commencement, to the Assistant Collector within whose jurisdiction the land or major portion thereof is situate, and the Assistant Collector shall, after giving a reasonable opportunity to the parties of being heard, conclude the inquiry in a summary manner as far as may be practicable within a period of three months from the date of the appearance of the parties before it and after pass an order of delivery of possession of the land to the mortgagor.

[37] Substituted by sec2 of raj. Act. No. 22 of 1960, published on 27-06-60.

(2) While passing the order under subsection (I), the Assistant Collector may a so determine the amount of mesne profits payable by the mortgagee to the mortgagor for the period the mortgagee has remained in possession of the land beyond the period specified in subsections (4) or (4-D) of Section 43 and the rate. at which the mesne profit shall be payable in future till the mortgagee delivers possession of the land and order for the payment of the same.

183B. Summary ejectment of trespasser of the land held by a member of a scheduled caste or a scheduled tribe— (1) Notwithstanding to the contrary contained in any provision of this Act, a trespasser who has taken or retained possession, without lawful authority of land held by a tenant belonging to scheduled caste or scheduled tribe shall be liable to ejectment on an application of the person or persons entitled to evict him or on the application, in the prescribed manner; of a further liable to pay as penalty for each agricultural year during the whole or any part whereof he has been in such possession, a sum which may extend to fifty times the annual rent.

(2) The inquiry on an application under sub-section (1) shall be made in a summary manner and shall be concluded, as far as practicable, within the prescribed period and after affording a reasonable opportunity of being heard to the person alleged to be a trespasser.

183C. Punishment for trespass in certain cases— Without prejudice to anything otherwise contained in section 183-B, a trespasser who,—

(a) takes possession, without lawful authority, of land held by a tenant belonging to a Scheduled Caste or a Scheduled Tribe; or

(b) having taken such possession before coming into force of the Rajasthan Tenancy (Amendment) Act, 1992, fails to withdran from such possession without fifteen days from the date of the service of a notice in writing calling upon him to do so, by the Tehsildar;

shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees:

Provided that where any person is prosecuted for such an offence, the burden of proving that he has not committed the offence shall lie on him.

Enforcement of Ejectment

184. Time of execution— (1) Delivery of possession in execution of a decree or order for ejectment shall not be made before the fifteenth day of April or after the thirtieth day of June in any year.

(2) Nothing in this section shall apply to an order of delivery of possession passed in respect to an application for execution made before the preceding fifteenth day of March or to an order of ejectment passed under the provisions of section 171 or section 183.

185. Mode of Execution of decree or order— (1) Except as otherwise provided in section 184, every decree or order of ejectment shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), relating to the execution of decree for delivery of immovable property.

(2) Every sub-lessee or transferee whose interest is extinguished on the ejectment of his landholder or transferor shall, for the purpose of the execution of the decree or order for ejectment, be deemed to be a judgment debtor, but unless he offers resistance or obstruction to delivery of possession he shall not be liable for costs.

186. Omitted.

187. Remedies for wrongful ejectment — (1) Any tenant ejected from or prevented from obtained possession of his holding or any part thereof otherwise than in accordance with the provisions of the law for the time being in force may sue the person so ejecting him or keeping him out of possession for all or any of the following reliefs, namely:—

(i) for possession of holding ;

(ii) for compensation for wrongful ejectment or dispossession ;

(iii) for compensation for any improvement he may have made.

Provided that no decree for possession shall be passed where the plaintiff at the time of the passing of the decree, is liable to ejectment in

accordance with the provisions of this Act within the current agricultural year.

(2) If the decree is for possession no compensation for any improvement shall be awarded and such decree shall also be subject to refund, within such time as the court may allow, by the plaintiff to the defendant of any amount that the latter may have paid as such compensation when he was ejected or dispossessed.

(3) Where in a suit for possession under this section or in an appeal from any decree for possession cannot be passed for the reason stated in the proviso to subsection (1), the decree shall be for costs only.

(4) Where a decree is passed for compensation for wrongful ejectment or dispossession and not for possession, the compensation awarded shall be for the whole period during which the ejected or dispossessed tenant was entitled to remain in possession.

(5) A tenant who has sued for possession only shall not be entitled to institute a separate suit for compensation for wrongful ejectment or for an improvement in respect of the same cause of action.

(6) To a suit for possession under this section every person ejecting the plaintiff or keeping him out of possession as well as the person, if any put in possession of the whole or a part of the holding after such ejectment by the person who ejected the plaintiff shall be joined as defendant and in passing a decree for possession, court shall order that the person in such possession shall be ejected therefrom :

Provided that the court instead of ordering ejectment of such person may, in case he has before the service upon him of summons for the first hearing fixed for the suit, sown the holding or part, declare him to be the sub-tenant of the plaintiff in respect of such holding or part for that harvest only.

(7) A decree for possession passed under this section shall be enforced, as nearly as %lay be, in the same manner as if it were a decree for ejectment but regard shall not be had to the time, if any, prescribed for the enforcement of such decree.

187A. Availability of the provisions of section 187 to certain aggrieved tenants — The provisions of section 187 shall be applicable and available to any such tenant as is referred to in sub-section (1) of that section who, on or after the 15th October, 1955 but before the commencement of the Rajasthan Tenancy (Third Amendment) Act, 1960, did not avail himself of the summary remedy provided in section 186 as it stood immediately before such commencement or whose application for such remedy was dismissed as having become barred by afflux of the period of limitation provided in that section and such tenant may also bring a suit under and in accordance with the provisions of section 187, notwithstanding anything contained in section 186 or in entry No. 69 of the Third Schedule as the same stood before that commencement of the Rajasthan Tenancy (Third Amendment) Act, 1960.

187B. Summary suit for reinstatement based on possession- (1) Notwithstanding anything contained in section 187, any tenant, who, without his consent, is ejected from, or dispossessed of, his holding or any part thereof otherwise than in due course of law, may bring a suit praying for the reinstatement in such holding or part and recovery possession thereof, notwithstanding any other title that may be set up in such suit.

(2) Nothing in this section shall bar any person from suing to establish his title to such holding or part and to recover possession thereof.

(3) No suit under this section shall be brought against the Central Government or any State Government.

(4) No appeal shall lie from any order or decree passed in a suit under this section nor shall any review of such order or decree be allowed.

(5) The provisions of section 184 shall not apply to a decree or order passed under this section.

188. Injunction against wrongful ejectment— (1) Any tenant whose right to or enjoyment of the whole or a part of his holding is invaded or threatened to be invaded by his landholder or any other person may bring a suit for the grant of a perpetual injunction.

(2) The court may after making the necessary enquiry grant a perpetual injunction in the following cases, namely-

(a) if there exist no standard for ascertaining the actual damage caused or likely to be caused by the invasion;

(b) if the invasion is such that pecuniary compensation does not afford adequate relief;

(c) where it is probable that pecuniary compensation cannot be got for the invasion.

(d) where the injunction is necessary to prevent a multiplicity of proceedings.

CHAPTER XII

Grant of Land

Grants at favourable rates of rent

189. Liability of grants at favourable rate of rent to enhancement— (1) Notwithstanding anything to the contrary contained in any law for the time being in force or in any custom or usage having the force of Law or in the terms or conditions of any order in instrument, every grant at a favourable rate of rent, not being a village service grant, shall be liable on application to enhancement of rent in accordance with the sanctioned rent-rates consistently with the provisions of Chapter IX.

(2) Upon such enhancement the grantee at a favourable rate of rent shall be deemed to be a Khatedar tenant.

189A. Devolution and transfer of interest of grantees at favourable rates and other rights— (1) The interest of a grantee at a favourable rate of rent is heritable and shall devolve in accordance with the personal law applicable to him.

(2) Such interest shall be transferable in the same manner and to the same extent as the interest of a Khatedar tenant in his holding.

(3) A grantee at a favourable rate of rent shall have in respect of his grant the same rights as regards improvements and trees as a Khatedar tenant has in respect of his holding and the provisions of Chapters VI and VII shall apply.

(4) The provisions of Chapters VIII, X, XI, XV and XVI, shall apply as if such grantee were a Khatedar tenant:

189B. Extinction of interest of grantees at favourable rates— The interest of a grantee at a favourable rate of rent shall be extinguished— .

(a) on the happening of any of the events mentioned in Section 63, or

(b) when rent in respect of his grant is enhanced in accordance with the provisions of section 189.

Village Service Grants

190. Rights and liabilities of a village servant— (1) The interest of a village servant shall not be heritable or transferable except by way of sub-lease for a term not exceeding one year at a time nor shall such interest be liable to attachment or sale in execution of a decree or order.

(2) Subject to the provisions of sub-section (1), a village servant shall be deemed to be Gair Khatedar tenant.

191. Ejectment of a village servant— (1) A village servant shall be liable to ejectment from his village service grant on the suit of the estate-holder or in case such grant is held directly from State Government, on notice by the Tehsildar on one or more of the following grounds, namely

(i) that he was transferred or otherwise disposed of his grant in contravention of section 190 or any other provision of this Act;

(ii) that he has ceased to render the service which he is bound to render or has failed to render it properly;

(iii) that he has diverted the subject of his grant to non-agricultural purposes;

(iv) that the has resigned or been dismissed from his office.

(2) The provision of Chapter XI shall apply, so far as may be, to ejectment proceedings under this section as they apply in the case of Gair-Khatedar tenants.

192. Power to place village servant or his successor in possession— (1) If a village servant is ejectment from his grant or dies, the Tehsildar shall place his successor-in-office on the latter's application in possession thereof.

(2) If a village servant losses possession of his grant otherwise than in accordance with the provisions of this Act, the Tehsildar may, on application, reinstate him in the possession of such grant and may eject any person who may then be in possession thereof.

193. Disposal of land when services are no longer required— If the Collector Declares that the services rendered by a village servant are no longer required such village servant shall become a 'Khatedar enant' of his village service grant and hall be liable to pay rent accordingly.

CHAPTER XIII

Grove Holders

194. Rights and liabilities of grove-holders— (1) Notwithstanding anything contained in Chapter VII, a grove-holder may cut and sell trees and may replant trees as they are cut or die.

(2) Subject to the provisions of section 63 which shall apply, so far as may be to a grove-holder as they apply to a tenant, the rights of a grove-holder shall subsist so long as grove land retains its character as such, and on such land ceasing to be groveland, the grove-holder shall become a Khatedar tenant thereof.

(3) Grove land be liable to division in accordance with the provisions of section 53 which shall apply. So far as may be, to a grove-holder as they apply to a tenant.

(4) Where a person becomes a grove-holder in respect of land of which he is a tenant, he shall hold such land as a grove-holder in supersession of all subsisting right and liabilities so far as they are inconsistent therewith.

195. Rights to make improvement— A grove-holder may make an improvement which a Khatedar tenant may make and provisions of Chapter VI shall apply to him as if he were a Khatedar tenant.

196. Devolution and transfer of interest — (1) The interest of a grove-holder shall devolve according to the personal law applicable to him.

(2) A grove-holder shall have the right to transfer the whole or a part of his holding by sale, gift or mortgage and the restrictions imposed on such transfers by Khatedar tenants shall not apply :

Provided that, in the case of a transfer by mortgager such transfer shall be in the form of a usufructuary mortgage for a period not exceeding twenty years and the provisions of sub-section (2) and (3) of section 43 shall apply thereto.

(3) A grove-holder may sublet the whole or any part of his holding and the restrictions imposed on sub-letting by section 45 shall not apply :

Provided that no sub-tenant of grove-holder shall have any of the rights conferred by this Act on sub-tenants, other than those conferred on him under the provisions of this Chapter.

(4) A grove-holder may also, by written agreement, grant a farm or lease for the collection or sale of the produce of his grove for a period not exceeding three years at a time and the rights and liabilities of such farmer or lessee shall be governed and regulated by, and shall be enforceable in revenue court of competent jurisdiction in accordance with the terms of such agreement.

197. Provisions as to rent— (1) Subject to the provisions in sub-section (2), the rent payable in respect of grove land by a grove-holder other than a holder of Khudkasht shall be in case and shall be such as may be agree upon or failing such agreement, as may be determined by a competent revenue court and the provisions of Chapter IX relating to determination and modification of rent shall apply as if such grove-holder were a Khatedar tenant.

(2) Notwithstanding anything contained in sub-section (I), no rent shall be payable in respect of grove land by a grove-holder who has, before the commencement of this Act, acquired his holding permanently free of rent for the purposes of a grove on payment of a premium in lieu of rent :

Provided that rent shall be payable in accordance with sub-section (I) by such grove-holder-

(i) upon the commencement of this Act or upon the expiration of the period of thirty years from such acquisition, whichever may be later, if the premium paid by him exceeded ten times the annual rental of the holding then prevailing, or

(ii) upon such commencement or upon the expiry of the period of fifteen years from such acquisition, whichever may be later, if the premium paid by him did not exceed ten times such annual rent.

(3) The rent payable in respect of grove land by a sub-tenant to a grove holder shall be in cash and shall be such as may be agreed upon between him and his sub-tenant or failing such agreements as may be determined by a competent revenue court:

Provided that any condition in an agreement under this sub-section for the delivery of a specified portion of the products for the personal use of the grove-holder in part payment of such rent shall be deemed to be valid. (4) The provisions of Chapter shall apply to grove-holder as they apply to Khatedar tenants.

198. Ejectment- (1) While the land continues to be grove land a grove-holder shall be liable to ejectment only on any of the grounds mentioned in section 177 and the provisions of sections 161, 162, 164, 165, 166, 167, 168, 178, 179, 184, 185, 186, 187 and 188 shall apply to him as if he was a tenant.

(2) A grove-holder who is a trespasser shall be liable to ejectment in accordance with the provisions of section 183.

(3) A subtenant of a grove-holder shall be liable to ejectment on any of the grounds mentioned in section 175, 177, 180 and 183 and the provisions of Chapter XI shall apply, so far as may be.

(4) A farmer or lessee of a grove-holder shall upon suit be liable to ejectment on the ground of contravention of the terms of his agreement. **198A. Application of**

Chapters VIII, XV and XVI.- The provisions of Chapters VIII, XV and XVI shall apply to grove land as if the grove-holder thereof were as Khatedar tenant.

CHAPTER XIV

Daradars or Thekadars

199. Rights exercisable by an Ijaradar or Thekadar— (1) Except as otherwise provided by the terms of his 'Ijara' or Theka", an Ijaradar or Thekadar may exercise during the period and to the extent of his Ijara or Theka all the rights of the lesser under this Act, except

(i) the right to sue for the enhancement of rent or the ejectment of a tenant;

(ii) the right to make any improvement or grant permission for the making of any improvement ;

(iii) the right to cut trees ;

(iv) the right to sue a grantee at favourable rate of rent under provisions of Chapter X1I.

(2) The right which may be exercised by an Ijaradar or Thekadar under the foregoing sub-section shall not be exercised by the lessor during the period of Ijara or Theka.

200. Restrictions on the transfer or succession of Ijara or Theka— (1) The interest of an ljaradar or Thekadar:

(i) shall not be transferable in execution of a decree or order of any court; or

(ii) save as provided by the terms of the Ijara or Theka, shall not be otherwise transferable or be heritable.

(2) Where the interest of an Ijaradar or Thekadar is heritable it shall devolve according to the personal law applicable to him.

201. Grounds of ejectment— An Ijaradar or Thekadar shall be liable, to ejectment on one or more of the following grounds, namely:—

(i) that the rent due from him has not been paid in full ;

(ii) that any act or commission prejudicial to the right of the lessor or inconsistent with the purpose of the Ijara or Theka has been done or made by him ;

(iii) that he or any sub-Ijaradar qr subThekadar under him has broken a condition on breach of which he is by the terms of the Ijara or Theka liable to be ejected

(iv) that the term of the Ijara or Theka has expired on or before the end

of the current agricultural year;

(v) that his treatment with the tenant or other residents of the village has been oppressive.

202. How to proceeds for ejectment— When a lessor other than the State Government desires to eject an Ijaradar or Thekadar on any ground, he shall proceed by suit.

203. Remedy for wrongful ejectment— An Ijaradar or Thekadar who has been wrongfully ejected from the whole or any part of the Ijara or Theka area or wrongfully prevented form exercising his rights as Ijaradar or Thekadar by the lessor or any person claiming under, or as an agent of the lessor, he may sue for compensation for such wrongful dispossession or unlawful interference.

204. Surrender— An Ijardar or Thekadar may at any time, with the consent of the lessor, surrender his interest in the Ijara or Theka area.

205. Provision for holding over— If an Ijaradar or Thekadar remains in possession after the expiry of the term of his Ijara or Theka and the lessor accepts rent from him or otherwise assents to his continuing in possession, the Ijara or Theka shall, in the absence of an agreement to the contrary, be deemed to have been renewed from year to year.

CHAPTER XV

Procedure and Jurisdiction or Revenue Courts

General

206. Provision for pending cases, etc.—(1) All suits, cases, appeals, applications, references and proceedings relating to matters dealt within this Act, and pending before a revenue court on the coming into force of this Act, shall subject to any specific provisions of this Act to the contrary be deemed to have been commenced under this Act and shall be tried, heard and determined in the manner prescribed by or under this Act.

(2) Any such suits, cases, appeals applications, references or proceedings, which according to the provisions of this Act do not lie to or are not triable by the revenue court before which they are pending as aforesaid, shall be transferred to and be head and determined, in accordance with law, be the revenue court to which they lie or by which they are triable in accordance with the provisions of this Act.

(3) Any such suit, application, case or proceeding pending before a civil court when this Act comes into force which has been declared by section 207 to be exclusively triable by a revenue court shall be transferred by such civil court to the revenue court competent under section 207, to deal with and dispose of the same.

(4) Any suits, applications, cases or proceedings, other than those referred to in section 207, pending before a revenue court on the coming into force of this Act shall be transferred by such revenue court to the civil court having jurisdiction to try, hear and determine the same.

207. Suits and applications cognizable by revenue court only— (1) All suits and application of the nature specified in the Third Schedule shall be heard and determined by a revenue court.

(2) No court other than a revenue court shall take cognizance of any such suit or application or of any suit or application based on a cause of action in respect of which any relief could be obtained by means of any such suitor application.

Explanation— If the cause of action is one in respect of which relief might be granted by the revenue court, it is immaterial that the relief asked for from the civil court is greater than, or additional to, or is not identical with, that which the revenue court could have granted.

208. Application of Civil Procedure Code— The provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), except:

(a) provisions inconsistent with anything in this Act, so far as the inconsistency extends.

(b) provisions applicable only to special suits or proceedings outside the scope of this Act, and

(c) provisions contained in List I of the Fourth Schedule, shall apply to all suit and proceedings under this Act, subject to the modifications contained in List II of the Fourth Schedule.

209. Granting any relief to which plaintiff is entitled— In any suit or proceeding, the court may, on the application of the plaintiff and after framing the necessary issues, grant, any relief which the court is competent to grant and to which it may find the plaintiff entitled, notwithstanding that such relief may not have been asked for in the plaint or application :

Provided that, after framing such issues, the court shall, on the request of either party, grant reasonable time or the production of evidence.

210. Procedure when plea of payment in good faith to a third person is taken— When, in any suit or proceeding instituted under this Act, against a tenant for arrears of rent, the tenant pleads that he has paid the rent of the holding for the period in respect of which the suit or proceeding is instituted to a third person whom he, in good faith, believed to be entitled to receive such rent, the court shall at the cost of such tenant, make such third person a party in the suit or proceeding and shall inquire into and decide the question.

211. Suits etc. by co-sharers— (1) Except as otherwise provided in sub-section (3), when there are two or more co-sharers in any right, title or interest, all things required or permitted to be done by the possessor of the same shall be done by them conjointly, unless they have appointed an agent to act On behalf of all of them.

(2) Nothing in sub-section (1) shall affect any local usage or special contract by which a co-sharer is entitled to receive separately the whole or his share of the rent payable by a tenant.

(3) When one of two or more co-shares is not entitled to sue or proceed alone and the remaining co-sharers refuse to join in a suit or proceeding for money recoverable by them jointly, such co-sharer may sue or proceed separately for his share, joining the remaining co-sharers as parties thereto.

(4) Where the tenant of a holding or the illegal transferee of such tenant is also a co-sharer in the proprietary right in such holding nothing in this section shall require him to be joined as plaintiff or applicant in any suit or application brought or made against him as such tenant or illegal transferee under provision of this Act.

212. Provision for injunction and appointment of a receiver— (1) If in the course of any suit or proceeding under this Act, it is proved by affidavit or otherwise —

(a) that any property to which such suit or proceeding relates is in

danger of being wasted, damaged or alienated by any party thereto,

or

(b) that any party to such suit or proceeding threatens or intends to remove or dispose of the said property in order to defeat the ends of Justice, the court may grant a temporary injunction and, if necessary, appoint a receiver.

(2) Any person against whom an injunction has been granted or in respect of whose property a receiver has been appointed under sub-section (1) may offer cash security in such amount as the court may determine to compensate the opposite party in case the suit or proceedings is decided against such persons, and on depositing the amount of such security, the court may withdraw the injunction or the order appointing a receiver, as the case may be.

213. Sale of Khatedar tenant's interest in execution of decree of arrears of rent — (1) Subject to the provision of section 42, interest of a Khatedar tenant in his holding or in any part thereof may be sold in execution of a decree for arrears of the rent of such holding and unless such interest is purchased by the landholder thereof, the purchaser shall, subject to the provisions of sub-section (3), have the same interest in such holding or part and be subject to the same liabilities in respect thereof as the tenant.

(2) Before selling the interest of a Khatedar tenant in a part only of his holding in accordance with sub-section (1), the court executing the decree shall, in accordanCe with rules made by the Board, distribute the rent of the holding over such part and the remainder of the holding.

(3) When such interest is sold —

(a) a sub tenant, or

(b) an agricultural or other labourer or a village servant, who resides in the village or,

(c) any agriculturist who resides in the village, or

(d) the landholder, other than the State Government, or an estate holders, or

(e) the estate holder,

may in the above order of priority, within fifteen days of the date of sale, claim to take such interest at the highest bid:

Provided that where two or more persons belonging to the same class, being a class mentioned in clause (a) or clause (c) claim to take such interest, preference shall be given to the claiment who cultivates the smallest area in the village and when they cultivate an equal area the claim shall be determined in the prescribed manner:

Provided further that if two or more persons belonging to same class, being a class mentioned in clause (b) claim to take such interest, the claim shall be determined in the prescribed manner.

[38](4) Notwithstanding anything contained in sub-section (3) where the Khatedar tenant whose interest is sold under this section is a member of a Scheduled Caste or a Scheduled Tribe preference among rival claimants belonging to any of the classes mentioned in clauses (a), (b) and (c) shall be given to the claimant of a particular class who is a member of a Scheduled Caste or Scheduled Tribe.

214. Limitation in cases under this Act — (1) The suits and applications specified in the Third Schedule shall be instituted and made within the time prescribed therein for them and every such suit instituted or application made after the expiry of the period of limitation so prescribed shall be dismissed:

Provided that any such suit or application, for which the period prescribed by the said Schedule is shorter than the period prescribed by the law in force before the commencement of this Act, may be instituted or made within six months next after the commencement of this Act or within the period of limitation prescribed by the aforesaid law, whichever period expires first:

Provided further that any such suit or application for which a period of limitation is prescribed by the said Schedule but for which no period is prescribed by the aforesaid law may be instituted or made within the period prescribed by the said Schedule computed from the date of the commencement of this Act.

(2) If the payment of rent has been suspended under the order of a competent authority on account of an agricultural calamity, the period of suspension shall be excluded in the computation of the period of limitation prescribed for a suit for the recovery of such rent.

(3) Subject to the provisions contained in sub-sections (1) and (2) the provisions of the Indian Limitation Act, 1908 (Central Act LX of 1908) shall apply to suits, appeals, applications and proceedings under or in pursuance of this Act.

[38] Inserted by Raj.Act.No. 28 of 1956.

215. Court fee payable — The court fees payable in suits and on applications under this Act shall be as specified in the sixth column of the Third Schedule:

Provided that no court fee shall be payable in any suit or on application instituted or made by or on behalf of the State Government.

Powers of Court

216. Place of sitting of revenue courts — (1) The Board may sit for the disposal of cases at any place in the State.

(2) A revenue appellate authority shall sit at such place or places as the State Government may, from time to time, direct.

(3) A Collector, a Sub-Divisional Officer or an Assistant Collector may hold his court at any place within the district, subdivision or other local area to which he is appointed.

(4) A Tehsildar may hold his court at any place within his Tehsil.

217. Ordinary powers of different grades of revenue courts— (1) The different grades of revenue courts competent to dispose of suits and applications under this Act shall be those specified in the seventh column of the Third Schedule.

(2) Notwithstanding anything contained in sub-section (1), a Tehsildar shall have power to dispose of in accordance therewith only those suits or applications in which the State Government is not a party and in which the amount or value of the subject matter does not exceed three hundred rupees or such other maximum limit, not below one hundred rupees, as the State Government may from time to time, by notification in the Official Gazette direct and where any suit or application specified in the Third Schedule to be within the competence of a Tehsildar exceeds such amount or value or has been brought or made or against the State Government it shall be heard and disposed of by an Assistant Collector.

218. Inherent powers of revenue courts — In addition to the powers specified in the foregoing section-

(i) a revenue appellate authority shall have all the powers of a Collector, a Sub-Divisional Officer, an Assistant Collector and a Tehsildar;

(ii) a Collector shall have all the powers of a Sub-Divisional Officer, an Assistant Collector and a Tehsildar;

(iii) a Sub-Divisional officer shall have all the powers of an Essistant Collector and a Tehsildar; and

(iv) an Assistant Collector shall have all the powers if a Tehsildar.

219. Additional Powers of revenue courts— (1) The State Government may confer—

(a) on a Naib Tehsildar, all or any of the powers of a Tehsildar,

(b) on a Tehsildar, all or any of the powers of an Assistant Collector, and

(c) on an Assistant Collector, all or any of the powers of a Sub-Divisional Officer, or a Collector.

(2) In conferring powers under this section, the State Government may empower persons by name or classes of officers generally by their official designations.

(3) If an officer in any Tehsil, sub-divisional or other area who has been invested by name- with any powers under this section is transferred to an equal office of the same nature in another Tehsil, sub-division, district or area, he shall, unless the State Government otherwise directs, be held to be invested with the same powers under this section in such other Tehsil; sub-division, district or area.

220. Courts in which proceedings to be instituted— All suits and application specified in the Third Schedule shall be instituted in or made to the revenue court of the lowest grade competent to dispose of them in accordance with the provisions of section 217.

Provided that if there is no Assistant Collector or Sub-Divisional Officer in any area, the suits or applications cognizable by any of them shall be instituted in or more to the court of the Collector having jurisdiction over such area.

221. Subordination of revenue courts— The general superintendence and control over all revenue courts shall be vested in, and all such Courts shall be subordinate to the Board; and subject to such superintendence, control and subordination —

(a) **Omitted**.

(b) all Additional Collectors, Sub-Divisional Officers, Assistant Collectors and Tehsildars in a district shall be subordinate to the Collector thereof,

(c) all Assistant Collectors, Tehsildars and Naib-Tehsildars in a sub-division shall be subordinate to the Sub-Divisional Officer thereof, and

(d) all Additional Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Tehsildar thereof.

Appeals

222. Appeal not to lie unless allowed by this Act — No appeal shall lie from any decree or order passed by any revenue court except as provided in this Act.

223. Appeals from original decrees— An appeal shall lie from an original decree

(i) to the Collector if such decree is passed by a Tehsildar, and

(ii) to the Revenue Appellate Authority if such decree is passed by an Assistant Collector, a Sub-Divisional Officer or a Collector.

224. Appeals from appellate decrees — (I) An appeal shall lie to the revenue. appellate authority from a decree passed in appeal by a Collector.

(2) An appeal shall lie to the Board from a decree passed in appeal by a revenue appellate authority on any of the following grounds, namely

(i) the decision being contrary to law or to some usage having the force of law;

(ii) the decision having failed to determine some material issue of law or usage having the force of law;

(iii) a substantial error or defect in the procedure provided by or under this Act or by any other law for the time being in force, which may possibly have produced an error or defect in the decision of the case upon the merits, and

(iv) the decision being contrary to the weight of evidence on record where the lower appellate court has varied or reversed any finding of the trial court on a question of fact.

225. Appeal from orders— (1) An appeal shall lie from the final order passed on an application on the nature specified in the Third Schedule and from such other orders as are mentioned in Section 212 of this Act and in Section 104 of the Code of Civil Procedure, 1908 (Central Act, V of 1908) —

(i) to the Collector, if such order is passed by a Tehsildar,

(ii) to the Revenues, Appellate Authority, if such order is passed by an Assistant Collector, a Sub-Divisional Officer or a Collector, and

(iii) to the Board if such order is passed by a Revenue Appellate Authority.

(1-A) The provisions of sub-section (1) shall apply to all suits, applications or proceedings pending on the date of the commencement of the Rajasthan Revenue Laws (Amendment) Ordinance, 1975

(1-B) All pending appeals from orders other than those from which an appeal lies under sub-section (1) shall abate on the date of the commencement of the Rajasthan Revenue Laws (Amendments) Ordinance (Ordinance No. 13 of 1975).

(2) No appeal shall lie from any order passed in appeal under this section.

226. Power of Board to reject an appeal summarily- The Board may either admit an appeal or may summarily reject it.

227. No decree or order to be reversed or modified for error or irregularity — No decree or order shall be reversed or substantially varied, nor shall any case be remanded in appeal, on appeal, on account of any

mis-joinder of parties or causes of action or any error or irregularity in any proceedings, not affecting the merits of the case.

228. Limitation for appeals— (1) No appeal to the Collector shall be brought after the expiration of thirty days from the date of the decree or order complained of.

(2) No appeal to the revenue appellate authority shall be brought after the expiration of sixty days from the date of the decree or order complained of.

(3) No appeal to the Board shall be brought after the expiration of ninety days from the date of the decree or order complained of.

Review

229. Power of review by Board and other revenue courts— Subject to the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908) -

(1) the Board of its own motion or on the application of a party to a suit or proceeding, may review and may rescind, alter or confirm any decree or order made by itself or by any of its members; and

(2) every revenue court, other than the Board, shall be competent to review any decree, order or judgment passed by such court.

Revision

230. Power of the Board to call for cases— The Board may call for the record of any case decided by any subordinate revenue court in which no appeal lies either to the Board or to a civil court under section 239 and if such court appears —

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

(b) to have failed. to exercise jurisdiction so vested; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity.

Board may pass such orders in the case as thinks fit.

231. Powers to High Court to call for cases— The High Court may call for the record of any suit or application which has been decided by any subordinate revenue court and in which an appeal lies to a civil court under section 239 but no appeal lies to the High Court, and if such civil or revenue court appears—

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

(b) to have failed to exercise jurisdiction so vested ; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity.

The High Court may pass such order therein as it thinks fit.

Reference

232. Power to call for record and refer to the Board— The Collector may call for and examine the record of any case or proceedings decided by or pending before and revenue court subordinate to him for the purpose of satisfying himself as to the legality or propriety of the order or decree passed and as to the regularity of the proceedings, and, if he is of opinion that the order or decree passed or the proceeding taken by such court should be varied, cancelled or reversed, he shall refer the case with his opinion thereon for the orders of the Board shall, thereupon, pass such order as it thinks fit:

Provided that the power conferred by this section shall not be exercised in respect of suits or proceedings falling within the purview of section 239.

Transfer of Cases

233. Transfer of Cases by Revenue Board— The Board may, on sufficient cause being shown, transfer any suit, proceeding,, application, appeal or class of suits, proceedings, application or appeal from any revenue court to any other revenue court competent to deal therewith.

234. Omitted.

235. Transfer and withdrawal of Cases by Collector and Sub-Divisional Officer — A Collector or a Sub-Divisional Officer may withdraw any case or class of cases from any revenue court subordinate to him and

may try such case or class of cases himself or transfer the same to any subordinate revenue competent to deal with it.

236. Omitted

237. Transfer of cases by Collector or Sub-Divisional Officer— A Collector or a Sub-Divisional Officer may transfer any case or class of cases pending before himself to any subordinate revenue court competent to deal therewith.

238. Transfer of revenue appeals by High Court— The High Court may on sufficient cause being shown, transfer any appeal under sub-section (4) of section 239 from the civil in which they may have been brought to any other civil court competent to hear the same.

Question of Proprietary Right in Revenue Courts

239. Procedure when plea of proprietary right raised— (1) If in any suit or proceeding in a revenue court, a question of proprietary right in respect of land forming the subject matter of such suit or proceeding is raised and such question has not previously been determined by a civil court of competent jurisdiction the revenue court shall frame an issue on the question of proprietary right and submit the record to the competent civil court for the decision of that issue only

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Explanation I. — A plea of proprietary right which is clearly untenable and intended solely to oust the jurisdiction of revenue court shall not be deemed to raise a question of Proprietary right within the meaning of this section.

Explanation II.— A question of proprietary right does not include the question whether such land is 'Khudhasht'.

(2) The civil court, after re-framing the issue, if necessary, shall decide such issue only and return the record together with its finding thereon to the revenue court which submitted it.

(3) The revenue court shall then proceed to decide the suit accepting the finding of civil court on the issue referred to it.

(4) An appeal from a decree of a revenue court passed in a suit in which an issue involving a question of proprietary right has been decided by a civil court under sub-section (2) shall lie to the court which having regard to the valuation of the suit, has jurisdiction to hear appeals from the court to which the issue of proprietary right had been referred.

(5) A second appeal from a decree or order passed by a civil court in appeal under sub-section (4) shall lie to the High Court on any of the grounds mentioned in section 100 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

240. Limitation and court fee for appeal under section 239— The period of limitation and court fee in respect of appeals under sub-sections (4) and (5) of the last preceding section shall be the same as may for time being be provided for civil appeals to these courts.

241. Procedure in appeals when material for determining question of proprietary right not on record— If in any appeal under the prufisions of subsection (4) or sub-section (5) of Section 239, the appellate court has not before it all the material necessary for the determination of the question of proprietary right, it may either—

(a) remand the case to the civil Court which decided the issue on the question of proprietary right or,

(b) frame a fresh issue with respect to such question and refer it for trial to any subordinate civil Court of competent jurisdiction.

Question of Tenancy right in Civil Courts

242. Procedure when plea of tenancy rights raised in Civil Courts — (1) If in any suit relating to agricultural land instituted in a civil court, any question regarding tenancy rights arises and such question- has not previously been determined by a revenue court of competent jurisdiction, the civil court shall frame an issue on the plea of tenancy and record to the appropriate revenue court for the decision of that issue only.

Explanation — A plea of tenancy which is clearly untenable and intended solvely to post the jurisdiction of the civil court shall not be deemed to raise a plea of tenancy.

(2) The revenue court, after re-framing the issue if necessary, shall decide such issue only, and return the record together with its finding thereon, to the civil court which submitted it.

(3) The civil court shall then proceed to decide the suit accepting the finding of revenue court on the issue referred to it.

(4) The finding of the revenue court on the issue referred to it shall, for the purposes of appeal, be deemed to be part of the finding of civil court.

Conflict of Jurisdiction

243. Power to refer question of jurisdiction to High Court — (I) Where either a civil or a revenue court is in doubt whether it is competent to entertain any, suit, case, proceeding, application or appeal, or whether it should direct the plaintiff, applicant or appellant to file the same in a court of the other description, the court may submitted the record with a statement of the reasons for its doubt to the High Court.

(2) Where any suit case, proceeding, application or appeal having been rejected either by a civil court or by a revenue court (n the ground of want of jurisdiction is subsequently filed in a court of the other description the latter court if it disagrees with the finding of the former, shall submit the record with a statement of reasons for s disagreement to the High Court.

(3) In cases falling under sub-section (1), the court is a revenue court subordinate to the Collector, no reference shall be made under the forgoing provision of this section, except, with the previous sanction of the Collector.

(4) On any such reference being made, the High Court may order the court either to proceed with the case or to return the plain, application or appeal for presentation to such other court as it may declare competent to try the same.

(5) The order of the High Court shall be final and binding on all the courts subordinate to the Board.

244. Plea in appeal that suit was instituted in wrong Court — When a suit instituted in a civil or revenue court 'n appeal lies to a civil court, an objection that the suit was instituted in the wrong court shall not be entertained by the appellate court, unless such objection was taken in the court of first instance, and the appellate court shall dispose of the appeals if the suit had been instituted in right court.

245. Procedure when objection was taken in the court of first instance— If a any such suit an objection was made in the court of first instance and the appellate court has before it all the material necessary for the determination of the suit, it shall dispose of the appeal as if the suit had been instituted in the right court ;

(2) If the appellate court has not before it all such material and remands the case or frames issues and refers them for trial, or requires additional evidence to be

taken, it may direct its order either to the court in which the suit was instituted or, to such court is it may declare to be competent to try the same.

(3) No objection shall be taken or raised in appeal or otherwise to any such order on the ground that it has been directed to a court not competent to try the suit.

CHAPTER XVI

Miscellaneous

246. Arrears of revenue, profit etc.— Any person claiming any sum as arrear of rent, revenue or profit from the produce of land may bring a suit to recover the same.

247. Suit for arrears of revenue paid— (1) An estate-holder who had paid arrears of revenue on account of co-sharer may sue such co-sharer for the amount so paid.

(2) Co-sharer who paid arrears of revenue on account of an estate-holder or another co-sharer may sue such estate-holder or co sharer for the amount so paid.

248. Suit by or against Ijaredars or Thekadars— An Ijaredar or Thekadar may sue for the recovery of any amount paid by him as arrears of revenue due from the estate holder or his co-sharers or both and may be sued for the recovery of any amount paid on his account by the estate-holder or by a co-sharer.

249. Suit for settlement of accounts— A co-sharer may sue an estate holder or another co-sharer for a settlement of accounts and for his share of the profits.

250. Joinder of parties in certain cases— In any suit under section 246 or section 247 or section 248 or section 249 the plaintiff may sue any number of persons collectively and in such a case the decree shall specify the extent to which each of persons is affected thereby.

251. Rights of way and other private easement— (1) In the event of any holder of land, in actual enjoyment of a right of way or other easement or right, having, without his consent, been disturbed in such enjoyment otherwise than in due course of law, the Tehsildar may, on the application of the holder of land so disturbed and after making a summary inquiry into the fact of such enjoyment and disturbance, order the disturbance to be removed or stopped and the applicant-holder to be restored to such enjoyment, notwithstanding any other title that may be set up before the Tehsildar against such restoration.

(2) No order passed under this section shall debar any person from establishing such right or easement as he may claim by a regular suit in a competent civil court.

[39] **[251A. Laying of underground pipeline or opening a new way through another khatedar's holding or enlarging the existing way.** - (1) Where -

(a) a tenant intends to lay an underground pipeline through the holding of another khatedar for the purpose of irrigation of his holding; or

(b) a tenant or a group of tenants intend to have a new way, or enlargement or widening of an existing way, through the holding of another khatedar to have access to his holding or, as the case may

[39] Inserted by Notification no. F.2(24)vidhi/2/2010, year 2012, published on 18.01.12

be, their holdings of and the matter is not settled by mutual agreement, the tenant or the tenants, as the case may be, may apply for such facility to the Sub-Divisional Officer concerned, and the Sub-Divisional Officer, if he is satisfied after a summary inquiry, that

(i) the necessity is absolute necessity and it is not for mere convenient enjoyment of holding; and

(ii) particularly in case of a new way through another khatedar's holding, that absence of alternative means of access proved may, be order, allow the applicant, to lay pipeline, at least three feet beneath the surface of the land, along 'the line demarcated or pointed out by the tenant who holds that land, or to have a new way. not wider than thirty feet, through the land on such track as pointed out by the tenant who holds that land, and if no such track is pointed out, through the shortest or nearest route, or to enlarge or widen the existing way, not exceeding up to thirty feet, on payment of such compensation as may be determined by the Sub-Divisional Officer, in the prescribed manner, to the tenant who holds the land through which the right to lay pipeline or have a new way or enlarge or widen an existing way is granted [40a][or in lieu of payment of compensation, on transfer of land in exchange of equal area in the name of such tenant preferably having the same price and adjoining to his land.]

(2) Where a right to have a new way or enlarge or widen an existing way is granted under sub-section (1), the tenancy in respect of the land comprising such way shall be deemed to have been extinguished and the land shall be recorded as rasta in the revenue records.

(3) The persons permitted to avail any of the facilities referred to in sub-section (1) shall not, by virtue of the said facility, acquire any other right in the holding through which such facility is granted.]

252. Tenant entitled to compensation for illegal exactions— If any person-

(i) Knowingly collects any sum or produce in excess of the amount due as an arrear of rent or Sayar; or

[40a] Inserted by sec 2 of rajasthan act no. 23 of 2023, published on 06-09-2023..

(ii) Charges interest on an arrear of rent at a rate exceeding that allowed by this Act; or

(iii) infringes the provisions of section 34 or collects any sum by way of premium or cess which is irrecoverable under the provisions of sections 34 and 35; or

(iv) collects any rent of which payment has been remitted in accordance with the provisions of this Act, or before the expiry of the period of

suspension, collects any rent of which payment has been suspended in accordance with the provisions of this Act; or

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

the tenant shall be entitled to recover from such person such compensation not exceeding one hundred rupees as the court having regard to the circumstances of the case, may decree, in addition to any amount or the value of any produce which may have been so-collected, charged or credited.

253. Failure to give receipt— (1) When in any suit for arrears of rent the court finds that the landholder other than the State Government has without reasonable cause refused or neglected to deliver to the tenant a receipt, or retain a counterfoil, in the manner prescribed by section 135, it may award to the tenant such compensation not exceeding double the amount or value of the rent paid, as it may decree.

(2) If any person habitually refuses or neglects to give receipts in accordance with the Provisions of section 135, he shall, on conviction by a criminal court be liable to fine not exceeding two hundred rupees.

254. Protection of action taken under Act.— (1) No suit or other legal proceeding shall lie Against the State Government for anything Cone or intended to be done under any provisions of this act or of any rule made thereunder.

(2) No suit or other proceeding shall lie against any person for anything in good faith done or purporting to be done under this Act any rule made thereunder.

255. Recovery of costs, etc.— All rates, costs, interests, charges, fees, fines, penalties, compensation, and other moneys payable to the State Government under this Act or the rules made thereunder shall, unless otherwise provided for specifically be-recoverable as arrears of land revenue.

256. Bar to jurisdiction of Civil courts — (1) Save as otherwise provided specifically by or under this Act, no suit or proceeding shall lie in any civil court with respect or any matter arising under this Act or the rule made thereunder, for which a remedy by way of suit, application, appeal or otherwise is provided therein.

(2) Save as aforesaid no order passed by the State Government or by any revenue court or Officer in exercise of the powers conferred by this Act or the rules made thereunder, shall he liable to be questioned in any civil court.

257. Power of Government to make rules— (1) The State Government may by notification in the Official Gazette make rules for the purpose of carrying into effect the provisions of this Act.

(2) in particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely;

(i) the fees payable under this Act;

(ii) **Omitted**.

(iii) the attestation of leases, counterparts and agreements;

(iv) **Omitted**.

(v) any matter which under any provisions of this Act, is required to be or may be, prescribed, or for which, by any such provision, rules are required to be, or may be, made by the State Government.

258. Power of Board to make rules— (1) The Board may with the previous sanction of the State Government and by notification in the Official Gazette make rules consistent with this Act and with the rules made under Section 257.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may provide:

(i) for the guidance of officers in the determination, enhancement, abatement and commutation of rent;

(ii) for the guidance of officers deciding suits and applications under this Act;

(iii) as to the procedure to be followed in suits and applications under this Act;

(v) as to the persons before whom and the mode in which affidavits may be made and matters which may be provided by affidavits;

(vi) as to the principles on which the part of the holding from which a tenant is to be ejected may be determined and the determination of such part;

(vii) for the collection of fines, compensation, damages or other sums imposed, awarded or ordered to be paid under the provisions of this Act and the rules made thereunder;

(viii) for the guidance of rent rate officer;

(ix) for the guidance of officer in executing a decree for arrears of rent by sale of the interest of a tenant in a holding or a part of such holding ;

(x) for all matters which under any provisions of this Act may be, or are required to be, prescribed, or for which, by any such provisions, rule may be, or are required to be made, otherwise than by the State Government; and

(xi) generally for giving effect to the provisions of this Act and the, rules made under section 257;

259. Rule subject to the condition of previous publication.— (1) All rules made under Section 257 and Section 258, shall be subject to the condition of previous publication, and the date to be specified under clause (3) of section.23 of the General Clauses Act, 1897 (Central Act X of 1897), shall not be less than one month from date on which the draft of the proposed rules is finally published.

Provided that any rules under Section 257 may be made without previous publication if the State Government considers that it should be brought into force at once.

(2) All rules made under this Act shall be laid for not less than fourteen days before the State-Legislature as soon as possible after they are made.

260. Saving— Nothing in this Act or in the rules made under this Act shall in any way affect the provisions of the Rajasthan Bhoodan Yogna Act, 1954 (Rajasthan Act XVI 1954) and the rules made thereunder or anything done or deemed to have been done under or in pursuance of those provisions.

THE FIRST SCHEDULE

[See Section 3(1)]

List of Enactments Repealed

S.No.	Short title of the enactment	Extent of Repeal
1	The Bundi State Tenancy Act.	The whole.
2	The Bikaner Tenancy Act, 1945	The whole.
3	The Marwar Tenancy Act, 1949	The whole.
4	The Jaipur Tenancy Act, 1945	The whole.
5	The Jaipur State Land Tenures Act, 1947	The whole except provision relating to survey, record and settlement operations
6	The Rajasthan Removal of Trees (Regulation) Ordinance, 1949.	They whole.
7	7 The Rajasthan Protection of Tenants Ordinance, 1949	The whole.
8	8 The Rajasthan Protection of Tenants Ordinance (Amendment) Act, 1952	The whole
9	9 Rajasthan (Protection of Tenants) Amendment Act,	The whole.
10	The Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.	The whole except provisions relating to survey, record and settlement operations
11	11 The Rajasthan Produce Rent Regulation Act, 1951	The whole.
12	The Rajasthan Agricultural Rents Control Act, 1954.	The whole.

THE SECOND SCHEDULE

Tenures of Jagir Land

[See clause (22) of section 5]

1. Jagir
2 Istamrar
3. Chakoti
4. Tankha
5. Suba
6. Manila
7. lnam
8. Lalji
9. Kangi
10. Aloofa
11. Thikanas of Dholpur State
12. Khidmat
13. Khanpan
14. Jaidad Sigha
15. Muafi
16. Tankedar
17. Bhoom
18. Salami
19. Charkrana
20. Petroti
21. Rajvi
22. Tazimi
23. Bhogta
24. Mustadi
25. Hazuri
26. Sansan
27. Khawas Paswan
28. Risala
29. Merzidan
30. Patte
31. Udak
32. Gurzara
33 Juna Jagir
34. Bhomichara
35. Pasaita
36 Bead
37. Dumba
38. Doli

39. Milak
40. Punyarth
41. Dharmada
42. Ijara Istimrar.
43. Bapoti
44. Bakshish
45. Any other class or tenure of State grant of land.

THE THIRD SCHEDULE

Suits, Applications and Appeal under tile Act

(See-Sections 207, 214, 215 and 217)

Note :— References in this Schedule to the Court Fees Act shall be deemed to be references to the Court Fees Act. 1870 of the Central Legislature as adapted to Rajasthan.

S. No.	Section of Act	Description of suit, application or appeal	Period of Limitation	Time from period begins to run	Proper Court Fees	Court/Officer
1	2	3	4	5	6	7
Part-Suits						
1	32	Suit for obtaining lease or counterpart	None	None	One Rupee	Assistant Collector
2	xxx					
3	53	Suit for division of holding.	None	None	"	Assistant Collector
4	58	Suit to have a notice of surrender declared invalid	None	None	"	Assistant Collector
5	88	Suit for declaration of the plaintiffs rights:-	None	None	"	Assistant Collector
		(I) as a tenant, or				
		(ii) as tenant of Khudkasht, or				
		(iii) as a sub-tenant, or				
		(iv) for a share in a joint tenancy				
6	89	Suit for declaration to :-	None	None	"	Assistant Collector
		(I) class of tenancy.				
		(ii)area of boundaries of holding.				
		(iii) rent payable in respect thereof and manner of its payment				

		(iv) the date of instalments. (v) the time, place and manner of appraisement, division of delivery (vi) the time of tenancy. (vii) other special conditions.				
7	90	Suit for declaration of land as Khudbasht	None	None	"	Assistant Collector
8	91	Suit for declaration of any other right.	None	None	"	Assistant Collector
8-A	92	Suit for injunction.	Three years	When the cause of action arises.		Assistant Collector
9	109	Suit for declaration, commutation, abatement of enhancement of	As in section 109	As in section 109		
10	115	Suit for fixation of rent.	None	None	"	Assistant Collector
11	117	-3 Suit for modifying or setting aside award given under section 117(2)	None	None	"	Assistant Collector
12	117	(4) Suit for declaration of the mode of payment of rent	None	None	"	Assistant Collector
13	118	Suit for commutation of rent.	None	None	"	Assistant Collector
14	120 & 121	Suit for enhancement of rent.	None	None	"	Assistant Collector
15	120 & 124	Suit for abatement of rent.	None	None	"	Assistant Collector

16	142	Suit for recovery of the amount of deposit.	Three years	When the amount deposited was paid	As in the Court Fees Act	Tehsildar.
17	150	Suit for arrears of produce rent.	Three years	Date on which arrear became due	As in the Court Fees Act	Assistant Collector
18	154	Suit for arrears of rent.	Three years	Date on which arrear became due.	As in the Court Fees Act	Tehsildar.
19	155	Suit against co-tenant for rent paid on his account	Three years	Date on which payment was made due.	As in the Court Fees Act.	Tehsildar.
20	158	Suit for arrears of irrigation dues.	Three years arrear became due.	Date on which Fees Act.	As in the Court	Tehsildar
21	160	Suit by a tenant for recovery of any amount recovered in excess of rent	Three years	Date of payment.	As in the Court Fees Act.	Tehsildar
22	179	Suit for compensation or injunction or the repair of damage	One year	When the damage is done or waste begins or condition is	One Rupees	Assistant Collector
		or waste		broken.		
23	183	Suit for ejectment of trespasser.	Twelve years	When the cause of action arises	One Rupee	Assistant Collector
23-A	187	Suit for recovery of possession or for compensation or for both.	Three years	Commencement of the Rajasthan Tenancy (Third Amendment) Act. 1960 or when wrongful ejectment or dispossession takes place or the tenant is prevented from obtaining possession,	One Rupee	Assistant Collector
23-B	187-B	Summary suit for reinstatement based of possession	Six Months	When ejectment or dispossession takes place.	Fifty Paise	Assistant Collector
23-C	188	Suit for perpetual injunction.	Three years action arises	When the cause of	One Rupee	Assistant Collector

24	191	Suit by estate holder for ejectment of a village servant	None	None	One Rupee	Assistant Collector
25	194(3)	Suit for division of grove land.	None	None	One Rupee	Assistant Collector
26	197 read with Chapter IX & X	Suit by or against grove holders in relation to determination, modification, recovery and	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.
27	198 read with Chapter XI.	Suit by or against holders for ejectment.	As in relation to a Khatedar tenant or a landholder as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.
27-A	198-A read with Chapters VIII.	Suits by or against grove holders for declaration or rights and other matters specified in those	As in relation to a Khatedar tenant or a landholder as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the the case may be.
28	199 read with Chapters IX and X	Suit by or against Ijaredars or Thekadars in relation to matters specified in Chpaters IX and X subject to the provisions of	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.
29	202	Suit for ejectment of an Ijaredar or Thekadar	None	None	One Rupee	Assistant Collector.
30	203	Suit by an Ijaredar or Thekadar for compensation	One year action arises.	When the cause of Act	As in Court Fees	Assistant Collector
31	246	Suit for arrears of rent, revenue for compensation	Three years become due.	When the arrears Act.	As in Court Fee	Tehsildar

32	247	Suit for the amount paid as arrears of revenue or rent on account of: (i) a co-sharer, or (ii) an estate holder.	Three years	When the payment was made.	As in Court Fees Act.	Tehsildar.
33	248	Suit by or against Ijaredars or Thekedars for recovery of amount paid as arrears of	Three years	When the payment was made.	As in Court Fees Act	Tehsildar.
34	259	Suit for settlement of accounts and division of profits	Threes years became divisible	When the profits	As in Court Fees Act.	Tehsildar.
35	General	Any other suit in respect of any matter arising under this Act in specifically provided for elsewhere in this	One year	When the cause of action arises.	One Rupee	Assistant Collector.
Part-II Applications						
35-A	15(3)	Application for declaration of having acquired Khatedari rights	Three years	Date of Commencement of	Fifty paise.	Assistant Collector.
35-B	15(2)		Four years	"	"	"
35-C	15-AAA-(2)	Application for declaration of Khatedari rights in Indira Gandhi Canal area.	One year	Date of commencement of the Rajasthan Tenancy (Amend) Act, 1979	Fifty Paise	Assistant Collector or prescribed authority
35-CC	15-AAA-(3)	Application for gram of Khatedari rights in the Indira Gandhi Canal Area	Up to 30.6.1987 or the day upto which period is extended by State Govt.		Fifty Paise	Assistant Collector or any other Officer or authority authorised by the State

35-D	19(2)	Application for declaration of having acquired Khatedari right	Two years	Date of commencement of the Rajasthan Tenancy	Fifty Paise	Assistant Collector
				(Amend.) Act. 1959.		
35-E	19(2A)(i)	Institution of proceedings or application for declaration of having acquired	One year	Date of commencement of the Rajasthan Tenancy (Amend.) Act,	Fifty Paisa on application None on suo moto	Assistant Collector.
36	19-(2A)(iv)	Application for restitution of possession.	Six months	Date on which declaration is made under section 19(2A)(i) or	Fifty Paise	Assistant Collector
36-A	19(4)	Application by tenant of Khudkasht or sub-tenant that he does not wish to acquire	Three years	Date of commencement of the Rajasthan Tenancy (Amend.) Act. 1959.	Fifty Paisa.	Assistant Collector
37	30-E(2)	Surrender of land in excess of ceiling area.	Six months under sec. 30E(i)	Date Notified	None	Tehsildar.
38	31	Application of allotment of site for residential house	None	None	Fifty Paisa	Tehsildar.
38-A	33	Application or attestation of leases.	Four months	Date of execution.	Fifty Paisa by Government.	Officer or person appointed
38-B	36-A	Application for acquisition of right to Nalbat.	One year, commencement of the Raj. Tenancy (Amend.) Act,	Date of	One Rupee	Sub-Divisional Officer.
38-C	42-A	Application for declaration as valid of sale, gift or bequest.	One year.	Date of commence. Of the Raj. Tenancy (Amend.) Act,	Fifty Paisa.	Collector or any officer or authority authorised by the State
39	49	Application for exchange for consolidation.	None	None	Fifty Paisa.	Assistant Collector

40	61(1)	Application for issue of a proclamation relating to abandonment	None	None	Fifty Paisa.	Tehsildar
41	62(2)	Application for re-instatement and restoration of holding treated as	One year	Date of service of publication or proclamation.	One Rupee	Tehsildar.
41-A	63(2)	Application for acquisition of right of tenants-in-chief	One year.	Date of extinction of interest of tenant-in-chief	One Rupee	Sub-Divisional
42	67	Application by land holder for sanction to make improvement	None	None	Fifty naye Paise	Tehsildar.
43	69	Application by tenant for permission to make an improvement which the landholder	None	None	Fifty naye Paise	Tehsildar
43-A	72 Proviso	Application for commutation of rent.	None	None	One Rupee	Sub-Divisional Officer
44	77	Application for registration of out-lay on improvements	Six months	Date of completion of work.	Fifty naye Paise.	Tehsildar
45	78	Application for decision of a dispute as to improvement of the nature specified in	None	None	Fifty naye Paise	Assistant Collector.
46	79(2)	Application for an order prohibiting the planting of trees or the removal of trees already	None	None	Fifty naye Paise	Tehsildar

46-A	80	Application for payment of compensation for trees which have vested in a Khatedar tenant under this section, but are the property of	Six years	Date of commencement of Act.	Fifty naye Paise.	Tehsildar.
46-B	81	Application for payment of compensation for trees standing on unoccupied land let out to any person other than the owner	Two years	Date of commencement of Act.	Fifty naye paise.	Tehsildar.
47	84(5)	Application of licence to remove trees.	None.	None	Fifty Paise	Sub-Divisional Officer.
48(1)	85	Application for decision of a dispute as to trees, of the nature specified	None	None	Fifty Paise	Tehsildar
48(2)	86	Application or report for penalising unlawful removal trees	Three years	Date of contravention.	Fifty Paise.	Assistant Collector.
48-A	102	Application for recovery of excess rent	Three years	Date of realisation	Fifty Paise	Tehsildar
		realised.				
48-B	193	Application for conversion of rents	None	None	Fifty Paise	Tehsildar
49	xxx					
50	xxx					
51	117	Application for determination of rent on partial ejectment or surrender	None	None	Fifty Paise	Assistant Collector

52	117(1)	Application for settlement of dispute regarding any harvest	None	None	One Rupee	Tehsildar
53	117(2)	Application for award on a dispute as to the practice for the payment of rent	None	None	One Rupee	Tehsildar
53-A	118(3)	Application for communication of rent.	None	None	One Rupee	Assistant Collector
53-B	120 & 121	Application of enhancement of rent.	None	None	None	Assistant Collector
53-C	120 & 124	Application for abatement of rent	None	None	One Rupee	Assistant Collector
54	139	Application for deposit of rent.	None	None	Fifty Paise	Tehsildar
55	140(4)	Application of repayment of deposit	None	None	Fifty Paise	Tehsildar
56	114(5)	Application for compensation on account of abstruction to tendings cutting	None	None	Fifty Paise	Tehsildar
57	148	Application for deputing an officer to make division estimate or appraisement	None	None	One Rupee	Tehsildar
57-A	149(8)	Application for bond or attachment	None	None	Fifty Paise	Tehsildar
58	160	Application for realising arrears of rent as arrears of land revenue	None	None	One Rupee	Collector
59	164	Application for compensation on ejectment	None	None	One Rupee	Court before which ejectment proceeding are pending
60	166(2)	Application for determination of the value of crop or trees.	None	None	One Rupee	Court executing decree or order for ejectment

61	169	Application for issue of notice	None	None	Fifty Paise	Tehsildar
62	170	Application for setting aside an order passed exparte	One month	Date of order	Fifty Paise	Tehsildar
63	xxx					
64	174(2)	Application for issue of notice	As in Serial No. 83.	As in Serial No. 83.	As in Serial No. 83.	As in Serial No. 83
65	175(5)	Application for extension of time for payment of decreed amount or for payment by	None	None	Fifty Paise	Court executing the decree
66	175	Application for ejectment for illegal transfer or sub-letting	Thirty years	Date of transfer or sub-lease	One Rupee	Assistant Collector
67	177	Application for ejectment for	Three years	When the detrimental or	One Rupee	Assistant Collector
		detrimental act or breach of condition.		inconsistent act done or the condition is broken		
68	180	Application for ejectment of a Gair Khatedar tenant, tenant of Khudkhasht or				
		(i) under clause (a) or (d)				
		(a) by any of the Persons enumerated in section 46.	Three years commencement of Act or three years from cessation of which ever	From date of	Fifty Paise	Assistant Collector
		(b) in any other case.	Three years of Act.	Date of commencement	Fifty Paise	Assistant Collector.
		(ii) Under clause (b) and (c)	One year action arises.	When that cause of	Fifty Paise	Assistant Collector
68-A	182-B	Application for restoration of land from which ejected or acquisition of Khatedari rights	Three years	Date of actual ejectment	One Rupee	Sub-Divisional Officer.

68-B	183-A	Application for the summary eviction of the mortgagee on non-delivery of possession of land after expiry of the period of mortgage.	Twelve years	Date of expiry of the period of montage and where such periods deem to have expired under sub-section (4A) of sec.43 before the date of the commencement of the Rajasthan	Fifty Paise	Assistant Collector.
				Ordinance 1978, the date of such commencement		
68-C	183-B	Application for summary ejectment of trespasser of the land held by a member of scheduled caste or scheduled	Twelve years	When the cause of action accrued.	Fifty Paise	Tehsildar [w.e.f. 26.05.1989.]
69	186	Application for re-instatement	Three months	Date of commencement of Act or of wrongful ejectment or	Fifty Paise	Collector
69-A	188	Application for enhancement of rent.	None	None	"	Assistant Collector
70	192	Application by village servant for possession or re-instatement	Six months	Date of dispossession	Fifty paise	Tehsildar
71	197 read with Chapter IX and X	Application by or against grove-holders in relation to recovery and payment of rent.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case may be.	As in relation to a Khatedar tenant or a landholder, as the case	As in relation to a Khatedar tenant or a landholder as the case may
72	xxx					

73	195 read with Chapter VI	Application by or against grove-holders in relation improvements.	As in relation to a Khatedar landholder, as the case may be	As in relation to a Khatedar landholder, as case may be	As in relation to a Khatedar landholder, as the case	As in relation to a Khatedar landholder, as the case
74	198 read with Chapter XI	Application by or against grove-holders in relation to ejectment.	-do-	-do-	-do-	-do-
74-A	198-A read with Chapter VIII, XV and XVI	Application by or against grove-holders for declaration of rights and other matters specified in those	As in Serial No. 27-A	As in Serial No. 27-A	As in Serial No. 27-A	As in Serial No. 27-A
75	199 read with Chapter IX and X	Application by or against Ijaredars or Thekedars in relation to matters specified in Chapters IX and X subject to the provisions of	As in relation to a landholder	As in relation to a landholder	As in relation to a landholder	As in relation to a landholder
76		Application for review-	Six months	Date of decree or order	As in Court Fees Act	
		(i) to the Board				
		(ii) to other Revenue courts				
77		Application for revision to the Board	None	None	Two Rupees	
78		Application for revision to the High Court	None	None	Two Rupees	
79		Application for exercise of the power conferred by section 232	None	None	One Rupee	
80		Application for transfer presented to:-				
		(i) a Sub-Divisional Officer,	None	None	Fifty Paise	

		(ii) a Collector,	None	None	Fifty Rupees	
		(iii) (HHH)				
		(iv) the Board, or	None	None	One Rupees As in the Court Fees Act	
		(v) the High Court	None	None		
81	251	Application for decision of a dispute as to right of way or other easement	None	None	One Rupee	Tehsildar
[81.A	251-A	Application for laying under-ground pipeline or opening a new way through another Khatedar's holding or enlarging or widening the	None	None	One Rupee	Sub-Divisional Officer.]
82	252	Application by tenant for compensation on account of illegal exactions	None	None	One Rupee	Tehsildar
83	General	Application for the execution of a decree	As in the case of a Civil Court decree	As in the case of a Civil Court decree	One Rupee	Court which passed the decree
84	General	Application in a pending suit, appeal or other proceedings when presented:				
		(I) to the High Court	None	None	As in the Court	
		(ii) to the Board	None	None	One Rupee	
		(iii) to the Courts	None	None	Fifty Paise	
85	General	Any other	Three years	When the cause	Fifty Paise	Assistant
		application in respect of any matter under this Act not specifically provided for elsewhere in this		of action arises		Collector.

Part III-Appeals						
86	xxx					
87	xxx	Appeal from original decrees:				
88	xxx	(I) to the Collector	Thirty days	Date of decree	Same as on plaint	….....
		(ii) to the revenue appellate authority	Sixty days	Date of decree	Same as on plaint	….....
89	xxx	Appeals from appellate decrees:-				
		(i) to the revenue appellate authority	Sixty days	Date of decree	Same as on plaint	….....
		(ii) to the Board	Ninety days	Date of decree	Same as on plaint	….....
90	xxx	Appeals:-				
		(I) to the Collector	Thirty days	Date or Order	One Rupee	….....
		(ii) to the revenue appellate authority	Sixty days	Date of Order	One Rupee	….....
		(iii) to the Board	Ninety days	Date of Order	One Rupee	….....

The Fourth Schedule

Application of the Code of Civil Procedure, 1908

(See-Section 208)

List I

Section and Order of the Code of Civil Procedure, 1908, which do not apply to suits or proceedings under this Act-

Section 9
Section 24.

Section 55 to 59 inclusive
Section 68 to 72 inclusive
Section 88
Section 113, 114 and 115
Order XXI rule 37, 38, 39 and 40]
Order XXII, rule 8
Order XXXIII, (Pauper suits)
Order XXXV (inter pleader suits.)
Order XXXVI (Special case.)
Order XLIV (Pauper appeals)
Order XLVI (Reference)

S. No.	Provision of the Code	Modification
1	2	3
1	Section 33	No decree need be prepared in the case of application under this Act unless the preparation of a decree is specially prescribed.
2	Section 55	Clause(c) and the proviso shall be omitted.
3	Section 60	To the particulars not liable to attachment or sale shall be added "manure stocked by an agriculturist."
4	Section 122	in this Section:-
		(i) For the expression "High Court not being the Court of a Judicial Commissioner" the expression - "The Board" shall be substituted.
		(ii) Between the words- "from time to time" and "after previous publication" the words - "after previous sanction of the State Government and" shall be deemed to be inserted; and
		(iii) For the words - "Civil Courts", the words "Revenue Courts" shall be deemed to be substituted".
5	Section 144	In this section, the words 'or order' shall be deemed to be inserted after the word decree' wherever it occurs".
6	Order(5) Rule 9 to 30	A summon or notice may, if the State Government by rules, either generally or in respect of any local area or class of cases, so directs, be served by post in addition to another mode or service
7	order VII Rule 1	In addition to the particulars contained in this rule, plaint shall specify the name of the village and tehsil or other local area in which the land to which the suit or proceeding relates is situated and, unless such land can be otherwise adequately described, the number of each field according to survey, and if the suit is for arrears of rent the plaint shall contain a statement of account showing the demand for each period to which the relates, the amount, if any, received and the amount claimed to be; and, if the suit or proceeding is for ejectment of a tenant the plaint or application shall set forth the ground or grounds on which such
8	Order XX, Rule 6.	Every decree for rent shall also state the amount, including interest, due on account of each agricultural year in respect of which relief is granted.
9	Order XXI	No application for the execution of a decree shall be made by an assignee of the decree unless the assignor's interest in the land to which it relates has becomes and is vested in such assignee.
9-A.	Order XXI, Rule II	Sub-rule (i) and sub-clause (iii) of clause (j) of sub-rule (2) shall be omitted.
9-B.	Order XXI Rule 30	The word"by the detention in the civil prison of the judgment debtor or and he words or by both" shall be omitted.
10	Order XLI Rule and With Order XLII	In addition to the copies required by this rule, every memorandum of second appeal shall be accompanied by a copy of the judgment of the original court.
11	xxx	
12	xxx	