

The Rajasthan Zamindari and Biswedari Abolition Act, 1959

Act No. 8 of 1959

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(Received the assent of the President on the 12th day of February, 1959.)

An Act to provide for the abolition of, and the acquisition of the right, title and interest in estates held by Zamindars and Biswedars in the State of Rajasthan and for, other matters connected therewith.

Be it enacted by the Rajasthan State Legislature in the Ninth 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 Zamindari and Biswedari Abolition Act, 1959.

(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.

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

(1) "*Biswedar*" has the meaning assigned to it by clause (5) of Section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(2) "*estate*" means land, or right, title or interest in land, held by a Biswedari or a Zamindari;

(3) "*land*" means every class or category of land forming part of an estate and includes,-

(a) benefits to arise out of such land,

(b) things attached to the earth or permanently fastened to anything attached to the earth,

(c) sites of villages or towns,

(d) beds of tanks, ponds, embankments, rivers and water channels, and

(e) surface of hills;

(4) "*settled*" has the meaning assigned to it by clause (n) of Section 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act 6 of 1952);

(5) "*Zamindari*" has the meaning assigned to it by clause (46) of Section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and includes a malik (landowner) in the Gang Canal area;

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

(7) words and expression used to denote the person in possession of any right, title or interest shall be deemed to include the predecessors and successors in right, title or interest of such person.

3. Act to override other laws. - Save as otherwise expressly provided in this Act, the provisions of this Act, and of the rules and order made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law and rules for the time being in force or any instrument having effect by virtue of any law or usage, agreement, settlement, grant, sanad or any decree or order of any court or other authority.

CHAPTER II

Abolition of Zamindari and Biswedari Estates

4. Abolition of Zamindari & Biswedari estates and their vesting in the State. - (1) As soon as may be after the commencement of this Act, the State Government may, by notification in the Official Gazette, appoint a date for the abolition and acquisition of Zamindari and Biswedari estates, or any class of such estates, in the State, or in any area thereof specified in the notification, and for their vesting in the State Government.

(2) Different dates may be fixed for such abolition and vesting of different classes of Zamindari and Biswedari estates in the State.

(3) The classification referred to in sub-Sections (1) & (2) may be made according to the size or income of such estates or according to the land revenue payable in respect thereof or according to the different areas of the State in which they are situated or according as they are settled or unsettled or according to the tenures thereof or the names by which the holders thereof are known or designated or otherwise.

(4) The State Government may, by notification in the Official Gazette, vary any date appointed under sub-Section (1) at any time before such date.

(5) The date finally appointed under this section in relation to the abolition and acquisition of any Zamindari or Biswedari estate in hereinafter referred to as "the date of vesting" thereof in the State Government.

5. Consequences of abolition. - (1) After the issue of a notification under sub-Section (1) of Section 3, no right shall be acquired in or over any land in an estate affected thereby except by succession or under a grant or contract in writing made or entered into by or on behalf of the State Government and no fresh clearings for cultivation or for any other purpose shall be made in such land by or on behalf of the holder of such estate otherwise than in accordance with rules made by the State Government in this behalf.

(2) As from the date of vesting of any Zamindari or Biswedari estate in the State Government, notwithstanding anything contained in any contract, grant or other document or in any law for the time being in force but save as otherwise provided in this Act-

- (a) such estate shall stand transferred to, and vest in, the State Government free from all encumbrances;
- (b) the right, title and interest of the Zamindar or Biswedari and of every person claiming through him, in such estate, including land (cultivable, waste or barren) grove-land, grass land or birs, scrub jungle, forests, trees, fisheries, hills, wells, tanks, ponds, water courses and channels, ferries, pathways, village sites, abadi sites, hats, bazars, meals and mela grounds, and in all sub-soil therein, including rights, if any, in quarries and mines whether being worked or not and in all mineral and mineral products, shall cease and be vested in the State Government, free from all encumbrances, for the purposes of the State, and every mortgage, debt or charge on any such right, title or interest shall be a charge on the amount of compensation payable to the Zamindar or Biswedari under this Act;
- (c) all grants and confirmations of title of or to land in such estate or of or to any right or privilege in respect of such estate or land revenue in respect thereof shall, whether liable to resumption or not, determine;
- (d) every right, title or interest created in or over such estate by the Zamindar or Biswedari or his predecessor-in-interest shall, as against the State Government, cease and determine;
- (e) all rents and cesses in respect of any holdings in such estate for any period after the date of vesting, which, but for such vesting, would have been payable to the Zamindar or Biswedari, shall vest in and be payable to the State Government, and any payment made in contravention of this clause shall not be a valid discharge of the person liable to pay the same;
- (f) where under an agreement or contract made before the date of vesting any rent, cess or sayar for any period after such date has been paid to, or compounded or released by, the Zamindar or Biswedari, the same shall, notwithstanding the agreement or contract, be recoverable by the State Government from such Zamindar or Biswedari;
- (g) all arrears of revenue, cesses and other dues in respect of any such estate due from the Zamindar or Biswedari for any period prior to the date of vesting shall continue to be recoverable from him;

- (h) all loans advanced by the State Government or the Court of Wards to the Zamindar or Bisweddar together with interest thereon, if any, and all arrears due from him on account of tax on agricultural income assessed under the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act 23 of 1953) or on account of any other tax, cess, rate, fee, duty, penalty or charge payable by such Zamindar or Bisweddar under any law for the time being in force for any period prior to the date of vesting, shall continue to be recoverable from him;
 - (i) the right, title and interest of the Zamindar or Bisweddar in such estate shall be liable to attachment or sale in execution of any decree or other process of any court, civil or revenue, and any attachment existing at the date of vesting or any order for attachment passed before such date shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882 (Central Act IV of 1882), cease to be in force;
 - (j) every mortgage with possession existing on such estate or part thereof on the date immediately preceding the date of vesting shall, to the extent of the amount secured on such estate or part, be deemed, without prejudice to the rights of the State Government under this section, to have been substituted by a simple mortgage;
 - (k) no claim or liability enforceable or incurred before the date of vesting against or by the Zamindar or Bisweddar for any money which is charged on or is secured by a mortgage of such estate or part thereof shall, except as provided in Section 73 of the Transfer of Property Act, 1882 (Central Act IV of 1882), be enforceable against his right, title or interest in such estate or part;
 - [(l) subject to any rules made in this behalf, all suits and proceedings affecting such estate, in which, because of the same having vesting in the State Government, the latter will be a necessary party, pending in any court, civil or revenue, at the date of vesting and all proceeding consequent upon any decree or orders passed in any such suit or proceeding before such date, shall not be proceeded with till, on an application made in that behalf, the State Government is made a party thereto];
 - (m) the Zamindar or Bisweddar shall cease to be liable to pay and shall not be required to pay to the State Government land revenue payable by him in respect of such estate or part thereof for any period after the date of vesting.
- (3) Without prejudice to any other mode of recovery, the amounts recoverable from a Zamindar or Bisweddar under clauses (f), (g) and (h) of sub-Section (2) may be realised by deducting the same from the amount of compensation payable to him under this Act.
- (4) Notwithstanding anything contained in sub-section (2) the Zamindar or Bisweddar shall, subject to the provisions of Section 29, continue to retain the possession of his Khudkasht, recorded as such in the annual registers before the date of vesting.
- (5) Nothing contained in this section shall-
- (a) render the State Government liable for the payment of debts incurred by the Zamindar or Bisweddar for which he shall be personally liable, or
 - (b) preclude the State Government from remitting wholly or in part any loans advanced by the State Government to the Zamindar or Bisweddar and utilised by the latter for the economic or agricultural development of his estate than his Khudkasht land, or
 - (c) affect the right of any person to continue to enjoy any easement or other similar right for the more beneficial enjoyment of such person's land which he was enjoying on the date immediately preceding the date of vesting, or
 - (d) operate as a bar to the recovery by the Zamindar or Bisweddar by any process of law which, but for this Act, would, be available to him of any sum which is legally due to him by virtue of his right, title or interest in his estate in respect of any period prior to the date of vesting:

Provided that no decree for an arrear of rent or order for ejectment in default of payment of an arrear of rent shall be executed by ejectment of the judgment-debtor from his holding.

6. Private properties of a Zamindar or Bisweddar. - (1) Notwithstanding anything contained in Section 5:-

- (a) all house-sites purchased by the Zamindar or Bisweddar or by his predecessor-in-interest or by any other person for valuable consideration,
- (b) all places of worships or wells situated in such house-sites as are mentioned in clause (a) and in Khudkasht land belonging to and held by the Zamindar or Bisweddar or any other person at the date of vesting,
- (c) all private houses and all nohras or enclosures attached thereto, provided that such nohras or enclosures are in continuous possession of the Zamindar or Bisweddar since, the first day of January, 1953,
- (d) all land covered by such places of worship, wells, houses and nohras or enclosures, and
- (e) all trees belonging to the Zamindar or Bisweddar or any other person and standing on house sites mentioned in clause (a) and on Khudkasht land,

shall continue to belong to and be held by such Zamindar or Bisweddar or other person:

Provided that nothing contained in this sub-section shall affect such rights of the public in respect of the places of worship and well as they were enjoying on the date immediately preceding the date of vesting.

(2) Notwithstanding as aforesaid-

- (i) all groves wherever situated and recorded in the annual registers before the date of vesting as belonging to and being held by the Zamindar or Bisweddar or other person and the land under such groves shall be deemed to be settled with him by the State Government on such terms and conditions as it may determine, and
- (ii) all tanks, ponds and embankments belonging to and held by the Zamindar or Bisweddar or any other person-
 - (a) which are situate on Khudkasht land or on any other land not being a village site, and
 - (d) in which no other person has any right of irrigation,

shall continue to belong to and be held by the Zamindar, Bisweddar or other person to whom they actually belong:

Provided that if the bed of any such tank, pond or embankment is under the personal cultivation of the Zamindar, Bisweddar or other person, the land under such tank, pond or embankment shall be deemed to be settled with him by the State Government on such terms and conditions as it may determine.

7. Provisions as to certain transfers and agreements. - (1) Notwithstanding anything contained in any law, no transfer of an estate or part thereof made by the Zamindar or Bisweddar on or after the first day of January, 1953, by way of sale or gift or by making a grant or by way of lease for a non- agricultural purpose shall be recognized for any purpose of this Act and the estate or part so transferred shall be deemed to continue to vest in the transferor, if such transfer is established to have been made not in good faith and in the normal course of management but in anticipation of the abolition and acquisition of Zamindari and Biswedari estates:

Provided that nothing in this sub-section shall apply to any sale made under order of a court in execution of a decree or order for payment of money.

(2) Any agreement or contract made by a Zamindar or Bisweddar with any person on or after the first day of January, 1953-

- (a) relating to or granting a lease of any forest in his estate for a period exceeding three years, or
- (b) relieving, whether in whole or in part, a tenant from liability for payment of rent for any land comprised in his holding,

shall be and is hereby declared null and void.

8. Taking over of estate. - On the date of vesting, any officer appointed in this behalf by the Collector shall, subject to the provisions contained in sub-Section (4) of Section 5 and Sections 6 & 7, take charge in the

prescribed manner of the estate and of all interest therein vesting in the State Government under sub-Section (2) of Section 5.

9. Determination of disputes. - (1) If any dispute or question arises with respect to any matter specified in Section 5 or Section 6 Section 7, such dispute or question shall be referred to the Collector of the district in which the estate vesting in the State Government by virtue of a notification under Section 4 is situate.
(2) The Collector shall, after holding, in the prescribed manner, such inquiry as he considers necessary, make such order in the matter as he deems fit.

10. Application for allotment of Khudkasht. - (1) Notwithstanding anything contained in the foregoing provisions of this Chapter, a Zamindar or Bisweddar who, on the date of vesting of his estate in the State Government, does not hold any Khudkasht or who, on such date, holds Khudkasht less in area then the area specified in Section 12, may, within six months of the date of such vesting, apply to the Collector for allotment of Khudkasht.

(2) Every such application shall be in the prescribed form and shall be signed and verified in the manner specified in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the signing and verification of plaints.

11. Allotment of Khudkasht. - (1) Upon receipt of an application under Section 10, the Collector may, after holding in the prescribed manner, such inquiry as he deems necessary-

(a) reject the application if the applicant and any member or members of his family together hold Khudkasht to the maximum extent provided by Section 12, or

(b) subject to the provisions contained in Sections 12 and 13, allot to the applicant as Khudkasht such area of land, not exceeding the area applied for, as he may deem proper.

(2) The Zamindar or Bisweddar to whom any Khudkasht is allotted under sub-Section (1) shall be the Khatedar tenant of the land so allotted and shall pay the State Government rent therefor at such rate as may be fixed by the Collector in accordance with the principles as may be prescribed.

12. Maximum area of Khudkasht. - (1) Subject, to the provisions of sub-Section (2) the maximum area of land allotted as Khudkasht to a Zamindar or Bisweddar under Section 11, together with any land held by him or by any member of his family as Khudkasht since before the date of vesting shall not exceed the prescribed limit.
(2) Notwithstanding anything contained in sub-Section (1), where a Zamindar or Bisweddar holds Khudkasht at the date of vesting of his estate in excess of the area specified in sub-Section (1), he shall continue to hold such land as Khudkasht subject to the provisions of Section 29.

13. Categories of land that may be allotted as Khudkasht. - (1) The following categories of land may, in the order hereinafter mentioned, be allotted to a Zamindar or Bisweddar, in preference to other applicants for the same, as Khudkasht under Section 11, namely:-

(i) land surrendered by tenants;

(ii) land abandoned by tenants;

(iii) culturable unoccupied land within the estate;

(iv) land of the nature specified in clauses (i), (ii) and (iii) in the vicinity of the village or villages in which the estate of the Zamindar or Bisweddar is situated; and

(v) lands commanded by the Chambal and Rajasthan canal projects on such terms and conditions as may be prescribed.

(2) Where no land of any categories specified in sub-Section (1) is available the application for allotment of Khudkasht shall be rejected.

CHAPTER III

Assessment and Payment of Compensation

14. Liability to pay compensation. - (1) Subject to the other provisions of this Act, the State Government shall pay to every Zamindar or Bisweddar who is divested of his estate under this Act, out of the Consolidated Fund of the State, compensation which shall be determined in accordance with the principles laid down in the Schedule annexed hereto.

(2) Such compensation shall be payable as from the date of vesting and shall carry simple interest at the rate of two and a half per cent per annum from that date till the date of payment, but no interest shall be payable on

such amount of compensation as may remain unpaid for any default of the Zamindar or Biswedar or his agent or representative in interest.

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

16. Interim compensation. - (1) Where, within a period of one year from the date of vesting of an estate, the compensation payable to the Zamindar or Biswedar is not determined, the State Government shall subject to such conditions and restrictions as to security, indemnity, repayment or otherwise as may be prescribed, direct the payment to such Zamindar or Biswedar of interim compensation which shall be equal to one-tenth of the estimated amount of compensation:

Provided that, if such compensation is not determined within two years from the date of vesting, the State Government may likewise direct the periodical payment to the Zamindar or Biswedar of such fraction of the estimated amount of compensation as the State Government may in each case specify.

(2) The interim compensation paid under sub-section (1) shall be deemed to be a part of and shall be adjusted against the total amount of compensation determined and payable under this Act.

17. Submission of statement of a claim for compensation. - (1) Every Zamindar or Biswedar who is divested of his estate by virtue of a notification issued under Section 4 shall, within [one year] from the date of vesting, file a statement of his claim for compensation in the prescribed form before the Collector of the district in which such estate is situated:

Provided that a Zamindar or Biswedar may be allowed to file a statement of his claim after the expiry of [one year] on sufficient reason being shown to the satisfaction of the Collector.

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

- (i) the name of the Zamindar or Biswedar and a description of his estate,
- (ii) the extent of the share of each co-share where there are more co-sharers than one in the estate, along with the names and other particulars of all such co-sharers,
- (iii) the amount of gross income of the estate from all sources specified in the Schedule together with details in relation to income from each such source,
- (iv) the land revenue payable by the Zamindar or Biswedar, and
- (v) such other particulars as may be prescribed.

(3) Every such statement shall be signed and verified in the manner prescribed in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the signing and verification of plaints.

(4) Where the Zamindar or Biswedar relies on any documents (whether or not in his possession or power) as evidence in support of any particulars contained in such statement, he shall annex thereto a list of such documents.

18. Determination of compensation. - (1) On receipt of the statement of claim under Section 17 or, if no such statement is received within the prescribed period, on the expiry of such period, the Collector shall, after making such inquiry as he thinks fit and giving an opportunity to the claimant to be heard, decide the amount of compensation due to the claimant and record in a statement in the prescribed form the details of the land in the estate which has vested in the State Government and such other details as may be prescribed.

(2) The Collector shall-

- (i) assess the amount of compensation payable for the whole state; and
- (ii) after deducting therefrom the amounts, if any, referred to in sub-Section (3) of Section 5, determine, subject to the provisions of sub-Sections (3) & (4), the net amount of compensation payable for the estate which has vested in the State Government by virtue of a notification under Section 4.

(3) Where there are co-sharers, such amount shall be distributed among them in proportion to the extent of the share held by each of them in the estate.

(4) Where superior and inferior rights exist in relation to the estate or any village, Thok, Patti or land therein, the Collector shall distribute such net amount in the proportion in which profits were shared by the holders of such superior and inferior rights immediately before the date of vesting of the estate.

(5) An extract of the statement recorded by the Collector under sub-Section (1) shall be supplied, free of cost, to each person affected thereby.

19. Payment of compensation. - (1) Subject to any order passed on appeal, review or otherwise in accordance with the provisions of Chapter IV, the net amount of compensation determined under sub-Section

(2) of Section 18 shall be divided into fifteen equal annual instalments or, at the opinion of the Zamindar or Biswedar, into thirty equal half yearly instalments.

(2) If there has been distribution of such net amount in accordance with sub-Sections (3) and (4) of Section 18, the amount falling to the share of each person those sub-sections shall be payable in the same number of instalments as to the Zamindar or Biswedar.

(3) The Collector shall arrange payment of the net amount of compensation to the person or persons to whom it is payable but, if any such person refuses to accept payment, the amount payable to him shall be held in deposit.

(4) Where any amount is payable under this Act as aforesaid by way of compensation to a minor or a person suffering from a legal disability, then-

(a) if such minor or person is under the superintendence of the Court of Wards, the amount shall be paid to the Court of Wards, and

(b) in any other case, it shall be paid to the person found upon inquiry in the prescribed manner to be the guardian of such minor or person suffering from disability-

(i) according to the personal law which he is governed, or

(ii) appointed by a competent court, of authority:

Provided that, in cases in which the question of guardianship according to such personal law is in dispute, an application shall be made to the District Judge having jurisdiction to determine such question and to appoint a guardian of the minor or person under disability for the purposes of this section.

(5) The payment of the net amount of compensation under this Act to the Zamindar or Biswedar and to every person entitled to get a share out of it under sub-Sections (3) and (4) of Section 18 in the prescribed manner shall be a full discharge of the State Government from its liability to pay compensation for the abolition and acquisition of an estate, but shall not prejudice any right in respect of the estate which any other person may be entitled by due process of law to enforce against the person or persons to whom payment has been made as aforesaid.

[19A. Payment of annuity in perpetuity in certain cases. - Notwithstanding anything in this Act, where any part of the estate in respect of which a notification under Section 4 has been issued, is held as a grant made before the first day of January, 1958 by the Biswedar or the Zamindar as the case may be, for the maintenance of an institution for education or charitable purpose, or of any place of religious worship, or for the performance of any religious service, such part of the estate shall be excluded in assessing the amount of compensation payable for the whole of such estate, to the Biswedar or the Zamindar as the case may be, and the State Government shall, in respect of such part, pay, by way of compensation, an annuity in perpetuity, equal in amount to the net income from such estate in or for the basic year; determined in accordance with the principles governing determination of compensation as contained in the Schedule, to the person who is, or may hereafter be, recognised, in accordance with the duty of maintenance of such institution or place or place of worship or the performance of such service and any such person shall file a statement of his claim for compensation in the prescribed manner within the prescribed period.]

20. Payment of compensation on death. - If any person to whom any amount is payable under this Act by way of compensation dies before the full payment thereof, the balance remaining unpaid shall be payable to the person or persons found upon inquiry in the prescribed manner to be the heir or heirs of the deceased person according to the personal law by which the latter was governed:

Provided that, in cases in which the question of such heirship is in dispute, all claimants, thereto shall be directed to have their respective title adjudicated upon by a competent civil court and the payment of such unpaid balance shall be in accordance with such adjudication.

21. Compensation money to be placed at the disposal of the Court. - If the Collector, receives any order from any court requiring him to place at its disposal the whole or part of the amount of compensation then payable but remaining unpaid to any person under this Act, the Collector shall comply with the order of the court.

22. Questions of the title. - If, during the course of an inquiry under this Act by the Collector, any question relating to right, title or interest in any estate tested in the State Government by virtue of a notification under Section 4 arises and such question has not been already determined by a competent authority, the Collector

shall, subject to the other provisions of this Act proceed as inquire into the merits of such question and pass such orders as he thinks fit.

23. Collector to make inquiries and passed orders under Sections 19(4) & 20 . - The inquiries referred to in sub-Section (4) of Section 19 and in Section 20 shall be made by the Collector within the local limits of whose jurisdiction the minor or the person suffering from legal disability resides for the time being or the deceased person resided immediately before his demise.

CHAPTER IV

Appeal and Review

24. Appeals. - (1) The State Government or any person, aggrieved by the decision or order a Collector under Section 9 or Section 11 or Section 13 or Section 18 or sub-Section (4) of Section 19 or Section 20 or Section 22 or under clause (3) of the Schedule annexed hereto may, within thirty days from the date of such decision or order, appeal to the [Revenue Appellate Authority].

The [Revenue Appellate Authority] shall pass such order on appeal under sub-Section (1) as he thinks fit and the order of the [Revenue Appellate Authority] shall, subject to any order passed in appeal under Section 25, be final.

25. Second Appeals. - (1) An appeal shall lie to the Board of Revenue from an order of the [Revenue Appellate Authority] passed under Section 24 on appeal.

(2) An appeal under sub-Section (1) may be brought within sixty days of the date of the order appealed from on any of the grounds mentioned in sub-Section (2) of Section 224 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

26. Review. - The Board, the [Revenue Appellate Authority], the Collector or any other officer exercising the powers of the Collector may, either on its or his own motion or on application made by any interested party within such time as may be prescribed, review an order passed by itself or himself and pass such order in relation thereto as it or he thinks fit:

Provided that-

(a) no order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order, and

(b) no order from which an appeal has been made shall, so long as such appeal is pending, be reviewed.

27. Injunction by a Civil Court barred. - Except an authority before whom an appeal under this Chapter is pending, no court or authority shall notwithstanding anything contained in any law for the time being in force issue any injunction against any person in respect of any proceedings pending before any officer under this Act, which shall have the effect of staying the proceedings.

28. Correction of errors. - Clerical or arithmetical mistakes in any order passed by any officer or authority, under this Act or error arising therein from any accidental slip or omission may at any time be correct by such officer or authority, either of his its own motion or on any application received in this behalf from any interested party:

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

CHAPTER V

Miscellaneous

29. Khatedari rights in khudkasht land. - [(1) As from the date of vesting of an estate, the Zamindar or Biswedari thereof shall be a Malik of any khudkasht land in his occupation on such date and shall, as such Malik, be entitled to all the rights conferred and be subject to all the liabilities imposed on a khatedar tenant by or under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and]

(2) If there are more persons than one having interested in land held as Khudkasht immediately before the date of vesting, all such persons shall be deemed to be [co-Maliks thereof].

[x x x]

[x x x]

30. Rights of tenants in estate. - (1) Subject to the provisions of Sections 15, 15-A, 15-B and 16 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) every tenant in an estate, other than a tenant of

Khudkasht or a sub-tenant, shall, as from the date of vesting, be the khatedar tenant of the land comprised in his holding, unless he has acquired Khatedari rights therein before such date, and shall, as from the date of vesting pay to the State Government, until rents are settled in accordance with the provisions of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), by way of rent therefor the same amount as he had been paying to the Zamindar or Bisweddar immediately before such date but not exceeding twice the land revenue payable in respect thereof.

(2) Upon a Zamindar or Bisweddar becoming a [Malik] or his Khudkasht land under Section 29, every tenant of such Khudkasht shall be the sub-tenant of the land in his occupation holding under and from such [Malik].

31. State Government to be a party to proceeding under Act. - The State Government shall be and be deemed to be a party in every proceeding under this Act before any officer or authority, and every notice to be served or intended to be served on the State Government may be served on the Collector.

32. Powers and procedure of officers. - (1) Any officer or authority holding an inquiry or hearing an appeal or application for review under this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) relating to-

- (a) proof of facts by affidavits.
- (b) enforcing attendance of any person and his examination on oath,
- (c) production of documents, and
- (d) issuing of commissions,

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

(2) Save as otherwise provided in this Act or the rules made thereunder every officer or authority acting under this Act shall have and exercise the same powers and shall follow the same procedure as are had and exercisable by, and is laid down for, a revenue court under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) while trying a suit under that Act.

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

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

34. Protection of action taken under this Act. - (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

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

35. Delegation of powers. - (1) The State Government may, by notification in the Official Gazette, delegate to any officer or authority sub-ordinate to it all or any of the powers conferred on it by this Act other than those conferred by Sections 4 & 36.

(2) Subject to any general or special orders of the State Government, the Collector may, with the approval of the State Government, delegate all or any of the powers conferred on him by this Act to any Sub-Divisional Officer or Assistant Collectors subordinate to him, and all things done, action taken and orders passed by such Sub-Divisional Officer or Assistant Collector in exercise of the authority so delegated to him, shall, for all the purposes of this Act, be deemed to have been done, taken or passed, as the case may be, by the Collector who made such delegation.

36. Power to make rules. - (1) The State Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government shall have power to make rules-

- (a) specifying the circumstances and the manner in which clearings for cultivation or for any other purpose shall be made under Section 5,

- (b) laying down the conditions and terms for payment of interim compensation,
- (c) prescribing the form of application under Section 10 and the form of statement of claim to be submitted under Section 18 and the further particulars to be given therein,
- (d) prescribing the form of, and the details to be incorporated in, the statement showing the amount of compensation due to the claimant under Section 19,
- (e) providing the manner for holding inquiries under this Act and for the service of orders and notices made and issued thereunder,
- (f) prescribing court fees to be charged on applications and appeals under this Act, and
- (g) providing for any matter which by any provision of this Act may be or is required to be prescribed or in respect of which, by any such provision, rules may be or are required to be made.

The Schedule

(See Section 14)

Principles Governing Determination of Compensation Payable to Zamindars and Biswedars

1. Basic Year. - The expression "basic year" means the agricultural year immediately preceding the agricultural year in which the date of vesting falls.

2. Gross income. - The gross income of a Zamindar or Bisweddar for the year shall be the total income from his estate for that year under the following heads, namely:-

- (a) income from rents in respect of lands in the occupation of tenants not being tenants of Khudkasht or sub-tenants;
- (b) income from cesses in the nature of rents referred to in clause (a) of sub-Section (2) of Section 173 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), payable and paid by or on behalf of such tenants;
- (c) income from grazing dues from lands other than Khudkasht and Shamlat Deh lands calculated on the basis of average yield for ten years immediately preceding the year;
- (d) income from sayer in respect of lands in the estate other than Khudkasht and Shamlat Deh lands calculated on the same basis as income from grazing dues.

3. Calculation of income from rents & cesses in certain cases. - (1) Where rent is payable but has not been agreed upon, the amount thereof for the basic year shall be fixed by the Collector for the purpose of this Act in the manner in which he would do so in a suit under Section 114 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(2) Where rents or cesses in the nature of rent for the basic year are payable and have been paid in kind or partly in kind and partly in cash, the Collector shall, for the purpose of this Act, determine the money value of the rents or cesses so paid in kind in the manner in which he would do so in a suit commutation of rent under Section 118 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

4. Calculation of net income. - The net income of a Zamindar or Bisweddar for the basis year shall be calculated by deducting from his gross income for that year.

- (a) the amounts payable or paid by him for the basic year-

- (i) on account of land revenue, and

- (ii) on account of tax on agricultural income under the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act 23 of 1953) or on account of any other tax, cess, rate, fee, duty penalty or charge under any law for the time being in force,

in respect of the whole of his estate excluding Khudkasht and Shamlat Deh lands; and

- (b) Administrative charges, including the cost of collection maintenance of records management of the estate and irrecoverable arrears at ten percent of the gross income determined under clause 2.

5. Amount of compensation. - (1) the amount of compensation payable to a Zamindar or Bisweddar in accordance with the provisions of this Act shall be the aggregate of-

(a) seven times his net income calculated in accordance with clauses 2, 3 and 4 of the Schedule, subject to the condition that it shall, in no case, be less than twenty-five per cent of the land revenue payable by him for the basic year in respect of land in the occupation of tenants not being tenants of khudkasht or sub-tenants, and

(b) twenty five per cent of the land revenue payable by him for the basic year-

(i) in respect of his Khudkasht lands, and

(ii) in respect of Shamlat Deh lands.

(2) In addition to compensation in accordance with sub-clause (1) of this clause, a rehabilitation grant shall also be payable at the following scale, namely:-

(i)	where the total land revenue payable by the Zamindar or Bisweddar does not exceed Rs. 25 per annum	twenty times the net income calculated in accordance with item (a) of sub-clause (1) of this clause.
(ii)	where such land revenue exceeds Rs. 25/-, but does not exceed Rs. 20/-, per annum,	ten times such net income;
(iii)	where such land revenue exceeds Rs. 50/-, but does not exceed Rs. 100/-, per annum,	eight times such net income:
(iv)	where such land revenue exceeds Rs. 100/-, but does not exceed Rs. 250/-, per annum,	six times such net income;
(v)	where such land revenue exceeds Rs. 250/-, but does not exceed Rs. 500/-, per annum,	four times such income;
(vi)	where such land revenue exceeds Rs. 500/-, but does not exceed Rs. 2000/-, per annum,	twice such net income;
(vii)	where such land revenue exceeds Rs. 2000/- but does not exceed Rs. 3500/-, per annum,	equal to such net income;
(viii)	where such land revenue	nil.

	exceeds Rs. 3500/- per annum.	
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Notifications

[No. F. 1(152) Revenue A/59, dated 21.10.1959, Published in Rajasthan Gazette, Extraordinary, Part 4-C, dated 21.10.1959]

In exercise of the powers conferred by sub-section (3) of Section 1 of the Rajasthan Zamindari & Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959), the State Government hereby appoints the first day of November, 1959, as the date on which the said Act shall come into force.

[No. F. 1(152) Revenue/A/59, dated 21.10.1959-Published in Rajasthan Gazette, Extraordinary, Part 4-C, dated 21.10.1959.]

In order to facilitate the enforcement of the Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959), the State Government is hereby pleased to order that the Jagir Commissioner, Rajasthan, shall exercise over all control over, and co-ordinate the work of, the Collectors. The Jagir Commissioner is hereby made responsible for seeing that the said Act is properly enforced and the abolition of the Zamindari and Biswedari estates is effected correctly and expeditiously in accordance with the provisions of the said Act and the Rajasthan Zamindari and Biswedari Abolition Rules, 1959. He will please issue detailed instructions to the Collectors concerned so that the proclamation required by Rule 3 of the Rules are issued immediately on the publication of the Notification under Section 4 of the Act for abolition and acquisition of the Zamindari and Biswedari estates, and that possession of such estates is properly taken over on behalf of the State Government.

All references to the State Government in connection with the implementation of the said Act and Rules shall be made through the Jagir Commissioner.

[No. F. 1(152) Revenue/A/59. dated 3.11.1959-Published in Rajasthan Gazette, Part 4-C, Extraordinary, dated 3.11.1959.]

In exercise of the powers conferred by Section 4 of the Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959), the State Government hereby appoints the 15th day of November, 1959, as the date for the abolition and acquisition of all settled Zamindari and Biswedari estate throughout Rajasthan and for the vesting of all such estates in the State Government.

[No. F. 1(152) Revenue/A/59, dated 28.12.1959-Published in Rajasthan Gazette, Extraordinary, Part 4-C, dated 28.12.1959.]

In exercise of the powers conferred by Section 4 of the Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959), the State Government hereby appoints the fifteenth day of January, 1960 as the date for the abolition and acquisition of all Zamindari and Biswadari estates throughout Rajasthan that have not been abolished and acquired in pursuance of Government notification of even number dated the 3rd November 1959, and for the vesting of all such estates in the State Government.

[Notification No. F. 1(152) Revenue A/59 dated 21.10.1959, published in Rajasthan Gazette, Extraordinary, Part 4-C dated 21.10.1959].

In exercise of the powers conferred by sub-section (2) of Section 35 of the Rajasthan Zamindari and Biswedari Abolition Act, 1959, (Rajasthan Act No. 8 of 1959), the State Government does hereby order that the Collectors may delegate all or any of the powers conferred on them by the said Act, to any Sub-Division Officer or Assistant Collector subordinate to them, and in particular to such of them as have been dealing with the work of resumption of Jagirs under the designation of Deputy Collector (Jagir).