

**GOVERNMENT OF RAJASTHAN**  
**( REVENUE DEPARTMENT )**



सत्यमेव जयते

**REPORT OF THE**  
**ZAMINDARI ABOLITION COMMITTEE**

**JAIPUR**  
**GOVERNMENT CENTRAL PRESS.**  
**1958**

*Price ; 0.33 nP.*

## FOREWORD

In February, 1956, the Rajasthan Government appointed a Committee of officials and non-officials to advise them on the question of the abolition of the Zamindari/Biswedari system which is in existence in certain areas of Rajasthan.

2. The terms of reference to the Committee and its personnel are given in paragraph 1 of the Committee's report; and a summary of the Committee's recommendations, on the various points referred to them, is contained in paragraph 63 of the report.

3. After consultation with the Planning Commission, the Rajasthan Government have now taken a decision on the Zamindari Abolition Committee's report, and a Bill for the abolition of the Zamindari/Biswedari system is now being drafted.

*Dated, Jaipur,  
the 8th February, 1958.*

**DAMODAR VYAS,**  
*Revenue Minister.*

## REPORT OF THE ZAMINDARI ABOLITION COMMITTEE

*Appointment of Committee and terms of reference.*—This Committee, with the marginally-noted\* personnel, was constituted under Rajasthan Government Order No. F. 1 (98) Rev.-B/55, dated 6th February, 1956, with the under-mentioned terms of reference:—

Minister for Revenue.

*Chairman.*

### *Non-official Members.*

- |   |                |
|---|----------------|
| 2. Shri Adityendra, M.P., President, P.C.C. | <i>Member.</i> |
| 3. Shri Shobha Ram, M.P.                    | <i>Member.</i> |
| 4. Shri.Ch. Ramchandra Singh, M.L.A.        | <i>Member.</i> |
| 5. Shri Ghasi Ram Yadva, M.L.A.             | <i>Member.</i> |

### *Official Members.*

- |  |                          |
|--|--------------------------|
| 6. Revenue Secretary.                          | <i>Member.</i>           |
| 7. Jagir Commissioner.                         | <i>Member.</i>           |
| 8. Shri Shyam Lal, Chairman, Board of Revenue. | <i>Member.</i>           |
| 9. Officer on Special Duty Revenue Department. | <i>Member-Secretary.</i> |

“(1) To study (a) the report of the Rajasthan-Madhya Bharat Jagir Enquiry Committee in so far as it deals with the question of zamindari, and

(b) the material already collected by Officer on Special Duty (Revenue);

“(2) To collect such further information as may be considered essential for the disposal of the case and for drafting legislation; and

“(3) To make their recommendations to the Government generally on the question of the abolition of the zamindari/biswedari system in Rajasthan and with particular reference to the following points:—

(i) Whether any compensation is to be paid to the zamindars and biswedars in respect of areas of which they would themselves become Khatedar tenants?

(ii) How much compensation is to be given in respect of the remaining area; whether it should be a certain multiple of land revenue or of net assets or profits, and if the latter, what deductions should be made from their gross income?

“(iii) Whether the compensation is to be paid from the State Exchequer, or whether any portion of it is to be recovered from the tenants?

This point is to be examined in the context of the Rajasthan Tenancy Act, 1955. (Rajasthan Act 3 of 1955), whereby all the tenants in the zamindari and biswedari areas, with the exception of sub-tenants, have automatically become Khatedar tenants.

(iv) If the tenants are to be asked to pay compensation to zamindars and biswedars, whether this could be regarded as discrimination, on the ground that the tenants of jagir lands have been granted Khatedari rights without charging any nazrana?

(v) If the tenants are not to be asked to pay anything by way of nazrana, from what source is the amount of compensation to be paid?

(vi) Can the settlements now in force with the zamindars and biswedars be scrapped and fresh settlements entered into with the new tenants and can rent at higher rates be charged from the new tenants than the present rates of land revenue paid by the zamindars and biswedars?

(vii) Whether the Gang Canal Colony is also to be treated in the same way as the other zamindari or biswedari areas and if not, what is to be the fate of the 'Maliks' of this Colony?"

2. *Shri P. N. Kaul's continuance as a Member of the Committee.*—On relinquishing charge of the post of Revenue Secretary to Government on his appointment as Settlement Commissioner, Rajasthan, Shri P. N. Kaul continued—under instructions from the Revenue Minister—to work as a Member of the Committee.

3. *Meetings of the Committee.*—Owing to the budget session of the Rajasthan Legislative Assembly and the fact that none of the non-official members of the Committee was residing at Jaipur, the first meeting of the Committee could not be held till the 2nd of May, 1956.

At this meeting, Shri Shyam Lal, Chairman, Board of Revenue, presented a note containing his suggestions on the points at issue. This note was discussed at length, but, as none of the non-official members of the Committee was present, the Committee could not formulate its views on the points at issue.

Copies of Shri Shyam Lal's note were subsequently sent to the members for their consideration.

4. The next meeting of the Committee was fixed for the 2nd of July, 1956.

In addition to the formal notice of the meeting, the Chairman of the Committee, viz. the Revenue Minister, addressed personal letters to the non-official members stressing the need for an early decision, in view of the Planning Commission's reminders on the subject, and requesting them to make it a point to attend the meeting.

Unfortunately, however, Shri Shobha Ram, M.P., could not attend, as he had to proceed to Delhi on some urgent business and Shri Ghasi Ram Yadva, M.L.A., neither attended the meeting nor sent any reply.

5. As the Planning Commission have been pressing for early completion of the programme relating to the abolition of intermediaries, it was decided to formulate the Committee's proposals at the meeting held on July 2, 1956.

6. The third meeting was held on the 25th of August, 1956, with the object of finalising the proposals. At this meeting, out of the four non-official members, Sarvshri Shobha Ram and Adityendra were present.

7. *Consideration of Rajasthan-Madhya Bharat Jagir Enquiry Committee's report and of data collected.*—The Committee have taken into consideration the relevant chapters (VII and XII) of the Report of the Rajasthan-Madhya Bharat Jagir Enquiry Committee as also the data collected by Mr. Kherie, Officer on Special Duty for Revenue Legislation, and incorporated in his note dated September 2, 1955, referred to in the Government Order constituting the Committee.

8. *Extent of the problem.*—The Committee would, at the outset, point out that, as observed by the Rajasthan-Madhya Bharat Jagir Enquiry Committee, the problem of Zamindari in Rajasthan is not of the same magnitude as it was in the other parts of the country.

The total number of Zamindari villages in Rajasthan is only 4,867, spread over 8 Districts—out of the 25 Districts in which Rajasthan has been divided for administrative purposes.

Out of these as many as 3,543 villages, or 72 per cent of the total number, are situated in the two districts of Alwar and Bharatpur, and 1,146 (including the 44 villages of the Tibi paragona) are under the Ganganagar District. The remaining 178 Zamindari villages are spread over the remaining five Districts.

This will show that the main problem is more or less confined to the Alwar and Bharatpur Districts, and to a lesser extent to the Ganganagar District.

9. *Position in Jhalawar Unit.*—From enquiries made by Mr. Kherie, it appears that the Rajasthan-Madhya Bharat Jagir Enquiry Committee were mis-informed about the position in the Jhalawar State (vide para 6 at page 32 of their report). There is no Zamindari or Biswedari tenure in the Jhalawar State now.

10. *Bapotidari system of Sambhar Shamlat area.*—In addition to the areas in which the Zamindari/Biswedari system exists in Rajasthan, as mentioned in the Rajasthan-Madhya Bharat Jagir Enquiry Committee's Report, it transpires from enquiries made by Mr. Kherie that Zamindari rights also exist in some 16 villages of the former 'Sambhar Shamlat area' in which the Bapotidari system is in force.

The total number of Bapotidars is reported to be 1,327. They have been hitherto regarded as land-owners and not tenants and they pay assessed land revenue.

The total amount of revenue paid by these Bapotidars comes to Rs. 13,050/-. Fifty-four per cent of the Bapotidars are reported to be cultivating the land directly.

The tenants are described as Kashtkar Dakhilkar and Kashtkar Mamuli.

In the circumstances, the legislation for the abolition of the Zamindari and Biswedari rights will also have to be applied to these Bapotidars of the former Sambhar Shamlat area.

11. *Absence of big Zamindars in Rajasthan.*—Unlike Bengal, Bihar, and U.P., there are no big Zamindars in Rajasthan, and the overwhelming majority of these Zamindars or Biswedars are petty peasant proprietors.

12. *Genesis of the Zamindari system.*—The genesis of the Zamindari/Biswedari tenure in Rajasthan has been traced by the Rajasthan-Madhya Bharat Jagir Enquiry Committee in Chapter VII of their report. The Biswedars and Zamindars of the Alwar and Bharatpur Districts are comparatively recent creations and this class came into existence at the commencement of the present century, at the time of the first regular settlement of the Alwar and Bharatpur States.

13. *Rights and privileges of Zamindars in Rajasthan.*—As pointed out by the Venkatachar Committee, all the legal concepts relating to Zamindari rights in Bengal and U.P. have never been extended in their entirety to the Alwar and Bharatpur Units. Both the Bharatpur and Alwar States claimed the rights of 'Aala Malik' or superior landlord, and merely recognised a subordinate proprietary or Biswedari right in the village community and its component members. These States did not pay any compensation to the Zamindars and Biswedars for land acquired for public purposes, such as Railways etc; and the Bharatpur and Alwar States also possessed the right to confiscate the Zamindari for disloyalty or failure to pay revenue. Taking the Zamindari areas as a whole, the assessment varied from 25 per cent to 71 per cent of the net assets; but, in the majority of cases, the assessment was based on two-thirds of the net assets.

The Biswedars and Zamindars have full rights to let their lands and to make improvements; but they do not possess mining rights or forest rights.

Rights over common lands and Abadi lands are subject to the conditions mentioned in the Wajib-al-arz of the village.

The Zamindari or Biswedari tenure is heritable, but these Zamindars and Biswedars do not possess full transferable rights and restrictions have been imposed almost in all cases, as will be seen

from the following resume of the relevant provisions of the revenue laws of the covenanting States:—

(a) In the Bharatpur State, according to the rules issued in 1898, no Zamindar was allowed to alienate his land by sale or mortgage without the previous sanction of the State Council. Some modifications were made in 1905, but even then it was laid down that all agricultural lands shall be non-alienable except to male agnates or members of the same village communities or in extreme cases to agricultural classes belonging, as far as possible, to the same tribe; and if an outsider acquired biswedari rights, the transaction was ultimately cancelled. In the case of gift, sale or mortgage of Biswedari rights to permissible classes, the previous consent of the Council continued to be indispensable.

(b) In the Alwar State, the Biswedars could not alienate Biswedari rights by sale, mortgage or gift except with the sanction of the Chief Revenue Officer.

(c) In the Kotputli Paragana the Biswedars could not sell or mortgage to a non-agriculturist without the permission of the revenue authorities.

(d) In the area of the former Dholpur State the Zamindars have no real proprietary rights but merely contract with the State for the payment of the revenue demand, and their position is merely that of collectors of revenue. These Zamindars cannot transfer their rights without previous sanction, and then only to agriculturists who are residents of the State.

Restrictions are also imposed on mortgages.

(e) In the Gang Canal Colony too, the previous sanction of the Revenue Authorities is required for alienations.

The Zamindars of the Gang Canal Colony do not possess any rights in the village abadi or in the common lands.

14. *Effect of agrarian reforms and revenue legislation.*—The other point that we would like to emphasise is the effect of the agrarian reforms introduced, and the revenue legislation enacted, in Rajasthan since 1949.

15. *Particulars of revenue legislation introduced since 1949.*—With the promulgation of the Rajasthan (Protection of Tenants) Ordinance, 1949 (Rajasthan Ordinance IX of 1949), the Rajasthan Produce Rents Regulating Act, 1951 (Rajasthan Act XV of 1951), as amended from time to time, and the Rajasthan Agricultural Rents Control Act, 1952 (Rajasthan Act XIX of 1952), subsequently replaced by the Rajasthan Agricultural Rents Control Act, 1954 (Rajasthan Act XI of 1954), the insecurity of tenure and the rackrenting—two of the greatest evils associated with the Zamindari system—have been practically ended.

16. *Protection of Tenants Ordinance.*—Rajasthan Ordinance IX of 1949 protected tenants from arbitrary ejection and provided a

speedy method of securing reinstatement on lands of which they had been unlawfully dispossessed. This Ordinance was promulgated in June, 1949, and was extended from time to time, and its important provisions have been incorporated in the Rajasthan Tenancy Act, 1955 (3 of 1955), (vide sections 186-187).

17. *Produce Rents Regulating Act, 1951.*—By Rajasthan Act XV of 1951 it was laid down that, notwithstanding any custom, usage or practice to the contrary, or anything contained in any law, enactment, rule, order or instrument, no landholder shall recover or be deemed entitled to recover, as produce-rent for any land a portion exceeding one-fourth (subsequently altered to one-sixth) of the gross produce.

18. *Agricultural Rents Control Act, 1952.*—By Rajasthan Act XIX of 1952—which was subsequently replaced by Rajasthan Act XI of 1954—it was provided that in the districts of Alwar and Bharatpur, and in such other areas as the Government may notify, no landholder shall recover or be deemed entitled to recover, as cash-rent an amount exceeding twice the land revenue assessed on the holding. This Act also contained provisions for the conversion of kind rents into cash rents, and entitled the tenants to claim refund of excess rent realised from them.

19. *Rajasthan Tenancy Act, 1955: new rights and privileges of tenants in Rajasthan.*—Under the Rajasthan Tenancy Act, 1955 (3 of 1955)—in which all the important provisions of the Protection of Tenants Ordinance, the Produce Rents Regulating Act and the Agricultural Rents Control Act have been incorporated—there can be no ejectment now except in accordance with the provisions of law (section 161); nor can there be any arbitrary enhancement of rent (section 120).

Where the land revenue has been assessed in cash by settlement upon estate-holders and rent is payable in cash by tenants, the maximum rent which can be charged cannot exceed three times the amount assessed as land revenue (section 98).

Where rents have been settled in cash by settlement upon tenants and rents are payable in each by sub-tenants, the maximum rent to be charged cannot exceed twice the amount of assessed rent (section 99).

The basis of rent-rates to be sanctioned under the Act has been fixed at one-sixth of the value of the produce (section 111)

All Khatedar tenants have been given the right to make improvements without the sanction of the landholder (section 66); and, on ejectment, a tenant has been made entitled to compensation for improvements made by him (section 74).

The interest of a tenant has been made heritable (section 38); and a Khatedar tenant has been given the right to bequeath his interest in his holding by will in accordance with his personal law (section 39).

Succession to tenants is to be in accordance with personal law (section 40)



Transferable rights have been conferred on Khatedar tenants (section 41).

A Khatedar tenant can transfer his holding by sale or gift, the only restriction being that if the transfer is made to a person who is already in possession of land which, together with the land so transferred, will exceed 90 acres of un-irrigated or 30 acres of irrigated land, special permission of the Government will be required (section 42).

A Khatedar tenant has been given the right to transfer his rights in his holding in the form of a usufructuary mortgage for a period not exceeding ten years (section 43).

A Khatedar tenant may sub-let his holding for a term not exceeding five years (section 45).

Exchange of tenancies has been allowed between tenants of the same class, with the written consent of the land holder (section 48).

Division of holdings has been permitted subject to certain restrictions (section 53).

Scattered trees standing on the holding of a Khatedar tenant at the commencement of the Act have been vested in the tenant (section 80).

20. *Accrual of Khatedari rights to tenants of Zamindari areas.*—Over and above all these provisions, Khatedari rights have been conferred, so to say, by one stroke of the pen, on all tenants, other than sub-tenants or tenants of Khudkasht, by section 15 of the Act; but Khatedari rights shall not accrue in certain categories of lands mentioned in section 16.

All the tenants in the Zamindari/Biswedari area, with the exception of sub-tenants, have thus automatically become Khatedari tenants, and all the differences of status between Occupancy and Non-occupancy tenants in these areas have been abolished. This is a far reaching reform.

21. *Future acquisition of Khatedari rights.*—Tenants of Khudkasht and sub-tenants have also been given the right to apply for acquisition of Khatedari rights on payment of compensation (section 19).

22. *Effect of legislative measures on Zamindari.*—As a result of these legislative measures, the evils inherent in the Zamindari system have been almost completely removed and the Zamindars and Biswedars, even if they continue to exist in law, have been rendered completely harmless.

23. *Need for abolition of Zamindari system.*—This is not to say that the Committee do not see any need for the abolition of the Zamindari/Biswedari tenure in Rajasthan. The Committee wholeheartedly endorse the fundamental principle that the tiller of the soil should be entitled to the fruits of his labour, subject only to the payment of the share due to the State, and without the interposition

of intermediaries. As pointed out by the Venkatachar Committee, the economic and social arguments for the abolition of Zamindari rights are so well-known that it is hardly necessary to labour the point.

Zamindaries have been abolished practically throughout the country.

In Rajasthan the Jagirdari system is in the process of liquidation, and the abolition of the Zamindari/Biswedari system cannot be delayed any longer.

The Planning Commission have pointed out that the first Five Year Plan is over and it is necessary that the programme relating to abolition of intermediaries should be completed as soon as possible.

24. *Abolition to be by legislation.*—In the opinion of the Committee, therefore, the Zamindari/Biswedari system should be abolished by legislation forthwith and the Zamindari/Biswedari villages converted into Ryotwari tenure.

25. *Question of compensation.*—The next point that we have to consider is that of compensation.

26. *Venkatachar Committee's proposals.*—The Rajasthan-Madhya Bharat Jagir Enquiry Committee expressed the view that the Zamindars in Rajasthan did not enjoy property rights of a nature which entitled them to compensation as such (para 4, page 53 of the report) but the Venkatachar Committee recommended that Zamindars should be given 'rehabilitation assistance' according to the table given in Chapter XII of their report—This table runs as below:—

	<i>Slabs of income.</i>	<i>Multiple payable to the Zamindar.</i>
First	100	20 times.
Next	400	17 times.
Next	1500	15 times.
Next	1500	12 times.
Next	1500	10 times.
Next	Remainder	8 times.

This report was submitted in December, 1949, before the Constitution of Free India came into force.

27. *Provisions of the Constitution regarding compensation.*—Under the Constitution, no person can be deprived of his property save by authority of law; and no property can be acquired for public purposes under any law unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of compensation or specifies the principles on which and the manner in which the compensation is to be determined, and given (Article 31).

28. *Payment of compensation unavoidable.*—In view of the provisions of the Constitution, even though the Zamindars and Biswedars of Rajasthan do not possess un-restricted right of alienation, and

Zamindars and Biswedars in Rajasthan are not so old as the Zamindars in Bengal, Bihar or the U.P., compensation will have to be paid on the abolition of the Zamindari rights.

29. *A Precedent.*—We would point out that in the case of the Jagirdars of Rajasthan, too, the Rajasthan-Madhya Bharat Jagir Enquiry Committee expressed the view that Jagirdari rights are not property rights entitling Jagirdars to compensation, but compensation has had to be paid to the Jagirdars on the resumption of their Jagirs in accordance with the provisions of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952).

This is another argument in favour of paying compensation to the Zamindars and Biswedars for the acquisition of their proprietary rights.

30. *Question of Compensation for Khudkasht lands.*—As regards the specific point whether any compensation is to be paid to the Zamindars and Biswedars in respect of areas of which they would themselves become Khatedar tenants, we understand that the position with regard to Khudkasht lands of the Zamindars and Biswedars is as follows:—

(1) In the Bharatpur district 35 per cent of the total Zamindari area is under the personal cultivation (Khudkasht) of the Zamindars; and if unoccupied lands were also taken into account, the total area under the occupation of Zamindars themselves would come to 65 per cent.

Almost all the occupancy tenants pay 'Malikana' (Proprietor's dues) over and above the assessed land revenue, the percentage of occupancy tenants who do not pay Malikana being negligible.

The area held by the occupancy tenants comes to about 8.5 per cent of the total Zamindari area.

(2) In the Alwar district the percentage of the Khudkasht lands of the Biswedars to the total Biswedari area is 55.

In this district 70 per cent of occupancy tenants pay Malikana to the Biswedars, while 30 per cent do not pay Malikana and pay at revenue rates.

(3) In the Kotputli Pargana 50 per cent of the Biswedari lands are under the Khudkasht of Biswedars. Not more than 5 per cent of the occupancy tenants pay Malikana over and above the assessed land revenue, while 95 per cent pay at revenue rates.

The area under occupancy tenants is calculated to be 10 per cent of the total Biswedari area.

The non-occupancy tenants hold 40 per cent of the total Biswedari area; and of these 10 per cent pay at revenue rates.

(4) In the Gang Canal Colony 67 per cent of the total area was recorded under the Khudkasht of the proprietors in the First Regular Settlement of the Colony carried out in 1946.

The Settlement Officer reported that there were no occupancy tenants at all in the Gang Canal Colony, and the tenants were all tenants-at-will.

Out of the 33 per cent area held by the tenants-at-will, cash rents were realised in respect of 9 per cent only and kind rents in respect of 24 per cent.

(5) In areas where Malikana dues are payable, the rates of Malikana vary from 1 anna to 4 annas per rupee of land revenue.

31. *Status of Zamindars vis-a-vis Khudkasht lands on abolition of Zamindari.*—The existing rights and privileges of the Zamindars and Biswedars have been set out in the foregoing paragraphs (vide Paras 13-22).

On the abolition of the Zamindari/Biswedari system, the Zamindars/Biswedars would become Khatedar tenants of their Khudkasht lands, i.e. the areas under their personal cultivation. They would thus be retaining possession of these lands and there would merely be a change of nomenclature. As Khatedar tenants, they would get all the rights and privileges of Khatedar tenants, which have been described in paras 19-21 above.

These are in no way less than the rights which the Zamindars/Biswedars had over the Khudkasht lands *qua* Zamindars/Biswedars.

At present they are paying land revenue in respect of lands. As mentioned above, the assessment varies from 25 per cent to 75 per cent of net assets, but in the majority of cases it is two-thirds of the net assets. The basis of rent under the Rajasthan Tenancy Act, 1955 (3 of 1955) is one-sixth of the value of the produce.

32. *Compensation for Khudkasht lands.*—In all these circumstances, we were inclined to think that no compensation need be paid to the Zamindars and Biswedars in respect of their Khudkasht lands, of which they would themselves become Khatedar tenants; and they might be designated as "Holders of Khudkasht"; instead of 'Khatedar tenants', as such a designation might be more pleasing to them. We have, however, taken legal opinion and we are advised that the Zamindars/Biswedars are entitled to compensation in respect of their Khudkasht lands for the reason that in respect of such lands also the State is extinguishing the Zamindari/Biswedari rights.

33. *Compensation for other lands.*—As regards the other lands, i.e. (a) lands under the cultivating possession of tenants, (b) unoccupied lands and (c) Abadi lands, there is no doubt in our mind that, as remarked in para 28 above, compensation has to be paid.

34. *Extent of compensation.*—As regards the quantum of compensation, we would first of all point out that, under the law as it exists, these Biswedars/Zamindars cannot now charge more than three times the assessed land revenue (section 98 of the Rajasthan Tenancy Act, 1955); and there are a large number of Biswedars who do not get any Malikana dues at all from their occupancy—and in some cases non-occupancy—tenants, who pay at revenue rates.

35. For reasons given in paragraph 31 above, the compensation in respect of their Khudkasht lands need be only nominal: we would recommend 50% of one year's land revenue in respect of the Khudkasht lands.

36. As regards the Shamlat Deh lands, here too the compensation need be only slightly more than that allowed for the Khudkasht lands: we would recommend compensation equal to one year's land revenue in respect of the Shamlat Deh lands.

37. As regards Zamindari/Biswedari lands which are at present under the possession of tenants, we are of opinion that the compensation to be given to the Zamindars/Biswedars should be eight times of the land revenue payable in respect of such lands.

38. *Mode of payment.*—The compensation should be paid either in cash or in bonds, or partly in cash and partly in bonds, within a period ten years, it being left to the option of the Zamindars/Biswedars to obtain annual or half-yearly payments. If the payments are half-yearly, the total amount of compensation would be paid in twenty instalments. This compensation should be payable from the date of the abolition of the Zamindari.

Interest at the rate of 2½ per cent should be allowed from the date of abolition of the Zamindari to the date of payment, but no interest need be paid if the amount of compensation remains unpaid for any default of the Zamindar.

39. *Transfers by Zamindars after 1-1-49.*—Any transfers made by Zamindars and Biswedars in anticipation of the abolition of the Zamindari should not be recognised after a specified date, say January 1, 1949. (Cf section 26 A of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952).

40. *Zamindars to file statement of claims.*—Every Zamindar or Bisweddar whose Zamindari or Biswedari is abolished should be asked to file a statement of his claim on the prescribed form within two months of abolition.

41. *Rehabilitation grant not recommended.*—In our opinion no rehabilitation grant, over and above the compensation, need be given to the Zamindars.

42. *Source from which compensation to be paid.*—As regards the source from which this compensation is to be paid, in our opinion it should be paid from the Consolidated Fund of the State.

43. *Venkatachar Committee's view.*—The Rajasthan-Madhya Bharat Jagir Enquiry Committee suggested that the means for the liquidation of the Zamindari system should be found within the system itself (para 13, page 56 of the report). We endorse this view. In our opinion the amount of compensation should come out of the increased revenue that would accrue to the State on the abolition of the Zamindaries (vide para 45 *infra*).

44. *Question of charging premium from tenants for conferral of Khatadari rights.*—As pointed out in para 20 above, all the tenants of the Zamindari/Biswedari areas, with the exception of sub-tenants (the definition of 'tenants of Khudkasht' as given in the Rajasthan Tenancy Act, 1955 applies only to tenants of Khudkasht lands of Jagirdars—vide clause (23) of section 5, read with section 18 of the said Act) have already become Khatedar tenants by virtue of section 15 of the Rajasthan Tenancy Act, 1955 (3 of 1955). They cannot, therefore, be asked to pay any premium to the Government for the conferral of Khatadari rights.

45. *Rent to be charged from tenants on abolition of Zamindari.*—We recommend that, on the abolition of the Zamindari/Biswedari system, all the tenants of the Zamindari/Biswedari areas should be asked to continue to pay direct to the Government whatever rents they have been paying to the Zamindars/Biswedars and the compensation to be paid to the Zamindars/Biswedars for the abolition of their Zamindari/Biswedari rights should come out of the increased amount which the Government would be getting, namely the difference between the land revenue now received by Government from the Zamindars/Biswedars and the rentals that they would receive from the tenants in future after the abolition of the Zamindari/Biswedari system.

46. *Revenue and Rent to be realised during next 10 years.*—As regards item No. (vi) of our terms of reference, we are of opinion that the tenants should be asked to continue to pay as revenue to Government for a period of ten years from the date of the abolition of the Zamindari whatever they have hitherto been paying to the Zamindars/Biswedars.

As regards the Zamindars/Biswedars who would become Khatedar tenants of their Khudkasht lands (or Holders of Khudkasht), they may be asked to continue to pay as rent whatever they have been paying hitherto as revenue in respect of these areas.

47. *Fresh settlement after 10 years.*—The land should be deemed to have been settled with the tenants for this period of ten years at the rents they have hitherto been paying to the Zamindars/Biswedars, on the understanding that, after the expiry of the period of 10 years, the land would be settled with them at land revenue rates. In our opinion the tenants should have no objection to such an arrangement in view of the fact that, had the Zamindari/Biswedari system not been abolished, they would have continued to pay at the existing rates to the Zamindars/Biswedars and they have now the assurance of the lands being settled with them after 10 years at revenue rates.

48. *Gang Canal Colony.*—Turning now to the last point whether the Gang Canal Colony is also to be treated in the same way as the other Zamindari/Biswedari areas and if not, what is to be the fate of the 'Maliks' of this colony, we would point out that the Rajasthan-Madhya Bharat Jagir Enquiry Committee excluded the Gang Canal

Colony area from their consideration and made it clear that none of their recommendations applied to that area. That Committee suggested that the Rajasthan Government should undertake a separate enquiry and examine the position in the Canal area as they (the Venkatachar Committee) understood that special rights had been given to the colonists under certain conditions and they did not wish to disturb them without adequate information (para 16, page 56).

49. *Existing position.*—From the enquiries made by the O.S.D. (Revenue), it appears that the land in the Gang Canal Colony (including trees and brush-wood thereon) was sold by the Bikaner State in 'full proprietary rights' subject to (a) reservation of all mines and minerals etc. by H. H.'s Government and (b) payment of the land revenue demand and village cesses.

One of the conditions of sale was that the assessment of land revenue would not exceed one-half of the net assets, and the village cesses were not to exceed one anna per rupee of the land revenue (excluding 'Choudhri's Pachotra' and 'Malba').

The colonies were to pay canal water rates in accordance with the rates in force on the Bikaner Sutej Canal. The purchaser was not permitted to alienate his land until he had paid the full purchase price, or until 3 years after the commencement of irrigation, except with the previous permission of the Revenue Member of Council.

Land for the construction of residential houses was allowed 'in proprietary right' at a price not exceeding Rs. 5/- per 1,000 sq. feet, and no revenue was to be charged on land occupied by the buildings.

The landowners of the Gang Canal area thus paid valuable consideration for acquisition of full proprietary rights. The proprietors in the Gang Canal Colony do not own or manage the common lands of the village.

They have got heritable and transferable rights but they have to obtain the previous sanction of the Revenue authorities for any alienation.

The rates of land revenue paid by the proprietors vary from Rs. 2/- per bigha Nehri and annas -/12/- per bigha Barani to annas -/13/- per bigha non-perennial nehri and -/8/- per bigha barani.

Seventy-one per cent of the proprietors own less than one square of 25 bighas, 5 per cent own 1 Murabba each, and 14 per cent from 1 to 2 Murabbas. The percentage of proprietors owning 3 to 4 Murabbas was only 2 at the time of the first regular settlement of the colony.

The total land revenue payable by the proprietors of the Gang Canal Colony is reported to be Rs. 18,80,000/-.

50. *Question whether the Zamindari Abolition Act should apply to Gang Canal Colony.*—A suggestion was made that the Zamindari Abolition Act should not be applied to the Gang Canal area, for which separate legislation should be passed.

Another suggestion made was that the proprietors of the Gang Canal Colony should be left as they are; and the view was expressed that they are not real Zamindars but are glorified tenants who are on par with the Pattedar tenants of the former Jaipur State.

51. *Fresh report called for from district officer.*—Before coming to a final conclusion, we asked the Officer on Special Duty (Revenue) to obtain further information from Collector, Ganganagar, regarding the exact status of the Zamindars of the Gang Canal Colony.

52. *Collector, Ganganagar's report.*—The points raised by us and the gist of the Collector's report thereon are given below:—

- |  |  |
|--|--|
| (1) What was the cash price per Murabba originally paid by the purchasers of land in the Gang Canal Colony ?                                     | Between Rs. 4,875/- and Rs. 6,750 per Murabba of 25 bighas; and the purchasers were conferred full proprietary rights. |
| (2) Whether the proprietors of lands in the Gang Canal Colony are being actually recorded as land-owners in the record of rights or as tenants ? | They are being recorded as land-owners in the record of rights and not as tenants.                                     |

What was their status under the Bikaner Tenancy Act and the Land Revenue Act on the date of the commencement of the Rajasthan Tenancy Act, 1955 (3 of 1955) ?

The Bikaner Tenancy Act and the Bikaner Land Revenue Act conferred full rights of alienation of land by sale or mortgage, subject to the approval of the Commissioner, who usually sanctioned such transactions if the same was not against the interests of the sellers

- |   |   |
|---|---|
| (4) Are they paying land revenue or rent and how are the payments being recorded ?                            | The proprietors pay land revenue and it is recorded as such.  |
| (5) Has any of them been recorded as Khatedar tenant on the commencement of the Rajasthan Tenancy Act, 1955 ? | "None of the above land-owners has been recorded as Khatedars so far and none of them has so far applied for record of such rights, but all such land owners are Khatedar tenants." |

53. *Original conditions of sale.*—The Collector has also sent a copy of the "Conditions of sale of proprietary rights in the Gang Canal area to be irrigated by the Bikaner Sutlej Canal, as revised in January, 1924",

These conditions of sale were already before us



54. *Result of present enquiry.*—The information furnished by the Collector, Ganganagar, lends support to the view that the proprietors of the Gang Canal Colony are land-owners and not tenants.

55. *Question whether the Zamindars of Gang Canal Colony are Khatedar tenants.*—The Collector's remark that "all such land-owners are Khatedar tenants" is definitely mis-leading.

56. *Position under Bikaner Tenancy Act and Land Revenue Act.*—In the Bikaner State Tenancy Act, 1945 (Bikaner Act No. II of 1945) the definition of 'tenant' as given in clause (5) of section 3 does not include a 'land-owner'.

57. Similarly in the Bikaner State Land Revenue Act, 1945 (Bikaner Act No. IV of 1945) the definition of 'land-owner' as given in clause (2) of section 3 does not include a 'tenant'; and clause (5) of the same section again makes it clear that the definition of 'tenant' does not include a 'land-owner'.

58. *Difference between land-owner and tenant.*—There is a great deal of difference between a 'land-owner' and a 'tenant', and the Collector obviously got confused when he made the above statement.

59. *Statements made in Assessment Report.*—Our attention has also been drawn to certain statements contained in the Assessment Report of the First Regular Settlement of the Gang Canal Colony published in 1946. The portions of this report to which our attention has been invited are given below:—

Extract from the Revenue Minister, Bikaner's review:—

*Page vi of the report.*

"All the holders of land in the Gang Canal Colony (except in the case of purely Barani villages and a few small holdings, where Maurausi rights exist) have been recorded as proprietors in the Records of the Rights under preparation. They enjoy full proprietary rights including that of alienation etc."

*Para 37 at page 33 of the Report.*

"It has been noted in the preceding paragraph that the rights of ownership in land were vested in the State and the cultivators were recorded as Khatedars in the Revenue Records. In the year 1916 occupancy rights were conferred on the Khatedars in some parts of the area to be brought under the irrigation of the canal on payment of a small Nazrana. Later on, in the year 1931 proprietary rights were granted to the occupancy tenants on payment of further Nazrana recoverable in easy instalments. Direct proprietary rights were conferred on the Khatedars of Nali area (Ghaggar bed) and of portions of Anupgarh and Suratgarh Tehsils now included in Raisinghnagar and Padampur Tehsils, in the year 1935, on payment of Nazrana recoverable in easy instalments.

In short, all the occupiers of the area under assessment are proprietors, the only exceptions being some of the purely Barani villages and a few holdings with small areas who still enjoy the Maurusi rights."

Page 34 (para 37 continued).

"The grant of proprietary rights has made the position of the old abadkars stable and they have been shown as proprietors in the Records under revision."

Page 34 (Para 38).

"Each holder of land is the owner of the specified land he holds; possession now is the sole measure of right."

"Each purchaser is the owner of the land he has purchased."

60. *Committee's conclusion regarding status of Zamindars of Gang Canal Colony.*—It is, therefore, clear that the "Maliks" or Zamindars of the Gang Canal Colony are land-owners and not tenants and they cannot be treated on par with the Pattedar tenants of the former Jaipur State; and the Zamindari Abolition Act should apply to them.

61. *Question of compensation to Zamindars of Gang Canal Colony.*—As regards the amount of compensation to be paid to these particular intermediaries, we see no justification for according them any preferential or differential treatment, and would recommend that they may be paid compensation on the same scale as that proposed for the Zamindars/Biswedars of the other Zamindari/Biswedari areas of Rajasthan.

62. *Zamindari Abolition Act should apply to Zamindari villages in Kotah district.*—The Rajasthan-Madhya Bharat Jagir Enquiry Committee also excluded the Zamindari area in Kotah from their recommendation (para 17, page 57 of their report). From the enquiries made by the O.S.D. (Revenue and the reports submitted by the Collector, Kotah, there does not appear to be any need for making any differentiation in the treatment to be accorded to Zamindars of the Kishanganj Tehsil of the Kotah district.

63. *Summary of Recommendations.*—We have, we think, covered the entire ground and would now summarise our recommendations. These are:—

(1) The Zamindari/Biswedari system should forthwith be abolished by legislation (para 24).

(2) Compensation will have to be paid to the Zamindars/Biswedars on the Abolition of the Zamindari/Biswedaries (para 28).

(3) Compensation will have to be paid to the Zamindars/Biswedars in respect of their Khudkasht lands also, of which they would themselves become Khatedar tenants; but such compensation may be only nominal (para 32 and 35).

(4) Compensation at the following scale is recommended:—

(a) In respect of Khudkasht lands of which the Zamindars/Biswedars would themselves become Khatedar tenants—50 per cent of one year's land revenue payable for such lands (para 35).

(b) In respect of Shamlat Deh lands—Equal to one year's land revenue payable for such lands (para 36).

(c) In respect of Zamindari/Biswedari lands at present under the possession of tenants—Eight times of land revenue payable for such lands (para 37).

(5) The compensation should be paid in cash or in bonds or partly in cash and partly in bonds in ten yearly or twenty half yearly instalments (para 38).

(6) Compensation should be payable from the date of abolition (para 38).

(7) Interest at 2½ per cent should be allowed from the date of abolition to the date of payment; but no interest be paid if the amount of compensation remains unpaid for any default of the Zamindar (para 38).

(8) Transfers made by Zamindars/Biswedars in anticipation of abolition of Zamindari after 1-1-1949 should not be recognised (para 39).

(9) Each Zamindar/Bisweddar should be asked to file a statement of his claim within two months of abolition (para 40).

(10) No rehabilitation grant over and above the amount of compensation need be given (para 41).

(11) The compensation should be paid from the Consolidated Fund (para 42).

(12) The compensation should come out of the increased revenue that would accrue to the State on the abolition of Zamindari (para 43).

(13) Tenants of Zamindars/Biswedars cannot be asked to pay premium to Government for conferral of Khatedari rights (para 44).

(14) All tenants of Zamindari/Biswedari areas should, on abolition, be asked to continue to pay to the Government, for a period of 10 years, whatever they have been paying to the Zamindars/Biswedars (para 46).

(15) Khudkasht lands should be deemed to have been settled with the Zamindars/Biswedars at existing rates of revenue, and other occupied lands, with existing tenants at existing rates of rent, for a period of 10 years, whereafter the latter category of land should be assessed at revenue rates (paras 46 and 47).

(16) Legislation for the abolition of the Zamindari system should be applied to the Zamindars of the Gang Canal Colony (para 60).

(17) Zamindars of the Gang Canal Colony should also be treated in the same way as other Zamindars/Biswedars in regard to payment of compensation (para 61).

(18) No differentiation need be made in the treatment to be accorded to the Zamindars of the Kishanganj Tehsil of Kotah District (para 62).

(19) The Zamindari Abolition Act should also apply to the Bapotidars of the former Sambhar Shamlat Area (para 10).

*Dated, Jaipur,  
the 17th September, 1956.*

**DAMODAR LAL VYAS,**  
*Minister for Revenue,  
Chairman of the Committee.*