GOVERNMENT OF RAJASTHAN

REVENUE DEPARTMENT



FIRST REPORT

OF

THE RAJASTHAN REVENUE LAWS COMMISSION

(The Rajasthan Tenancy Act, 1955)

Government Central Press, Jaipur.

FIRST REPORT

OF

THE RAJASTHAN REVENUE LAWS COMMISSION

(The Rajasthan Tenancy Act, 1955)

GOVERNMENT OF RAJASTHAN

OFFICE OF THE REVINDENCE TO THE REVINDENCE OF TH

From:

A. A. KHERIE, Member Secretary, Rajasthan Revenue Laws Commission, Jaipur.

To

The Chief Secretary to the Government of Rajasthan, Calinet Secretariat, (O. &.M. Section), Jaipur.

Dated Jaipur, January 7, 1964.

Subject.—First Report of the Rajasthan Revenue Laws Commission.

SR,

In forwarding herewith the First Report of the Rajasthan Revenue Laws Commission on the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), with the marginally noted* Appendices. I am directed to

- *(1) Draft Tenancy Bill,
- (2) Notes on Clauses,
- (3) Questionnaire,
- (4) List of persons to whom copies of the question-naire were sent,
- (5) List of persons from whom replies to the questionnaire were received,
- (6) List of witnesses examined, and
- (7) Note of dissent by Shri Ramanand Agarwal, M.L.A., Member of the Commission.

state that two of the Members of the Commission, viz., Shri Ramanand Agarwal, M.L.A., and Shri Manikchand Surana, M.L.A., signed the Report subject to notes of dissent. While the former sent in his note of dissent within the period allowed therefor, the latter failed to do so.

2. As regards Shri Ramanand Agarwal's note of dissent, his main criticism is on the submission of the First Report by the Commission on the Tenancy Act without waiting for the report of the Impact Committee of the Commission. In this connection I am to point out that the First Report and the Draft Tenancy Bill have been prepared after considering

the 530 replies received to the questionnaire issued by the Commission and after consideration of the evidence recorded by the Commission. Moreover, the Members of the Commission, who all belong to Rajasthan, are personally acquainted with the prevailing conditions and are, more or less, aware of the impact of the existing land reform and tenancy legislation; and the Commission did not wish to delay the submission of its First Report for want of the report of the Impact Committee.

3. The next Report of the Revenue Laws Commission on the Land Revenue Act will be forwarded in due course.

Yours faithfully, A. A. KHERIE, Member-Secretary.

CONTENTS

					Page
	Introductory	••	••	••	1
	PART	r			
1.	Formation of Rajasthan	• •	• •	• •	6
2.	The Rajasthan Tenancy Act, 1955	••	••	••	6
3.,	Achievements of the Act		••	• •	7.
4	Shortcomings of the Act	••		• •	8
5.	Amendments to the Rajasthan Ten	ancy Act	1955	· <u>·</u>	8
6	Necessity for drafting a new Bill				10
7	Reasons for not repealing the Act in	n ita antir	et:v		10
		i ios enun	Cuy	••	11
8.	Basic structure unchanged		••	•, •	
9.	State ownership and peasant propri	etorship	• •	• •	12
0	State bound by the Tenancy Law	••	••	• •	13
11.	Salient features of the Draft Bill	**		. • •	14
12.	Classes of tenants	••	••	••	14
13.	Acquisition of Khatedari rights	••		••	16
14.	Grant of lease by the State Govern	ment	••	••	16
15.	Rights and liabilities of tenants		• •	• •	17
16.	Prevention of fragmentation	• •			17
17.	Inheritance	<u>^</u>		• •	19
18.	Alienation				27
19.	Gift				31
		••	• •	7,*	31
20.	Begnest	• •			9.1

21.	Pre-emption .	•	•		••	• •	31	
22.	Mortgage .			. •	••	••	35	
23.	Crop-sharing .	•		• •	• *•	• •	35	
24.	Sub-letting .	•	• •	• •	••	••	37	
25.	Division of holding	. •	• •	• •	•. •	• •	39	
26.	Improvement .	•	• • • • •	• •	• •	• •	40	
27.	Trees	• ,	•	• •	••	• •	40	
28.	Restrictions on rem	oval of t	rees			• •	43	
29.	Rent	•	• •	••	••	• •	43	
30.	Ejectment .	•	• •	••	••	••	45	
31 .	Production Program	nme	•••	••	• •	v • 1	45	
32.	Imposition of ceiling	gs on hol	dings-of,	agricultu	ral lands	e m	46	
33.	Co-operative Farmin	ng	• •	• •		••	51	
34.	Forum		••	••.	• •	••	53	
35.	Delay in disposal of	Revenu	e cases	• •	••	• •	56	
36.	Suits to be tried by Revenue Courts							
37.	Court-fees.	•	••	• •		• •	58	
38.	Period of Limitatio	n ·	• •	• •	• •	••	5 8	
39.	Nyaya Panchayats		enue case PART II		••	•.•	5 9	
1.	Appendix I—Dra	ıft Tenar	ncy Bill.	•	••	••	61	
2.	Appendix II—No	tes on Cl	auses	••	••	••	98	
3.	Appendix III—Qu	estionna	ıre	••	• •	••	162	
4.	Appendix IV—Lis		sons to ire were		ppies of	the	184	
5.:	Appendix V—Lis Qu		ons from ire were			the 	186	
6.	Appendix VI—Lis	t of witn	ess exam	ined	••	• •	213	
7.	Appendix VII—No M.	te of diss L.A., M		ri Ramar	and Aga	rwal	216	