

REPORT
OF THE
RAJASTHAN KHUDKASHT ENQUIRY
COMMITTEE

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PRELIMINARY.

The Government of Rajasthan by their order No. (275) Rev./52, dated the 9th May, 1952, the text of which is reproduced in Appendix IV constituted a Committee to examine and report on the problem of providing khudkasht lands for jagirdars. It consisted of the following members:—

1. Shri Hetudan Ujwal, R.A.S.
2. Shri L. L. Joshi, R.A.S.
3. Shri Chhailbehari Lal, R.A.S.

Soon after its appointment the Committee proceeded to Nawa on the 25th May, 1952, where the Bhomias were carrying on 'Satyagrah' against the distribution of settlement parchas on the contention that the question of their khudkasht land should be decided before parchas were given to the cultivators. However, by the time the Committee reached there 'Satyagrah' ended and the parchas had been distributed. The Committee heard the representatives of the Bhomias and also of the tenants.

The Committee visited Neem-ka-Thana and Jhunjhunu Tehsils also where the question of khudkasht was acute and the relations between tenants and landholders were strained. The Committee discussed this question with the representatives of landholders and tenants and other political parties.

The Committee visited Jodhpur and Udaipur where meetings of the Collectors were held and the problem of khudkasht was discussed with them as well as other people.

The Committee also issued a notice in the Rajasthan Raj-patra of 31st May, 1952, inviting the opinion of all concerned on this question particularly on the following points:—

(1) How much area of Chahi or Barani land may be considered to constitute an economic holding in each tehsil? One Bigha of Chahi may be taken as equal to 3 bighas of Barani in calculating the area.

(2) How much area should be deemed to constitute a maximum sized holding for a tenant above which any land hold by him may be acquired for being given as khudkasht to jagirdars who have not got sufficient

land for khudkasht under section 18 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952.

(3) If sufficient land is not available from tenants holding more than the maximum area as stated in item (2) from what other categories of tenants may land be acquired for being given to jagirdars who have insufficient land for khudkasht ?

(4) Whether any share should be given to jagirdars for khudkasht in lands commanded by wells constructed wholly or mainly at the expense of the jagirdars ?

(5) Any other suggestion you can make in this connection.

The Revenue Secretary forwarded on 22-7-'52, a copy of letter, dated 14-7-1952 from Shri Madan Singh of Nawalgarh in which the following five persons were nominated on behalf of the Rajasthan Kshatriya Maha Sabha to discuss this question with the Khudkasht Committee :—

1. Kr. Vijaya Singh of Siryari ;
2. Thakur Lalsinghji Saktawat ;
3. Thakur Kishan Singhji of Siamgarh ;
4. Kr. Jodh Singhji and
5. Thakur Bachansinghji.

The problem of khudkasht was, therefore, discussed with the above persons at two meetings held on the 14th and 16th August, 1952.

The Committee was required to submit its report by the 31st July, but on account of the above-mentioned consultations with the representatives of Kshatriya Maha Sabha the report has been delayed.

The question of 'Khudkasht' new. Whenever legislation has been passed in the States of India giving fixity of tenure and occupancy rights to tenants corresponding provision had been made to allow sufficient land for the 'Personal Farm' to the landholder under one name or the other. So long as tenants could be ejected from their holdings at the will of the landholder the question of keeping any land for the personal cultivation of the landholder did not arise. He could eject a tenant from any land at any time and cultivate it himself. But when the power of the landholder to eject his tenants is restricted the question of reserving some land for his own Farm arises. In States where Tenancy Laws had been passed long ago and were amended gradually the landholders could secure sufficient land for their khudkasht. There used to be always a certain period of occupation necessary before occupancy rights could be acquired by a tenant under any of the old Tenancy Laws. In U.P. it was 20 years and in later Acts of other States it was 12 years. In Jodhpur, when settlement was started in Jagir areas tenants who were in occupation of their land for 12 years and more were recorded as khatedars and those holding for less than that period as Ghair-khatedars. The Ghair-khatedar had no occupancy rights and could be ejected at any time. However, when the Tenancy Act was passed in 1949, all tenants who were in occupation of land at the commencement of that Act were made khatedars. Similarly, in Jaipur when the State-Grants Land Tenures Act was passed in 1947 all tenants who held the land when the Act was passed were made khatedars. Therefore, in order to provide for khudkasht of the landholders, provisions were made both in the Jaipur and Jodhpur Acts as mentioned in Appendix I (paras 2-4).

2. In Jaipur the Act had remained in force only for one year before Rajasthan was formed and since the scale of area of khudkasht was not prescribed little action was taken to provide khudkasht under that Act. It was only in the Panchpana portion of Jhunjhunu district that khudkasht area was demarcated in connection with Settlement operations in 1946 before the passing of the Act, in accordance with special rules framed for that area, under which a maximum of 500 bighas (312½ Acres) was fixed for khudkasht. But here too, possession had not been completely given to the landholders in most cases when the merger took place and

with it the policy in respect of this problem also changed. Further implementation of the Act or the Rules came to an automatic end by the promulgation of the Rajasthan Tenants' Protection Ordinance, 1949.

3. In Jodhpur the Tenancy Act was passed on 6th April, 1949 only a day before Rajasthan was formed, and no action could be taken to assign or declare any land as khudkasht, while the Act conferred khatedari rights on all tenants who were in occupation of land, irrespective of the period of their occupation. Even if a landholder had given the land for cultivation to a tenant for a period of one year the tenant acquired khatedari rights and could not be ejected except in accordance with the provisions of the said Act. The Rajasthan Tenants' Protection Ordinance rendered inoperative the khudkasht provisions of the Marwar Act referred to in Appendix I. Protection from ejection and sudden conferment of khatedari rights on all kinds of tenants has hit the small Jagirdars in one other way. Such Jagirdars had in many cases invested funds in the construction or improvement of wells and other means of irrigation in the hope that they would continue to derive the benefit of heavy rents in kind by sharing the produce of irrigated lands. But these hopes have now been frustrated and they are without any savings to fall back upon. Their condition is worse than that of their brethren who kept their money and did not invest it in land.

4. In other Covenanted States like Udaipur, Kotah and Alwar, although there were no provisions for khudkasht land, yet settlement in Jagir areas had taken place much earlier and khatedari rights had not been conferred on tenants overnight as was done in Jaipur and Jodhpur. The landholders were not thus rendered powerless to take up land for their khudkasht from tenants who did not hold pucca right in land. Moreover, there was some tradition in these States for Jagirdars maintaining their own farms. Thus, there is very little of this problem of khudkasht in these units. The Jagirdars of Udaipur Division exhibited a very commendable spirit at the time of our visit to Udaipur. They said that they were going to be cultivators themselves and would not like to create any bad blood among other cultivators by taking any land occupied by the latter. If they had any shortage in their existing khudkasht it may be made up from unoccupied cultivable areas. One of them stated that a Jagirdar without adequate or any khudkasht should be given preference in the

allotment of vacant lands in the neighbouring khalsa villages or in areas commanded by river valley projects. This suggestion is worthy of consideration.

5. In Bikaner there has always been enough land for any one to take under cultivation except in the canal areas from where Jagirdars were shifted wholesale and other land given in exchange to them. Thus there is no problem of khudkasht in Bikaner too.

6. Leaving Nagaur District, the situation in other parts of Jodhpur is similar to that in Bikaner.

7. The problem is acute in Nagaur District of Jodhpur and in the Sikar and Jhunjhunu Districts, and Bairath Tehsi of Jaipur Distt. where there is pressure of population upon land and Jagirs are held by a large number of 'Bhomias' who are mainly Rajputs and who did not traditionally cultivate the land themselves. In these areas the rule of primogeniture is not followed and the custom of gavelkind (equal division on succession) prevails. Thus there are as many shares and Jagirdars as there are Bhomias in a village.

8. These Bhomias trace their descent from the old warriors who are said to have occupied these lands by conquest. Thus, a sense of pride had made them regard the occupation of personal cultivation of land as derogatory. They have so far, preferred taking up military service and joined the States and Indian Armies. They have supplemented their pay with the income from land, which was quite heavy, as they took rent from cultivators in kind upto the extent of one half of the produce. Thus, even holders of small area of land were able to get sufficient grain and these Jagirdars were making a comfortable living.

9. Whenever settlement operations were started in these areas (which naturally meant reduction of income by the introduction of cash rents) these Jagirdars resisted such operations. In Jodhpur a leading Jagirdar had to be detained and his estate put under Court of Wards management before settlement could be started in Nagaur District. In Jaipur the Bhomias of Udaipurwati in Jhunjhunu District have resisted survey or cash assessment of their lands upto this time.

10. By the Rent Regulation Act of 1951, Government have reduced the share of produce that a landholder could take as rent in kind to a maximum of one fourth which has been further reduced to one-sixth in 1952. This has reduced the petty jagirdars' income from land without settlement and enhanced his desire to have as much khudkasht land as possible.

11. Another trouble which the Bhomias have recently suffered is that several adult members of their families who were serving in armed forces of the States have been discharged on a very large scale due to demobilisation consequent upon merger of the States' Forces into the Indian Army.

12. All these developments have taken place within a period of about two years and the small Jagirdar is naturally so desperate that there have been several complaints of his having broken the law or joining gangs of dacoits.

13. The problem we have to meet is thus mainly of the small Jagirdars who where not personally cultivating their lands at the crucial period when Tenancy and Anti-Ejectment laws were enacted and in whose areas there is little unoccupied land from which they could be given khudkasht easily.

14. We shall now take up the points on which we are required to report particularly:—

(i) the extent of the problem of providing khudkasht to Jagirdars in each district has been estimated above. The grounds to justify special legislation for the acquisition of land from tenants as fulfilling a public necessity are easy to find if the land is to be distributed to all people of the rural areas who are landless or have insufficient lands below the level of economic holdings. If, however, land were to be acquired compulsorily only for the purpose of giving it to a particular class namely, the Jagirdars, we are afraid the measure would be open to legal challenge. In the first place, it might be argued that Jagirdars should be compensated from public funds rather than given land at the cost of tenants who had acquired pucca rights in land by length of possession, improvements, or payment of premium for the rights. Secondly, if lands are acquired from tenants in Jagir areas only and not in Khalsa areas, the legislation might be open to the charge of discrimination

between one part of the State and another. Both the parts are interspersed closely. We would, therefore, suggest that legislation for fixing a ceiling on existing holdings should be undertaken for the whole State and its purpose should be sufficiently wide to allow a fair redistribution of land to all those who deserve to be given land. This category may include the small Jagirdar who has lost his means of livelihood by measures of land reforms including resumption of Jagirs. It must be noted, however, that it will not be possible to exempt the large holdings of khudkasht, which some Jagirdars have already made, from the operation of this law. Sub-section (2) of Section 18 of the Rajasthan Land Reforms and Resumption of Jagirs Act which guarantees such holdings will either have to be deleted or overridden by the new Act.

(ii) In the event of legislation being undertaken as mentioned in item (i) above, the schedule attached by us to this report in Appendix II may be utilised. We have arrived at the figures for each district by compiling the areas of average holdings in some villages of each tehsil. All the tehsils of a district have been taken into consideration together to fix the average holding of a tenant in that district. It was not possible to compile full data for arriving at a very accurate estimate in this respect, but we have tried to compile figures by taking villages at random with a view to take into account areas where the problem was either very acute, less acute or not acute at all. We would recommend that the average size of a holding should be doubled for fixing the maximum area of land which should be left in a tenant's holding so that he may have an economic holding as far as possible.

(iii) In areas where land has to be acquired from tenants in one way or the other the maximum size of khudkasht holdings which may be given to Jagirdars cannot be as large as those laid down in Section 18 of the Rajasthan Land Reforms and Resumption of Jagirs Act, on account of the fact that there is very little cultivable land available in such areas. In such cases the maximum holding that can be made available for khudkasht of Jagirdars should be double the size of average holdings in the district (the same as has been recommended as the maximum area to be left

with a tenant). The size of such average holdings has been given in Appendix II.

(iv) We have been asked to recommend the proportion of land which may be compulsorily taken from tenants in each Jagir where larger holdings than those mentioned in item (ii) are not available. We do not, however, consider that this proposal would be at all feasible. In the first place, it would be very difficult to persuade or compel tenants having small holdings to part with any portion of their land in the absence of any ostensible rights of the Jagirdars on such lands. Secondly, it would be wrong to make an uneconomic holding more uneconomic by reducing its size. Thirdly, it will not be possible for the Jagirdars to consolidate the small fragments of land which are taken from tenants here and there and without such consolidation their holdings will not be economic ones.

(v) In view of the opinion expressed in item (iv) it is unnecessary to fix the maximum size of khudkasht holding to be given to Jagirdars by taking land proportionately from every tenant. The size of holdings recommended in item (iii) above will, however, serve for all intents and purposes.

(vi) In view of the opinion expressed in item (iv) above it is unnecessary to suggest the manner in which land should be taken proportionately from several tenants or to indicate measures for consolidating the holdings or compensating the tenants. As we have said this suggestion, if adopted, would create more problems than it would solve.

The categories for land from which a Jagirdar could be given khudkasht have been laid down in section 19 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 which has been reproduced (Appendix I). It was evident that categories from (i) to (vi) would not suffice to give Jagirdars suitable areas for khudkasht and Clause (vii) was therefore added. We have already expressed our opinion about both the parts of Clause (vii). It will take time to enact and implement an Act to prescribe a ceiling for the holding of tenants and to redistribute the land in excess of the prescribed ceiling so as to benefit the Jagirdars. The other provision that land may be taken from the smaller tenants of Jagir in prescribed proportions has been considered to be unworkable. It is,

therefore, necessary to provide some other categories of lands in Jagir area from which the deficiency of khudkasht may be made up for the present. We suggest the following categories for reasons mentioned in each item :—

(1) There have been several instances in which a Jagirdar had cultivated land personally for several years but happened to sublet it in the year when Tenancy legislation was enacted and gave the sub-tenant khatedari rights overnight. Such land should be restored to the possession of the Jagirdar for khudkasht if he had cultivated it continuously for atleast 7 years, during a period of ten years preceding the year 1949. (vide definition of 'Sir' land in Marwar Tenancy Act, 1949 quoted in Appendix I).

(2) By a similar operation of tenancy Laws minors and widows in some cases have been deprived of lands which were cultivated personally by their fathers or husbands before they died. Such lands should be restored to their khudkasht unless the tenant has since made any improvement thereon or paid premium for the acquisition of khatedari rights or has been in possession for a period which is not less than 12 years.

(3) A large number of tenants had held lands on fixed terms of leases which expired on or after 1-4-1948, but the land could not revert to the Jagirdars on account of the promulgation of Rajasthan Protection of Tenants' Ordinance 1949. Such land should now be taken for the khudkasht of the Jagirdars.

(4) Some tenants held lands attached to wells which were constructed wholly at the expense of the Jagirdars or which had been given to such tenants after the Jagirdar had got them by escheat or surrender or by abandonment. One third of such land and an equivalent share in wells over such land may be taken for providing khudkasht to the Jagirdar in cases where the duration of possession of the tenants is of less than 12 years. One third share should be the maximum that may be required in each case and not the minimum which must be taken in every case.

(5) In some cases wells were constructed at the monetary expense of Jagirdars while the tenants contributed their labour. If the possession of such tenants

has been of less than 7 years' duration one fourth of the land attached to such wells and an equivalent share in the wells may be taken for the khudkasht of the Jagirdar, if necessary.

(6) Un-irrigated land which was given to tenants after 1-4-1945 for temporary cultivation should also be made available for the khudkasht of Jagirdars if the tenants had not since made any improvements thereon or paid any premium for the acquisition of khatedari rights in the land.

(7) We are given to understand that several muslim tenants in some districts of Jaipur and Jodhpur Divisions have abandoned their holdings and migrated to Pakistan. Such lands have been taken over by the Custodian of Evacuee Property who leases out the land from year to year. As a matter of fact most of these tenants were only tenants-at-will and their lands should revert to the Jagirdars by abandonment. The matter was discussed with the Secretary Relief and Rehabilitation who was of the opinion that the interest of the evacuees to whatever extent it existed in such lands was transferred to the Custodian and could not be permanently given to the Jagirdar or anybody else till final settlement of evacuee property between India and Pakistan. Whatever the law and the ultimate decision on the subject, it is clear that such land could be given for cultivation to the Jagirdar temporarily instead of being leased out annually to the tenants of the area who have no rights on such land. This may be arranged.

(8) Where land is not available for khudkasht from the above categories, the Jagirdar may be specially considered for allotment of unoccupied land in neighbouring khalsa villages and also allowed some special concession to get land under the new irrigation projects like the Jawai, Bhakra and Chambal.

The provisions relating to the procedure for allotment of khudkasht laid down in the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952, Chapter IV require modification. The Collector has been given no power to pass orders himself for allotment of khudkasht but can only submit a report under section 16. The report is to be referred to a Committee

of three officers who are to hear the Jagirdar and advise the Government in respect of the Collector's report. This will involve unnecessary delay. The Collector should be made responsible for passing such orders as he thinks fit so that either the Government or the party concerned may get the orders revised if they consider it necessary to do so. Two appeals against the orders of the Collector may be provided. The Commissioners or an equivalent officer specially appointed in that behalf may hear appeals for the sake of quick disposal. The Committee is not likely to meet frequently or for a sufficiently long time to dispose of the tens of thousands of cases which are to be referred to it under Section 17 of the Act.

The maximum area of khudkasht provided in Section 18 would be too low for the smallest Jagirdar. The maximum area laid down in clause (a) of Section 18 should be raised to 50 acres and clause (b) may also be suitably revised. The two clauses may read as follows :—

(a) "Where the area of the Jagir land does not exceed 100 acres, fifty acres".

(b) "Where the area of the Jagir land exceeds 100 acres but does not exceed 200 acres, 25 % of the area in excess of 100 acres in addition to the area permissible under clause (a)".

A proviso should be added to this section laying down that the provisions relating to maximum area of land to be allotted as khudkasht in this section shall apply only to such Jagir lands which contain culturable unoccupied land for the purpose.

Summary of Recommendations.

Legislation for prescribing a ceiling on holdings, land in excess of which may be taken over by Government for redistribution, should be undertaken on a wider basis which may cover small Jagirdars in need of khudkasht as well as other cultivators to whom it may be desirable to allot land.

2. Where land is to be acquired from tenants for the khudkasht of a Jagirdar the maximum area of khudkasht should be double the average size of holdings laid down in Appendix II for each district, subject to the proportions of his Jagir lands laid down in Section 18.

3. The following categories may be added to those mentioned in Section 19 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952:—

(i) Land cultivated personally by a Jagirdar continuously for atleast 7 years during the period of 10 years preceding the year 1949.

(ii) Land cultivated personally by the deceased fathers or husbands of minors or widows respectively before their deaths, unless the tenants had since improved such land or paid for the acquisition of khatedari rights therein, or been in possession of the land for a period which is not less than 12 years.

(iii) Land held on any lease or other tenure for a fixed term which terminated on or after 1st April, 1948 but the land pertaining to which could not revert to the Jagirdar on account of promulgation of the Rajasthan Protection of Tenants Ordinance, 1949.

(iv) Land attached to wells constructed wholly at the expense of a Jagirdar or given to tenants by a Jagirdar after he had got such wells by escheat or surrender or abandonment, to the extent of one third of such land, together with an equal share in wells provided that the duration of the tenant's possession is of less than 12 years.

(v) Land attached to wells constructed at the monetary expense of Jagirdars with the tenant's manual labour, to the extent of one fourth of such land together

with an equal share in wells provided that the possession of such tenant has been of less than 7 years' duration.

(vi) Un-irrigated land given to tenants after 1st April, 1945, for temporary cultivation provided that the tenants had not made any improvement thereon or paid any premium therefor.

(vii) Land abandoned by tenants who had migrated to Pakistan, subject to such conditions as may be arranged with the Custodian of Evacuee Property under the Law.

(viii) Culturable unoccupied land in khalsa villages in the vicinity of any village in which Jagir lands of the Jagirdar are situate.

(ix) Land commanded by new irrigation projects on concessional terms to be laid down by Government.

(x) Sections 14, 18, 19 and 39 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 may be suitably amended as suggested in Appendix III.

(Sd) (1) H. D. Ujjwal.

„ (2) L. L. Joshi.

„ (3) Chhail Boharilal.

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APPENDIX I.

Khudkasht has been defined in the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952, as 'Land Cultivated Personally'

'Land Cultivated Personally' has been defined as land cultivated on one's own account :—

- (i) by one's own labour ; or
- (ii) by the labour of any member of one's family ; or
- (iii) by servants on wages payable in cash or in kind (but not by way of a share in crops) or by hired labour under one's personal supervision or the personal supervision of any member of one's family or by one's paid manager or personal supervision of a salaried agent :

Provided that in the case of a person who is a widow or a minor or is subject to any physical or mental disability or is a member of the Armed Forces of the Union, or who being a student of an educational institution recognised by the Government is below the age of 25 years, land shall be deemed to be cultivated personally even in the absence of such personal supervision.

2. In section 152 of the Jaipur State-Grants Land Tenures Act, 1947 khudkasht is defined as below :—

(a) land which was being cultivated at the commencement of this Act or may be cultivated at any time thereafter, by an estate-holder as such either himself or by his servants or by hired labour ; or

(b) land which was declared prior to the commencement of this Act, or may hereafter on application or otherwise, be declared by the Government, in accordance with the provisions contained in the First Schedule to this Act, as khudkasht of an estate-holder.

The First Schedule referred to in (b) above is as follows :—

1. When any land is required for the *bonafide* personal cultivation of the estate-holder and his co-sharers, Government may declare the land so required as khudkasht.

2. The area to be declared as khudkasht shall be determined with due regard to the following matters.

(a) The total area of the estate in all the villages in which it holds any lands, including the proportionate area held in shamlat khewats, but excluding the area of sub-grants other than those made for life ;

(b) the area held by the estate-holder as khudkasht under clause (a) of section 2 (1) of section 152 ;

(c) the number of adult co-sharers of the estate-holder, if any, who requires land for their personal cultivation ;

(d) whether the estate-holder is in a position to engage himself in cultivation.

(The maximum area of khudkasht was later fixed at 500 acres by Government Order No. 853/Sc. dated 8-6-45).

3. When the area to be declared as khudkasht has been determined under rule 2, it shall be appropriated out of the following categories of land in the order in which they are mentioned :—

(a) land held as khudkasht under clause (a) of sub-section (1) of section 152 ;

(b) culturable waste other than lands reserved for grazing ;

(c) land which is sub-let by a person other than a pattedar tenant or a disabled person belonging to any of the classes mentioned in section 22 of the Jaipur Tenancy Act, 1945 ;

(d) land held by non-agriculturists ;

(e) land held by a ghair-khatedar tenant who is an agriculturist ;

(f) land which forms the jao of a masonry well constructed by the estate-holder at his own expense, whether such land is held by a khatedar or ghair-khatedar tenant ;

(g) land held by other khatedar tenants of less than twelve years' standing.

4. The area declared and demarcated as khudkasht in accordance with these provisions shall not be liable to be increased on the ground of any increase in the number of co-sharers of the estate-holder.

It was further provided in section 153 of the same Act that where an land declared as khudkasht under clause (b) of sub-section (1) of section 152 is occupied by any person and the estate-holder desires to obtain actual possession thereof, such person shall, on payment by the estate-holder of compensation determined in accordance with the provisions of this Act, be dispossessed therefrom in the manner provided for the ejection of the tenant in execution of a decree or order of the court.

No pattedari or khatedari rights could accrue in the land in which khudkasht right subsisted for the time-being.

3. In the Marwar Tenancy Act, 1949 distinction was made between 'Khudkasht Land' and 'Sir' land. Every khudkasht land was not held to become 'Sir' land unless it further satisfied certain conditions laid down in that Act.

Land cultivated by a land-lord included the land cultivated by his dependants or servants or by hired labour.

Definition of 'Sir' and the provisions about the area of 'Sir' which may be acquired by a land-holder in the Marwar Tenancy Act are as follows :—

(1) Sir means :—

(a) such land as at the commencement of this Act is being cultivated by the landlord,

(b) such land to which clause (a) does not apply, but which was cultivated by the landlord for not less than seven years during the ten years immediately preceding the commencement of this Act,

(c) such land as has been continuously cultivated by the landlord for a period of not less than six years at any time after the commencement of this Act, and as has on the application of the landlord been declared and demarcated as the applicant's 'Sir' by the Deputy Commissioner :

Provided that the area of 'Sir', which may be acquired by a landlord in a village under clause (c), when added to the area which is his 'Sir' under clauses (a) and (b) shall not exceed in the aggregate, the following scale :—

(i) If the cultivated area in the village owned by 20 percent of the landlord is not more than 600 bighas of irrigated such share. land or 1800 bighas of un-irrigated land.

(ii) if such area is more than 600 bighas of irrigated land or 1800 bighas of un-irrigated land but not more than 1200 bighas of irrigated land or 3600 bighas of un-irrigated land,—

(a) for the area mentioned in (i).	As above.
(b) for the excess over this area.	15 percent.

(iii) if such area is more than 1200 bighas of irrigated land or 3600 bighas of un-irrigated land but not more than 2500 bighas of irrigated or 7500 bighas of un-irrigated land—

(a) for the area mentioned in (i) and (ii).	As above.
(b) for the excess over this area.	10 percent.

(iv) if such area is more than 2500 bighas of irrigated land or 7500 bighas of un-irrigated land—

(a) for the area mentioned in (i), (ii) and (iii).	As above.
(b) for the excess over this area.	5 percent.

Explanation :—Land allowed to lie fallow according to usual agricultural practice, or which is not cultivated owing to famine or similar natural calamity shall be deemed to be cultivated.

(2) The restriction imposed by the proviso to clause (i) shall not apply where the area of 'Sir' to be acquired by a landlord under clause (c), when added to the area which is his 'Sir' under clauses (a) and (b) does not exceed the following limits, namely :—

(i) 150 bighas of un-irrigated land, or
(ii) 50 bighas of irrigated land.

(3) (a) A landlord, who at the commencement of this Act, is in the military, naval or air service of India, or in the military service of Marwar, may within one year of the date of such commencement, apply to the Assistant Commissioner in charge of the sub-division in which his land is situated that the land specified in the application be declared to be 'Sir' land.

(b) The Assistant Commissioner may declare the land specified in the application under clause (a) to be 'Sir' land ;

Provided that the area of land, which may be declared as 'Sir' under this clause, when added to the area of any other 'Sir' land of the applicant shall not exceed in the aggregate—

- (i) 150 bighas of un-irrigated land, or
- (ii) 50 bighas of irrigated land.

No khatadari rights shall accrue in 'Sir' land until 'Sir' rights in such land are extinguished.

4. Provision for acquisition of land by landlord is made in section 31 of the Marwar Tenancy Act is as below :—

(1) A landlord may apply to the Deputy Commissioner to acquire for him land held by a tenant for any of the following purposes, namely :—

- (a) for agricultural development including farming on improved lines, dairy farms, stock-breeding, horticulture or any similar purpose ;
- (b) for his own cultivation
- (c) for groves ;
- (d) for planting trees ;
- (e) for building houses or out-houses for the land-lord or other buildings necessary for the management or development of the estate.
- (f) for the erection of houses for tenants and labourers ;
- (g) for sites for hamlets or markets, or for the extension of the village abadi ;
- (h) for making any water course, reservoir, or tank ;
- (i) for making any road ; and
- (j) for any educational religious or charitable purpose.

(2) The Deputy Commissioner, shall, if he is satisfied that reasonable grounds exist, order the acquisition of the land applied for or part thereof, and shall at the same times award to the tenant the compensation to which he is entitled under sub-section (3) of this section, and shall thereupon order the ejection of the tenant from the land acquired ;

Provided that acquisition shall not be ordered for the purposes specified in clause (c) of (d) or sub-section (I) of this section, when suitable land not included in any holding is available.

Provided further that no acquisition shall be ordered for the purpose specified in clause (b) of sub-section (1) of the cultivable land in the possession of the landlord, when added to the land to be acquired will amount to more than—

- 150 bighas of un-irrigated land ; or
- 50 bighas of irrigated land.

(3) The Deputy Commissioner, before passing an order of ejection under sub-section (2) of this section, shall award to the tenant monetary compensation which shall not exceed six times the annual rental value of the land acquired, estimated at the sanctioned rates for tenants. Such

compensation shall be in addition to the amount of compensation, if any, due for improvement.

Provisions for khudkasht made in sections 18 and 19 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952, are as follows :—

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

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

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

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

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

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

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

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

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

Categories of land that may be allotted as khudkasht :—

(1) The following categories of land only may, if available be allotted as khudkasht under this Chapter in the order mentioned below namely :—

(i) land surrendered by tenants ;

(ii) land abandoned by tenants ;

(iii) land held on any lease or other tenure for a fixed term which is likely to terminate within two years of the date of the submission of the report by the Collector under sub-section (1) of section 16 ;

(iv) land held by sub-tenants directly from the jagirdar ;

(v) culturable unoccupied land within the jagir ;

(vi) land of the nature specified in clauses (i), (ii) or (v) above in the vicinity of the village or villages in which the jagir lands of the jagirdar are situated ;

(vii) any culturable land held by a tenant of the jagir land in excess of the prescribed area or where no such land is available, land taken from the tenants of the jagir land in such proportion or such manner as may be prescribed.

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

APPENDIX II.

Statement showing size of Average Holding.

<i>S. No.</i>	<i>Name of District.</i>	<i>Average size of holding in acres.</i>
BIKANER DIVISION.		
1.	Bikaner	75.
2.	Churu	75.
3.	Ganganagar (Barani areas)	50.
JAIPUR DIVISION.		
4.	Alwar	10.
5.	Bharatpur (Dholpur Sub-Division) only	10.
6.	Jaipur	15.
7.	Jhunjhunu	25 sandy parts). 15 others parts).
8.	Sawai Madhopur	10.
9.	Sikar	25 sandy. 15 others.
10.	Tonk	20.
JODHPUR DIVISION.		
11.	Barmer	75 sandy
12.	Jaisalmer	75 sandy.
13.	Jalore	50 sandy. 25 others.
14.	Jodhpur	50 sandy. 25 others.
15.	Nagaur	30 in sandy. 15 in others.
16.	Pali	20.
17.	Sirohi	15.
KOTAH DIVISION.		
18.	Bundi	15.
19.	Kotah	25.
20.	Jhalawar	15.
UDAIPUR DIVISION.		
21.	Banswara	6.
22.	Bhilwara	10.
23.	Chittor	10.
24.	Dungarpur	10.
25.	Udaipur	10.

NOTE:—The above figures may be deemed to be of unirrigated area in calculating which an acre of irrigated land has been counted as equivalent to 3 acres of unirrigated one.

APPENDIX III.

Suggestions for the amendment of Chapter IV (Khudkasht) of Rajasthan Land Reforms and Resumption of Jagirs Act 1952.

SECTION 14.

EXISTING PROVISION.

Application for allotment of khudkasht.—(1) A jagirdar or a zamindar who at the commencement of this Act does not hold any khudkasht or who at such commencement holds khudkasht less in area than the maximum area specified in section 18 may apply to the Collector, within six months of such commencement for allotment of khudkasht.

- (2) Every such application shall be in the prescribed form and shall be signed and verified in the manner provided in the Code of Civil Procedure 1908 (Act V of 1908) for the signing and verification of plaints.

REVISION REQUIRED.

The limitation of six months should be extended to 18 months. Eighteen months should be deemed "always to have been substituted so that the applications of Jagirdars who might have awaited fresh Government orders on account of the appointment of the khudkasht Committee may not become time-barred.

SECTION 16.

EXISTING PROVISION.

Enquiry and report by Collector.—On receipt of an application under section 14, the Collector after holding such inquiry as he deems fit, shall submit his report to the Government in respect of the matters contained in the application.

- (2) Where the Collector is of opinion that khudkasht may be allotted to the applicant, he shall specify the manner in which his recommendations may be carried out.
- (3) In making his report under this section, the Collector shall have regard to the matters specified in sections 18 and 19.

REVISED PROVISION.

On receipt of an application under section 14 the Collector shall hold an enquiry in the prescribed manner and may order such land, as he deems fit, to be allotted to the Jagirdar for khudkasht or may reject the application having regard to the matters specified in Sections 18 and 19.

- (2) Where the Collector passes an order for allotment of land for khudkasht he shall specify the manner in which his order may be carried out.
- (3) to be deleted.

EXISTING PROVISION.

SECTION 17.

Orders by Government.—(1) On receipt of a report of the Collector under the last preceding section, the Government shall refer the matter to a Committee consisting of the Chairman of the Board (who shall be the Chairman of the Committee), the Revenue Secretary to the Government and the Director of Land Records.

- (2) The Committee after giving the Jagirdar concerned an opportunity of being heard shall advise the Government with respect to the report of the Collector.
- (3) The Government shall make an order in accordance with the advice tendered by the Committee and any order so made by the Government shall be final and conclusive.
- (4) As soon as may be after an order is made by the Government under sub-section (3), the Collector shall give effect to such order.

REVISED PROVISION.

The Collector shall communicate his order made under Section 16 within a week to the Government, the Jagirdar and every other interested person.

EXISTING PROVISION.

SECTION 18.

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

- (a) Where the area of the jagir land does not exceed 60 acres one half of that area ;
- (b) Where the area of the jagir land does not exceed 60 acres but does not exceed 200 acres, 25% of the area in excess of 60 acres in addition to area permissible under clause (a).
- (c) Where the area of the jagir land exceeds 200 acres but does not exceed 500 acres 15% of the area in excess of 200 acres in addition to the area permissible under clauses (a) and (b).
- (d) Where the area of the Jagir land exceeds 500 acres but does not exceed 1000 acres, 10% of the area in excess of 500 acres in addition to the area permissible under clauses (1), (b) and (c) ;
- (e) Where the area of the Jagir land exceeds 1000 acres, 5% of the area in excess of 1000 acres in addition

to the area permissible under clauses (a), (b), (c) and (d) so however that the maximum area so allotted shall not exceed 500 acres.

Explanation :—(1) In this Section, an acre of land means an acre of unirrigated land.

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

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

REVISED PROVISION.

Only in respect of clause.

- (a) Where the area of the jagir land does not exceed 100 acres, fifty acres.
 (b) Where the area of the Jagir land exceeds 100 acres but does not exceed 200 acres. 25 percent of the area in excess of 100 acres in addition to the area permissible under clause (a).

Sub section (3) (to be added).

Notwithstanding anything contained in sub-section (1) where any land occupied by tenants except sub-tenants and lease-holders has to be taken for the allotment of khudkasht under section 19, Government may prescribe any other maximum area for such allotment in each district or part of a district.

EXISTING PROVISION.

SECTION 19.

Categories of land that may be allotted as khudkasht.—(1) The following categories of land only, may, if available, be allotted as khudkasht under this Chapter in the order mentioned below, namely :—

- (i) Land surrendered by tenants ;
 (ii) Land abandoned by tenants ;
 (iii) Land held on any lease or other tenure for a fixed term which is likely to terminate within two years of the date of the submission of the report by the Collector under sub-section (1) of Section 16 ;
 (iv) Land held by sub-tenants directly from the Jagirdar ;
 (v) Culturable unoccupied land within the Jagir ;
 (vi) Land of the nature specified in clause (i), (ii) or (v) above in the vicinity of the village or villages in which the jagir lands of the Jagirdar are situate ;

- (vii) Any culturable land held by a tenant of the jagir land in excess of the prescribed area or where no such land is available, land taken from the tenants of the jagir land in such proportion or such manner as may be prescribed.
- (2) Where no land of any of the categories specified in sub-section (1) is available, the application for allotment of khudkasht shall be rejected.

REVISED PROVISION.

(Only in respect of clauses of sub-section (1)).

- (i) Land surrendered by tenants.
- (ii) Land abandoned by tenants.
- (iii) Land abandoned by tenants who had migrated to Pakistan, subject to such conditions as may be arranged with the Custodian of Evacuee Property under the Law.
- (iv) Land Cultivated personally by the deceased fathers or husbands of minors or widows respectively before their death, unless the tenant had since improved such land or paid for the acquisition of khatedari rights therein, or been in possession of the land for a period which is not less than 12 years.
- (v) Land held on any lease or other tenure for fixed term which is likely to terminate within two years of the date of the order of the Collector under sub-section (1) of section 16 ;
- (vi) Land held by sub-tenants directly from jagirdar ;
- (vii) Culturable unoccupied land within the Jagir ;
- (viii) Land of the nature specified in clauses (i), (ii) or (vii) in any khalsa or jagir village in the vicinity of the village in which the Jagir lands of the Jagirdar are situate.
- (ix) Land cultivated personally by a Jagirdar continuously for atleast 7 years during the period of 10 years preceding the year 1949.
- (x) Land held on any lease or other tenure for fixed term which is likely to terminate within two years of the date of the order made by the Collector under sub-section (1) of section 16 ;
- (xi) Land attached to wells constructed wholly at the expense of a Jagirdar or given to tenants by a Jagirdar after he had got such wells by escheat or surrender or abandonment, to the extent of one-third of such land, provided that the duration of the tenant's possession is of less than 12 years.
- (xii) Land attached to wells constructed at the monetary expense of Jagirdars with the tenant's manual

labour, to the extent of one-fourth of such land, provided that the possession of such tenant has been of less than 7 year's duration.

- (xiii) Unirrigated land given to tenants after 1st April, 1945, for temporary cultivation provided that the tenant had not made any improvement thereon or paid any premium therefor.
- (xiv) Land commanded by new irrigation projects on concessional terms to be laid down by Government.

EXISTING PROVISION.

SECTION 39.

Appeals from the orders of Jagir Commissioner and Collector :—

- (1) The Government or any person aggrieved by any decision of the Jagir Commissioner or the Collector, as the case may be, under Section 5, sub-section (2) of section 23, section 24, sub-section 32, section 36, and section 38, may within ninety days from the date of such decision, appeal to the Board.
- (2) An appeal under sub-section (1) shall be heard and decided by a bench of the Board consisting of two members.
- (3) In deciding an appeal under this section, the Board shall follow the same procedure as is prescribed for the hearing of appeals made to it under the Rajasthan Revenue Courts, (Procedure and Jurisdiction) Act 1951.
- (4) The decision of the Board in an appeal under this Section shall be final.

Revised Provision.

The number of existing sub-sections (2), (3) and (4) will become (5), (6) and (7).

Add sub-section (2) as follows:—

The Government or any person aggrieved by any decision of the Collector under Section 16, may within sixty days from the date of such decision, appeal to the Commissioner of the Division.

*Add sub-section (3).—*An appeal under sub-section (2) may be heard and decided by the Commissioner or by an Additional Commissioner of the Division.

*Add sub-section (4).—*Government or any person aggrieved by any decision of the Commissioner or Additional Commissioner under sub-section (3) may within 90 days (ninety days) from the date of such decision appeal to the Board.

Sub-section (5).—An appeal under sub-section (1) shall be heard and decided by a bench of the Board consisting of two members (present) section (2).

Sub-section (6).—In deciding an appeal under this section the Commissioner or Additional Commissioner and the Board shall follow the same procedure as is prescribed for the hearing of appeals made to them under the Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.

Sub-section (7).—The decision of the Board in an appeal under this section shall be final.

APPENDIX IV.

GOVERNMENT OF RAJASTHAN.

NOTIFICATION.

Jaipur, May 9, 1952.

No. 4 (275) Rev. 52.—The question of providing land for the Khudkasht of Jagirdars has become urgent on account of the progress of settlement operations in the State and the enactment of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952. Holders of small Jagirs have been continually representing that their incomes go down with the introduction of cash rents in place of the share of crops which they used to realise as rents and that they should get an alternative means of livelihood by way of allotment of suitable plots of land for their khudkasht. From several points of view continuance of rents in kind has been deemed undesirable and Government have decided that settlement operations should not be hold up till the allotment of land for khudkasht to such Jagirdars as do not already possess adequate land according to section 18 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952. Government are however anxious that provision for allotment of lands for khudkasht should be made as early as possible.

2. Government have therefore been pleased to appoint a Committee of the following Officers to examine the question in detail:—

- (1) Shri H.D. Ujwal, Member, Revenue Board, Rajasthan.
- (2) Shri L.L. Joshi, Jagir Commissioner, Rajasthan.
- (3) Shri Chhail Behari Lal, Director of Land Records, Rajasthan.

The Committee should examine and report particularly on the following matters :—

(i) the extent of the problem of providing khudkasht to Jagirdars in each district and indicate the grounds to justify special legislation if any for the acquisition of lands from tenants as fulfilling a public necessity.

(ii) the maximum areas of tenants' holdings in each district as required to be prescribed under clause (vii) of Section 19 of the Rajasthan Land Records and Resumption of Jagirs Act, 1952.

(iii) the maximum size of khudkasht holdings to be provided to jagirdars in conformity with section 18 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 where land over and above the area suggested in item (ii) above has to be taken from tenants.

(iv) Proportions of land which may be compulsorily taken from tenants in each district where larger holdings than those mentioned in item (ii) are not available.

(v) maximum size of khudkasht holdings to be given to Jagirdars where land has to be taken according to suggestions made under item (iv).

(vi) the manner in which land should be taken from tenants in this connection to indicate the measures which may be taken to consolidate the khudkasht holdings of the jagirdars or the tenants concerned and the ways of compensating the tenants.

The Committee should submit its report to the Government by 31st July, 1952.

By Order
SHYAM
*Secretary to the Government
Departments, Rajasthan,*
