

GOVERNMENT OF RAJASTHAN



REPORT  
OF THE  
STATE LAND COMMISSION  
FOR  
RAJASTHAN

DECEMBER, 1959

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**STATE LAND COMMISSION**  
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# REPORT OF THE STATE LAND COMMISSION FOR RAJASTHAN

## CHAPTER I

### *APPOINTMENT OF THE STATE LAND COMMISSION*

In the concluding paragraph of the chapter (Chapter XII) on 'Land Policy' included in the First Five Year Plan, the Planning Commission expressed the view that a stage had been reached when new measures of land reforms should be based on an objective assessment of the working of measures already introduced. The Planning Commission, therefore, suggested that "within each State, therefore, there is need for some machinery for investigating and reporting upon the progress of measures of land reforms" (*vide* paragraph 35 at page 197 of the First Five Year Plan).

2. In May, 1955, the Planning Commission circulated to the State Governments a memorandum on land management legislation. In the course of that memorandum, the Planning Commission repeated the suggestion that it was desirable to have at the State level a State Land Commission, with both official and non-official members.

3. In the chapter on "Land Reforms and Agrarian Reorganisation" (Chapter IX), of the Second Five Year Plan, the Planning Commission again emphasised the need for some effective machinery to implement the land management and land reforms legislation.

4. In pursuance of these suggestions and recommendations, the Rajasthan Government decided to appoint this Commission, by its order No. F. 1 (50) R. II/55, dated the 4th September, 1956. A copy of the Government Order is given in Appendix A.

#### *Terms of reference*

5. This Commission has been asked to:—

"(a) study the land reforms already introduced in Rajasthan, ascertain how far these have actually been implemented



and make such recommendations for their implementation or for further reforms as may be necessary;

(b) make their suggestions for the drafting of land management legislation and rules; and

(c) superintend and ensure the enforcement of such legislation.”

*Personnel.*

6. The personnel of the State Land Commission as it stood at the end of August, 1969, was as under:—

- |  |                       |
|--|-----------------------|
| 1. Shri Mohan Lal Sukhadia, Chief Minister.                                    | <i>Chairman.</i>      |
| 2. Shri Damodar Lal Vyas, Revenue Minister.                                    | <i>Vice-Chairman.</i> |
| 3. Shri Nathu Ram Mirdha, Agriculture Minister.                                | <i>Member.</i>        |
| 4. Shri Brij Mohan Lal Sharma, M.L.A.  | <i>Member.</i>        |
| 5. Shri Kumbha Ram Arya  | <i>Member.</i>        |
| 6. Shri Ram Karan Joshi.   | <i>Member.</i>        |
| 7. Shri Sobha Ram, M.P.  | <i>Member.</i>        |
| 8. Shri Manikya Lal Verma, M.P.  | <i>Member.</i>        |
| 9. Shri Tan Singh, M.L.A.  | <i>Member.</i>        |
| 10. Shri Bhim Singh, M.L.A.  | <i>Member.</i>        |
| 11. Shri Sheo Narain Singh, Advocate, Ajmer.                                   | <i>Member.</i>        |
| 12. Shri Gokul Bhai Bhatt, Chairman, Rajasthan Bhoodan Yagna Board             | <i>Member.</i>        |
| 13. Shri B. Mehta, I.A.S., Chief Secretary, Rajasthan Government               | <i>Member.</i>        |
| 14. Shri Shyam Lal, I.A.S., Chairman, Board of Revenue, Rajasthan              | <i>Member.</i>        |
| 15. Shri G. S. Mehta, I.A.S., Commissioner, Bikaner                            | <i>Member.</i>        |
| 16. Shri R. K. Chaturvedy, I.A.S., Revenue Secretary                           | <i>Member.</i>        |
| 17. Shri R. P. Bhargava, I.A.S., Director of Consolidation                     | <i>Member.</i>        |
| 18. Shri Niranjana Singh, I.A.S., Registrar, Co-operative Societies, Rajasthan | <i>Member.</i>        |
| 19. Shri B. C. Mukerji, I.A.S., Settlement Commissioner, Rajasthan.            | <i>Member.</i>        |

- |     |   |                               |
|-----|---|-------------------------------|
| 20  | Shri P. N. Kaul, Administrator, Municipal Council, Jaipur             | <i>Member.</i>                |
| 21. | Shri Samrath Raj, R.A.S., Director of Agriculture, Rajasthan          | <i>Member.</i>                |
| 22. | Shri A. A. Kherie, R.A.S., (Retd.), Officer on Special Duty (Revenue) | <i>Member—<br/>Secretary.</i> |

*Meetings of the Land Commission.*

7. The first meeting of the Land Commission was held on the 17th of November, 1956, the second on the 17th of June, 1957, and the third and last on the 5th of August, 1959.

CHAPTER II.

*COMMITTEES OF THE LAND COMMISSION*

8. At the first meeting of the Land Commission held on the 17th of November, 1956, after a general discussion of the terms of reference and the extent and scope of the task entrusted to the Commission, it was felt that it would be advisable, in order to ensure a more effective and comprehensive examination of the problems involved, to have two Committees, the first to deal with the matter referred to in clause (a) of the terms of reference and the second with those referred to in clause (b). It was accordingly decided to set up the following two Committees:—

*A. Committee on Tenancy Legislation and Land Reforms.*

- |    |  |                               |
|----|--|-------------------------------|
| 1. | Shri Damodar Lal Vyas, Revenue Minister                              | <i>Chairman.</i>              |
| 2. | Shri Brij Mohan Lal Sharma, the then Labour Minister                 | <i>Member.</i>                |
| 3. | Shri Sobha Ram, M.P.   | <i>Member.</i>                |
| 4. | Shri Gokul Bhai Bhatt, Chairman, Rajasthan Bhoodan Yagna Board       | <i>Member.</i>                |
| 5. | Shri Nathu Ram Mirdha, M.L.A.  | <i>Member.</i>                |
| 6. | Shri Bhim Singh, the then M.L.A.                                     | <i>Member.</i>                |
| 7. | Shri Shyam Lal, I.A.S., Chairman, Board of Revenue, Rajasthan        | <i>Member.</i>                |
| 8. | Shri A. A. Kherie, R.A.S. (Retd.), Officer on Special Duty (Revenue) | <i>Member—<br/>Secretary.</i> |

*B Committee on Land Management and Land Utilisation.*

- |   |                               |
|---|-------------------------------|
| 1. Shri Damodar Lal Vyas, Revenue Minister                                      | <i>Chairman.</i>              |
| 2. Shri Gokul Bhai Bhatt, Chairman, Rajasthan Bhoodan Yagna Board               | <i>Member.</i>                |
| 3. Shri Nathu Ram Mirdha, M.L.A.  | <i>Member.</i>                |
| 4. Shri Sheo Narain Singh, the then M.L.A.                                      | <i>Member.</i>                |
| 5. Shri Goverdhan Singh Mehta, I.A.S., the then Member of the Board of Revenue  | <i>Member.</i>                |
| 6. Shri P. N. Kaul, R.A.S., the then Settlement Commissioner                    | <i>Member.</i>                |
| 7. Shri Sampat Mal Bhandari, I.A.S., the then Registrar, Co-operative Societies | <i>Member.</i>                |
| 8. Shri A. A. Kherie, R.A.S. (Retd.), Officer on Special Duty (Revenue)         | <i>Member—<br/>Secretary.</i> |

Both these Committees were asked to submit their reports to the Land Commission within two months.

MEETINGS OF THE TWO COMMITTEES

*Committee on Tenancy Legislation and Land Reforms*

9. For a variety of reasons, the first meetings of the two Committees could not be held till the 3rd of January, 1957; and the subsequent meetings of the Committees were held on the 17th of July, 1957, the 25th of January, 1958, and the 19th and 20th of January, 1959.

*Issue of questionnaire*

10. At the first meeting of the Committee on Tenancy Legislation and Land Reforms, it was decided to issue a questionnaire on behalf of the State Land Commission, to invite suggestions from the general public, especially agriculturists and tenants, about the implementation of the land reforms already introduced and the introduction of further land reforms, as also suggestions for the drafting of land management legislation. It was decided that the questionnaire may be published in the Rajasthan Gazette and in newspapers and that copies of it may be sent to political parties, Bar Associations, etc.

11. A questionnaire (both in English and Hindi) was accordingly issued on the 4th of February, 1957. A copy of the questionnaire in English is given in Appendix B. The questionnaire

was published in the Rajasthan Gazette of the 14th of February, 1957, and the Director of Public Relations, Rajasthan, was asked to give it the widest possible publicity through the Press. Copies of the questionnaire were sent individually to all Members of Parliament from Rajasthan and all Members of the Rajasthan Legislative Assembly; members of the Bar Associations at Jaipur, Jodhpur and the district headquarters; members of the Revenue Bar Association; members of the Central Jagir Advisory Committee and the District Jagir Advisory Committees; all political associations recognised by the Chief Electoral Officer, Rajasthan; all members of the State Land Commission for Rajasthan; all Commissioners; all Collectors and certain other officers. In the questionnaire published on the 14th of February, 1957, replies were called for by the 31st of March, 1957. It was subsequently felt that a large number of the persons to whom copies of the questionnaire were sent may be busy with the General Elections. For this reason, another notification was issued on the 18th of April, 1957, extending the date for submission of replies up to the 31st of May, 1957; and the questionnaire was also re-published in the Rajasthan Gazette. Copies of the questionnaire were again sent to the new Members of Parliament from Rajasthan and to the Members of the new Rajasthan Legislative Assembly. In this way 789 copies were individually distributed.

12. Despite all these steps, the response was exceedingly poor, as only eleven replies were received and of these three were from officials and only eight from non-officials.

13. At the third meeting of the Committee on Tenancy Legislation and Land Reforms held on the 25th of January, 1958, it was decided that a Sub-Committee, consisting of Sarva Shri Nathuram Mirdha, Shyam Lal, P. N. Kaul and A. A. Kherie, may be formed to study all the replies received and to submit its report as to what amendments to the existing law, or fresh legislation, should be undertaken.

The Sub-Committee submitted its report to the main Committee on the 27th of March, 1958. Owing to various causes, the Sub-Committee's report could not be considered by the main Committee till the 19th of January, 1959. The Committee on Tenancy Legislation and Land Reforms eventually submitted its report, which was received by the Chairman of the Land Commission on the 7th of July, 1959.

#### *Committee on Land Management and Land Utilisation*

14. At the first meeting of the Committee on Land Management and Land Utilisation held on the 3rd of January, 1957,

the Committee decided that a Sub-Committee consisting of Sarva Shri Gokulbhai Bhatt, Goverdhan Singh Mehta and A. A. Kherie may be set up to study the problem in detail and make recommendations. The Sub-Committee was asked to meet from time to time at the convenience of the non-official member; and it was also decided that the Director of Agriculture may be co-opted as a member of the Committee on Land Management and Land Utilisation.

15. In the questionnaire issued by the Committee on Tenancy Legislation and Land Reforms on the 4th of February, 1957, a specific question (question No. 7) was asked as to whether the Rajasthan Agricultural Lands Utilisation Act, 1954, should be brought into force, and, if so, in what areas of Rajasthan and the agriculturists and tenants were asked to give a schedule of the crops that should be ordered to be grown and the proportion of the area of a holding in which such crops should be grown. Suggestions were also invited about the drafting of suitable legislation for land management and land utilisation (*vide* question No. 19 of the questionnaire—Appendix B).

16. Owing to various reasons, including the absence of the non-official member from Jaipur on tour, and the transfer of Shri Goverdhan Singh Mehta from Jaipur, the Sub-Committee appointed on the 3rd of January, 1957, could not meet till February, 1958. The Sub-Committee actually submitted its report to the Committee on Land Management and Land Utilisation on the 20th of February, 1958.

17. The Sub-Committee's report could not, however, be considered by the main Committee till January, 1959; and the report of the Committee on Land Management and Land Utilisation was eventually submitted to the Land Commission and was received by the Chairman on the 7th July, 1959.

#### *Consideration of the Committees' reports*

18. The reports of the Committee on Tenancy Legislation and Land Reforms and the Committee on Land Management and Land Utilisation were considered and discussed at length by the Land Commission on the 5th of August, 1959.

CHAPTER III  
*CONDITIONS PREVAILING AT THE TIME OF  
 FORMATION OF RAJASTHAN.*

19. The Land Commission has been asked, *inter alia*, to "study the land reforms already introduced in Rajasthan, ascertain how far these have actually been implemented and make such recommendations for their implementation or for further reform as may be necessary". Before dealing with this particular clause of our terms of reference, we consider it necessary to give a brief description of the conditions prevailing in Rajasthan at the time of its formation in March, 1949.

*The Jagirdari system*

20. At the time of the formation of Rajasthan in March, 1949, there were huge areas in Rajasthan of which the land revenue had been assigned to grantees of various categories known as jagirdars. Taking Rajasthan as a whole, the jagirdari system prevailed over nearly sixty per cent of the total area. The jagirdar was thus an intermediary between the tiller of the soil and the State in the same way as the zamindar of a Part-A State. So far as the tenant was concerned, the jagirdar behaved in all respects as the 'owner' of the land; and the tribute paid by the jagirdar to the State did not bear any direct relation to the rents he actually realised from his tenants. These payments by the jagirdar were based on the assumed income, or 'tan', of the jagir at the time of its grant hundreds of years back. The jagir income had increased several times over the assumed income, and yet the amount of tribute remained at the figure stipulated at the time of the grant of the jagir. In most of the jagir areas where settlement had not been introduced, the jagirdar realised the rent by taking a share of the produce. This share ranged from one-half to one-eighth in different Units. Since the prices of agricultural produce registered a steep rise on account of the war, the tenants began to agitate against these high rents: they were unwilling to pay such a large share of produce as rent. The majority of the tenants in the jagir areas did not know what security of tenure, fixity of rent and fairness of rental meant. The majority of them were 'tenants-at-will,' and lands were let out to the highest bidder, resulting in unhealthy competition and rack-renting and deterioration of land.

*The Zamindari and Biswedari system*

21. Apart from the jagirdari system, there was another class of intermediaries in Rajasthan. These were known as 'zamindars' in some areas and 'biswedars' in others. The zamindari or biswedari system obtained in some 4,870 villages, spread over eight districts

of Rajasthan, principally, Alwar, Bharatpur, Ganganagar and Kota. These zamindars and biswedars paid fixed land revenue to the State, but the cash rents payable to them by their tenants had not been fixed,—except in the case of some persons recorded as occupancy tenants, and the zamindars and biswedars were free to realise rents at whatever rates they pleased from their tenants, who were treated as 'tenants-at-will' and were liable to ejection at the sweet-will of the zamindar or bisweddar.

#### *The Ryotwari system*

22. In the ryotwari areas, the tenant-in-chief was free to charge whatever kind or cash rent he pleased, and he could eject the sub-tenant at his sweet-will.

#### *Tenancy Laws of the Covenantee States*

23. At the time of the formation of Rajasthan, there were no doubt tenancy laws in the majority of the covenanting States—with the exception of the Jaisalmer, Shahpura and Kishengarh States—but those enactments were of a conservative nature and merely sought to give legal shape to prevailing customs or practices, which differed widely from State to State. There was considerable divergence regarding the classes of tenants and the nature and extent of their rights. In the same State the rights of tenants in the khalsa (or crown) lands were different from those in the jagir (or alienated) lands. Conditions for the acquisition of rights of inheritance or of transfer were not uniform. Briefly speaking, full rights of transfer were recognised in the case of pattedar tenants in the Jaipur State, occupancy tenants in the Bikaner State, bapidars and khadamdars in the Udaipur, Jodhpur, Banswara and Kishengarh States and the khatedar in the Partabgarh, Tonk and Kota States. All these classes of tenants, with the exception of the khatedar of Tonk and Kota States and the khadamdars and bapidars of the Udaipur State, had to pay premium, or nazrana, as the price of acquiring rights of transfer. Even after the payment of premium or nazrana, in certain States, e.g. Bikaner, the right of transfer was subject to the previous sanction of the State Government; and in the Bikaner State tenants in the jagir area could not acquire occupancy rights at all. The right to trees and the right to make improvement also varied from State to State.

There were vast areas where there had been no survey and no Settlement and where land records were non-existent.

24. These briefly, were the conditions prevailing in Rajasthan at the time of its formation in March, 1949.

## CHAPTER IV

**OBJECTIVES OF LAND REFORM***Broad objectives of Land Reform*

25. The broad objectives of land reform in India may be said to have been embodied in Part IV of the Constitution of India, which contains the 'Directive Principles of State Policy'.

*The Directive Principles of State Policy*

26. The Articles of the Constitution that the Land Commission has particularly in mind are Articles 38, 39 (Clauses (a), (b) and (c) ), 40, 43, 47 and 48.

For facility of reference, these Articles may be reproduced below:—

"38. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.

"39. The State shall, in particular, direct its policy towards securing—

(a) that the citizens, men and women equally, have the right to an adequate means of livelihood;

(b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

(c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

"40. The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

"43. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities.



“47. The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

“48. The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines”.

27. The various land reform measures initiated in Rajasthan, along with the rest of the country, have sought broadly to keep these objectives in view.

*Land Policy advocated in First Five Year Plan*

28. Apart from the ‘Directive Principles of State Policy’ contained in the Constitution, the Planning Commission also laid down, in the First Five Year Plan, the policy to be pursued in this respect. The Planning Commission emphasised that:—

the land policy should be such as will reduce disparity in wealth and income, eliminate exploitation and provide security for tenant and worker and finally promise equality of status and opportunity to the different sections of the rural population.

29. Leaving details aside, the main recommendations and suggestions made in the First Five Year Plan were:—

(i) Abolition of intermediaries in the shape of zamindars etc. and bringing of the tiller of the soil into direct contact with the State, which should collect the revenue direct from him;

(ii) Completion of cadastral survey in areas which have not been surveyed; preparation of land records in areas where these do not exist, and adequate arrangements for their future maintenance; and introduction of settlement in un-settled tracts.

(iii) Census of land holdings and cultivation.

(iv) Prescription of an upper limit to the amount of land which an individual may hold, i.e. an upper limit for future acquisition and an upper limit for existing holdings.

(v) Tenants to be allowed to become owners of the land under their cultivation.

(vi) Tenants to have security of tenure. It was suggested that tenants-at-will should ordinarily hold tenancies for periods varying from 5 to 10 years, and tenancies should be

renewable, resumption by the land-owner being permitted only if the owner wishes to cultivate the land himself;

(vii) Rent should not exceed 1/4th or 1/5th of the produce.

(viii) Encouragement and assistance to small and middle owners to develop their production and to organise themselves voluntarily into Co-operative Farming Societies.

(ix) For small farmers the State should have a programme of consolidation of holdings.

(x) The State should fix a minimum below which sub-division should not be permitted.

(xi) Encouragement should be given to the Bhoodan movement.

(xii) Cultivation and management of land by an individual owner should conform to standards of efficiency determined by law and the State should undertake suitable land management legislation laying down standards of cultivation and management and imposing specific obligations, e.g. in respect of sale of surplus produce to Government; production and sale of improved seeds; wages and conditions of living and employment for agricultural labourers and workers etc. It was suggested that the legislation should apply in the first instance to holdings in excess of a prescribed limit. For the inefficiently managed farms the land management legislation should give to the appropriate authority power to take over, for the purpose of management, the entire farm, or such portion of it as may be in excess of the limit for resumption for personal cultivation, and secondly the right to arrange for cultivation of the land so taken over. It was suggested that for the cultivation of such land, preference should be given to co-operative groups of workers employed on the land which passes into the control of the Land Management Authority. The land management legislation should, it was suggested, confer on the Village Panchayats the right of management of village lands which are either uncultivated or are not directly cultivated by their owners. If a majority of owners or occupancy tenants in a village wish to enter into co-operative management of the land of the village, their decision should be binding on the villagers as a whole. To ensure confidence, it was suggested that it may also be prescribed that those who expressed themselves in favour of co-operative management should, as a body, hold permanent rights in at least 1/2 of the land.

(xiii) Apart from stressing the need for co-operative farming, the Planning Commission suggested that there should be a co-operative system of village management in which the land and other resources of the village can be managed and developed so as to increase and diversify production and to provide employment to those who are able and willing to work.

(xiv) The Planning Commission suggested that at the village level there should be an organisation deriving its authority from the village community and charged with the main responsibility for undertaking programmes of village development.

In the opinion of the Planning Commission the Village Panchayats should become the agency for land management and land reform in the village, and the leasing of land to the extent permitted by law should be done not directly but through the Village Panchayats.

(xv) The Planning Commission proposed that within each State there should be some machinery for investigating and reporting upon the progress of measures of land reforms.

(xvi) The Planning Commission suggested that the Minimum Wages Act should be extended to the areas selected for intensive development.

(xvii) The First Five Year Plan also contains miscellaneous suggestions in favour of landless labourers and agricultural workers. For instance, it was suggested that occupancy rights should be granted in house-sites in existing villages and village extensions; special assistance should be provided for landless workers allotted Bhoodan land; blocks of newly reclaimed land and culturable waste should be set apart, wherever possible, for settlement, on co-operative lines, of groups of landless agricultural workers who hold small un-economic plots of land; financial assistance should be given to co-operative groups of landless workers for house building, purchase of bullocks and implements; and special assistance by way of educational stipends for vocational and technical training.

*Objectives of Land Reforms as given in Second Five Year Plan*

30. So much for the First Five Year Plan. Turning now to the Second Five Year Plan, the Planning Commission have now suggested that the objectives of land reform are two-fold:—

Firstly to remove impediments upon agricultural production arising from the character of the agrarian structure.

and, secondly, to create conditions for evolving, as speedily as possible, an agrarian economy with high levels of efficiency and productivity.

31. The Second Five Year Plan points out that these aspects are inter-related; that the abolition of intermediaries, tenancy reform and ceilings on land holdings are steps which will stabilise the agrarian structure and reduce disparities in land ownership; and consolidation of holdings, adoption of land management practices and the re-organisation of agriculture on co-operative lines, with co-operative village management as the goal, would result in the development of the rural economy.

32. In the opinion of the Planning Commission:—

the aim of our policy should be in the direction of making the village the primary unit of management in agriculture and in many other economic and social activities which bear closely on the welfare of the rural people.

33. The main recommendations and suggestions contained in the Second Five Year Plan are as follows:—

(a) Completion of the process of abolition of intermediaries and speeding up of payment of compensation to small intermediaries and to widows and minors.

(b) Evolving of a fairly uniform pattern of ownership, which should conform to certain commonly agreed rights and obligations.

(c) Provision against creation of fragments by their further splitting up by transfer or partition, and regulation of the transfer of existing fragments.

(d) Persons holding land direct from the State should have the right to mortgage lands in order to obtain loans from the Government and from co-operatives on the security of land.

(e) The Planning Commission does not favour complete prohibition of leasing of land as this would induce a degree of rigidity in the rural economy, and is difficult to enforce administratively. The Planning Commission has again suggested that leases should be made through the Village Panchayats.

(f) Action should be taken to stay ejectment of tenants and sub-tenants except on ground of non-payment of rent and

misuse of land. Ejectments during the past 3 years should be reviewed with a view to restoration wherever circumstances justify such a course. In order to discourage voluntary surrender of land under undue pressure, the Planning Commission has suggested that for the future surrender of land by a tenant should not be regarded as valid unless it is duly registered, and the land-holder should be entitled to take possession of land only to the extent of his right of resumption.

(g) The Planning Commission has proposed a more effective definition of "personal-cultivation" and has suggested that the expression should be defined so as to include the entire risk of cultivation being borne by the owner and personal supervision being accompanied by residence during the greater part of the agricultural season in the village in which the land is situated or a nearby village by the owner or a member of his family, and where the land is resumed for personal cultivation, the desirability of providing also for personal labour may be considered.

(h) The Planning Commission has suggested that persons serving in the Defence Services should have un-restricted right to resume land for personal cultivation from the tenant or sub-tenant; and that small owners who wish to resume for personal cultivation, should also be permitted to do so.

(i) The Second Five Year Plan contains a number of suggestions about the fixation of ceilings on agricultural holdings and the conditions and circumstances under which resumption for personal cultivation should be permitted. The most important of the suggestions are:—

- (1) that a minimum area should be left with the tenant;
- (2) that the area already in the possession of a land-owner plus the area to be resumed by him should not exceed the ceiling limit; and
- (3) that in no event should a holding be less in area than a basic holding.

The Planning Commission has also suggested that a land-owner who desires to resume land for personal cultivation should apply for it within a reasonable time; and that the resumable and non-resumable areas should be equitably demarcated by the revenue authorities; that tenants of non-resumable areas should have continuing and heritable possession and should have a limited right of transfer to enable them

to obtain loans on the security of land from the Government and from co-operative societies. It is also suggested that tenants of non-resumable areas should be enabled to become owners of their holdings and should be brought into direct relationship with the State.

(j) The suggestions about the basis of rent being one-fourth or one-fifth of the produce have been repeated.

(k) The Planning Commission has suggested that ceilings on future acquisition should be expedited where these have not yet been imposed, and steps should be taken to impose ceilings on existing holdings.

(l) *Mala fide* transfers during the past two or three years with the intention of circumventing ceilings should be examined and action taken to prevent such transfers in the immediate future.

(m) Suggestions, about extent of ceilings and exemption from ceilings have been given.

(n) The Planning Commission has suggested that after the data relating to census of holdings and cultivation have been studied and areas likely to be available assessed, detailed schemes for resettlement on land of agricultural workers should be drawn up:

The Planning Commission has suggested that there should be a Special Board, including official and non-official members, to advise on resettlement schemes and review progress.

(o) Suggestions about consolidation of holdings have been repeated.

The Planning Commission has suggested that the programme of consolidation be extended and it should be pursued with special vigour in National Extension Service areas, Community Project Blocks, etc.

(p) Suggestions about land management practices have been repeated and the Planning Commission has suggested that effective arrangements for land management would be an important factor in increasing agricultural production and conserving natural resources. Cultivators should be under an obligation to maintain reasonable standards of efficient cultivation and management. The land management legislation should be linked with measures for the maintenance of efficient

production, such as provision of financial resources, technical guidance and supplies.

The Planning Commission has indicated the factors for judging the quality of management of farms and has suggested their grading. Those above the average should be given suitable encouragement and recognition, and those below the average should be assisted to improve their standards.

(q). The Planning Commission has again laid stress on co-operative farming and has suggested that it should be developed as rapidly as possible; to provide sound foundations for development of co-operative farming, suggestions have been offered, e.g. surplus areas available as a result of imposition of ceilings should be settled along co-operative lines.

The Planning Commission has also pointed out that there can be co-operation in many fields; improved seeds, common buying and selling; soil conservation; use of water; construction of local works, and increasingly in the principal farm operations; and that eventually the entire land should become the co-operative responsibility of the village community, thus increasing agricultural production, developing village industries, co-operative credit, etc.

The Planning Commission has again stressed the importance of Village Panchayats in this behalf.

(r) In order to ensure efficient revenue administration, such as maintenance of correct and up-to-date land records, cadastral survey, determining revenue or rent-rates etc. and special programmes of consolidation of holdings, determination of compensation for acquisition of rights, imposition of ceilings on agricultural holdings, redistribution of land, development of co-operative farming etc., the Planning Commission has suggested that there should be considerable strengthening of both supervisory and field personnel; that there should be short-period training courses to inform revenue staff about the new legislative measures; and that steps should be taken to make widely known the rights and obligations of different sections of the rural community in terms of the land reform legislation; and the Village Panchayats, Development Committees etc. should be associated with the implementation of the land reform measures.

## CHAPTER V

*IMPORTANT INTERIM LEGISLATIVE MEASURES*

34. Before examining the present-day position of land reform and tenancy legislation in Rajasthan, we may, with advantage, refer first to certain important interim legislative measures undertaken in Rajasthan.

*The Protection of Tenants Ordinance*

35. In anticipation of the legislation giving statutory rights to the tenants, the jagirdars and zamindars, as well as other land-holders, had started ejecting or dispossessing their tenants from their holdings in an arbitrary manner. In order to check this wholesale ejection, the Rajasthan Government promulgated an Ordinance in June, 1949, called the Rajasthan (Protection of Tenants) Ordinance, 1949 (Rajasthan Ordinance No. IX of 1949). The Ordinance provided that, so long as it was in force, no tenant was liable to ejection or dispossession from the whole or part of his holding on any ground whatsoever; and any tenant who was in occupation of his holding on or after the 1st of April, 1948, and had thereafter been ejected therefrom or dispossessed thereof, before the commencement of the Ordinance otherwise than by process of law, or after the commencement of the Ordinance, in contravention of its provisions, became entitled to apply to the Sub-Divisional Officer for reinstatement. Tenants all over Rajasthan took the fullest advantage of the provisions of this Ordinance, which afforded them complete protection and stopped arbitrary ejection and dispossession. Special officers were appointed to deal with the large number of applications for reinstatement under the Ordinance. The Ordinance continued in force from the 25th of June, 1949, till the 15th of October, 1955, when the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), came into force and the important provisions of the Ordinance were embodied in the Tenancy Act (cf sections 186 and 187).

*The Produce Rents Regulating Act.*

36. Disputes between the land-holders and the tenants over the sharing of crops were on the increase and at times harvested crops used to be held up, resulting in deterioration and waste of food-grains; and as there was no unified law fixing the shares of the land-holder in the crop, great difficulty was being experienced by the courts in determining the land-holder's share. It will be recalled that the Rajasthan-Madhya Bharat Jagir Encumbrance



in December, 1949, that a machinery should be provided and a procedure laid down whereby such disputes could be summarily settled. In pursuance of this suggestion and with a view to setting at rest all disputes respecting the share recoverable by land-holders as produce rent for agricultural lands, and in order to prescribe the maximum extent of such share and regulate the recovery thereof, the Rajasthan Produce Rents Regulating Act, 1951 (Rajasthan Act No. XV of 1951), was enacted in June, 1951. This Act fixed the maximum share at one-fourth of the gross produce. This Act was originally enacted for one year.

By the Rajasthan Produce Rents Regulating (Amendment) Act, 1952 (Rajasthan Act No. XIV of 1952), the duration of the principal Act was enlarged from one year to two years, and the maximum rent recoverable thereunder was reduced from one-fourth to one-sixth of the gross produce.

A doubt having been entertained as to the commencement of the Amendment Act of 1952 (Rajasthan Act No. XIV of 1952), an Ordinance was promulgated in 1953 to remove that doubt. The Ordinance was subsequently repealed by the Rajasthan Produce Rents Regulating (Amendment) Act, 1953 (Rajasthan Act VI of 1953), which also incorporated one more amendment thereby extending the duration of the principal Act from two to four years.

By a second amendment of the Act, viz., the Rajasthan Produce Rents Regulating (Second Amendment) Act, 1953 (Rajasthan Act XXII of 1953), a uniform procedure was laid down for the settlement of disputes which may arise between the land-holders and the tenants with regard to the division of the produce or the assessment or appraisal of the crop, as the case may be, either because of the wilful neglect of the land-holders to attend at the proper time and place, or to the removal by the tenant of a portion of the produce before the proper time.

The Act was amended for the third time in 1954 by the Rajasthan Produce Rents Regulating (Third Amendment) Act, 1954 (Rajasthan Act XIV of 1954), which provided for the recovery of compensation by way of penalty from land-holders for knowingly collecting from tenants any sum or produce in excess of what is due to them under the principal Act.

The Produce Rents Regulating Act continued in force till the commencement of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), to which a reference will be made hereafter. When

this temporary piece of legislation was repealed, its important provisions were embodied in the Tenancy Act (cf sections 103, 104 and 105 *ibid*).

#### *The Agricultural Rents Control Act.*

37. Land-holders in the zamindari and biswedari areas of Rajasthan were realising exorbitant rents from their tenants. This rack-renting was ended by the Rajasthan Government through the enactment of the Agricultural Rents Control Act, 1952 (Rajasthan Act XIX of 1952). This enactment fixed the maximum rent for a holding at a figure not exceeding twice the land revenue assessed thereon. It also provided for a summary procedure for the conversion of produce rents into cash rents on the basis of prevailing assessed rents in adjoining settled villages.

This Act was, however, declared to be *ultra vires* the State Legislature. In order to keep up the continuity in law, an Ordinance was promulgated in 1954. That Ordinance was repealed by the Rajasthan Agricultural Rents Control Act, 1954 (Rajasthan Act XI of 1954). That Act also validated all actions taken under the Act of 1952.

Rajasthan Act XI of 1954 provided that, notwithstanding any custom, usage or practice or anything contained in any law, enactment, rule, decree or agreement or document, no land-holder shall recover, or be deemed entitled to recover, from any holding in an area to which the Act for the time being applied an amount exceeding twice the land revenue assessed on such holdings, or the cash rent fixed under section 4 of the Act.

This Act too continued in force till the 15th of October, 1955, when it was repealed by the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955); but its important provisions were incorporated in the permanent Tenancy Act (cf sections 98 and 100).

#### *Summary Settlement Act*

38. The Venkatachar Committee, to which a reference has already been made, had also made another interim recommendation viz., that a somewhat simplified and summary procedure of survey and settlement may be adopted for the purpose of evolving provisional cash-rents till the settlement operations were completed.

Acting on this suggestion, the Rajasthan Lands Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953), was enacted.

This Act empowers the Government to undertake summary settlement and lays down a simplified procedure for the evolution of cash-rents in unsettled areas as an interim measure.

This Act was amended by the Rajasthan Lands Summary Settlement (Amendment) Act, 1958 (Rajasthan Act No. 4 of 1958), by which provisions for interim stoppage of recovery of kind rents in an area under summary settlement were inserted.

This Act is still in force and recourse to its provisions was had recently when the desert areas of the Jaisalmer district were summarily settled.

## CHAPTER VI

### LEGISLATION REGARDING ABOLITION OF INTERMEDIARIES

39. In this chapter we propose to examine the present-day position in regard to the abolition of intermediaries.

#### *The Resumption of Jagirs Act.*

40. The Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act No. VI of 1952), which is the Act to provide for the resumption of jagir lands and other measures of land reforms, was brought into force with effect from the 18th February, 1952. The actual process of resumption of jagirs could not, however, be started for over two years because of stay orders secured by certain jagirdars from the Rajasthan High Court. The jagirdars subsequently entered into negotiations with the Government and the unresolved points at issue were referred for arbitration to Shri Jawahar Lal Nehru, Prime Minister of India, who gave his award in November, 1953. Eventually the Resumption of Jagirs Act was amended in several important respects by the Rajasthan Land Reforms and Resumption of Jagirs (Amendment) Act, 1954 (Rajasthan Act No. XIII of 1954). One of these was the doing away of the exemption that had been given to jagirs with an annual income of less than Rs. 5,000.

The Act, as it now stands, provides for the assessment of jagir lands to land revenue and absolves the jagirdars of the liability to pay 'tribute'.

The Act also provides that every tenant in a jagir land who had heritable and full transferable rights in the tenancy shall continue to have such rights.

Provision is also made for the conferment on the jagirdar of khatedari rights in his khudkasht lands (i.e. lands under the jagirdar's personal cultivation).

The most important chapter of the Act is that relating to the resumption of jagirs. The Act now provides for the resumption of all jagir lands.

On the resumption of a jagir, the right, title and interest of the jagirdar, and of every person claiming through him, in the jagir lands stand resumed to the Government free from all encumbrances.

The jagirdars have been made entitled to get not only compensation but also rehabilitation grant. The compensation payable to a jagirdar is seven times of his net income, calculated in accordance with the provisions contained in the second schedule to the Act; and the rehabilitation grant is payable in accordance with the scale given in the third schedule. The amount of compensation and rehabilitation grant is payable in fifteen equal annual instalments, or, at the option of the jagirdar, in thirty equal half-yearly instalments.

The work of actual resumption started in June, 1954, when the biggest jagirs of Sikar and Khetri were resumed. It was hoped that, as a result of negotiations with the jagirdars and the settlement arrived at with them through the good offices of the Prime Minister, there would be no further hitch in the resumption of the various categories of jagirs according to the programme chalked out by the Government. Unfortunately, however, some of the smaller jagirdars again took recourse to the law courts.

In 1958, the good offices of the Prime Minister, Shri Jawahar Lal Nehru, were again sought by the Bhooswamis, and, at the joint request of the Bhooswamis and the Rajasthan Government, the Prime Minister again agreed to arbitrate. The Prime Minister recently gave his award on certain further points of disagreement. As a result of this award, jagirdars whose gross annual income does not exceed five thousand rupees, will get an additional rehabilitation grant in the shape of additional multiples of net income. The total liability of the State on this account is expected to come to something like five crores and twenty-eight lakhs. In addition, a sum of Rs. 4 lakhs is to be set apart for being distributed as compensation in hard cases, for improvement to land,

and another Rs. 15 lakhs is to be set apart for *ex-gratia* relief in hard cases under the head 'revision of settlement'.

41. Since the commencement of the Resumption of Jagirs Act in 1952, there have been altogether twelve amendments of the Act so far, as indicated below:—

(1) The Rajasthan Land Reforms and Resumption of Jagirs (Amendment) Act, 1954 (Rajasthan Act No. XIII of 1954)—brought into force from the 15th June, 1954.

(2) The Rajasthan Land Reforms and Resumption of Jagirs (Second Amendment) Act, 1955 (Rajasthan Act No. 17 of 1955)—brought into force from the 5th November, 1955.

(3) The Rajasthan Land Reforms and Resumption of Jagirs (Third Amendment) Act, 1956 (Rajasthan Act No. 18 of 1956)—brought into force from the 12th June, 1956.

(4) The Rajasthan Land Reforms and Resumption of Jagirs (Fourth Amendment) Act, 1956 (Rajasthan Act No. 4 of 1957)—brought into force from the 5th January, 1957.

(5) The Rajasthan Land Reforms and Resumption of Jagirs (Fifth Amendment) Act, 1956 (Rajasthan Act No. 8 of 1957)—brought into force from the 8th February, 1957.

(6) The Rajasthan Jagir Lands Resumption (Validating) Act, 1957 (Rajasthan Act No. 36 of 1957)—brought into force from the 4th December, 1957.

(7) The Rajasthan Land Reforms and Resumption of Jagirs (Sixth Amendment) Act, 1957 (Rajasthan Act No. 43 of 1957)—brought into force from the 16th December, 1957.

(8) The Rajasthan Land Reforms and Resumption of Jagirs (Seventh Amendment) Act, 1958 (Rajasthan Act No. 7 of 1958)—brought into force from the 24th March, 1958.

(9) The Rajasthan Land Reforms and Resumption of Jagirs (Eighth Amendment) Act, 1958 (Rajasthan Act No. 36 of 1958)—brought into force from the 18th November, 1958.

(10) The Rajasthan Land Reforms and Resumption of Jagirs (Ninth Amendment) Act, 1958 (Rajasthan Act No. 43 of 1958)—brought into force from the 5th December, 1958.

(11) The Rajasthan Land Reforms and Resumption of Jagirs (Tenth Amendment) Act, 1959 (Rajasthan Act No. 20 of 1959)—brought into force from the 25th May, 1959.

(12) The Rajasthan Land Reforms and Resumption of Jagirs (Eleventh Amendment) Act, 1959 (Rajasthan Act No. 34 of 1959)—brought into force from the 28th July, 1959.

42. Out of these, the Acts at Sl. Nos. 4 to 12 were passed subsequent to the appointment of this Commission. A reference to some of the amendments made by the Amendment Act of 1954 (Rajasthan Act No. XIII of 1954), has already been made in paragraph 40 above. We may now refer to some of the other amendments made during the past three years.

Under section 20 of the Act, as it stood after its amendment by the Rajasthan Land Reforms and Resumption of Jagirs (Amendment) Act, 1954 (Rajasthan Act XIII of 1954), the provisions of the Chapter relating to resumption of jagir lands did not apply to jagir lands, "the income of which is utilised for the maintenance of any place of religious worship or for the performance of any religious service." The wording of the section left room for claiming exemption for jagirs that were not originally granted for a religious purpose. Section 20 of the Act was, therefore, amended by section 2 of the Rajasthan Land Reforms and Resumption of Jagirs (Fourth Amendment) Act, 1957 (Rajasthan Act No. 4 of 1957), which came into force from the 5th of January, 1957, by substituting for the words, just quoted, the words "except those which were originally granted or were or are deemed to have been granted and the income of which is being" "(utilised for the maintenance of any place of religious worship or for the performance of any religious service)".

While the Resumption of Jagirs Act contained provisions for the payment of interim compensation to the jagirdars, it contained no provision for the payment of interim maintenance allowance to the maintenance-holders and share to the co-sharers of the jagirdars. This lacuna was removed by the Fifth Amendment Act and the decisions theretofore given in this behalf were also validated thereby.

Certain difficulties having arisen out of the definition of the term 'settled village', given in clause (n) of section 2 of the Resumption of Jagirs Act, this definition was changed by section 3 of Rajasthan Act No. 36 of 1957. It was laid down that 'settled' when used with reference to a village or any other area, means the village or other area to which the rent-rates determined during settlement operations have been made applicable, whether prospectively or retrospectively, and the whole of such village or other area shall be deemed, for the purposes of this Act and the rules and orders made thereunder, to be

so settled if such rates have been made so applicable to not less than three-fourths of such village or other area.

In pursuance of the policy of the total abolition of intermediaries, it was subsequently decided to omit section 20 of the Act altogether, so as to pave the way for the resumption of religious jagirs. This was done by section 3 of the Sixth Amendment Act, 1957 (Rajasthan Act No. 43 of 1957); which was brought into force from the 16th of December, 1957.

By the same Amendment Act, clause 7 of the Second Schedule to the Act was amended so as to provide for the payment of an annuity in perpetuity equal to the net income of religious jagirs for the maintenance of such religious places or performance of such religious worship.

Clause (k) of section 2 of the Act contains a definition of the term 'land cultivated personally'. Sub-clause (iii) of this clause included in the definition of 'land cultivated personally' land cultivated 'by one's paid manager or personal supervision of a salaried agent'. In order to enforce *bona-fide* personal cultivation and to prevent absentee land-lordism, these words were omitted by the Rajasthan Land Reforms and Resumption of Jagirs (Seventh Amendment) Act, 1958 (Rajasthan Act No. 7 of 1958), which was brought into force from the 24th of March, 1958.

The absence of a provision for review of decisions by the Board of Revenue, the Jagir Commissioner and the Commissioner for Khudkasht, having been felt, a provision for such review was also inserted by the Seventh Amendment Act; and it was also provided that the State Government shall be deemed to be a party in every proceeding under the Act before the Commissioner for Khudkasht or the Jagir Commissioner, or the Board.

It was reported to Government that certain persons had obtained allotment of khudkasht land to which they were not entitled. In the absence of a provision for the examination and cancellation of allotments obtained by fraud or misrepresentation, such allotments could not be questioned. A new section, 19B, was, therefore, inserted in the principal Act by the Eighth Amendment Act, which laid down that, notwithstanding anything contained in section 19 or in the rules made under the Act, the State Government, upon a complaint in writing made in that behalf or upon the facts otherwise coming to its knowledge, within six months from the date of commencement of the Eighth Amendment Act, 1958, or the date of

such allotment, whichever may be later, may, after hearing the complainant against, (i) order that the matter of the allotment of land specified in sub-section (1) of section 19 may be examined by such officer, not below the rank of a Collector, as the State Government may by such order authorise, and (ii) cancel such allotment if it is found to have been secured by means of fraud or misrepresentation on the part of the allottee.

Section 41 of the Resumption of Jagirs Act only provided for punishment of persons making false statements upon conviction by a criminal court; but if any such person obtained any benefit in consequence of such false statements, there was no provision in the Act to force such person to refund or restore it. By the Eighth Amendment Act, a new sub-section was inserted under section 41 providing that if any such person is convicted of an offence punishable under sub-section (1) then, without prejudice to such conviction and any punishment imposed on that account, such person shall be further liable to refund or restore any benefit which he may have obtained under any provision of the Act in consequence of the statement in respect of which he is convicted; and such refund or restoration may be enforced by the Collector upon the order of conviction becoming final.

The jagirdars having represented that the realisation of land revenue from them for the agricultural years 1957-58 and 1958-59 at one-fourth of their rental income would be too hard upon them, section 8 of the Act was amended by the Ninth Amendment Act to provide for the realisation of land revenue at the same rate at which it was realised in the immediately preceding year.

Further the definition of the 'basic year' as given in clause f of the Second Schedule to the Act was also amended by the same Amendment Act in relation to jagir lands resumed on or after the 20th of August, 1958.

The question whether section 37 of the Resumption of Jagirs Act gives exclusive jurisdiction to the Jagir Commissioner even in regard to entries made during the course of record operations and whether the section ousts the jurisdiction of the Land Records Officer in such matters is not free from doubt. According to section 140 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956) all entries made in the record-of-rights are presumed to be correct and every revenue officer or authority is, in the absence of rebutting evidence, bound thereby. Correction of entries in the record-of-rights does not seem to fall within the scope of section 37 of



the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act No. VI of 1952). It was, therefore, decided to amend the Act so as to exclude from the jurisdiction of the Jagir Commissioner all matters relating to entries in the record-of-rights and settlement papers. This was done by the Tenth Amendment Act.

Certain jagirdars had failed to deliver their revenue records and some had also retained their patta bahis, and complaints were received by the State Government that even after the resumption of their jagirs, certain jagirdars were issuing ante-dated pattas for sale of abadi lands. There was no provision in the Resumption of Jagirs Act dealing with the delivery of records in the possession of jagirdars. It was, therefore, considered necessary to have a provision in the Act making it obligatory on the jagirdar whose jagir lands are resumed to surrender all records relating to the administration and management of his jagir land, so resumed, or pertaining to the various items of receipts and disbursements mentioned in clauses 2 and 4 of the Second Schedule to the Act, and providing penalty for non-delivery of such records. This objective was achieved by the insertion of a new section, 22A, by the Eleventh Amendment Act.

Reference has already been made about the latest award given by the Prime Minister. The Eleventh Amendment Act also contains provisions—in implementation of the Prime Minister's award—for the payment of additional rehabilitation grants to jagirdars whose gross income does not exceed Rs. 5,000.

43. Turning now to the actual process of resumption, the position is that notifications under section 21 of the Act have been issued for the resumption, with effect from the 1st of July, 1958, of all jagirs, other than religious jagirs, that had not so far been resumed under or in pursuance of any previous notification and had been settled with effect from the 1st of July, 1957, or some earlier date.

In consequence of the omission of section 20 of the Act, notifications were issued appointing the 1st of January, 1959, as the date for the resumption of all jagir lands with annual rental income of Rs. 10,000 and above, which were originally granted or were or are deemed to have been granted and the income of which is being utilised for the maintenance of any place of religious worship or for the performance of any religious service and that have been settled within the meaning of clause (n) of section 2 of the said Act with effect from 1st day of July, 1958, or some earlier date. Thirty-three religious jagirs each with annual rental income of Rs. 5,000 and above have been resumed with effect from the 1st November, 1959.

44. The present day position in the area covered by the pre-reorganisation State of Rajasthan is shown below:-

1. Jagirs resumed up to October, 1959	2,33,339
2. Claims finalised up to October, 1959	1,45,582.
3. Compensation paid (including Ajmer area):—	
(a) Up to June, 1959—reconciled with Accountant-General	Rs. 6,54,69,437
(b) During July to October, 1959— Un-reconciled	Rs. 19,05,941
	Total: Rs. 6,73,75,378
4. Balance of bonds issued up to August, 1959.	Rs. 3,83,78,654
5. Total estimated amount of compen- sation to be paid	Rs. 38,84,12,407
6. Gross income of all jagirs	Rs. 4,26,15,968.
7. Number of religious jagirs resumed	15
8. Rental income of religious jagirs, resumed	Rs. 4,36,420

*Abolition of intermediaries in the Ajmer area.*

45. In the Ajmer area, estates of bigger intermediaries had already been abolished under the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act No. III of 1955), before the merger of the former State of Ajmer with Rajasthan with effect from the 1st of November, 1956. A notification was issued under section 4 of the said Act appointing the 1st of July, 1958, for the abolition of minor istimrardars and muafis. The present-day position in the Ajmer area is as under:—

1. Number of jagirs resumed	12,290
2. Claims finalised.	4,450
3. Compensation paid	Rs. 62,23,788
4. Total estimated amount of compen- sation payable.	Rs. 1,70,00,000
5. Gross income of all jagirs resumed	Rs. 10,85,000

*Abolition of jagirs in the Abu and Sunel Areas*

46. Jagirs in the Abu area, which was transferred to Rajasthan under the States Reorganisation Act, 1956 (Central Act No. 37 of 1956), had already been abolished under the Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act No. 39 of 1954); and those in the Sunel area, which was similarly transferred, had been abolished under the Madhya Bharat Abolition of Jagirs Act, St. 2008 (Madhya Bharat Act 28 of 1951).

*Abolition of the Zamindari and Biswedari System*

47. Turning now to the question of abolition of the zamindari and biswedari system, the position is that in February, 1956, the Rajasthan Government by its order No. F. 1 (98) Rev. B/55 dated the 6th February, 1956, appointed a committee of officials and non-officials, under the chairmanship of the Revenue Minister, to advise Government on the subject. The Zamindari Abolition Committee submitted its report in September, 1956. After consultation with the Planning Commission, and with this Commission, the Government passed orders on the Zamindari Abolition Committee's Report in January, 1958. A Bill for the abolition of the zamindari system entitled "The Rajasthan Zamindari and Biswedari Abolition Bill, 1958" was introduced in the State Legislature in April, 1958. The Bill was passed by the State Assembly in December, 1958. It received the assent of the President on the 12th of February, 1959 and was published on the 27th *idem* as "the Rajasthan Zamindari and Biswedari Abolition Act, 1959" (Rajasthan Act No. 8 of 1959). The necessary rules to give effect to the provisions of the Act were published in the Rajasthan Gazette on the 25th April, 1959.

*Scheme of the Rajasthan Zamindari and Biswedari Abolition Act, 1959*

48. The Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959), has been brought into force from the 1st of November, 1959.

The terms 'biswedari' and 'zamindar' as used in this Act have the same meanings as in the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), except that the 'maliks' of the Gang Canal area are included in the definition of zamindar. The biswedars and khewatdars of the Ajmer area are also included in the definition.

The zamindari and biswedari estates are to be abolished by notifications under section 4 of the Act, which empowers the State Government, *inter alia*, to fix different dates for the abolition and vesting of different classes of zamindari and biswedari estates in the

State. The classification may be according to the size, or income of such estates, or according to the land revenue payable in respect thereof, or according to the different areas of the State in which these are situated, or according as they are settled or unsettled, or according to the tenures thereof, or the names by which the holders thereof are known or designated, or otherwise.

As from the date of vesting, that is to say the date appointed by the State Government for the abolition of the estates, such estates shall stand transferred to, and vest in, the State, free from all encumbrances, and the right, title, and interest of the zamindar or bisweddar, and of every person claiming through him in such estates, shall cease and vest in the State Government, and all rents and cesses in respect of any holding shall be payable to the State Government.

Lands under the khudkasht of the zamindars or biswedars, and other private properties such as house-sites, places of worship, etc. shall continue to belong to, and be held by the zamindar or bisweddar. Groves shall be deemed to be settled with the zamindar or bisweddar on such terms and conditions as Government may determine.

Under the Act, the State is liable to pay compensation to every zamindar or bisweddar who is divested of his estate. The compensation is payable at seven times the net income—as calculated in accordance with clauses 2, 3 and 4 of the Schedule to the Act—in respect of land in the occupation of tenants, other than tenants of khudkasht and sub-tenants. Compensation for khudkasht land will be at the rate of 25 per cent of land revenue payable in respect of such lands; and so will the compensation be in respect of the shamlat deh lands.

In addition to compensation, rehabilitation grant is also payable at a sliding scale varying from twenty times the net income where the land revenue does not exceed Rs. 25/- per annum to no rehabilitation grant where the land revenue exceeds Rs. 3,500/- per annum. Interest is payable from the date of vesting at 2½ per cent per annum. The compensation will be payable in cash or in bonds or partly in cash or partly in bonds.

The zamindar or bisweddar will have to file a claim for compensation within two months from the date of vesting.

The rules made under the Act have also cast on the zamindars and biswedars the responsibility of furnishing information about their khudkasht lands and private properties; agreements or contracts made by them; arrears and loans outstanding against them etc. etc.

From the date of vesting, the zamindar or bisweddar will become the khatedar tenant in respect of his khudkasht land and will continue to pay to the State Government by way of rent whatever he had been paying as land revenue.

The tenants of the zamindar or bisweddar will become the khatedar tenants and will pay to the State Government by way of rent the same amount as they had been paying to the zamindar or bisweddar; but it shall not exceed twice the land revenue.

49. So far as the law for the resumption of jagirs and the abolition of zamindaris is concerned, no legislative steps remain to be taken. The process of resumption of jagirs and the settlement of the jagirdars' claims for compensation and rehabilitation grant should be expedited, and the actual resumption should be completed by the end of the calendar year 1959. If resumption is held up in some cases because of the jagir lands being unsettled, all such lands should be settled without delay.

50. As regards the abolition of zamindari and biswedari estates, the Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959) has been brought into force from the 1st of November, 1959 and the process of abolition of zamindari and biswedari estates started on the 15th *idem* on which date all settled zamindari and biswedari estates throughout Rajasthan were abolished and acquired. The Jagir Commissioner, Rajasthan, has been given over-all control over the Collectors in the matter of abolition of zamindari and biswedari estates.

## CHAPTER VII

### TENANCY AND LAND REVENUE LEGISLATION

#### *The Rajasthan Tenancy Act, 1955.*

51. The Rajasthan Tenancy Bill had to pass through several stages before it received the assent of the President on the 14th of March, 1955, and was published in the Rajasthan Gazette on the 24th *idem*, for general information, as 'the Rajasthan Tenancy Act, 1955' (Rajasthan Act No. 3 of 1955). It was brought into force from the 15th of October, 1955. This Act not only consolidates and amends the law relating to tenancies of agricultural lands, but it also

provides for certain measures of land reforms. The Act can safely be claimed to be one of the most progressive Tenancy Acts in India.

In place of the multiplicity of tenancies and tenures that existed in the past (*vide* para 23 above), there are now only three classes of tenants viz., khatedar tenants, tenants of khudkasht and ghair khatedar tenants (section 14).

Every person who, at the commencement of the Act was a tenant of land, otherwise than as a sub-tenant or a tenant of khudkasht, became a khatedar tenant but khatedari rights did not accrue to tenants to whom land had been let out temporarily in the Gang Canal, Bhakra, Chambal or Jawai Project areas. (Proviso to sub-section (1) of section 15). It has also been laid down that any one admitted as a tenant in future, otherwise than as a sub-tenant or a tenant of khudkasht, shall be khatedar tenant (section 15).

Khatedari rights cannot accrue, however, in certain categories of land, such as pasture-land, etc. (section 16).

Certain categories of tenants of khudkasht and sub-tenants were given the right to apply for the acquisition of khatedari rights and the rights in improvements, on payments of compensation to the land-holders (section 19), but this option was not exercised to any appreciable extent, necessitating an amendment of the Act to which a reference will be made hereafter.

Tenants have also been given the right to possess, free of charge, a site for a residential house in the abadi of the village in which their holdings are situated (section 31). Rules to give effect to this provision are contained in Chapter III of the Rajasthan Tenancy (Government) Rules, 1955.

Tenants have also been made entitled to receive written leases from their land-holders and a tenant may bring a suit for obtaining such leases (section 32).

The charging of premium (nazrana) and the taking of forced labour (begar) have been prohibited (section 34).

Tenants have been given the right to use stones or other materials lying on or up to a depth of one yard from the surface of their holdings for any work in connection with their holdings or residential houses (section 36).

The rights of a tenant in a holding are not liable to seizure, attachment or sale by process of any civil court (section 37).

All tenants have been given heritable rights (section 38)

A khatedar tenant may bequeath his interest by will in accordance with his personal law (section 39).

When a tenant dies intestate, his interest in his holding shall devolve in accordance with his personal law (section 40).

Khatedar tenants have been given the right to transfer, by sale or gift, their interest in the whole or a part of their holding; but if a khatedar tenant wishes to transfer his interest to any person who already holds 30 acres of irrigated or 90 acres of unirrigated land, he will have to obtain permission from the Government (section 42). This restriction, which acts as a ceiling on future acquisition of agricultural land, has been imposed to prevent the accumulation of large areas of land in the hands of rich, absentee landlords.

A khatedar tenant may make a usufructuary mortgage of his holding for a period not exceeding ten years, on the expiry of which the holding will revert to the tenant and the mortgage will be deemed to have been satisfied in full (section 43).

A khatedar tenant can also effect a simple mortgage of his holding for the purpose of obtaining a loan from the Rajasthan Central Land Mortgage Bank, or a Co-operative Land Mortgage Bank, or a Co-operative Credit Society (section 43 (6) ).

A tenant of khudkasht or a sub-tenant to whom khatedari rights have accrued under section 19 may also hypothecate, by way of simple mortgage, his rights in his holding for the purpose of obtaining loans from the Government or a Land Mortgage Bank or a Co-operative Society or any other institution notified by the Government in that behalf (section 43 (4) ).

Sub-letting has been allowed in the case of khatedar tenants for a period not exceeding five years, but there must be an interval of two years between the first and the second sub-lease (section 44). This will prevent continuous sub-letting.

Minors lunatics, Defence Services personnel, etc. have been exempted from this restriction (section 46).

Tenants who are members of the scheduled castes and scheduled tribes are not allowed to transfer or sub-let to persons who are not members of the scheduled castes and scheduled tribes (section 46A).

Provision has also been made for exchange of land for consolidation (section 48).

Division of holdings below an uneconomic level has been prohibited (section 53 (1)).

The Act also contains detailed provisions about surrender, abandonment and extinction of tenancies (section 55 to 62); and about the right to make improvements (section 66 *et seq.*).

Tenants have been given the right to remove trees standing on their holdings for their own or agricultural use (section 84).

Government has taken power to prescribe the maximum extent of cash rent that may be recovered by an estate-holder from a tenant or by a tenant from a sub-tenant (section 97).

Where land revenue has been assessed in cash by settlement upon estate-holders and rent is payable in cash by tenants, the latter cannot be charged more than thrice the amount assessed as land revenue (section 98). Under the rules this has been reduced to two times the amount of land revenue.

In areas where rent has been fixed in cash by settlement upon tenants and rents are payable in cash by sub-tenants, the latter cannot be charged more than twice the amount determined as rent (section 99).

Higher rents have been allowed in respect of holdings in urban areas or by widows, minors, disabled persons and students (section 100).

The maximum rent recoverable in kind cannot exceed one sixth of the gross produce (section 104).

The basis prescribed for the evolution of rent-rates is also one-sixth of the produce (section 111).

The Act also contains the usual provisions about commutation (section 118) and modification of rent (section 120); and about the remission and suspension of rent in agricultural calamities (section 126).

The relevant provisions of the Produce Rent Regulating Act, 1951, and the Agricultural Rents Control Act, 1954, have been incorporated in the Tenancy Act (sections 98, 100, 104 and 105).

Tenants have been made entitled to written receipts for any amount paid as rent (section 135); as also to a statement of account (section 138).



If the land-holder declines to receive rent, the tenant can deposit it in the court of the Tehsildar (section 139).

When rent is based on an estimate or appraisalment of the standing crops, the tenant is entitled to the exclusive possession of the crop (section 144).

When rent is paid in kind, the land-holder cannot claim any additional quantity of the produce or its money equivalent by way of cartage for conveying his share of the produce (section 146).

Arrest and detention of tenants in execution of decrees for arrears of rent have been prohibited (section 153).

There can be no ejection except in accordance with the provisions of the Act (section 161).

When a tenant is ejected in execution of a decree or order for ejection for non-payment of rent, all arrears of rent are deemed to have been paid (section 162).

On ejection, a tenant is entitled to compensation for any improvement made by him (sections 74 and 164).

Provision is made about the tenant's right to crops and trees on ejection (section 166).

Apart from ejection for non-payment of arrears of rent (section 169), tenants can be ejected, through revenue courts, for illegal transfer or sub-letting (section 175) and for a detrimental act or breach of condition (section 177).

As regards ejection for personal cultivation, a tenant of khudkasht or a ghair khatedar tenant or a sub-tenant is liable to ejection in certain circumstances, but the Act contains stringent conditions which must be fulfilled (section 180).

Some of these conditions are:—

(1) that the land is actually required by the land-holder for his personal cultivation as defined in clause (25) of section 5 of the Act;

(2) that a minimum area expected to yield a net income of Rs. 1,200 a year to the tenant is left with the tenant. (These minimum areas have been prescribed by rules. The latest are those published on the 3rd of April, 1958); and

(3) that the land-holder has not already got 30 acres of irrigated or 90 acres of unirrigated land.

The limitation for applications for ejection under section 180 for providing khudkasht was three years from the commencement of the Tenancy Act (section 182A). If the land-holder fails to cultivate the land personally, the tenant can apply for restoration of the land from which he was ejected (section 182B).

Under section 207 of the Tenancy Act, revenue courts have been given exclusive jurisdiction to take cognizance of suits and applications of the nature specified in the Third Schedule to the Act. The Third Schedule also gives the periods of limitation, the proper court fees, and the court or officer competent to dispose of these suits or applications.

#### *Amendments of the Tenancy Act*

52. The Tenancy Act has been amended eleven times since its commencement, and eight of the Amendment Acts were passed since the Land Commission began its labours; and this Commission was formally consulted in regard to some of these amendments. We consider it necessary to give a brief account of these amendments:-

(1) *The Rajasthan Tenancy (Amendment) Act, 1956 (Rajasthan Act 27 of 1956)*—brought into force from 22nd September, 1956.—This Amendment Act made a large number of amendments to the Tenancy Act mainly with the object of improving the language and removing ambiguities. By this Amendment Act the provisions of section 19 were also made applicable to land of the category mentioned in clause (d) of section 180 of the Tenancy Act, and a limitation of two years, from the commencement of the Act, was fixed for applications by land-holders under section 180 of the Act for ejection of tenants of khudkasht or ghair khatedar tenants or sub-tenants for providing land for personal cultivation for the land-holders (section 182A). By the same Act, the tenant so ejected was given the right to apply for restoration if the land from which he was ejected was not brought under cultivation by the land-holder for a period of two years (section 182B). A new section (section 260) was also inserted to provide that nothing in the Tenancy Act or the rules made thereunder shall in any way affect the provisions of the Rajasthan Bhoodan Yagna Act, 1954 (Rajasthan Act XVI of 1954) and the rules made thereunder or anything done or deemed to have been done under or in pursuance of those provisions.

(2) *The Rajasthan Tenancy (Second Amendment) Act, 1956 (Rajasthan Act No. 28 of 1956)*—brought into force from the 22nd September, 1956.—By this Amendment Act, amendments were made

to the Tenancy Act to prevent lands held by members of the scheduled tribes or scheduled castes from passing into the hands of persons not belonging to the scheduled tribes or scheduled castes through sub-letting, mortgage, exchange, etc.

(3) *The Rajasthan Co-operative Land Mortgage Banks Act, 1956 (Rajasthan Act No. 38 of 1956)*—brought into force from the 31st October, 1956.—By section 41 of this Act, section 43 of the Tenancy Act was amended so as to empower a khatedar tenant to transfer his rights in his holding in the form of a simple mortgage for the purpose of obtaining loans from the Rajasthan Central Land Mortgage Bank or a Co-operative Land Mortgage Bank or a Co-operative Credit Society.

(4) *The Rajasthan Tenancy (Third Amendment) Act, 1957 (Rajasthan Act No. 5 of 1957)*—brought into force from the 12th of January, 1957.—By this Amendment Act, *inter alia*, section 19 of the Tenancy Act regarding acquisition of khatedari rights by certain categories of tenants of khudkasht or sub-tenants on payment of compensation to the land-holder was amended so as to extend the period of limitation for the submission of applications from one to two years. A new section (43A) containing provisions in relation to mortgages of agricultural holdings effected before the commencement of the Act was also inserted by this Amendment Act.

(5) *The Rajasthan Tenancy (Amendment) Act, 1957 (Rajasthan Act No. 33 of 1957)*—brought into force from 23rd of November, 1957.—By this Amendment Act, *inter alia*, the definition of 'land cultivated personally' given in clause (25) of section 5 of the Tenancy Act was amended so as to omit the words "or one's manager or agent" occurring in sub-clause (iii) of the same clause; and clause (a) of the first proviso to section 19 of the Act, to the effect that the provisions of that section did not apply "to any land where the land-holder provides bullocks, seeds, manure and other means of agriculture and bears all costs of cultivation", was also omitted.

(6) *The Rajasthan Revenue Laws (Extension) Act, 1957 (Rajasthan Act No. 2 of 1958)*—brought into force from 15th of June, 1958.—By this Act numerous amendments were made to the Rajasthan Tenancy Act, 1955—as also to the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956)—and both these Acts were brought into force in the Abu, Ajmer and Sunel areas and the Tenancy and Land Revenue Acts in force in the said areas were repealed. Among the amendments to the Rajasthan Tenancy Act made by this Act may be mentioned the further amendment of the

definition of 'land cultivated personally' by substituting the follow for sub-clause (iii) of clause (25) of section 5 of the Act namely

"(iii) under the personal supervision of oneself or a member of one's family by hired labour or by servants & wages payable in cash or in kind but not by way of a shai in crops".

This was done to make it absolutely clear that cropsharing was not allowed. The definition of 'trespasser' was also amended by omitting the word 'unoccupied' and making the definition read 'Trespasser shall mean a person who takes or retains possession of land without authority or who prevents another person from occupying land duly let out to him'. Provisions about khatadari rights in the Abu, Ajmer and Sunel areas were also inserted in the Rajasthan Tenancy Act.

(7) *The Rajasthan Tenancy (Amendment) Act, 1958 (Rajasthan Act No. 6 of 1958)*—brought into force from 17th March, 1958.—A new section, 15A, was inserted in the Tenancy Act to the effect that "Notwithstanding anything contained in sub-section (1) of section 15 of this Act or in any other law for the time being in force, or in any lease, patta, or other document, land in the Rajasthan Canal area leased out on any terms whatsoever shall be deemed to have been let out temporarily within the meaning of the proviso to the said sub-section of the said section 15 of this Act and no khatadari rights shall accrue or shall be deemed ever to have accrued in any such land leased out as aforesaid".

(8) *The Rajasthan Tenancy (Second Amendment) Act, 1958 (Rajasthan Act No. 14 of 1958)*—brought into force from the 9th April, 1958.—By this Amendment Act, section 19 of the Tenancy Act was again amended and the limitation for the filing of applications by tenants of khudkasht and sub-tenants for the acquisition of khatadari rights was further extended from two to three years. The limitation for ejectment of certain categories of tenants for providing khudkasht for the land-holders was also similarly extended from two to three years.

(9) *The Rajasthan Tenancy (Third Amendment) Act, 1958 (Rajasthan Act No. 35 of 1958)*—brought into force from the 15th of November, 1958.—By this Act section 86 of the tenancy Act was amended and a more stringent penalty provided for unlawful removal of trees. The period of limitation for applications for payment of compensation for trees which have vested in a khatedar tenant but are the property of any other person was extended from two years to three years.

(10) *The Rajasthan Tenancy (Fourth Amendment) Act, 1958 (Rajasthan Act No. 46 of 1958)*—brought into force from the 24th December, 1958.—Section 15A of the Tenancy Act was amended and it was laid down that “any person claiming that he possesses and is in enjoyment of khatedari rights in any land referred to in sub-section (1) because such land had been let out to him permanently before the commencement of this Act may, within four years from the date of such commencement and on payment of a court fee of twenty-five naye paise, apply to the Assistant Collector having jurisdiction, praying for a declaration to that effect and the provisions of sub-section (5) of section 15 shall apply to such application”. Another important amendment made by this Amendment Act was the amendment of section 55 whereby surrenders will now have to be accompanied with a writing attested by the Tehsildar having jurisdiction.

(11) *The Rajasthan Tenancy (Amendment) Act, 1959 (Rajasthan Act No. 7 of 1959)*—brought into force from the 5th April, 1959.—By section 2 of this Amendment Act a new Chapter IIIA, headed “Conferment of rights on certain sub-tenants and tenants of khudkasht on payment of compensation”, was inserted in the Tenancy Act.

Sections 19, 20, 23 and 24 were substituted; sections 21, 22, 28 and 29 of the principal Act were omitted; sections 25, 27, 30 and 43 and the Third Schedule to the Act were amended; and new sections 30A and 36A were inserted in the Tenancy Act.

The substituted section 19 of the Tenancy Act now provides that every person who, at the commencement of the Tenancy Act, viz., on the 15th October, 1955, was entered in the annual registers then current as a tenant of khudkasht or a sub-tenant of land, other than grove-land, shall, as from the date of commencement of the Amendment Act, viz., 5th April, 1959, become a khatedar tenant of such part of the land held by him as does not exceed the minimum area prescribed by the State Government for the purpose of clause (a) of sub-section (1) of section 180, or exceeds the maximum area from which such person is liable to ejection under clause (d) *ibid.*, and rights in improvements in that part of the said land shall also accrue to such person.

A person who claims that he was a tenant of khudkasht or sub-tenant at the commencement of the principal Act but whose name was not entered in the annual registers then current will have to apply to the Assistant Collector having jurisdiction for a declaration that khatedari rights accrued to him as aforesaid.

Every tenant of khudkasht or sub-tenant to whom rights accrued under the substituted section 19 will have to pay to his landlord compensation for the accrual of khatedari rights improvements as determined in accordance with the provisions of Chapter III-A.

Under the substituted section 20, the land-holder will have to submit a detailed statement of his claim.

Under the substituted section 24, compensation will be payable at the rate of fifteen times the sanctioned rent-rates in the case of unirrigated land, and twenty times in the case of irrigated land.

The method for the calculation of compensation for improvements has also been altered and simplified.

Under the amended section 27 the compensation will have to be paid within a maximum period of ten years.

Under section 30A all applications for the acquisition of khatedari rights made under the original section 19 and pending the date of commencement of the Amendment Act shall be consigned to records without orders.

These amendments have been made in pursuance of the Planning Commission's suggestion that khatedari rights should be conferred by law on sub-tenants and tenants of khudkasht who had not availed themselves of the option to acquire such rights given to them by the original section 19 of the Tenancy Act.

### *Tenancy Rules*

53. Rules to give effect to the provisions of the Tenancy Act have been made by the State Government and the Board of Revenue for Rajasthan. These are the Rajasthan Tenancy (Government) Rules, 1955, and the Rajasthan Tenancy (Board of Revenue) Rules, 1955, which were originally published in November, 1955, and have since been amended from time to time.

The recent amendments to section 19 *et seq* of the Act have necessitated the amendment of the Board of Revenue Rules and these amendments are being published by the Board after the

*The Rajasthan Land Revenue Act, 1956*

54. The Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), received the assent of the President on the 23rd May, 1956, and was brought into force from the 1st of July, 1956.

This Act consolidates and amends the law relating to land; the appointment, powers and duties of revenue courts and revenue officers; village officers and village servants; the preparation and maintenance of maps and land records; the settlement of revenue and rent; the partition of estates; the collection of revenue and matters incidental thereto.

Chapter II of the Act contains provisions relating to the Board of Revenue for Rajasthan which is "the highest revenue court of appeal, revision and reference in Rajasthan" (section 8); and Chapter III regarding the powers and duties of other revenue courts and revenue officers.

Chapter IV details the procedure to be followed by the revenue courts and officers, and Chapter V deals with appeals, references, revisions and reviews.

Detailed provisions regarding survey and record operations and settlement of revenue and rent are contained in Chapters VII and VIII respectively; and Chapter X deals with the collection of revenue.

*Amendments of the Land Revenue Act*

55. The Rajasthan Land Revenue Act, 1956 has been amended five times during the past three years, as shown below:—

(1) *The Rajasthan Land Revenue (Amendment) Act, 1956 (Rajasthan Act No. 44 of 1956), came into force from the 31st December, 1956.*—By this Amendment Act a new section, 176A, was inserted in the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), which empowers the Government to order interim relief to be given to the tenants of any district or other local area ordered to be brought under re-settlement under sub-section (1) of section 142 or under sub-section (2) of section 176 of the Land Revenue Act.

Sub-section (2) of the new section further empowers Government in its discretion to order that, when any district or other local area is ordered to be brought under re-settlement under sub-section (2) of section 176, it shall not be necessary for the Settlement Officer to carry out the economic survey required by section 148.

(2) *The Rajasthan Revenue Laws (Extension) Act, 1958 (Rajasthan Act No. 2 of 1958), brought into force from the 15th June, 1958.*—By this Act numerous amendments were made to the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956)—as also to the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. of 1955)—and both these Acts were brought into force in the Abu Ajmer and Sunel areas and the Land Revenue and Tenancy Acts in force in the said areas were repealed.

Among the amendments to the Rajasthan Land Revenue Act 1956, made by this Act may be mentioned the following:—

(a) Sub-section (2) of section 91 of the Rajasthan Land Revenue Act, 1956, was amended in order to remove the conflict between its provisions and those of section 183 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955).

(b) A new section, 94A, was inserted about road-side tree and it was declared that such trees vest in the State Government; and a new section, 94B, containing provisions about recovery of the value of trees etc. unauthorisedly appropriate by any one, was also inserted.

(c) By sub-section (4) of section 101 of the Rajasthan Land Revenue Act, 1956, it was laid down that if there were more than one person requiring the same land the allotment shall be made lastly “to the highest bidder at a public auction”. This provision about auction and allotment to the highest bidder was not considered desirable and the words “by drawing lots” were substituted.

(d) The Land Revenue Act contained no provision about the commencement of the term of settlement. A new section 175A was inserted providing that the term of every settlement made under the Act shall commence from such date as the State Government may, by notification in the official Gazette direct.

(3) *The Rajasthan Land Revenue (First Amendment) Act 1958 (Rajasthan Act No. 37 of 1958), came into force from 18th November, 1958.*—In consequence of the decision to shift the Board of Revenue from Jaipur to Ajmer, it became necessary to amend section 6 of the Rajasthan Land Revenue Act, 1956, and substitute the word “Ajmer” for the word “Jaipur” occurring in the said section. This was first done by the Rajasthan Land Revenue (Amendment) Ordinance, 1958 (Rajasthan Ordinance No. 5 of 1958), which was



1958, which made the same amendment in section 6 of the principal Act.

(4) *The Rajasthan Land Revenue (Second Amendment) Act, 1958 (Rajasthan Act No. 47 of 1958), came into force from 27th December, 1958.*—The Rajasthan Land Revenue Act, 1956, contained no provision about the conversion of agricultural land into abadi. By this Amendment Act, a new section, 90A, was inserted in the principal Act, laying down that no person holding any land for the purpose of agriculture and no transferee of such land or any part thereof shall use the same by the construction of buildings thereon or otherwise for any other purpose except with the written permission of the State Government, and the State Government has been empowered to charge urban assessment or premium or both.

Necessary rules required to give effect to the provisions of section 90A have not yet been made.

(5) *The Rajasthan Land Revenue (Amendment) Act, 1959 (Rajasthan Act No. 33 of 1959), came into force from 30th June, 1959.*—This Amendment Act has made a number of amendments to the Land Revenue Act. The more important of the amendments made are in sections 75 and 76 so as to provide for appeals in non-judicial matters.

Section 103 of the principal Act, which contains a definition of the term "land" for purposes of Chapter VI, has been substituted and the definition of "land" has been amended and amplified.

By an amendment of section 128 it has been provided that "applications in relation to the boundaries of fields may be made to, and disposed of, by the tehsildar in cases where there exists no dispute as to such boundaries but on account of the absence of proper boundary marks, there is likelihood of such a dispute arising"

A new section, 140A, was inserted laying down the procedure in disputes relating to khudkasht entries and it was provided that, notwithstanding anything contained in sections 125 and 136 of the Land Revenue Act, "where a dispute arises as to the correctness or otherwise of any entry in the record of rights relating to khudkasht in respect of any Bir or Jore which was used by a jagirdar as a grass preserve and let out for grazing either after the grass was cut or removed or before, with or without any grazing fee, the decision of such dispute shall be based on possession of the particular piece of land as khudkasht in accordance with the provisions of the law for the time being in force regulating and governing the allotment and demarcation of lands as khudkasht:

“Provided that no such entry shall be liable to be called in question if the total area of khudkasht in the possession of the jagirdar does not exceed twice the minimum area prescribed for the purposes of clause (a) of sub-section (1) of section 180 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955).”

An application or proceeding under this section for the correction of an entry relating to khudkasht made in the record of rights on or before the commencement of the Amendment Act is to be presented within five years from the date of such commencement and not later.

By this Amendment Act an entire new Chapter, VIIA, about “survey of abadi areas” has been inserted, as the Land Revenue Act contained no provision for this purpose.

Rules to give effect to this new chapter are still to be made.

#### *Rules under the Land Revenue Act*

56. A large number of statutory rules have been made by the State Government and the Board of Revenue to give effect to the provisions of the Rajasthan Land Revenue Act, 1956. The most important of these are:—

- (1) The Revenue Courts Manual.
- (2) The Rajasthan Land Revenue (Land Records) Rules, 1957.
- (3) The Rajasthan Land Revenue (Duties of Tehsildars and Naib-Tehsildars) Rules, 1958, and
- (4) The Rajasthan Land Revenue (Payments, Credits, Refunds and Recovery) Rules, 1958.

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## CHAPTER VIII

### LEGISLATION ON ALLIED MATTERS

#### LAWS ALREADY PASSED

#### *The Rajasthan Co-operative Societies Act, 1953*

57. An Act to consolidate and amend the law relating to co-operative societies in Rajasthan viz., the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act IV of 1953), was passed by the

State Legislature in that year. It was brought into force with effect from the 1st of April, 1953.

By the Rajasthan Laws (Extension) Act, 1957 (Rajasthan Act No. 27 of 1957), certain modifications of a general character were made in the Rajasthan Co-operative Societies Act, 1953, and the Act was extended to the whole of Rajasthan, including the Abu, Ajmer and Sunel Areas.

Rules to give effect to the provisions of the Act viz., the Rajasthan Co-operative Societies Rules, 1957, were published in the Gazette dated the 3rd October, 1957.

At the end of September, 1959, thirteen thousand one hundred and twenty-eight co-operative societies with a total membership of 6,10,711 were working in Rajasthan.

The Rajasthan Co-operative Societies Act, 1953, also governs co-operative farming societies. There were four hundred and thirty-two farming societies in Rajasthan at the end of September, 1959.

#### *The Rajasthan Panchayat Act, 1953*

58. One of the Directive Principles of State Policy laid down in the Constitution of India is that "the State shall take steps to organise village panchayats and endow them with such power and authority as may be necessary to enable them to function as units of self-government". Both in the First and the Second Five Year Plans, the Planning Commission has stressed the need for developing village panchayats.

An Act to establish and develop local self-government in the rural areas of Rajasthan and to make better provision for village administration and development entitled 'the Rajasthan Panchayat Act, 1953' (Rajasthan Act No. XXI of 1953), was placed on the statute book in 1953 and was brought into force from the 1st of January, 1954.

Three thousand six hundred and forty-three village panchayats are at present functioning in Rajasthan (including the Ajmer area).

In addition to the village panchayats, there are 208 tehsil panchayats. These tehsil panchayats are appellate and supervisory authorities.

Specified civil and criminal powers have been conferred on the village panchayats; but the village panchayats have not yet been entrusted with the task of collecting land revenue.

While the panchayats have not been given extensive revenue-judicial powers, notifications have been issued (1) for associating village panchayats with the work of gasht girdawari (field inspection) and (2) for conferring on village panchayats the power of deciding mutation cases, both contested and uncontested.

Further, all Government-owned lands in the abadi area in panchayats hitherto in the possession of the Revenue Department have been vested in the village panchayats concerned, which have been authorised to sell or lease the lands and utilise the income on public works.

#### *The Rajasthan Bhoodan Yagna Act, 1954*

59. The Planning Commission suggested in the First Five Year Plan that encouragement should be given to the Bhoodan movement. Acting on this suggestion, and in order to facilitate the activities in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the constitution of a Bhoodan Yagna Board, the donation of land to such a Board, the distribution of land received in donation to landless persons or for community purposes and to provide for matters ancillary thereto the Rajasthan Bhoodan Yagna Act, 1954 (Rajasthan Act No. XVI of 1954), was placed on the statute book, and brought into force from the 7th of August, 1954.

Under the Act, the Bhoodan Yagna Board is to consist of the Chairman and the Secretary and six or more but not exceeding ten members nominated by Shri Acharya Vinoba Bhave (section 4). The Board is to administer the land vested in it for the purpose of the Bhoodan Yagna (section 7). Any person having proprietary or occupancy tenant right in land and any State-grantee can donate his land to the Bhoodan Yagna Board by a declaration in writing in the prescribed manner (section 11). The Bhoodan declaration is to be published by the tehsildar for inviting objections (section 15) and after hearing and disposing of the objections, the tehsildar may confirm the declaration in the manner laid down in the Act (section 17). Lands which become vested in the Bhoodan Yagna Board are to be granted to landless persons (section 23). The grantees or allottees have heritable, but not transferable, rights in the land (section 24).

The Rajasthan Bhoodan Yagna Act, 1954, has been amended twice by the Rajasthan Bhoodan Yagna (Amendment) Act, 1955 (Rajasthan Act No. 14 of 1955) and the Rajasthan Bhoodan Yagna (Amendment) Act, 1956 (Rajasthan Act No. 24 of 1956). These were mostly verbal amendments. A new section was substituted for section 25 of the principal Act providing for ejectment of holder of Bhoodan on breach of condition.

Rules to give effect to the provisions of the Act, viz., the Rajasthan Bhoodan Yagna Rules, 1955, were published on the 14th of January, 1956.

The Rajasthan Bhoodan Yagna Board started functioning in January, 1955. The Board has so far received 4,31,250 acres of land in Bhoodan from 8,525 donors and has distributed 86,238 acres of land among 10,115 landless families. The Bhoodan Yagna Board has also received 235 whole villages in Gramdan.

*The Rajasthan Agricultural Lands Utilisation Act, 1954*

60. In order to counteract the growing tendency of land-holders and tenants to keep considerable areas of lands lying fallow or to neglect food crops and divert lands to non-food crops, the Rajasthan Agricultural Lands Utilisation Act, 1954 (Rajasthan Act No. XXII of 1954), was placed on the statute book in 1954. The Act received the assent of the President on the 6th of November, 1954, and was first published in the Rajasthan Gazette on the 24th *idem*; but it was not brought into force till the 15th of March, 1958.

Section 3 of the Act empowers the State Government, if satisfied, that it is necessary in the public interest to increase the production of fodder, food or any other commodity in any local area, to direct that in such area every cultivator shall grow over a specified proportion of his holding such crop or crops as may be specified in the order and different crops may be so specified for different parts of the area notified. No such direction can, however, be given unless the State Government has notified its intention of doing so and has taken into consideration any objection thereto that may have been received. So long as an order issued under sub-section (1) of section 3 is in force, no cultivator shall grow in his holding any crop other than the one which he is directed by such order to grow.

Section 4 of the Act empowers the Collector, if satisfied that any agricultural land has remained uncultivated for two years or more or has not been at all cultivated, to call upon the land-holder or tenant of such land, within thirty days from the date of service of such notice, to cultivate the said land personally, or to arrange for its

cultivation forthwith, or to let out or sub-let such land for cultivation. If the notice is neither complied with nor cancelled, the Collector is to order the tehsildar to let out such land for a specified period not exceeding three years, in the prescribed order of preference and in the prescribed manner, to a person on a rent to be determined in accordance with law; and the person to whom such land is let out shall be liable to pay the rent so determined direct to the land-holder and to grow the specified crops.

Contravention of an order made under section 3 or under section 4 is punishable with a fine not exceeding Rs. 500/-.

Rules to give effect to the provisions of the Act, viz., the Rajasthan Agricultural Lands Utilisation Rules, 1958, were published on the 27th of March, 1958.

Section 3 of the Act has not been used so far; but the Collectors have been directed to make use of the provisions of section 4 and see that cultivable lands in their districts do not lie idle.

*The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954.*

61. Both the First and the Second Five Year Plans laid particular stress on the need for preventing the fragmentation of holdings. An Act for the compulsory consolidation of agricultural holdings and for preventing fragmentation of such holdings in Rajasthan was placed on the statute book in 1954 in the shape of the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954 (Rajasthan Act No. XXIV of 1954). The Act received the assent of the President on the 25th of November, 1954, and was first published in the Rajasthan Gazette on the 11th of December, 1954. Chapters I and V came into force from the 11th of December, 1954, and the remaining Chapters of the Act were brought into force in selected areas of Rajasthan e.g. areas covered by the river valley projects, community project areas and national extension service blocks.

Section 4 of the Act empowers the State Government to settle for any class of land in any area notified under section 3, the minimum area that can be cultivated profitably as a separate plot. Such areas will be called 'standard areas'. An area less in extent than the standard area determined under the Act is called a 'fragment'. After standard areas have been determined, no person can transfer any fragment, unless the fragment becomes merged in a contiguous survey number or recognised sub-division of a survey number, and no such fragment can be leased to any person other than a person cultivating any land which is contiguous to the fragment. In notified areas no land can be transferred or partitioned so as to create a fragment.

Chapter III of the Act contains detailed provisions about the consolidation of holdings. The Act empowers the State Government to declare, by notification, its intention to make a scheme for the consolidation of holdings in any area (section 14). Thereupon Consolidation Officers appointed under the Act are to prepare schemes of consolidation (section 14 (2) ). When the scheme is confirmed under section 20, re-partition of holdings in accordance with the scheme of consolidation of holdings is to be carried out (section 21).

The Act has been amended by the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Amendment Act, 1958 (Rajasthan Act No. 13 of 1958), and the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Amendment Act, 1959 (Rajasthan Act No. 23 of 1959). By the Amendment Act of 1958, a new section, 24A, was inserted in the Act relating to the effect of a consolidation scheme on evacuee property, and by the Amendment Act of 1959 certain new definitions were inserted in the principal Act; a new section, 14A, about the effect of declaration under section 14 of the Act was inserted; minor amendments were made to sections 17, 19 and 20 of the Act; the language of the newly inserted section 24A was improved upon and a new section 43A was inserted about the close of consolidation operations.

The actual work of consolidation of holdings was started in May, 1957. Up to October, 1959, a total number of 873 villages under tehsils Bassi, Dausa, Sikrai, Baswa and Jamwaramgarh of the Jaipur District, tehsil Gangapur and Mahuwa of Sawai Madhopur District, tehsil Bhadra of Ganganagar District, tehsil Talera of Bundi District, tehsils Bali and Pali of Pali District, tehsil Ahore of Jalore District and tehsil Bilara of Jodhpur District, covering a total area of 14,53,152 acres had been taken up for consolidation of holdings. Consolidation has actually been completed in 340 villages comprising 6,78,439 acres.

It is proposed to consolidate a total area of 11 lakh acres at an estimated cost of Rs. 46 lakhs during the Second Five Year Plan. The Land Commission hopes that this target will be achieved.

#### *The Rajasthan Agricultural Loans Act, 1956*

62. The absence of a unified law governing the grant of loans of money by the State Government for agricultural purposes having been felt, the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act No. 1 of 1957), was enacted. It came into force from the 5th of January, 1957.

Under this Act loans may be granted by the State Government for the making of 'improvements' as defined in the Act, for the purchase of seed, manure, fodder, cattle, agricultural implements or Persian-wheels, or for the relief of distress, or for any other purpose connected with agricultural objects, including the purchase of rights in land or for any other works connected with cattle breeding which adds materially to the occupation of cattle breeding (section 4).

With the exception of loans granted for the purchase of seed, manure and fodder, every other loan granted under the Act is repayable by instalments within ten years; but in exceptional cases the period may be extended to twenty years with the sanction of the State Government (section 6).

Extensive rules to give effect to the provisions of the Act, entitled 'the Rajasthan Agricultural Loans (Taqavi) Rules, 1958', were published in April, 1958.

*The Rajasthan Relief of Agricultural Indebtedness Act, 1957*

63. It is common knowledge that, in the past, before the establishment of Credit Co-operative Societies and Land Mortgage Banks, and the large-scale distribution of taqavi loans by Government, agriculturists had to depend almost entirely for meeting their requirements of credit on the village money-lender who charged exorbitant rates of interest, added the interest to the principal, thus swelling the amount of loan, and adopted various other methods of virtually fleecing the poor agriculturists.

The problem of agricultural indebtedness in Rajasthan attracted the attention of the State Government shortly after the first General Elections. There was no uniform law on the subject in Rajasthan. There were scattered pieces of legislation applicable to various areas, namely, the Marwar Relief of Agricultural Indebtedness Act, 1941, the Mewar Agriculturists Relief Act, 1942, the Bundi Agriculturists Relief Act, and the Agriculturists Relief Rules of the former Sirohi State; but the provisions of these laws were defective and out of date.

After a great deal of consideration and thought, the Rajasthan Government prepared a Bill on the lines of the Central Provinces and Berar Relief of Indebtedness Act, 1939. This Bill was introduced in the Rajasthan State Legislature in 1956. It was referred to a Select Committee, where the Bill underwent considerable changes. The Bill was eventually passed by the State Legislature on the 24th of May, 1957. The Act received the assent of the President on the 11th of September, 1957 and was published in the Gazette on the 21st of that



month as "the Rajasthan Relief of Agricultural Indebtedness Act, 1957" (Rajasthan Act No. 28 of 1957).

Before the Act could be brought into force, elaborate rules had to be made to give effect to the provisions of the Act. These Rules, viz., the Rajasthan Relief of Agricultural Indebtedness Rules, 1957, were published in January, 1958. Thereafter steps were taken to set up the machinery for giving effect to the provisions of the Act and the Act was actually brought into force from the 15th of May, 1958.

As its title shows, the Act provides relief to agriculturists in Rajasthan from indebtedness. Under the Act, 'Agriculture' includes horticulture and the breeding of cattle, camels, sheep or goats. According to the Act, an agriculturist is a person who earns his livelihood wholly or mainly from agriculture and it includes a person who ordinarily engages in agricultural labour or who works as an agricultural artisan.

The most important feature of the Act is the establishment of special courts to work as Debt Relief Courts. An agriculturist debtor against whom a suit may have been filed can move the court for staying the proceedings in order to enable him to file an application under section 6 of the Act before a Debt Relief Court and the proceedings are stayed by the Civil Court.

A debtor who is an agriculturist may file an application before the Debt Relief Court praying for the determination of his debts. On the admission of such an application, any proceedings against the debtor for the recovery of debts, or for adjudging him an insolvent, pending before any court are to be stayed.

All the creditors of the debtor have to submit a statement of their claims against the debtor before the Debt Relief Court and they have to produce all documents in their possession or control on which they base their claims. The Act actually enjoins on the Debt Relief Courts to require proof of the validity and subsisting character of debts. The Act contains detailed provisions for the determination of debts.

All transactions carried on during twelve years immediately preceding the last transaction or the 1st of January, 1952, whichever is earlier, are to be reopened. The amount and date of each loan originally advanced are to be ascertained. An account is to be drawn up separately of interest and principal up to the date of the application for the determination of debts. Section 10 of the Act gives elaborate instructions as to how the account is to be drawn up and how the

amounts of principal and interest are to be separated. For instance, in the account of interest there shall be debited to the debtor simple interest on the balance of the principal moneys for the time being outstanding at the rate stipulated by the parties, or if the debt is payable under the decree or order of the civil court, at the rate provided for in such decree or order, or at the rate of six per cent per annum in the case of secured loans and nine per cent per annum in the case of unsecured loans, whichever is the lowest. Further, the debtor is to receive credit not only for the moneys actually paid but also for any services or other advantages of every description received by the creditor in the course of the transactions. The principle of 'damdupat' is to be enforced and if the aggregate of the amounts credited in the account of interest is equal to the total amount of the principal, no further interest thereon is deemed to be due.

The Act gives very substantial relief indeed in-as-much as the principal amount of the loans advanced prior to the 1st of January, 1943, as found in accordance with the provisions of the Act to be due on the date of the application for determination of debts is to be reduced by as much as forty per cent.

The Act also contains provisions for preparation of a scheme of repayment and transfer of debtor's property. Under those provisions when the amount due has been determined under section 10 of the Act, the Debt Relief Court is to prepare, after taking into account the liability of the debtor in respect of claims to which the provisions of the Act are not applicable (of section 4), a scheme of repayment of the debtor's debts. If the debtor has transferable property which he is willing to transfer to enable him to repay the whole or any part of his debts, the Debt Relief Court may sanction such transfer on such conditions as it may think necessary to impose in order to safeguard the rights of the creditors, including those to whom any liability referred to in section 4 of the Act is due, and may grant such reasonable time as is necessary for the debtor to transfer such property. If after the transfer of property the debts as determined under section 10 of the Act have not been satisfied, the Debt Relief Court shall fix instalments for the repayment of the remaining debts in such manner as may be prescribed and in case of default, the court may order payment of simple interest at a rate not exceeding four per cent if the debt is unsecured and three per cent if it is secured.

When the land revenue or rent due by the debtor is suspended or remitted in whole or part, the instalment so fixed is also to be suspended and is to become payable one year after the last of the

remaining instalments, and no interest is to be charged on such suspended instalment.

In pursuance of section 3 of the Act and of rule 3 of the Rajasthan Relief of Agricultural Indebtedness Rules, 1957, the State Government appointed the Civil Judges and Munsifs as Debt Relief Courts for the territorial limits given in the Schedule and with the pecuniary jurisdiction specified therein. These Debt Relief Courts started functioning from the 15th of May, 1958.

*The Rajasthan Cash Jagirs Abolition Act, 1958*

64. Resumption of jagir lands was provided for by the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952), and the abolition of the zamindari and biswedari estates by the Rajasthan Zamindari and Biswedari Abolition Act, 1959 (Rajasthan Act No. 8 of 1959). For cash jagirs, that is to say, grants of money by way of jagirs or otherwise made by the Rulers of the covenanting States, the Rajasthan Cash Jagirs Abolition Act, 1958 (Rajasthan Act No. 29 of 1958), was passed and brought into force from the 21st of July, 1958. All cash jagirs were abolished and discontinued on and from the 1st of April, 1958, but the State Government undertook to pay as compensation a sum of money equal to the monthly rate of the cash jagirs for periods ranging from ten to fifteen years as specified in the schedule to the Act.

*Discontinuance of Cesses*

65. Despite the prohibition in the Tenancy Act against the charging of cesses (lag bag), certain cesses were being levied in various areas of Rajasthan under the old laws of the covenanting States. For the abolition of these cesses, various Acts have been passed from time to time. Some of these are:—

(1) The Dungarpur Qanun Lakh (Repeal) Act 1956 (Rajasthan Act No. 29 of 1956)—an Act to repeal the Dungarpur Qanun Lakh Act, 1945—brought into force from 27th October, 1956.

(2) The Merwar Patta Ordinance (Repeal) Act, 1957 (Rajasthan Act No. 21 of 1957)—an Act to repeal the Marwar Patta Ordinance—brought into force from the 26th of June, 1957.

(3) The Rajasthan Haq-i-Malikana Abolition Act, 1958 (Rajasthan Act No. 20 of 1958)—an Act to provide for the abolition of the levy of Haq-i-Malikana in the State of Rajasthan—brought into force from the 2nd of May, 1958.

(4) The Rajasthan Discontinuance of Cesses Act, 1959 (Rajasthan Act No. 21 of 1959)—an Act to provide for the

discontinuance of the collection of certain cesses and other charges in the State of Rajasthan—brought into force from the 16th of May, 1959.

In the last mentioned Act it has been provided that, notwithstanding any custom, practice, usage or agreement to the contrary in force in any part of the State, all cesses and other charges, by whatever appellations known other than grazing dues, cesses or charges payable by jagirdars whose jagir lands have not yet been resumed, cesses levied under the Rajasthan District Boards Act, 1954, and the Siwai cess levied in the Alwar district and the local rate levied in the Bharatpur district, or imposed by some specific law or approved by the State Government which are being collected in addition to rents from tenants of agricultural holdings or from other persons whether known as agriculturists or village workers or shop-keepers are abolished (sections 3 and 5).

If any land-holder infringes the provisions of section 3, he shall be deemed to have made an illegal exaction and the person from whom such illegal exaction is made shall be entitled to recover from such land-holder such compensation not exceeding five hundred rupees as the court, having regard to the circumstances of the case, may decree, in addition to any amount which may have been so collected. Such a suit is triable by the Assistant Collector and the court fee is twenty-five naye paise.

#### *Co-operative Farming*

66. The First Five Year Plan recommended that encouragement and assistance should be given to small and middle owners to develop their production and organise themselves voluntarily to form co-operative farming societies. It was also suggested that for the cultivation of land obtained through the imposition of ceilings preference should be given to co-operative groups of workers employed on the land. If a majority of owners or occupancy tenants in a village wish to enter into co-operative management of the village, their decision should, it was suggested, be binding on the villagers as a whole. It was further suggested that to ensure confidence it may also be prescribed that those who express themselves in favour of co-operative management should, as a body, hold permanent rights in at least one-half of the land. In the First Five Year Plan, the Planning Commission further suggested that there should be a co-operative system of village management.

In the Second Five Year Plan, the Planning Commission again laid stress on co-operative farming and suggested that it should be developed as rapidly as possible. The Planning Commission pointed out that there can be co-operation in many fields—improved seeds,

common buying and selling, soil conservation, use of water, construction of local works and increasingly in the principal farm operations; and that eventually the entire land should become the co-operative responsibility of the village community, thus increasing agricultural production, village development, co-operative credit etc.

Under the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1957, which were made to give effect to the provisions of section 101 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956), the allotment of unoccupied Government land for cultivation is to be made to individual 'land-less persons' as defined in the said Rules.

In view of the decisions taken at the meeting of the National Development Council held in November, 1958, and in pursuance of the policy decision on co-operative farming, orders were issued by the Rajasthan Government on the 15th of January, 1959, completely stopping, until further orders, all allotments under the Allotment of Land for Agricultural Purposes Rules, 1957, and directing the preparation of accurate and up-to-date, village-wise lists of 'land-less persons' as defined in the rules.

On the 16th of January, 1959, the Rajasthan Government appointed a Committee, under the chairmanship of the Revenue Minister, to examine the question of the introduction of co-operative farming on Government lands and the lands to be obtained through the imposition of ceilings on existing holdings. This Committee was asked to examine various specific points, including the rights of members of co-operative farming societies, determination of the return for ownership, credit and other facilities to be allowed, etc. etc.

This Committee submitted its report on the 10th of June, 1959. It expressed the opinion that the co-operative tenant farming society would be the most readily acceptable form; but there should be no objection to the trial of other methods also if a demand is made in that behalf by any locality or group. Where the necessary managerial talent is forthcoming, and the other essential conditions are fulfilled, and the persons to whom land is allotted prefer to organise a co-operative joint farming society and have complete pooling of land, labour and the resulting harvest, the Committee suggested that the formation of such a society may be permitted. It also expressed the view that there should be no objection to the creation of two or even three societies in a village, or a group of adjoining villages, where the area of the available land demands the same, as, in the opinion of the Committee, the existence of a number of co-operative societies would

go a long way in creating co-operative spirit and cohesion in the minds of not only the members of the societies but in the general tenantry as well. The Committee also made a number of other proposals.

Before the receipt of the Committee's report, Government in the Revenue Department published the Rajasthan (Allotment of Land to Co-operative Societies) Rules, 1959. Under these rules, 'co-operative society' means an agriculture co-operative society formed and registered under the Rajasthan Co-operative Societies Act, 1953 (Rajasthan Act No. IV of 1953), and consisting of not less than ten and not more than thirty land-less persons who are residents of the particular village in which the co-operative society is formed, or who undertake to reside in the village in which the land allotted to the society under these rules is situate.

The definition of 'land-less persons' is the same as in the Allotment of Land for Agricultural Purposes Rules, 1957, viz.,

'“Land-less person” shall mean a *bona fide* agriculturist who cultivates or can reasonably be expected to cultivate the land personally but who does not hold any land either in his own name or in the name of any member of his joint family or who holds an area which is less than the minimum area prescribed for purposes of section 53 of the Tenancy Act'.

The land is to be allotted—on an application to the tehsildar of the tehsil, or in the case of land situated in a colony, to the Colonisation Officer concerned—to a co-operative society, at the following scale:—

- |   |   |
|---|---|
| (i) If the number of members does not exceed ten                  | One hundred and fifty acres of unirrigated land.        |
| (ii) if the number exceeds ten but does not exceed fifteen        | two hundred acres of unirrigated land.                  |
| (iii) if the number exceeds fifteen but does not exceed twenty    | two hundred and fifty acres of unirrigated land.        |
| (iv) if the number exceeds twenty but does not exceed twenty-five | two hundred and seventy-five acres of unirrigated land. |
| (v) if the number exceeds twenty-five but does not exceed thirty  | three hundred acres of unirrigated land.                |

The allotment is to be made by the tehsildar in consultation with an advisory committee in a 'majma-e-am' (general meeting) at the Panchayat headquarters.

The Advisory Committee is to consist of the Sarpanch of the Tehsil Panchayat, the Sarpanch of the Village Panchayat in whose jurisdiction the land is situated, the Member of the Rajasthan Legislative Assembly in whose constituency the land is situated, one social worker nominated by the Collector, one Bhoodan worker similarly nominated and the Block Development Officer in the case of villages situated in a Development Block.

The date of the visit of the tehsildar and the members of the advisory committee is to be notified in the village at least one week in advance. The applications of land-less tenants are to be scrutinised in this meeting, at which an officer of the Co-operative Department is also to be present. After such scrutiny, the tehsildar will, then and there, hand over the list of persons eligible for allotment to the officer of the Co-operative Department, who will register the society on the spot.

The allotment is to be made on a lease for a period of twenty-five years, renewable for a further period of twenty-five years at the option of the co-operative society; and it will be subject to payment of rent at the sanctioned rent-rates applicable to the land; and in the case of land situated in a colony, the premium and betterment levy, if any, will also have to be paid by the co-operative society.

The co-operative society will have to cultivate at least 25% of the allotted land within one year of the allotment, at least 50% within two years of the allotment, and the entire culturable area in the third year and subsequent years.

The land is to be resumed by the State Government, without payment of compensation, if it is not brought under cultivation in the manner indicated above, or if it is not properly utilised, or if it is sub-let or transferred in any manner, or if the co-operative society fails or goes into liquidation.

Orders for the allotment of land to co-operative societies in accordance with the above rules were issued on the 20th May, 1959.

The Registrar, Co-operative Societies, has prepared model bye-laws for both kinds of societies viz., the co-operative tenant farming societies and the co-operative joint farming societies.

The Co-operative Department is also working on the simplification of co-operative laws and rules.

The question of the disposal of small, scattered plots is under the consideration of Government.

### *Democratic Decentralisation*

67. The Study Team on Community Development (headed by Shri Balwant Rai Mehta), which was appointed by the Planning Commission's Committee on Plan Projects having suggested the formation of Panchayats in the villages and the democratic decentralisation of administration at the block and the district levels, the Rajasthan Government took early and effective steps to implement the Mehta Committee's recommendations. The Panchayat Samitis and Zila Parishads Bill, 1959, was introduced in the State Legislature on the 13th of May, 1959, and it became an Act on the 9th of September, 1959.

By the Rajasthan Panchayat Samitis and Zila Parishads Act, 1959 (Rajasthan Act No. 37 of 1959), the Rajasthan Panchayats Act, 1953 (Rajasthan Act No. XXI of 1953) has been extensively amended so as to make the village Panchayats fit into the three tier scheme of decentralisation provided for by the Act.

For each block there is to be a Panchayat Samiti, which will be a corporate body, and the administration of the block including the implementation of the Community Development Programme in close association with the Panchayats has been vested in the Panchayat Samiti. The schedule to the Act gives an extensive list of the functions of the Panchayat Samitis under various heads, such as Community Development, Agriculture, Animal Husbandry, Health and Rural Sanitation, Education, Social Education, Communications, Co-operation, Cottage Industries, Work amongst Backward Classes, Emergency Relief, Collection of Statistics, Trusts, Forests, Rural Housing and Publicity and Miscellaneous. The Panchayat Samitis are to consist of the Sarpanchas of all the Panchayats in the block and the Sarpanchas of all tehsil Panchayats in the block. The co-opted members will include one Krishi Nipun, one or two women, one person belonging to the scheduled castes, one person belonging to the scheduled tribes, one person from amongst the members of the co-operative societies in the block, and two persons whose experience in administration, public life or rural development is expected to be of benefit to the Panchayat Samiti. Every M.L.A. is to be an associate member of the Panchayat Samiti of the block which wholly or partly lies or is included in, or forms part of, the constituency from which he has been elected to the State Legislative Assembly.



Such an associate member will, however, not have the right to vote or to be elected as the Pradhan or Up-Pradhan of the Panchayat Samiti, or as a member or chairman of any standing committee. Every Panchayat Samiti is to have an elected Pradhan and an elected Up-Pradhan. The term of office of each Panchayat Samiti is to be three years. Panchayat Samitis have been given power to impose taxes on rent, both paid and received, for the use or occupation of agricultural land and tax on the assumed rental income of agricultural land where no rent is payable in respect thereof. Subject to the general or special orders of the State Government, the Panchayat Samitis can also levy taxes on trades, callings, professions and industries, surcharge on stamp duty payable on transfer of immovable property, a primary education cess and a tax on Panchayat Samiti's fairs held within the limits of its jurisdiction.

For each district there is to be a Zila Parishad, which is to consist of the Pradhans of all Panchayat Samitis in the district, Members of the Council of States residing in the district, Members of the House of the People elected from a constituency which is included in, or forms part of, the district, and the Members of the Rajasthan Legislative Assembly elected from the district. The co-opted members of a Zila Parishad are to include one or two women, one person belonging to the scheduled tribes, one person belonging to the scheduled castes and two persons whose experience in administration, public life or rural development is expected to be of benefit to the Zila Parishad. Every Zila Parishad is to have an elected Pramukh and an elected Up-Pramukh. The term of office of the Zila Parishad is to be three years. The powers and functions of the Zila Parishad include the examination of the budgets of the Panchayat Samitis in the district; distribution among the Panchayat Samitis of *ad hoc* grants allotted to the district by the State Government; co-ordination and consolidation of the plans prepared by Panchayat Samitis; co-ordination of the work of the Village Panchayats and Panchayat Samitis; general supervision over the activities of Panchayat Samitis; advise to the State Government on all matters relating to implementation, within the district, of the various schemes under the Five Plans; watching over all agricultural production programmes, construction programmes etc. The income of the Zila Parishads is to consist of moneys received from the State Government and donations and contributions from the Panchayat Samitis or from the public.

The Act also contain provisions for the abolition of the existing District Boards on the formation of the Zila Parishad in a district.

The Panchayat Samitis and Zila Parishads started functioning in Rajasthan from the 2nd of October, 1959.

*Statement of Revenue Laws of Rajasthan*

68. A statement of Revenue laws passed in Rajasthan since its formation, corrected up to the 1st of September, 1959, is given in Appendix C.

LAWS IN THE MAKING

*Imposition of Ceilings on Holdings of Agricultural Lands*

69. One of the Directive Principles of State policy laid down in the Constitution of India is that the State should direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good; and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

In paragraph 12 of Chapter XII (Land Policy) of the First Five Year Plan, the Planning Commission suggested that 'in relation to land (as also in other sectors of the economy) individual property in excess of any norm that may be proposed has to be justified in terms of public interest, and not merely on grounds of individual rights or claims. We are, therefore, in favour of the principle that there should be an upper limit to the amount of land that an individual may hold'.

In pursuance of this suggestion, the State Government decided, by its order No. F. 4 (503) Rev. I/53 dated the 19th November, 1953, to appoint a Committee, under the chairmanship of the then Revenue Minister, Shri Mohan Lal Sukhadia, for the fixation of ceilings on holdings of agricultural lands in Rajasthan. The Committee was asked —

“(1) to study the laws proposed or enacted in other States for fixing a ceiling on agricultural holdings and to recommend how far it would be advisable to adopt similar provision in Rajasthan;

(2) to study the agrarian conditions and the extent of unemployment prevailing in different parts of Rajasthan in relation to the fixation of ceilings on holdings;

(3) to examine the different sizes of holdings ranging from highest to lowest in each district and to propose a ceiling for

each area. The proposed ceiling should be related to the average size of holdings and the economic need of an average family;

(4) to examine the question of payment of compensation to persons from whom land above the ceiling fixed on holdings is to be acquired and to make recommendations in respect of each sub-division;

(5) to make recommendations for the distribution of land to land-less persons and other deserving persons;

(6) to examine and report on all matters relevant to the question of fixation of ceilings on agricultural holding."

The Ceilings Committee appointed two sub-committees, one of which undertook an extensive tour of Rajasthan with the object of studying local conditions, gathering accurate data regarding soils, rainfalls, crop patterns, yields, expenses of cultivation, etc. and of gauging public opinion.

Before the Ceilings Committee could submit its report, the Second Five Year Plan was published in 1956. In the Second Five Year Plan, the Planning Commission proposed that during the Second Five Year Plan 'steps should be taken in each State to impose ceilings on existing agricultural holdings' (para 37 of Chapter IX).

The Ceilings Committee submitted its report to the Rajasthan Government on the 5th of September, 1957. The Committee expressed the opinion that, while ceilings should be imposed, the best method of fixing ceilings in Rajasthan would be to relate ceilings to the income derived from land in the possession of the cultivating family and the figure of income to be adopted for this purpose should be Rs. 2,400/- a year exclusive of the labour of the tenant and his family but inclusive of all subsidiary income from the land. Areas of land likely to yield this income in the various districts or parts of districts in Rajasthan were worked out and a schedule showing these was appended to the Committee's report. The Ceilings Committee made its recommendations about the treatment to be accorded to lands irrigated by wells, about the exemption from ceilings, about the treatment of fragments left after the imposition of ceilings etc. etc. As regards compensation, the Committee proposed that it should be at the same rate as the compensation payable under the Tenancy Act to land-holders by tenants of khudkasht or sub-tenants for the acquisition of khatadari rights. The Ceilings Committee did not make any specific recommendations about the distribution of the

land to be obtained from the imposition of ceilings and merely suggested that suitable schemes for allotment of land may be prepared by the Settlement and Revenue Departments, in the light of the suggestions made in paras 43-46 of Chapter IX of the Second Five Year Plan.

Two of the non-official members of the Committee dissented from the recommendations of the majority.

The Ceilings Committee's report was published in February, 1958, with a foreword from the present Revenue Minister, Shri Damodar Lal Vyas, justifying the need for the imposition of ceilings in Rajasthan despite the existence of huge areas of unoccupied Government land.

The report of the Ceilings Committee was discussed in the State Legislature in April, 1958, whereafter a Bill for the imposition of ceilings was drafted. This Bill, entitled the Rajasthan Tenancy (Sixth Amendment) Bill, 1958, was introduced in the State Legislature in October, 1958. The Bill was referred to a Select Committee of the House. The Select Committee extensively amended the Bill as introduced. With the Bill as introduced was attached a schedule specifying the ceiling areas for the different tehsils of the State. These areas were expected to yield a net income of Rs. 2,400/- a year. The Select Committee omitted the schedule and proposed that the ceiling should be 30 'standard acres', one 'standard acre' being an area capable of producing 10 maunds of wheat per year, or some other produce of an equivalent value. The Select Committee proposed that in calculating the produce, chahi land should be treated as barani. Another important change made by the Select Committee was in regard to the rate of compensation to be paid for the excess area to be surrendered on the application of the ceilings. In the Bill as introduced it was proposed that compensation should be at the same scale as is payable by the tenants of khudkash and sub-tenants on the accrual of khatadari rights. The Select Committee altered this and proposed that compensation should be determined at the 'market value' in accordance with the provisions of the Rajasthan Land Acquisition Act, 1953.

General discussion on the Select Committee's report took place in the State Assembly recently.

We expect the Bill to be passed by the Rajasthan Assembly before this report is actually presented to the Government.

#### *Gramdan*

70. An important step in the direction of co-operative development of the village economy which has grown out of the

Bhoodan movement initiated by Acharya Vinoba Bhave is the gifting, by their owners, of entire villages in what has come to be known as 'Gramdan'. This has necessitated legislation for the establishment of Gramdan villages, and the constitution of Gram Sabhas to manage the lands and perform other incidental functions. The Rajasthan Gramdan Bill, 1959, which was introduced in the State Legislature on the 16th of March, 1959, has been prepared in the light of a 'Model Gramdan Bill' circulated to the States by the Akhil Bharat Sarva Seva Sangh and adapted to local conditions. This Bill is at present pending before the State Assembly, and may be passed before this report is submitted to Government.

## CHAPTER IX

### PROPOSALS AND RECOMMENDATIONS

#### *Preliminary remarks*

71. Having given, in the preceding chapters, a brief account of the conditions prevailing in Rajasthan at the time of its formation and the task confronting the Rajasthan Government, the objectives of land reforms, and a review of the important interim and permanent legislation already undertaken or under contemplation, we now propose to make our recommendations as required by our terms of reference.

72. We would like, first of all, to point out that since the Land Commission was set up in September, 1956, several important changes have taken place in the country and the entire conception of land tenures and tenancies has changed. Intermediaries and big land-holders are no longer in the picture; ceilings on the existing holdings of agricultural lands are about to be imposed and the emphasis now is on co-operatives. Our recommendations have, therefore, to be made in this context and must be in keeping with the requirements of the time.

#### *Proposals confined to agricultural land, and do not cover forests*

73. Before making our proposals and recommendations, we should make it clear that our report is confined to land used for agricultural purposes and that the Commission has not gone into matters relating to forest, important though these are.

*Resumption of jagirs and abolition of other intermediaries.*

74. So far as the resumption of jagirs and the abolition of other intermediaries is concerned, no fresh legislation or amendment of the existing laws, is called for. All that is required is that the process of resumption of jagirs should be completed by the end of the calendar year 1959; and the process of abolition of the zamindari and biswedari estates, which started on the 15th of November, 1959, should be completed as expeditiously as practicable.

PROPOSALS RELATING TO TENANCY LEGISLATION

*Section 31 of the Tenancy Act: Provision of house-sites*

75. Section 31 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), provides that—

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

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

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

*Explanation.*—A residential house shall include an enclosure or shed for cattle as well as accommodation for stocking seed, fodder and agricultural implements and also land required for the construction of reservoir or tanks.”

Rules to give effect to this provision have been made by the State Government. These are contained in Chapter III, Rules 8 to 17 of the Rajasthan Tenancy (Government) Rules, 1955, as published under the Revenue Department's Notification No. F. 1 (37) Rev. B/55, dated the 1st November, 1955.

It has been brought to the notice of the Land Commission that the provision of section 31 of the Tenancy Act about providing house-sites, free of charge, to tenants is not being implemented; and Harijans, in particular, complain that they are not allowed to get land for construction of houses and this despite the fact that, while vesting Government-owned lands in the village panchayats, it was stipulated that this would not affect the rights allowed to the tenants by the Tenancy Act.

The Land Commission recommends that the Local Self-Government Department be requested to instruct all village Panchayats to comply scrupulously with the provisions of section 31 of the Rajasthan Tenancy Act, 1955, and rules 8-17 of the Rajasthan Tenancy (Government) Rules, 1955, and to see that there is no complaint in future on this score.

76. In connection with section 31 of the Tenancy Act the Commission would invite attention to paragraph 12 at page 320 of the Second Five Year Plan. For facility of reference this is reproduced below:—

“12. In several States laws or regulations have been enacted for providing house-sites in villages to agricultural workers. It should be the responsibility of the village community as a whole to provide plots of land for house construction to landless agricultural workers. In some cases a measure of assistance in the construction of cheap houses with local materials may also be feasible. House-sites for agricultural workers should be made available free of cost”.

One of the questions asked in the questionnaire issued by this Commission was: how should the suggestion contained in paragraph 12 at page 320 of the Second Five Year Plan be implemented and what steps should be taken to provide house-sites in villages to agricultural workers free of cost?

One of the replies to the questionnaire suggested that not only should house-sites, free of cost, be provided, but that some assistance towards the construction of the houses should also be given. It was suggested that, while villagers had been allowed to take stones from the quarries without payment of royalty, this should be incorporated in the rules under section 31 of the Tenancy Act and whenever stones are not available in the village, the rule should provide for the preparation of bricks from clay without payment: in other words material locally available should be allowed free of cost.

In the opinion of the Land Commission the concession of free house-sites should also be extended to all agricultural workers and village artisans who have been permanently residing in a village for ten years or more, and necessary legislative steps should be taken.

*Section 36—Use of Materials.*

77. Section 36 of the Tenancy Act runs as under:—

“Notwithstanding anything contained in this Act or any other law for the time being in force, a tenant shall have the

right to remove and utilize for any work in connection with his holding or residential house, stones or other materials lying on, or up to a depth of one yard from the surface of his holding or obtained by digging during the course of making an improvement”.

Under rule 4 of the Rajasthan Minor Mineral Concession Rules, 1955, the following concessions have been granted (*vide* Industries, Mines and Labour Department Notification No. 3 (4) (I) Ind. (B)/58, dated the 17th April, 1958):

“4—Exemption: Notwithstanding anything contained in these rules—

(a) Excavation of masonry stones and ordinary clay including brick making clay shall be free of any royalty or permit fee; and

(b) Excavation of lime stone or kankar from the areas which are not occupied by a lessee or a licensee may be made under a permit valid for 2 months issued on payment of Rs. 5/- as rent-cum-royalty by the Mining Engineer or the Assistant Mining Engineer or the Tehsildar of the area”:

Provided that the aforesaid excavations are made by a cultivator for *bona fide* purpose of construction or repair of—

- (1) Irrigation tanks, nalas and nadis.
- (2) Wells.
- (3) Compound walls for fields, or
- (4) Residential houses including compound walls in rural areas:

Provided further that in case of a doubt whether the person is a cultivator or not, or his purpose is *bona fide* or not, the officer concerned may ask the cultivator to produce a certificate of his being a cultivator and his purpose being *bona fide* from the Panchayat of the village where he resides or if there is no Panchayat, of a Revenue Officer not below the rank of a Naib-Tehsildar and such certificate shall be issued after verification by a Panch or where there is no village Panch, by the Patwari:

And provided further that nothing in this rule shall abridge the rights of cultivators under section 36 of the Rajasthan Tenancy Act, 1955.



“Cultivator” in this notification will include landless tenants”.

The Land Commission understands that in some cases the State Mining Department has given leases covering an entire tehsil—in this connection the names of tehsils Suratgarh and district Sikar were mentioned—and that the Mining Department’s lessees are not prepared to permit the cultivators to benefit from the concessions allowed by the notification mentioned above.

Under instructions from the Land Commission the Officer on Special Duty (Revenue) has already drawn the attention of the Industries, Mines and Labour Department to this complaint. The Land Commission recommends that the matter may be carefully examined to see what relief can be given to the cultivators and how the concessions allowed by section 36 of the Rajasthan Tenancy Act, 1955, and by rule 4 of the Rajasthan Minor Mineral Concession Rules, 1955, can be actually made available to them.

*Section 40—Succession to tenants*

78. Section 40 of the Tenancy Act lays down that “when a tenant dies intestate, his interest in his holding shall devolve in accordance with the personal law to which he was subject at the time of his death.”

In the former Jaipur State and the former Jodhpur State, as also in several of the other covenanting States of Rajasthan, succession to agricultural tenancies was not governed by personal law but by a definite order of succession, which excluded married females and distant relatives (cf sections 17 and 18 of the Jaipur State Tenancy Act, 1945, (Jaipur Act XXIV of 1945)—and sections 14 and 15 of the Marwar Tenancy Act, 1949 (Marwar Act XXXIX of 1949).

Under the Tenancy Acts of U.P. (cf sections 35 and 36 of U.P. Act XVII of 1939), the Punjab (cf section 59 of Punjab Act XVI of 1887) and other Indian Provinces too, succession to agricultural tenancies was not governed by personal law, and a definite order of succession had been laid down.

The Rajasthan-Madhya Bharat Jagir Enquiry Committee, to which a reference has already been made, made the following observations on this point (*vide* page 57—Chapter XIII—paragraph 3)—

“Even though property in land has not been in the past recognised in India, the right of the male heir of a cultivator to continue to be in possession of his holding after his death, and to cultivate the land subject to the same liability to pay the

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share of the state has always been respected. Recently tenancy reforms in North India have also tended to confer heritable rights on tenants-at-will. The pattedari tenant should, therefore, have clearly established rights. *Inheritance of these rights need not and in fact should not follow the personal law of the ryot. This again is a principle which has been recognised by the tenancy reforms in North India.* Agricultural holdings have certain peculiarities which require that the laws of inheritance governing them should be simple and not lead to too much fragmentation of the holding at each succession. The U.P. tenancy laws have, therefore, made separate provision for inheritance. *The Madhya Bharat Tenancy Act and the existing individual tenancy laws in Rajasthan also make a separate provision for inheritance of ryots' holdings'.*

The U.P. Tenancy Act, 1939, has been repealed; but under the U.P. Zamindari Abolition and Land Reforms Act, 1950 (U.P. Act No. 1 of 1951) succession to bhumidars, sirdars and asamis is not governed by personal law, but by a prescribed order of succession (cf section 171 *ibid*).

The Land Commission fears that if succession to agricultural tenancies is to be governed by personal law, it will lead to the fragmentation of holdings, while the policy of the Government is to prevent fragmentation.

Further, the revenue patwaris cannot be expected to know the personal laws of the Hindus, Muslims, Parsis etc; and the revenue officers too are not fully conversant with the law relating to succession of the various communities.

Under the Hindu Succession Act, 1956 (Central Act No. 30 of 1956) daughters too have been allowed a share in their father's property. Sub-section (2) of section 1 of the said Act has made it clear that nothing contained in the said Act shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of the fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings. In view of this provision, it is all the more necessary, in the opinion of the Land Commission, to have a specified order of succession in regard to agricultural tenancies.

For all these reasons, the Land Commission would recommend that succession to agricultural tenancies in Rajasthan should not be governed by personal law, but by a specified order of succession, on

the lines of those laid down in the old Jaipur Tenancy Act, 1945, and the old Marwar Tenancy Act, 1949, and necessary amendment to the Tenancy Act may be made.

*Section 43—Redemption of pre-existing mortgages.*

79. Under section 43 of the Rajasthan Tenancy Act, 1955, a khatedar tenant has been given the right to transfer his rights in the whole or a part of his holding in the form of a usufructuary mortgage for a period not exceeding ten years, and the law provides that such a usufructuary mortgage "shall upon the expiry of the period mentioned in the mortgage-deed be deemed to have been satisfied in full without any payment whatsoever by the mortgagor and the mortgage-debt shall accordingly be deemed to have been extinguished and thereupon the mortgaged land shall be redeemed and possession thereof shall be delivered to the mortgagor free from all encumbrances". This provision, however, does not apply to mortgages effected before the commencement of the Tenancy Act. Section 43A, which was inserted by section 4 of Rajasthan Act No. 5 of 1957, lays down that:—

"(1) Nothing in section 43 shall apply to any mortgage of a tenant's holding effected before the commencement of this Act and the rights and liabilities of the parties to such a mortgage shall, notwithstanding anything contained in this Act, continue to be governed by the terms thereof and by the law in relation thereto prevailing before such commencement.

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

One of the persons who replied to the questionnaire issued on behalf of the State Land Commission, suggested, *inter alia*, that mortgagors may be authorised to redeem their holdings without payment of debt money and without limitation.

This suggestion was considered in consultation with the Law Department.

The Land Commission recommends that the suggestion may be sympathetically considered, and by a suitable amendment of the law, it should be provided that, where a period of twenty years or more has expired since the mortgage was effected, the mortgage should be deemed to have been satisfied in full without any payment whatsoever by the mortgagor and the mortgaged land should be

re-deemed and possession thereof delivered to the mortgagor free from all encumbrances, in the same way as is provided in sub-section (2) of section 43 of the Tenancy Act.

80. We have no other recommendations to make for the amendment of the Tenancy Act: the Bill to amend the said Act and to insert provisions therein for the imposition of ceilings on existing holdings of agricultural lands is already under the consideration of the State Assembly.

#### *Grazing facilities.*

81. We shall now take up the question of grazing facilities which, from our point of view, is a very important one.

One of the who replies to the questionnaire suggested that it was necessary to regulate and manage village grazing and pasture lands by suitable legislation as the existing provisions in the Tenancy Act or the Land Revenue Act were insufficient and had not solved the problem and complaints were frequent that grazing lands had been encroached upon. It was, therefore, suggested that deterrent punishment should be prescribed under the law. The view was also expressed that the circulars issued by the Government did not produce any visible results and the creation of a section in the Settlement Department to look after this work was, therefore, proposed. The officer appointed for this purpose should, it was suggested, see that "in every village the land which is on the site as well as in the record earmarked for grazing purposes is duly demarcated and if the land is not available for grazing purposes he should find new land and if necessary acquire it for the purpose". It was also suggested that "the grazing land of every village should be placed under the Panchayat for management and improvement purposes and the panchayat should be authorised to charge grazing dues from every cattle owner of the village".

82. The relevant provisions of the existing law are:—

(1) Clause (28) of section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955).

(2) Rules 3 to 7 of the Rajasthan Tenancy (Government) Rules, 1955.

(3) Sections 92 and 93 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act No. 15 of 1956).

(4) Clause (11) of section 24 of the Rajasthan Panchayat Act, 1953 (Rajasthan Act XXI of 1953).

(5) Rule 10 of the Rajasthan Panchayat (General) Rules, 1955.

83. There was reason to believe that the existing provisions of the law were not being acted upon. In the khalsa villages that had been settled in the past, adequate areas were reserved for grazing of village cattle, and it was necessary to ascertain the extent to which such areas had been encroached upon. It was reported that because of the non-availability of unoccupied land and the retention by the jagirdars of birs and grazing lands in their khudkasht, the problem in the recently resumed jagir villages was acute. For all these reasons, there was need for undertaking a survey. It was also reported that all grazing lands had not been transferred to the village panchayats. It was, therefore, decided to have necessary enquiries made in selected villages of the Jalore, Jodhpur, Nagaur and Pali districts.

The points on which the Settlement Officers concerned were asked to report, and the replies to those points furnished by the Additional Settlement Commissioner, Jodhpur, are given below:—

<i>Points raised.</i>	<i>Replies furnished by the Additional Settlement Commissioner.</i>
1	2
<p>"1. Whether the existing facilities for the grazing of village cattle are adequate or otherwise.</p>	<p>"Existing facilities for grazing of village cattle are available in most of the villages of districts, Nagaur, Jodhpur and Pan-while there is dearth of such lands district Jalore.</p>
<p>"2. Whether rules 3-7 of the Rajasthan Tenancy (Government) Rules, 1955 are being acted upon and implemented and how far they have served the purpose; and what further rules are required.</p>	<p>2. Rules 3-7 of the Rajasthan Tenancy (Government) Rules are generally acted upon and implemented except in cases where settlement operations had closed and they have also served the required purpose to a great extent.</p> <p>Rule 5 of the Rajasthan Tenancy (Government) Rules does not allow occupied areas as Gochar land. If Gochar land to be demarcated even from occupied areas this rule shall have to be amended. This amendment is possible only after the ceiling on holdings is enacted. As soon as some occupied area is found in excess of the maximum area allowed under ceiling, it can be demarcated Gochar instead is letting it out for cultivation.</p>

*Points raised.**Replies furnished by the Additional Settlement Commissioner.*

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"3. Whether grazing grounds have been transferred to the village Panchayats in accordance with rule 10 of the Rajasthan Panchayat (General) Rules, 1955, read with Government Circular No. F. 1 (53) Rev. II/55, dated 30th September, 1957.

3. Grazing grounds have been transferred to the Panchayats in many cases, while the same is still to be done in others. Personal whims have played a great part in this connection, e.g. the area termed as Gochar, Agore, Paytan and Oran has been handed over to the Panchayats in Tehsils Jaswantpura and Sanchole, while in the case of Tehsils Jalore and Ahore only that area specially termed as Gochar has been handed over to the Panchayat. It would be worthwhile if fresh Government orders are issued for transferring the management of such land to the Panchayats within a specified period and compliance reported to the Government by a fixed date.

"4. Whether properly demarcated and well recognised grazing grounds have been or are being encroached upon or diverted to other purposes and if so, the officer should prepare a list and suggest remedial measures.

4. Grazing grounds have not so far been properly demarcated and it would be proper to demarcate the lands by fixing pillars. The villages in which encroachments have been done are shown in the list enclosed. In case of encroachments action can be taken under section 91 of the Rajasthan Land Revenue Act, 1956 and the lands so encroached upon can be vacated and the Assistant Settlement Officer for Jalore's suggestions regarding remedial measures are commendable.

"5. Where land is not available for grazing what steps should be taken to provide grazing facilities.

5. Reply to this query has been dealt with in item No. 2 above. As soon as ceiling on holding is enforced, it would be possible to find areas for demarcating Gochar lands.

"6. What new legislation or rules or amendments in existing rules the officer would recommend".

6. Answer to this question has also been covered by reply at No. 2. Amendment of rule 5 of Rajasthan Tenancy (Government) Rules 1955, has already been proposed. The legislation and rules in force are sufficient to meet the problem if properly administered. Bir Maqbooza Thikana should not be allowed to be cultivated in villages where Charnot and unoccupied lands are inadequate."

The Settlement Commissioner, Rajasthan, on the other hand, expressed the view that, with the exception of a few favoured villages and parts of Rajasthan, the pasture lands are inadequate, and indeed

the same is true of India as a whole. The Settlement Commissioner pointed out that, although the cattle population in India is the highest in the world as compared with the human population, yet the *per capita* consumption of milk in India is the lowest in the world, and this is mainly due to the fact that, because of religious sentiment, superfluous cattle are not eliminated; and there are more cattle than land on which these can graze and the disproportion is constantly increasing. In the opinion of the Settlement Commissioner, while sufficiency of pasture lands is no doubt necessary, what is more urgently required is that economical use of whatever pasture lands there are should be enforced. In his opinion this should be done by elimination of weak and useless cattle through castration, etc., encouragement of better breeds of cattle, and effective preservation of pasture lands through the introduction of rotational grazing; and he has also suggested that people should be encouraged and taught to utilise pala and other natural product as fodder and also to chop the straw or khakla before it is given to the cattle.

84. After careful consideration, the Land Commission makes the following recommendations:—

(a) In demarcating grazing grounds or pasture lands, Paytan, or Agore and Oran lands should be taken into account and if these are insufficient for the grazing of all the village cattle, then alone should fresh areas be demarcated as pasture-lands in accordance with rules 3 to 7 of the Rajasthan Tenancy (Government) Rules, 1955.

(b) Grazing grounds should be properly demarcated. Where pasture lands have not been properly demarcated, this should be done without further delay.

(c) All properly demarcated grazing grounds should be transferred to the village panchayats; and where this has not been done, the transfer should be effected immediately and compliance reports called for.

(d) There should be rotational grazing, for which proper arrangements should be made and necessary steps taken. In the opinion of the Land Commission this should not be made an excuse for demanding extra areas for grazing.

(e) The village panchayats should be asked to take every possible step to improve the condition of grazing grounds—by the elimination of weeds and unpalatable varieties of grass—by the use of improved qualities of grass-seeds, by the use of artificial manure etc.,—and the village panchayats should be

instructed to devote adequate attention to the provision of grazing facilities in-as-much as under clause (11) of section 24 of the Rajasthan Panchayat Act, 1953 (Rajasthan Act No. XXI of 1953), one of the obligatory duties of the Panchayats is "the establishment, management and care of common grazing grounds and land for the common benefit of the persons residing within the Panchayat Circle"

(f) In the opinion of the Land Commission, while the measures suggested above might ease the situation to some extent, there can be no permanent solution to the problem unless the practice of stall-feeding becomes very common, if not universal; and the Land Commission suggests that by propaganda and publicity and by other means stall-feeding should be encouraged.

*Legislation for regulation and development of cattle fairs*

85. One of the suggestions made in the replies to the questionnaire received by the Land Commission is that legislation should be undertaken for regulating and developing cattle fairs and that there should be a Statutory Board with the Minister concerned as the Chairman under whose supervision and guidance cattle fairs should be held and regulated; and it was further suggested that the revenue which accrued from cattle fairs by taxes that are levied should be disbursed by the Board and the entire amount should be utilised for the development of cattle fairs in the State.

The Land Commission understands that the Director of Animal Husbandry has submitted two separate Bills—one for the development and establishment of live-stock fairs and the other for the six State Cattle Fairs, and the Law Department has suggested that there should be one Act to regulate cattle fairs.

In the opinion of the Land Commission there should be some law to regulate the collection of fees at the cattle fairs organised by the State; ordinary melas at which cattle are also sold may be regulated by rules made under the relevant sections of the Panchayat Act or the Municipalities Act.

*The Agricultural Lands Utilisation Act.*

86. A reference has already been made to the provisions of the Rajasthan Agricultural Lands Utilisation Act 1954 (Rajasthan Act No. XXII of 1954), and to the question relating to this Act asked in the questionnaire. In view of the present food situation in the



country, and the imperative need for increasing the production of food and fodder, the Land Commission is of opinion that section 4 of the Act should be made use of and that the Collectors must see that culturable lands are not allowed to lie idle.

“Agricultural land” is defined in this Act as “land, whether occupied or not, which is used or *is capable of being used* for agricultural purposes and includes fallow land”. This would cover birs or grass-preserves, which can be brought under cultivation.

*Transfer of grass birs from Forest to Revenue Department*

87. The Land Commission further recommends that enquiries should be made as to which small birs and reserves now under the control of the Forest Department are unsuitable for afforestation and may, with advantage, be transferred to the Revenue authorities, so that the land may be brought under cultivation.

In the opinion of the Land Commission all grass birs of less than one hundred bighas should be forthwith transferred from the Forest Department to the Revenue Department.

*Ghair-mumkin lands to be made available for cultivation*

88. The Land Commission would point out that under the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1957, land recorded as ‘ghair-mumkin’ in the current settlement is not available for allotment for cultivation; and in several areas of Rajasthan lands that are undoubtedly fit for cultivation have been classified as ‘ghair-mumkin’.

In view of the need for stepping up the production of food, the Land Commission recommends that steps should be taken to get all such ‘ghair-mumkin’ lands made available for cultivation; but care will have to be taken to see that pasture-lands, grazing-grounds, cremation-grounds, cemeteries and the like are not de-classified from ‘ghair-mumkin’.

*Conversion of surplus grazing lands into fields.*

89. The Land Commission would again suggest that grazing areas should be properly demarcated as expeditiously as possible where this has not been done; and where lands known as Paytan or Agore and Oran are sufficient to serve the needs of the village cattle, the rest of the grazing grounds should be made available for cultivation in view of the pressing need for increasing food production in every possible manner.

*Legislation relation to land management and land utilisation*

90. Turning to the question of legislation relating to land management and land utilisation, the Land Commission has carefully considered the various suggestions about land management legislation made in the First and the Second Five Year Plans, reference to some of which has been made in Chapter IV of this report. The views expressed in paragraphs 50 and 51 of Chapter IX of the Second Five Year Plan and the factors which should be taken into account in judging the quality of the management of a farm or a holding worked out by a Committee of the Panel on Land Reforms set up by the Planning Commission, Government of India, are fairly exhaustive. A copy of Annexure I to Chapter IX of the Second Five Year Plan, which gives the list of factors, is appended to this report (Appendix D).

91. Even though the average cultivator in Rajasthan lacks modern education, he definitely knows his job and looks after his land well. He levels the land, fences it, makes terraces where necessary, remove weeds and clears it of bushes. He also gives manure to the extent of his resources and the requirements of the soil; and he uses the best seed obtainable by him and makes the best use of the irrigation facilities available to him. In the opinion of the Land Commission, while there should be legislation about land management practices, it would be premature to apply any such legislation to the holdings of the ordinary cultivator as that would merely result in harassment of the cultivators. Legislation about land management practices—generally on the lines indicated in the Second Five Year Plan—may be undertaken but it should be applied to big agricultural farms in the first instance.

92. In the opinion of the Land Commission the co-operative farms deserve encouragement, rather than discouragement, and co-operative farms should, therefore, not be singled out for the application of land management legislation.

93. As regards the question of maintenance of accounts by farms, the Land Commission presumes that such of the agricultural farms as are assessable to agricultural income-tax under the Rajasthan Agriculture Income-Tax Act, 1953 (Rajasthan Act No. XXIII of 1953), are maintaining regular accounts.

*Question of levy of agricultural income-tax on co-operative farms*

94. The question whether agricultural income-tax would be leviable on co-operative farms is an issue which may be separately examined.

*Legislation for checking soil erosion*

95. The Land Commission is of opinion that, while legislation for land management practices generally is not an urgent necessity in Rajasthan, legislation for checking soil erosion is an urgent one. Soil erosion is undoubtedly a serious problem in Rajasthan. It has rendered vast areas of land useless for cultivation, particularly in the tracts through which the Chambal passes, and in the dry western parts of the State. The causes of soil erosion are numerous; destruction of forests and other vegetation from sloping lands, excessive felling of trees from occupied and unoccupied lands either in furtherance of the "Grow More Food" campaign or for obtaining supplies of fuel-wood; unregulated grazing; shifting cultivation; as also faulty uses of land.

The First Five Year Plan devoted an entire Chapter (Chapter XXII) to soil conservation and suggested various measures for controlling erosion and restoring the productivity of eroded lands under various heads: regulation of land use; afforestation and preservation of forests by scientific forest management; improvement of land use practices on farm lands; and engineering measures. The First Five Year Plan recommended that suitable legislation for soil conservation be undertaken by the States and that in the main such legislation should provide for:—

- (i) Powers to execute specified improvements on the farmers' fields and allocation of the costs of these improvements between farmers and the State;
- (ii) Constitution of co-operative associations of farmers for soil conservation work; and
- (iii) Powers to restrict usage practices in certain areas, which may be declared "protection areas" *i.e.*, areas in which restriction of such practices is necessary for protection of much larger areas from erosion, floods, silting and desiccation.

The Second Five Year Plan too has laid considerable emphasis on soil conservation (*vide* paragraphs 21 to 39, at pages 306 to 312, of Chapter XV).

In 1956 the Government of India circulated to the State Governments a model Bill for the conservation and improvement of land resources and the reclamation of waste lands. This provides for the notification of areas and control over them and contains provisions about power to regulate, restrict or prohibit certain matters within

the notified areas; provisions for the establishment of soil conservation boards for the States and soil conservation committees for the districts; detailed provisions for the preparation of land improvement schemes and for the execution of those schemes. Some of the measures to be provided in the land improvement schemes are:—

*Measures against wind erosion and water erosion.*

- (a) construction of mends; dauls etc. and planting of munja, sarkanda or other soil-binding grasses or plants.
- (b) levelling of the land.
- (c) contour cultivation.
- (d) prohibition of deep cultivation by tractors in areas subject to erosion.
- (e) growing of quick maturing leguminous crops.
- (f) retirement of any land from cultivation if its continuance under agriculture is prejudicial to that land or some other land;
- (g) control on grazing.
- (h) afforestation or planting of fruit trees or raising of pasture on any land for its protection from erosion or for the protection of any other land.
- (i) planting of trees or shrubs to serve as wind breaks.
- (j) control on the felling or lopping of trees or clearance of bushes;

*Measures against water-logging and impeded drainage*

- (a) conversion of water-logged areas into ponds.
- (b) opening of drainage cuts.
- (c) pumping out the sub-soil water.
- (d) increasing the number of culverts and aqueducts or widening the existing ones along railway, canal or road embankments.

*Measures for improving sandy soil and measures for prevention of Usar formation and reclamation of Usar*

- (a) drainage of both surface and sub-soil water where the water table is high.

- (b) construction of bandhis for impounding of rain and canal water in places where the water table is low, with a view to washing down injurious salts.
- (c) application of gypsum and such other correctives.

The Land Commission considers that legislation for soil conservation should be undertaken and brought into force as soon as possible.

### *Consolidation of holdings*

96. A reference to the provisions of the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954, and a brief account of the existing position in this regard, has already been given in paragraph 61 above. Even after the introduction of co-operative farming, the need for the consolidation of holdings will remain and the Land Commission would emphasise the desirability of pushing on with the work of consolidation of holdings with all possible speed.

### *Simplification of existing revenue laws.*

97. The Rajasthan Tenancy Act was enacted in 1955, and the Rajasthan Land Revenue Act, in 1956. Since then, as already observed by us, the entire conception of tenures and tenancies has changed. Intermediaries have disappeared and the emphasis is now on 'personal cultivation' and the formation of co-operative societies.

Apart from this, as pointed out in paragraph 52 above even during the short period of less than four years that the Tenancy Act has been in force, and slightly over three years that the Land Revenue Act has been in force, there have been eleven amendments of the former and five of the latter, and it has become difficult for the revenue officers and the courts to keep pace with these amendments of the tenancy and revenue laws, as also the laws relating to the resumption of jagirs. For these reasons, especially because of the abolition of intermediaries, it is necessary, in the opinion of the Land Commission, that the tenancy and revenue laws should be simplified. The Land Commission would, therefore, recommend that the Rajasthan Government may consider the advisability of setting up forthwith a committee to take up the question of the simplification of the tenancy and revenue laws, more particularly in the light of the recommendations of the Law Commission in regard to the simplification of the civil and criminal laws of the country.

*Enquiry as to the efficacy of land reforms and tenancy legislation.*

98. While the Rajasthan State does not lag behind in matters of land reforms, and valuable rights and privileges have been conferred on the cultivators, it is doubtful whether the majority of the cultivators are fully aware of the rights and privileges conferred on them and have made full use of their new opportunities. A few years back an enquiry was made in the Bombay State as to the effect of the working of the Bombay Tenancy and Agricultural Land Act, 1948, on the cultivators of the Bombay State. The Land Commission would suggest that the Government may consider the advisability of appointing a committee to examine as to what has been the effect on the peasantry of Rajasthan of the land reforms and tenancy legislation so far undertaken in Rajasthan.

*Question of superintending and ensuring land management legislation*

99. Clause (c) of our terms of reference reads:-

“(c) Superintend and ensure the enforcement of such (land management) legislation”.

This Land Commission was appointed in September, 1956. The *modus operandi* adopted by this Commission has been described in Chapter II of this report. So far as this clause of our terms of reference is concerned, we would suggest that, instead of this Commission, which now consists of twenty-two members, undertaking the work of superintending the enforcement of land management legislation, Government may consider the advisability of setting up a smaller committee for this purpose.

## CHAPTER X

### *SUMMARY OF PROPOSALS AND RECOMMENDATIONS*

#### *Summary.*

100. It now remains for us to summarise our proposals and recommendations for the convenience of the Government:—

(1) Our proposals are confined to land used for agricultural purposes and do not cover forests. (para 73).

(2) The process of resumption of jagirs should be completed by the end of the calendar year 1959, (para 74).

(3) The process of abolition of the zamindari and biswedari estates should be completed as quickly as practicable (paras 50 and 74).

(4) The Local Self-Government Department be requested to instruct all village panchayats to comply scrupulously with the provisions of section 31 of the Tenancy Act and rules 8-17 of the Tenancy (Government) Rules and to see that there is no complaint in future (para 75).

(5) The concession of free house-sites embodied in section 31 of the Rajasthan Tenancy Act, 1955, should also be extended to all agricultural workers and village artisans who have been permanently residing in a village for 10 years or more, and necessary legislative steps should be taken. (para 76).

(6) The complaint that the concessions allowed by section 36 of the Tenancy Act and by the notification issued under rule 4 of the Rajasthan Minor Mineral Concession Rules, 1955, are not being allowed to cultivators by the lessees of the Mining Department may be enquired into and steps taken to see that these concessions are actually made available to the cultivators (para 77).

(7) Succession to agricultural tenancies in Rajasthan should not be governed by personal law, but by a specified order of succession, on the lines of those laid down in the old Jaipur Tenancy Act, 1945, and the old Marwar Tenancy Act, 1949, and necessary amendments to the Tenancy Act may be made, (para 78).

(8) The suggestion about redemption of pre-existing mortgages may be sympathetically considered and by a suitable amendment of the law it should be provided that where a period of twenty years or more has expired since the mortgage was effected, the mortgage should be deemed to have been satisfied in full without any payment whatsoever by the mortgagor and the mortgaged land should be redeemed and possession thereof delivered to the mortgagor free from all encumbrances in the same way as is provided for in sub-section (2) of section 43 of the Tenancy Act, (para 79).

(9) Legislation regarding the imposition of ceilings on existing holdings of agricultural lands being already on the

anvil of the State Legislature, no specific recommendations on this matter are called for (para 80).

(10) Action regarding grazing grounds and pasture lands, and Paytan or Agore and Oran lands, as outlined in para 84 of Chapter IX may be taken (para 84).

(11) Legislation to regulate the collection of fees at the State Cattle fairs should be undertaken: ordinary melas at which cattle are also sold may be regulated by rules made under the relevant sections of the Panchayat Act or the Municipalities Act (para 85).

(12) Section 4 of the Rajasthan Agricultural Lands Utilisation Act, 1954, should be made use of, and the Collectors must see that culturable lands are not allowed to lie idle: in view of the definition of the term 'agricultural land' as used in the Act, this would cover birs or grass-preserves which can be brought under cultivation (para 86).

(13) Enquiries be made as to which small birs and grass-preserves at present under the control of the Forest Department are unsuitable for afforestation and can, with advantage, be transferred to the Revenue Department so that the land may be brought under cultivation: in our opinion birs of less than 100 bighas should be forthwith transferred to the Revenue Department from the Forest Department (para 87).

(14) In view of the need for stepping up food production, steps should be taken to have all the lands at present recorded as 'ghair mumkin' made available for cultivation wherever this is practicable, but care should be taken to see that pasture lands, grazing-grounds, cremation-grounds, cemeteries and the like are not declassified from ghair mumkin (para 88).

(15) Grazing areas should be properly demarcated expeditiously where this has not been done, and where lands known as Paytan or Agore and Oran are sufficient to serve the needs of the village cattle, surplus grazing-grounds may be made available for cultivation (para 89).

(16) Legislation about land management practices, generally on the lines indicated in the Second Five Year Plan, may be undertaken, but this should be applied to big agricultural farms in the first instance: it would be premature to apply such legislation to the holdings of ordinary cultivators (para 91).



(17) Co-operative farms should not be singled out for the application of land management legislation (para 92).

(18) The question whether agricultural income-tax would be levied on co-operative farms may be separately examined (para 94).

(19) Legislation for soil conservation should be undertaken and brought into force as soon as possible (para 95).

(20) The work of consolidation of holdings should be pushed on with all possible speed: even after the introduction of co-operative farming the need for consolidation of holdings will remain (para 96).

(21) Government may consider the advisability of setting up a committee for the simplification of the tenancy and revenue laws of Rajasthan (para 97).

(22) Government may consider the advisability of appointing a committee to examine as to what has been the effect on the peasantry of the land reforms and tenancy legislation so far undertaken in Rajasthan (para 98).

(23) Government may consider the advisability of setting up a smaller committee for superintending and ensuring the enforcement of land management legislation (para 99).

#### *Conclusion.*

101. Before concluding this report, the State Land Commission for Rajasthan wishes to express its regret at the delay that has taken place in the submission of this report to the Rajasthan Government.

102. The Commission owes a deep debt of gratitude to its Member-Secretary, Shri A. A. Kherie, whose relentless zeal is mainly responsible for the preparation of this report.

Jaipur,  
the 9th December, 1959.

MOHAN LAL SUKHADIA,  
Chief Minister,  
Chairman, State Land Commission for  
Rajasthan.

## APPENDIX A

**Copy of Order No. F. 1 (50) Rev. II'55, dated the 4th September, 1956,  
of the Government of Rajasthan ( Revenue Department ).**

In the First Five Year Plan the Planning Commission suggested that each State should enact suitable land management legislation:—

- (a) laying down standards of cultivation and management for large agricultural holdings,
- (b) prescribing specific obligations of the land-holders (e.g. in respect of sale of surplus produce to Government, production and sale of improved seed, wages and conditions of living and employment for agricultural workers, investment in farm improvements etc.), and
- (c) setting up suitable machinery for enforcing the various obligations (*vide* paragraph 18; Chapter XII of the First Five Year Plan).

2. The Planning Commission further expressed the view that there was need within each State for some machinery for investigating and reporting upon the progress of measures of Land Reforms (Para 35, Chapter XII of the First Five Year Plan).

3. In the Second Five Year Plan the Planning Commission have stated that in the context of the Second Five Year Plan the standards of efficiency and management have to be conceived from a more general standpoint. They have given the main recommendations of the Panel on Land Reforms in paragraph 50 of Chapter IX of the Report.

4. It has been suggested that the agency for land management should be composed of several layers at the State, district and village level, and that, at the State level, there should be a State Land Commission, with both official and non-official members.

5. In pursuance of these suggestions, the Government of Rajasthan is hereby pleased to appoint a State Land Commission for Rajasthan with the following personnel :—

1.	Chief Minister	..	..	..	..	Chairman.
2.	Revenue Minister	..	..	..	..	Vice-Chairman.
3.	Additional Chief Secretary and Commissioner	..	..	Development	Com-	Member.
4.	Chairman, Board of Revenue	..	..	..	..	"
5.	Shri Goverdhan Singh Mehta, I.A.S., of Revenue	..	..	..	..	"
6.	Settlement Commissioner	..	..	..	..	"
7.	Director of Agriculture	..	..	..	..	"
8.	Registrar, Co-operative Societies	..	..	..	..	"
9.	Shri R. N. Hava, I.A.S., Secretary to the Government, Revenue Department	..	..	..	..	"

10.	Shri Shobha Ram, M.P.	..	..	..	Member
11.	Shri Manikya Lal Verma, M.P.	..	..	..	"
12.	Shri Nathoo Ram Mirdha, M.L.A.	..	..	..	"
13.	Shri Bhim Singh, M.L.A.	..	..	..	"
14.	Shri Kumbha Ram Arya, M.L.A.	..	..	..	"
15.	Shri Ram Karan Joshi, M.L.A.	..	..	..	"
16.	Shri Tan Singh, M.L.A.	..	..	..	"
17.	Shri Gokul Bhai Bhutt	..	..	..	"
18.	Shri Brij Mohan Lal Sharma	..	..	..	"
19.	Shri Sheo Narain Singh	..	..	..	"
20.	Shri A.A. Kherie, R.A.S. (Retd.)	..	..	..	Member-Secy.
	Duty for Revenue Legislation	..	..	..	

6. The State Land Commission will :-

- (a) study the land reforms already introduced in Rajasthan, ascertain how far these have actually been implemented and make such recommendations for their implementation or for further reforms as may be necessary;
- (b) make their suggestions for the drafting of land management legislation and rules; and
- (c) superintend and ensure the enforcement of such legislation.

By Order of  
His Highness the Rajpramukh,

R. N. HAWA,  
*Secretary to the Government.*

## APPENDIX B

Questionnaire issued by the State Land Commission for Rajasthan.

### QUESTIONNAIRE

The State Land Commission for Rajasthan, which has been appointed by

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|---|---|
| <p>(a) To study the land reforms already introduced in Rajasthan, ascertain how far these have actually been implemented and make such recommendations for their implementation or for further reforms as may be necessary;</p> <p>(b) to make their suggestions for the drafting of land management legislation and rules; and</p> <p>(c) to superintend and ensure the enforcement of such legislation.</p> | the Rajasthan Government with the marginally-noted terms of reference, invites suggestions from the general public, especially agriculturists and tenants, about the implementation of the land re- |
|---|---|

forms already introduced and the introduction of further land reforms, as also suggestions for the drafting of land management legislation. Opinion is invited in particular on the following specific points :—

(1) Keeping in view the (a) broad objectives of land reform in India, which may be gleaned from the Directive Principles of State Policy contained in Part IV of the Constitution of India, in particular Articles, 38, 39, 40, 43, 47 and 48, and (b) the recommendations made in this behalf by the Planning Commission in the First and the Second Five Year Plans, what further land reforms should, in your opinion, be introduced in Rajasthan; what amendments should be made in the existing revenue and tenancy laws and what new laws should be introduced ?

(2) What steps should, in your opinion, be taken further to remove impediments upon agricultural production arising from the character of the agrarian structure in Rajasthan and to create conditions for evolving as speedily as possible an agrarian economy with high levels of efficiency and productivity ?

(3) On the assumption that the State Government is committed to the policy of abolition of intermediaries, that the jagirdari system is already under liquidation and the abolition of the zamindari/biswedari system is under the active consideration of the Government, what further steps would you suggest in connection with the abolition of intermediaries in Rajasthan ?

(4) Cf. Paras 18-20 of Chapter IX (pages 186-187) of the Second Five Year Plan and clauses (i) & (k) of section 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (VI of 1952) and clauses (23) and (25) of section 5 of the Rajasthan Tenancy Act, 1955 (3 of 1955). Should the definition of 'Khudkasht' and 'Land cultivated personally' be amended, on the lines indicated in para 19 at page 186 of the Second Five Year Plan, i.e. the definition of personal cultivation should provide for the entire risk of cultivation being borne by the owner and personal supervision being exercised by the owner or by a member of his family, who should reside during the greater part of the agricultural season

in the village in which the land is situated or in a nearby village within a distance to be prescribed, and when land is to be resumed for personal cultivation there should also be an element of personal labour ?

(5) Would you suggest the deletion of clause (b) of the proviso to section 4 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (VI of 1952) so as to make jagir lands the annual rental income of which is less than Rs. 500/-, liable to payment of land revenue to Government ?

(6) Would you recommend an amendment of section 20 of the Rajasthan Land Reforms and resumption of Jagirs Act, 1952 (VI of 1952) so as to remove the exemption at present enjoyed by religious jagirs ?

(7) Should the Rajasthan Agricultural Lands Utilisation Act, 1954 (Rajasthan Act XXII of 1954) be brought into force, and, if so, in what areas of Rajasthan ? If you are in favour of the proposal, please give a schedule of the crops that should be ordered to be grown and the proportion of the area of a holding in which such crops should be grown ?

(8) In what area of Rajasthan should the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954 (XXIV of 1954) be enforced in the first instance ?

(9) Do you consider the existing provisions of the Rajasthan Bhoodan Yagna Act, 1954 (XVI of 1954) and the rules made thereunder satisfactory, and if not, what amendments would you suggest ? Please offer your suggestions for accelerating the pace of the Bhoodan movement in Rajasthan ?

(10) Cf. section 19 of the Rajasthan Tenancy Act, 1955 (3 of 1955) and paras 27-29 at pages 190-191 of the Second Five Year Plan. Do you recommend an amendment of section 19 of the Act on the lines indicated by the Planning Commission, viz., that instead of an optional right of purchase of Khatedari rights, steps should be taken to bring all tenants of non-resumable areas into direct relationship with the State, and if so, what method should be adopted for the payment of compensation to the landholders ?

(11) Cf. section 31 of the Rajasthan Tenancy Act, 1955 (3 of 1955), and para 12 at page 320 of the Second Five Year Plan. How should the suggestion made by the Planning Commission in this behalf be implemented, and what steps should be taken to provide house-sites in villages in Rajasthan to agricultural workers free of cost ?

(12) Cf. section 42 of the Rajasthan Tenancy Act, 1955 (3 of 1955) and paras 35-41 at pages 193-197 of the Second Five Year Plan. Are you in favour of imposing ceilings on all existing holdings of agricultural lands in Rajasthan and if so, what should be the level of the ceiling and what exemptions, if any would you recommend ?

(13) Cf. section 45 of the Rajasthan Tenancy Act, 1955 (3 of 1955) and para 25 at page 189 of the Second Five Year Plan. Are you in favour of prescribing a minimum period of lease or sub-lease in Rajasthan and if so, what should that minimum period be, and would it be possible to enforce such a condition ?

(14) Cf. section 55 of the Rajasthan Tenancy Act, 1955 (3 of 1955), and Para 17 at pages 185-186 of the Second Five Year Plan. Would you recommend any amendment of that section so as to provide that surrender of land by a tenant will not be regarded as valid unless it is duly registered by the revenue authorities ?

(15) Cf. section 180 of the Rajasthan Tenancy Act, 1955 (3 of 1955), as amended by section 38 of the Rajasthan Tenancy (Amendment) Act, 1956 (27 of 1956) and paras 21-25 pages 187-189 of the Second Five Year Plan. Do you consider any amendment of section 180 of the Act (which relates to the ejection of Khudkasht or Ghair Khatedar tenants on the application of landholders) necessary; and if so, what amendment would you suggest ?

(16) Cf. section 186 of the Rajasthan Tenancy Act, 1955 (3 of 1955) and para 17 at page 185 of the Second Five Year Plan. In view of the fact that the Rajasthan (Protection of Tenants) Ordinance, 1949 (Rajasthan Ordinance IX of 1949) was in force in Rajasthan from the 25th of June, 1949, till the 15th of October, 1955, when it was repealed by the Rajasthan Tenancy Act, 1955, (3 of 1955) and that the important provisions of the Ordinance have been incorporated in section 186 of the Rajasthan Tenancy Act, 1955 (3 of 1955), do you consider that any action is called for in Rajasthan in so far as ejection of tenants is concerned ?

(17) Cf. paras 52-61 at pages 201-205 of the Second Five Year Plan. Are you in favour of co-operative farming, and, if so, what action should in your opinion be taken to encourage co-operative farming in Rajasthan ?

(18) Cf. paras 7-18 at pages 150-155 of the Second Five Year Plan. What steps should in your opinion be taken to associate village Panchayats in Rajasthan with village planning and management of land in the village ? Should agricultural leases be made through the village Panchayats and can village Panchayats in Rajasthan be made responsible for the implementation of land management legislation in present conditions ? Can the village Panchayats be entrusted with the collection of land revenue and associated with the maintenance of land records ?

(19) Cf. paras 50-51 at pages 200 and 201 of the Second Five Year Plan, as also Annexure 1 at page 211 *ibid*. Suggestions are invited about the drafting of suitable legislation for land management and land utilisation.

(20) What steps should, in your opinion, be taken to improve the lot of agricultural workers and landless labourers ?

2. Answers to the above questions and all proposals and suggestions may please be sent to the undersigned so as to reach him by the 31st March, 1957.

A. A. KHERIE,  
Officer on Special Duty (Revenue)  
Member-Secretary,  
State Land Commission, Rajasthan.

Rajasthan Govt. Secretariat,  
Jaipur.

Dated the 4th Feb., 1957.

APPENDIX

Statement of Revenue Laws passed in  
(Corrected upto 1st September 1959 for the

S. No.	Year	No. of Ordinance or Act.	Short title	Long title	Date of commencement
1.	1949	VIII	The Rajasthan Removal of Trees (Regulation) Ordinance, 1949.	An Ordinance to regulate the removal of trees standing on occupied and unoccupied lands.	25-6-1949
2.	1949	IX	The Rajasthan (Protection of Tenants) Ordinance, 1949.	An Ordinance to provide for the protection of tenants from ejection from their holdings.	25-6-1949
3.	1949	XX	The Rajasthan Territorial Divisions Ordinance, 1949.	An Ordinance to provide for the creation of various divisions, districts sub-divisions and Tehsils for purposes of revenue and general administration of the State and appointment of officers therein.	15-8-1949
4.	1949	XXII	The Rajasthan Board of Revenue Ordinance, 1949.	An Ordinance to provide for the establishment of a Board of Revenue for Rajasthan.	1-11-1949

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Rajasthan since its formation.

*use of the State Land Commission, Rajasthan.)*

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How affected by subsequent legislation	Particulars of Rules made	Remarks
Repealed by Rajasthan Act No. 3 of 1955.	The Rajasthan Removal of Trees (Regulation) Rules, 1955 (Raj. Gaz. Part IV-C, dated 13-8-1955).	Important provisions included in Chapter VII of the Rajasthan Tenancy Act, 1955 (3 of 1955). For Rules see Chapter VII Rules 31-40 of the Rajasthan Tenancy (Board of Revenue) Rules, 1955.
Amended by Rajasthan Ordinances Nos. XII & XXXIV of 1949 and Acts Nos. XVII of 1952 and X of 1954. Repealed by Rajasthan Act No. 3 of 1955.		Important provisions inserted in the Rajasthan Tenancy Act, 1955 of, sections 186-188 <i>ibid.</i>
Repealed by Rajasthan Act No. 15 of 1956.		
Amended by Rajasthan Act No. IV of 1952. Repealed by Rajasthan Act No. 15 of 1956.	Rules re: Appointment of Oath Commissioners (Raj. Gaz. Part IV-C dated 21-5-1955).	Provisions relating to Board of Revenue incorporated in Chapter II of the Rajasthan Land Revenue Act, 1956 (15 of 1956).



S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
5.	1949	XXXVI	The Rajasthan Revenue Courts( Designation) Ordinance, 1949.	An Ordinance to effect a change in the designation of certain revenue courts.	11-11-1949
6.	1949	XL	The Rajasthan Appeals and Petitions (Discontinuance) Ordinance, 1949.	An Ordinance to discontinue the presentation, & provide for the disposal, of certain appeals and petitions.	18-11-1949
7.	1950	XVI	The Jaipur State Grants Land Tenures Act (Amendment) Ordinance, 1950.		
8.	1951	I	The Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951.	An Act to provide for and regulate the jurisdiction and procedure of revenue courts & officers in Rajasthan.	31-1-1951
9.	1951	VII	The Bharatpur Compulsory Redemption of Agricultural land ( Amendment ) Act, 1951.		
10.	1951	XV	The Rajasthan Produce Rents Regulating Act, 1951.	An Act to regulate recovery of produce rents.	4-6-1951
11.	1951	XXV	The Sirohi State Land Revenue		

How affected by subsequent legislation	Particulars of Rules made	Remarks
Repealed by Rajasthan Act No. 15 of 1956.		
Amended by Rajasthan Ordinance No. XII of 1950.		
Repealed by Rajasthan Act No. 1 of 1954.		Principal Act repealed by the Rajasthan Tenancy Act, 1955 (3 of 1955).
Amended by Rajasthan Acts Nos. XX & XXVI of 1951 and II of 1952. Repealed by Rajasthan Acts Nos. 3 of 1955 and 15 of 1956.	The Rajasthan Revenue Courts (Procedure) Rules, 1951 (Raj. Gaz. Vol. 2, No. 126, dated 7-2-1951).	
Repealed by Rajasthan Act No. 1 of 1954.		
Amended by Rajasthan Acts Nos. XIV of 1952, VI and XXII of 1953, and XIV of 1954. Repealed by Rajasthan Act No. 3 of 1955.		Important provisions incorporated in the Rajasthan Tenancy Act, 1955 cf. sections 104, 105 and 118 <i>ibid.</i>
		Principal Act repealed by Rajasthan Act No. 15 of 1956.

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
12.	1951	XXVIII	The Rajasthan Court of Wards Act, 1951.	An Act to consolidate and amend the law relating to the Court of Wards in Rajasthan.	28-10-1951
13.	1951	XXIX	The Rajasthan Requisitioning of land (Improvement of Agriculture) Act, 1951.	An Act to provide for the requisitioning of land for certain public purposes.	8-12-1951
14.	[1952	I	The Bikaner State Land Revenue (Amendment) Act, 1952.		
15.	1952	VI	The Rajasthan Land Reforms and Resumption of Jagirs Act, 1952.	An Act to provide for the resumption of Jagir lands and other measures of land reforms.	18-2-1952

How affected by subsequent legislation	Particulars of Rules made	Remarks
	The Rajasthan Requisitioning of Land (Improvement of Agriculture) Rules, 1955 (Raj. Gaz. Part IV-C, dated 14-1-1956)	Principal Act repealed by Rajasthan Act No. 15 of 1956.
Amended by Rajasthan Acts Nos. XIII of 1954, 17 of 1955, 18 of 1956, 4, 8, 36 and 43 of 1957, 7, 36 and 43 of 1958 and 20 and 34 of 1959.	<ol style="list-style-type: none"> <li data-bbox="480 935 732 1051">1. The Rajasthan Land Reforms and Resumption of Jagirs Rules, 1952 (Raj. Gaz. 2 Part IV-B dated, 12-4-1952).</li> <li data-bbox="480 1093 732 1209">2. The Rajasthan Land Reforms and Resumption of Jagirs Rules, 1954 (Raj. Gaz. Extr. Vol. 6, dt. 26-7-1954).</li> <li data-bbox="480 1238 732 1402">3. The Rajasthan Land Reforms and Jagir Resumption (Absorption of Jagir Employees) Rules, 1954 (Raj. Gaz. Extr. dated 26-7-1954).</li> <li data-bbox="480 1425 732 1613">4. The Rajasthan Land Reforms and Resumption of Jagirs (Concessions for Khudkasht in Bhakra Project Area) Rules 1955 (Raj. Gaz. Extr. dated 8-6-1955).</li> </ol>	Repealed by the 1954 rules.

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
16.	1952	XIX	The Rajasthan Agricultural Rents Control Act, 1952	--	--
17.	1952	XXI	The Rajasthan Affected Areas (Suspension of Proceedings) Act, 1952.	An Act to provide for the suspension of certain proceedings in areas affected with famine or scarcity.	5-7-1952
18.	1953	XII	The Rajasthan Minor Irrigation Works Act, 1953.	An Act to provide for the construction, improvement and maintenance of minor irrigation works in Rajasthan.	25-4-1953
19.	1953	XIX	The Rajasthan Lands Summary Settlement Act, 1953.	An Act to provide for the summary settlement of unsettled lands in Rajasthan.	1-3-1954
20.	1953	XXIV	The Rajasthan Land Acquisition Act, 1953.	An Act to consolidate and amend the law for the compulsory acquisition of land in Rajasthan.	12-12-1953
21.	1954	LX	The Rajasthan Rent Rates Determination and Validation Act, 1954.	An Act to provide the basis for the determination of rent-rates and to validate the rent rates determined previously in accordance with such basis.	17-4-1954

How affected by subsequent legislation	Particulars of Rules made	Remarks
Repealed by Rajasthan Act No. XI of 1954.	5. The Rajasthan Land Reforms and Resumption of Jagirs (Compensation and Rehabilitation Bond) Rules, 1956 (Raj. Gaz. Part IV-C, dated 10-1-1957).	See Sl. No. 22.
Amended by Rajasthan Act No. VIII of 1953.	The Rajasthan Minor Irrigation Works Rules, 1956 (Raj. Gaz. Part IV-C, dt. 20-9-1956).	
Amended by Rajasthan Act No. 4 of 1958.	The Rajasthan Lands Summary Settlement Rules, 1956 (Raj. Gaz. Part IV-C, dt. 2-6-1956).	
Amended by Rajasthan Act No. 27 of 1957 & 10 of 1959.	The Rajasthan Land Acquisition Rules, 1956 (Raj. Gaz. Part IV-C, dt. 6-9-1956).	

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
22.	1954	XI	The Rajasthan Agricultural Rents Control Act, 1954.	An Act to provide for the fixation of maximum rents recoverable by land-holders from their tenants in order that excessive rents may not be exacted from them.	Deemed to have come into force in Alwar & Bharatpur Districts from 16-5-1952. First published in Raj. Gazette on 17-4-1954.
23	1954	XVI	The Rajasthan Bhoodan Yagna Act, 1954.	An Act to facilitate the activities in connection with the Bhoodan Yagna initiated by Shri Acharya Vinoba Bhave and to provide for the constitution of a Bhoodan Yagna Board, the donation of land to the said Board the distribution of land received in donation to landless persons or for community purposes and to provide for matters ancillary thereto.	7-8-1954
24.	1954	XVIII	The Rajasthan Religious Buildings and Places Act, 1954.	An Act to regulate the construction of public religious buildings and to restrict the use of public places for religious purposes	4-9-1954
25.	1954	XXII	The Rajasthan Agricultural Lands Utilisation	An Act to provide for the utilisation of uncultivated	15-3-1958 (See Col. No. 9).

How affected by subsequent legislation	Particulars of Rules made	Remarks
Repealed by Raj Act No. 3 of 1955.	..	See Sl. No. 16. Important provisions incorporated in the Rajasthan Tenancy Act, 1955 cf. sections 98, 99 and 102 <i>ibid.</i> For rules see Chapter V-A Rules 25A to 25D of the Rajasthan Tenancy (Govt.) Rules, 1955
Amended by Rajasthan Acts No. 14 of 1955, and 24 of 1956.	The Rajasthan Bhoodan Yagna Rules, 1956 (Raj. Gaz. Part IV-C, dated 14-1-1956).	
	The Rajasthan Religious Buildings and Places Rules, 1957 (Raj. Gaz. Part IV-C, dt. 21-2-1957).	
	The Rajasthan Agricultural Lands Utilisation Rules, 1958 (Raj. Gaz.	This Act received the assent of the President on 6-11-1954 and was first



S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
			Act, 1954.	agricultural lands in the State of Rajasthan and for regulating the cultivation of specified crops.	
26.	1954	XXIV	The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954	An Act to provide for the compulsory consolidation of agricultural holdings and for prevention of fragmentation of agricultural holdings in the State of Rajasthan	See Col. No. 9
27.	1954	XXVII	The Rajasthan Colonisation Act, 1954.	An Act to make better provision for the colonisation and administration of land in Rajasthan.	24-12-1954

How affected by subsequent legislation	Particulars of Rules made	Remarks
	Part IV-C dated 27-3-1958).	published in the Rajasthan Gaz. on 24-11-1954. It was brought into force in the whole of Rajasthan with effect from 15th March, 1958.
Amended by Rajasthan Act No. 13 of 1958, and Act No. 23 of 1959.	The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Rules, 1955 (Raj. Gaz. Part IV-C, dated 24-12-1955).	This Act received the assent of the President on 25-11-1954 and was first published in the Gaz. on 11-12-1954. Chapters I and V came into force from 11-12-1954. The rest of the Chapters have so far been brought into force in selected areas of Rajasthan.
Amended by Rajasthan Act No. 38 of 1958.	<p>(1) Bhakra Project Ex-Military Personnel (Allotment of Govt. lands) Rules, 1955 (Raj. Gaz. Part IV-C, dt. 5-11-1955).</p> <p>(2) Rajasthan Qila-Bandi Rules, 1955 (Raj. Gaz. Part IV-C, dated 19-11-1955).</p> <p>(3) The Rajasthan Colonisation (Bhakra Project Govt. Lands Allotment and Sale) Rules, 1955 (Raj. Gaz. Part IV-C, dt. 24-12-1955).</p> <p>(4) The BHAKRA Project Gadoliya Lohars (Allotment of Govt. Land) Rules, 1955 (Raj. Gaz. Part IV-C, dt. 31-12-1955).</p> <p>(5) Rajasthan Colonisation (General Colony)</p>	

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S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
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How affected by subsequent legislation	Particulars of Rules made	Remarks
	Conditions, 1955 (Raj. Gaz. Part IV-C, dt. 3-3-1956).	
	(6) The Rajasthan Colonisation (Temporary Cultivation Leases) Conditions, 1955 (Raj. Gaz. Part IV-C, dt. 20-9-1956).	
	(7) The Rajasthan Colonisation (Model Villages and Farms by Literates) Conditions, 1955 (Raj. Gaz. Part IV-C, dt. 20-9-1956).	
	(8) The Rajasthan Colonisation (Gang Canal Lands Permanent Allotment) Rules, 1956 (Raj. Gaz. Part IV-C, dt. 21-2-1957).	
	(9) The Rajasthan Colonisation (Fruit and Vegetable Gardens) Conditions, 1955 (Raj. Gaz. Part IV-C, dt. 21-2-1957).	
	(10) Rajasthan Colonisation (Medium and Minor Irrigation Project Govt Lands Allotment) Rules, 1957 (Raj. Gaz. Part IV-C, dt. 28-11-1957).	
	(11) The Rajasthan Colonisation (Chambal Project Govt. Lands Allotment and Sale) Rules, 1957 (Raj. Gaz. Part IV-C, dt. 5-12-1957).	

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
28.	1955	3	The Rajasthan Tenancy Act, 1955.	An Act to consolidate and amend the law relating to tenancies of agricultural lands, and to provide for certain measures of land reforms, and matters connected therewith.	15-10-1955
29.	1955	6	The Rajasthan Review and Validation of Rent Rates Act, 1955.	An Act to provide for the review of rent-rates sanctioned by the Govt. in certain cases.	9-4-1955
30.	1955	12	The Rajasthan Anti-Ejection Officers Proceedings and Decisions (Validation) Act, 1955.	An Act to validate the proceedings and decisions of Anti-Ejection Officers in certain cases.	31-10-1955
31.	1955	18	The Rajasthan Jagir Decisions and Proceedings (Validation) Act, 1955.	An Act to validate certain decisions given and proceedings taken in respect of matters relating to the resumption of Jagirs in the covenanting States of Rajasthan, and the recognition, according to law, of succession to	5-11-1955

How affected by subsequent legislation	Particulars of Rules made	Remarks
Amended by Rajasthan Acts Nos. 27, 28 and 38 of 1956, 5 and 33 of 1957, 2, 6, 14, 35 and 46 of 1958 and 7 of 1959.	<p>1. The Rajasthan Tenancy (Govt.) Rules, 1955 (Raj. Gaz. Part IV-C, dt. 17-12-1955). For amendments see Raj. Gaz. Part IV-C, dt. 25-10-1956, 21-2-1957, 25-7-1957, 31-4-1958, 29-5-1958, 12-6-1958 &amp; 11-9-1958</p> <p>2. The Rajasthan Tenancy (Board of Revenue) Rules, 1955 (Raj. Gaz. Part IV-C, dt. 17-12-1955). For amendments see Raj. Gaz. Part IV-C, dt. 21-11-1957, 29-5-1958 and 6-11-1958.</p>	Received the assent of the President on 14-3-1955 and was first published in the Rajasthan Gazette on 24-3-1955. It was brought into force from 15-10-1955.
	The Rajasthan Review and Validation of Rent Rates Rules, 1955 (Raj. Gaz. Part IV-C, dated 4-11-1955).	See Sl. No. 33.

Amended by Rajasthan Acts Nos. 39 of 1956, 44 of 1957 and 12 of 1958.

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
				the rights and titles of jagirdars therein, and to provide the forum for the disposal of such cases and proceedings.	
32.	1956	15	The Rajasthan land Revenue Act. 1956.	An Act to consolidate and amend the law relating to land, the appointment, powers and duties of revenue courts, revenue officers, village officers and village servants; the preparation and maintenance of maps and land records; the settlement of revenue and rent; the partition of estates; the collection of revenue and matters incidental thereto.	1-7-1956

How affected by subsequent legislation	Particulars of Rules made	Remarks
Amended by Adaptation of Laws (on State and Concurrent Subjects) Order, 1956 and Rajasthan Acts Nos. 44 of 1956, 2, 37 and 47 of 1958 and 33 of 1959.	<p>(1) The Rajasthan Revenue Courts Manual (Supplement to Raj. Gaz. Part IV-C, dt. 18-4-1957).</p> <p>(2) The Rajasthan Land Revenue (Partition) Rules, 1957 (Raj. Gaz. Part IV-C, dt. 30-5-1957).</p> <p>(3) The Rajasthan Land Revenue (Settlement Operations) (Board of Revenue) Rules, 1957 (Raj. Gaz. Part IV-C, dt. 17-10-1957).</p> <p>(4) The Rajasthan Land Revenue (Survey, Record and Settlement) (Govt.) Rules, 1957, (Raj. Gaz. Part IV-C, dt. 31-10-1957).</p> <p>(5) The Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules 1957 (Raj. Gaz. Part IV-C, dt. 28-11-1957).</p>	Received the assent of the President on 23-5-1956 and was first published in the Rajasthan Gazette dt. 1-6-1956 and was brought into force from 1-7-1956.
	For amendments see Gaz. dt. 6-2-1958, 29-5-1958, and 27-11-1958.	



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S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
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How affected by subsequent legislation	Particulars of Rules made	Remarks
	(6) The Rajasthan Land Revenue (Sale of Land in Mandies) Rules, 1957 (Raj. Gaz. Part IV-C, dt. 5-12-1957).	
	(7) The Rajasthan Land Revenue (Allotment of Land for Gaushalas) Rules, 1957 (Raj. Gaz. Part IV-C, dt. 5-12-1957.)	
	(8) The Rajasthan Land Revenue (Sale of Land in Mandies) (Chambal Irrigation Project Area) Rules, 1957, (Raj. Gaz. Part IV-C, dt. 16-1-1958).	
	(9) The Rajasthan Land Revenue (Land Records) Rules, 1957, (Raj. Gaz. Part IV-C, dt. 23-1-1958).	
	(10) The Rajasthan Land Revenue (Lambardars) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 13-2-1958).	
	(11) The Rajasthan Land Revenue (Development of Abadi Lands) (Chambal Project) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 27-3-1958).	
	(12) The Rajasthan Land Revenue (Duties of Tehsildars & Naib-Tehsildars) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 27-3-1958).	

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
33.	1956	16	The Rajasthan Review and Validation of Rent Rates (Revival) Act, 1956.	An Act to revive and re-enact the provisions of the Rajasthan Review & Validation of Rent Rates Act, 1955.	1-6-1956
34.	1956	23	The Rajasthan Escheats Regulation Act, 1956.	An Act to regulate the making of enquiries in the matter of properties vesting in the State of Rajasthan <i>qua ultima heres</i> under Article 206 of the Constitution of India by escheats or as	16-7-1956

How affected by subsequent legislation	Particulars of Rules made	Remarks
	(13) The Rajasthan Land Revenue (Allotment of Land to Dairy & Poultry Farms) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 27-3-1958).	
	(14) The Rajasthan Land Revenue (Payments, Credits, Refunds and Recovery) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 10-4-1958).	
	(15) The Rajasthan Land Revenue (Partition of Estates) (Board of Revenue) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 21-8-1958).	
	(16) The Rajasthan Allotment of Land to Co-operative Societies, Rules, 1957 (Raj. Gaz. Part IV-C, dt. 16-7-1959).	
Repealed by Rajasthan Act No. 37 of 1957.		See Sl. Nos. 29, and 42. The relevant provisions of the Act have been incorporated in the Rajasthan Land Revenue Act, 1956, <i>vide</i> section 183 <i>ibid</i> .
	The Rajasthan Escheats Regulation Rules, 1957 (Raj. Gaz. Part IV-C, dt. 28-3-1957).	

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
				<i>bona vacantia</i> and to provide for the custody and disposal thereof.	
35.	1956	29	The Dungarpur Qanun Lekh (Repeal) Act, 1956.	An Act to repeal the Dungarpur Qanun Lekh 1945.	27-10-1956
36.	1957	1	The Rajasthan Agricultural Loans Act, 1956.	An Act to consolidate and amend the law relating to loans of money by the State Govt. for agricultural purposes.	5-1-1957
37.	1957	9	The Rajasthan Jagirdars Debt Reduction Act, 1956.	An Act to provide for scaling down of debts of certain jagirdars.	28-2-1957
38.	1957	21	The Marwar Patta Ordinance (Repeal) Act, 1957.	An Act to provide for the repeal of the Marwar Patta Ordinance, 1921.	26-6-1957
39.	1957	28	The Rajasthan Relief of Agricultural Indebtedness Act, 1957.	An Act to provide for the relief of agriculturists in the State of Rajasthan from indebtedness.	15-5-1958 See Col. 9.
40.	1957	35	The Marwar Jagirdars Encumbered Estates (Repeal) Act, 1957.	An Act to provide for the repeal of the Marwar Jagirdars Encumbered Estates Act, 1922.	28-11-1957
41	1957	36	The Rajasthan Jagir Lands Resumption (Validating) Act, 1957:	An Act to validate certain notifications issued by Govt. in relation to the	4-12-1957

How affected by subsequent legislation	Particulars of Rules made	Remarks
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The Rajasthan Agricultural Loans (Taqavi) Rules, 1958 (Raj. Gaz. Part IV-C, dt. 17-4-1958.)

Amended by Rajasthan Acts No. 1 of 1958 and 2 of 1959.

The Rajasthan Relief of Agricultural Indebtedness Rules, 1958 (Raj. Gaz. Part IV-C, dated 16-1-1958).	This Act received the assent of the President on 11-9-1957 and was first published on 21-9-1957 and was brought into force from 15-5-1958.
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This Act also amends section 2 of Rajasthan Act VI of 1952,

S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
				resumption of Jagir lands of different classes and the resumption of those jagir lands.	
42.	1957	37	The Rajasthan Review and Validation of Rent Rates (Revival) Repeal Act, 1957.	An Act to repeal the Rajasthan Review and Validation of Rent Rates (Revival) Act, 1956.	4-12-1957
43.	1958	2	The Rajasthan Revenue Laws (Extension) Act, 1957.	An Act to provide for the extension of certain revenue laws of the pre-reorganisation State of Rajasthan to the Abu, Ajmer and Sunel Areas.	15-6-1958
44.	1958	15	The Ajmer Waqfs Board (Dissolution) Act, 1958.	An Act to provide for the dissolution of the Ajmer Board of Waqfs.	9-4-1958

How affected by subsequent legislation	Particulars of Rules made	Remarks
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See Sl. No. 33.

This Act which *inter alia* amends the Rajasthan Tenancy Act 1955 and the Rajasthan Land Revenue Act 1956, received the assent of the President on 7-1-1958 and was first published in the Rajasthan Gazette on 13-1-1958. It was brought into force on 15-6-1958. This Act is not to be confused with the Rajasthan Laws (Extension) Act, 1957 (Rajasthan Act No. 27 of 1957)-(q.v). Also see the Rajasthan Statutory Rules and Orders (Extension) Act, 1957 (Rajasthan Act No. 40 of 1957) which extended to the Abu, Ajmer and Sunel areas rules etc. made prior to 1-11-1956 under laws subsequently extended to the said areas.



S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
45.	1958	20	The Rajasthan Haq-e-Malikana Abolition Act, 1958.	An Act to provide for the abolition of the levy of Haq-e-Malikana in the State of Rajasthan.	2-5-1958
46.	1958	26	The Mewar Shishu Hitkarini Sabha Decrees (Enforceability) Act, 1958.	An Act to declare the decrees passed by the Shishu Hitkarini Sabha of the former Mewar State under Mewar Act of Sambat 1994 (Mewar-ke - Qarzdar Thikanon-ka-Qanun) to be enforceable as decrees of Civil Courts and to provide for the institution of certain suits which were barred by the said Act.	13-6-1958
47.	1958	27	The Rajasthan Pension Act, 1958.	An Act to consolidate and amend the law relating to State pensions and grants of money made or payable by the State Government.	16-6-1958
48.	1958	29	The Rajasthan Cash Jagirs Abolition Act, 1958.	An Act to provide for the abolition of certain classes of cash jagirs in the State of Rajasthan.	21-7-1958
49.	1959	6	The Ajmer Abolition of Intermediaries and Land Reforms (Amendment) Act, 1959.	An Act further to amend the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955.	31-1-1959

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How affected by subsequent legislation	Particulars of Rules made	Remarks
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S. No.	Year	No. of Ordinance or Act	Short title	Long title	Date of commencement
50.	1959	8	The Rajasthan Zamindari and Biswedari Abolition Act, 1959.	An Act to provide for the abolition of and the acquisition of the rights, title and interest in, estates held by Zamindars and Biswedars in the State of Rajasthan and for other matters, connected therewith.	See Col. 9.
51.	1959	13	The Nathdwara Temple Act, 1959.	An Act to provide for the better administration and governance of the temple of Shri Shrinathji at Nathdwara.	30-3-1959
52.	1959	21	The Rajasthan Discontinuance of Cesses Act, 1959.	An Act to provide for the discontinuance of the collection of certain cesses and other charges in the State of Rajasthan.	25-5-1959
53.	1959	22	The Ajmer Shamlat Deh (Regulation) Repeal Act, 1959.	An Act to repeal the Ajmer Shamlat Deh (Regulation) Act, 1956.	25-5-1959

How affected by subsequent legislation	Particulars of Rules made	Remarks
The Rajasthan Zamindari & Biswedari Abolition Rules, 1959 (Raj. Gaz. Part IV-C, dt. 25-4-1959)	This Act received the assent of the President on 12-2-1959 and was first published in the Rajasthan Gazette on 27-2-1959. This Act and the rules made thereunder have not yet been brought into force.	

1st September, 1959.

A. A. KHERIE,  
*Officer on Special Duty  
 for Revenue Legislation,  
 Government of Rajasthan.*

## APPENDIX D

## Copy of Annexure I to Chapter IX of the Second Five Year Plan

## ANNEXURE I

The following list of factors which should be taken into account in judging the quality of the management of a farm or a holding has been worked out by a committee of the Panel on Land Reforms. These factors have to be adapted to local conditions and those of them which are of special importance in an area singled out as the principal criteria of efficiency of management:—

## (i) Land :—

- (a) Levelling, bunding, terracing (where necessary and economically practicable) and other measures needed for maintaining the fertility of the soil.
- (b) Development and use of cultivable waste land such as reclamation of cultivable waste land by drainage of water-logged area, removal of alkali or kallar by anti-erosion or soil conservation measures, eradication of pernicious weeds, clearing of bushes.

## (ii) Use of pure seeds of approved variety.

## (iii) Manures and fertilizers:—

- (a) conservation of farm yard manure;
- (b) composting of all kinds of farm refuse;
- (c) adoption of green manure as a regular practice;
- (d) use of chemical fertilisers where necessary and economical.

## (iv) Irrigation:—

- (a) where canal irrigation is not available, construction of wells, tube-wells, pumps, tanks and dams wherever possible either independently or in co-operation with the neighbouring cultivators;
- (b) economic use of water by proper maintenance of irrigation channels, i.e. plastering, keeping them, as far as practicable, in straight lines and not zig-zag, keeping them free from weeds and making the irrigation channels pucca, wherever economical, in order to prevent leakage of water.

## (v) Agricultural implements:—

Use of agricultural implements of improved variety as recommended by the Agriculture Department for particular tracts.

- (vi) Control of insect pests and diseases and eradication of pernicious weeds independently as well as in co-operation with local cultivators, in accordance with methods generally recommended by the Agriculture Department.

- (vii) Improved agricultural practices in respect of:—
- (a) preparation of seed beds;
  - (b) methods of sowing;
  - (c) inter-culture of crops;
  - (d) weeding;
  - (e) roguing;
  - (f) harvesting practices.
- (viii) Suitable rotation of crops.
- (ix) Planting and care of trees (especially along water courses, near wells and on uncultivated lands).
- (x) In case of 'dry farming', adoption of improved dry farming practices as recommended by the Agriculture Department such as:—
- (a) shallow ploughing before the commencement of rains;
  - (b) removal of weeds;
  - (c) bunding and terracing;
  - (d) conservation of moisture by ploughing and soiling immediately after the rains stop.
- (xi) Adoption of 'mixed farming' i.e., industries allied to agriculture like fruit and vegetable gardening, dairy farming, poultry or bee-keeping, to the extent to which the recommendations of the Agriculture Department on the subject are followed.
- (xii) Animal Husbandry:—
- (a) Maintenance of approved breeds of live-stock;
  - (b) Satisfactory provision for feeding of animals;
  - (c) Conservation of manure;
  - (d) Proper housing of animals;
  - (e) Protective measures against and treatment of diseases.
- (xiii) Farming equipment and investment in permanent improvements.
- (xiv) Adequate arrangements for storage of produce.
- (xv) Housing conditions of agricultural workers on the farm.
- (xvi) In the case of large and medium sized farms, maintenance of simple farm accounts as may be prescribed.
- (xvii) Participation in co-operative associations.