

Rajasthan Jagirdars Debt Reduction Act, 1956

9 of 1957

[21 February 1957]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Reduction of secured debt at the time of passing of decree
4. Powers to reduce secured debt after passing of decree
5. Decree for reduced amount
6. Satisfaction of the decree
7. Debt realizable from compensation money and rehabilitation grant
8. Execution of decree relating to unsecured debt against the bonds
9. Maintenance allowance
10. Provisions of Usurious Loans Act, 1918 not be affected
11. Power to make rules
12. Non-applicability of certain provisions of Act to Sunel area
13. Applicability of Rajasthan General Clauses Act

Rajasthan Jagirdars Debt Reduction Act, 1956

9 of 1957

[21 February 1957]

PREAMBLE

An Act to provide for the scaling down of debts of ²[certain Jagirdars]

Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows: -

1. Published in Raj. Gazette Exty. Part IV-A dated 28.2.1957.
2. Substituted by Rajasthan Act 1 of 1958. Pub. in Raj. Gazette Exty. Pt. IV-A dated 13.1.1958.

1. Short title, extent and commencement :-

(1) This Act may be called the Rajasthan Jagirdars Debt Reduction Act, 1956.

(2) It extends to the whole of ¹[the State of Rajasthan].

(3) It shall come into force at once.

1. Substituted by Rajasthan Act 1 of 1958. Pub. in Raj. Gazette Exty. Pt. IV-A dated 13.1.1958.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context-

¹(a) "Abu area" means the territory comprised in Abu Road taluka of Banaskantha district in the State of Bombay as it existed immediately before the first day of November, 1956;

(aa) "Ajmer area" means the territory comprised in the State of Ajmer as it existed immediately before the first day of November, 1956;]

(b) "amount due" means the amount which would be due if this Act had not been passed;

¹(c) "compensation" means compensation payable under the relevant Act for the resumption, acquisition or abolition of jagirs or for their vesting in the State and includes interim compensation, if any, so payable;]

(d) "Court of Wards", means the Court of Wards constituted under Sec. 5 of the Rajasthan Court of Wards Act, 1951 [Rajasthan Act XXVI of 1951], ¹[or under the corresponding provision of any corresponding law in force in the Abu, Ajmer or Sunel area;] ;

(e) "debt" means an advance in cash or in kind and includes any transaction which is in substance a debt: but does not include an advance as aforesaid made on or after the first day of January, 1949 or a debt due to: -

(i) the Central Government or Government of any State;

(ii) a local authority;

(iii) a scheduled bank;

(iv) a co-operative society; and

(v) a wakf, trust or endowment for a charitable or religious purpose only; or

(vi) a person, where the debt was advanced on his behalf by the Court of Wards;

(f) "decree" has the meaning assigned to it in the Code of Civil Procedure, 1908 (Act V of 1908);

(g) "decree to which this Act applies" means a decree passed either

before or after the commencement of this Act in a suit to which this Act applies: -

¹(h) "Jagirdar" means-

(i) when used in relation to territories of the pre- reorganization State of Rajasthan excluding the Sironj area, jagirdar as defined in clause (g) of Sec. 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952),

(ii) when used in relation to the Abu area, a jagirdar as defined in Clause (vii) of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bombay Act XXXIX of 1954),

(iii) when used in relation to the Abu area, as intermediary as defined in Clause (viii) of Sub-sec. (1) of Sec. 2 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act III of 1955), and

(iv) when used in relation to the Sunel area, a proprietor as defined in Clause (a) of Sec. 2 of the Madhya Bharat Zamindari Abolition Act, Samwat 2008 (Madhya Bharat Act 13 of 1951); or a jagirdar as defined in Clause (vi) of Sub-sec. (1) of Sec. 2 of the Madhya Bharat Abolition of Jagirs Act, Samwat 2008 (Madhya Bharat Act 28 of 1951);

(hh) "jagirland" means-

(i) when used in relation to the territories of the pre- reorganization State of Rajasthan excluding the Sironj area, any jagir land as defined in Clause (h) of Sec. 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952),

(ii) when used in relation to the Abu area, any jagir village as defined in Clause (viii) of Sec. 2 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bombay Act XXXIX of 1954),

(iii) when used in relation to the Ajmer area, any estate as defined in Clause (v) of Sub-sec. (1) of Sec. 2 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act III of 1955), and

(iv) when used in relation to the Sunel area, any village, mahal or land settled on zamindari system; or any jagir land as defined in Clause (vii) of Sub-sec. (1) of Sec. 2 of the Madhya Bharat Abolition of Jagirs Act, Samwat 2008 (Madhya Bharat Act 28 of 1951)];

(i) "mortgage" with its cognate expressions, has the meaning assigned to it in the Transfer of Property Act, 1882 (IV of 1882) and includes a charge as defined in Sec. 100 of that Act;

(j) "mortgagor" includes where the right, title and interest of the

mortgagor has passed by act of parties or operation of law in favour of another person or persons, such other person or persons;

(k) "rehabilitation grant" means rehabilitation grant, ¹[if any payable under the relevant Act];

¹[(kk) "relevant Act" means-

(i) as respects the territories of the pre-reorganization State of Rajasthan excluding the Sironj area, the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952),

(ii) as respects the Abu area, the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bombay Act XXXIX of 1954),

(iii) as respects the Ajmer area, the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act III of 1955), and

(iv) as respects the Sunel area, the Madhya Bharat Zamindari Abolition Act, Samwat 2008 (Madhya Bharat Act 13 of 1951); or the Madhya Bharat Abolition of Jagirs Act, Samwat 2008 (Madhya Bharat Act 28 of 1951), as the case may be;]

(l) "Scheduled bank" has the meaning assigned to it in the Reserve Bank of India Act, 1934 (II of 1934);

(m) "secured debt" means a debt secured by mortgage of jagir land or jagir lands and other immovable property;

¹[(mm) "Sironj area" means the territory comprised in the Sironj sub-division of Kota district in the State of Rajasthan as it existed immediately before the first day of November, 1956];

(mmm) "State" or "State of Rajasthan" means the State of Rajasthan as formed by Sec. 10 of the States Reorganization Act, 1956 (Central Act 37 of 1956)];

(n) "Suit to which this Act applies" means any suit or proceeding relating to a debt whether secured or otherwise; and

²[(nn) "Sunel area" means the territory comprised in the Sunel tappa of Bhanpura tehsil of Mandsaur district in the State of Madhya Bharat as it existed immediately before the first day of November, 1956;]

(o) "word" has the meaning assigned to it by Clause (vii) of Sec. 4 of the Rajasthan Court of Wards Act, 1951 (Rajasthan Act XXVIII of 1951) ⁶for under the corresponding provision of any corresponding law in force in the Abu, Ajmer or Sunel area.]

1. Substituted by Rajasthan Act 1 of 1958, Pub. in Raj. Gazette Exty. Pt. IV-A dated 13.1.1958.

2. Insertion by Rajasthan Act 1 of 1958, Ibid.

3. Reduction of secured debt at the time of passing of decree :-

(1) Notwithstanding anything in any law, agreement or document in any suit to which this Act applies relating to a secured debt, the Court shall, after the amount due has been ascertained, but before passing a decree, proceed as hereinafter stated.

(2) (a) Where the mortgaged property consists exclusively of jagir lands and such lands have been [resumed, abolished, acquired or ordered to vest in the State under the relevant Act], the Court shall first ascertain whether the mortgagor had the right, under the jagir law in force at the time the mortgage deed was executed, to mortgage the jagir land, or failing that, whether specific permission for effecting the mortgage was obtained from the competent authority, and whether the mortgage was validly subsisting on the date of [such resumption, abolition, acquisition or vesting] of the jagir lands.

(b) If the mortgage was legally and properly made and was validly sub-sisting on the aforesaid date, the Court shall reduce the amount due in accordance with the formula given in Schedule 1.

(3) Where the mortgaged property consists partly of jagir lands as aforesaid and partly of property other than such lands, the Court shall after taking action in accordance with the provisions of Sub-clause (a) of Sub-sec. (2), proceed to distribute the amount due on the two properties separately in accordance with the principles contained in Sec. 82 of the Transfer of Property Act, 1882 (IV of 1882) as if they had been properties belonging separately to two persons with separate and distinct rights of ownership; and after the amount due has been so distributed, reduce the amount due on the jagir lands in accordance with the formula given in Schedule 1.

4. Powers to reduce secured debt after passing of decree :-

(1) Notwithstanding anything in the Code of Civil Procedure, 1908 (V of 1908) or any other law, the Court which passed a decree to which this Act applies relating to a secured debt shall, on the application either of the decree-holder or judgment-debtor, proceed as hereinafter stated.

(2) Where the mortgaged property charged under the decree consists exclusively of jagir lands and such lands have been ¹[resumed, abolished, acquired or ordered to vest in the state under the relevant Act], the Court shall reduce the amount due in

accordance with the formula given in Schedule 1.

(3) Where the mortgaged property charged under the decree consists partly of jagir lands and partly of property other than jagir lands, the Court shall determine the amount due on the first day of January, 1949 and distribute the same on the two properties separately in accordance with the principles contained in Sec. 82 of the Transfer of Property Act, 1882 (IV of 1882), as if they had even properties belonging to two persons with separate and distinct right of ownership and after the amount due as respects the jagir lands has been so calculated, reduce it in accordance with the formula given in Schedule 1.

1. Substituted by Rajasthan Act 1 of 1958, Pub. in Raj. Gazette Exty. Pt. IV-A dated 13.1.1958.

5. Decree for reduced amount :-

The Court shall, after the amount due has been reduced under Sec. 3, pass a decree-

(a) in cases falling under Sub-sec. (2) of the said section, for the amount so reduced, and

(b) in cases falling under Sub-sec. (3) of the said section for an amount which shall be equal to the aggregate of the amount due on the property other than jagir lands and the reduced amount found under the aforesaid sub-section.

6. Satisfaction of the decree :-

After the amount due has been reduced under and in accordance with the provisions of Sec. 4, the decree shall, to the extent of the reduction so effected, be deemed, for all purposes and on all occasions, to have been duly satisfied.

7. Debt realizable from compensation money and rehabilitation grant :-

(1) Notwithstanding anything in any agreement, document or law for the time being in force, but subject to the provisions of Sub-sec. (2) a decree relating to a debt, whether the debt is a secured debt or otherwise, passed in any suit to which this Act applies: -

(a) shall, in so far as the compensation for the jagir lands of the judgment debtor is concerned, be executed only in accordance with the formula given in Schedule II, and

(b) shall be also executable, in addition to and without prejudice to every other remedy to which the decree-holder may be entitled under the decree or law for the time being in force, against the rehabilitation grant payable in respect of the jagir lands of the judgment-debtor, subject to the said formula.

(2) Notwithstanding anything in any law, the reduced amount found in the case of a mortgagor or judgment-debtor as the case may be, under Sec. 3 or Sec. 4 as respects mortgaged jagir lands shall not be legally recoverable otherwise than out of the compensation and rehabilitation grant payable to such mortgagor or judgment-debtor in respect of such jagir lands.

8. Execution of decree relating to unsecured debt against the bonds :-

Where a decree to which this Act applies relating to other than a secured debt is executed by attachment and sale of ¹[the bonds, if any, granted under the relevant Act] to the judgment-debtor on account of compensation or rehabilitation grant for his jagir lands, the Court executing the decree shall, notwithstanding anything in any law, entire satisfaction in accordance with the formula given in Schedule III.

1. Insertion by Rajasthan Act 1 of 1958, Ibid.

9. Maintenance allowance :-

The provisions of this Act shall, mutatis mutandis, apply to a suit or decree for recovery of arrears of maintenance allowance in which any jagir lands whether alone or along with other property are mortgaged or are otherwise charged under any law, decree, agreement or document, as if the maintenance allowance were a debt, and the whole of the immovable property so mortgaged or charged shall, for purposes of Sec. 3 and be deemed to be mortgaged property.

10. Provisions of Usurious Loans Act, 1918 not be affected :-

The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Usurious Loans Act, 1918 (X of 1918) ¹ [of the Central Legislature as it stands adopted, or extended to any part of the state or the provisions of any other

corresponding law in force in any part of the State.]

1. Substituted by Rajasthan Act 1 of 1958, Pub. in Raj. Gazette Exty. Pt. IV-A dated 13.1.1958.

11. Power to make rules :-

The State Government may, by notification in the ¹[Official Gazette], make rules for the purposes of carrying into effect the provisions of this Act.

1. Substituted by Rajasthan Act 1 of 1958, Pub. in Raj. Gazette Exty. Pt. IV-A dated 13.1.1958.

12. Non-applicability of certain provisions of Act to Sunel area :-

¹[No provision of this Act or of any rule made there under relating to or dealing with secured debts against a jagirdar shall apply to any proprietor of or in the Sunel area who may have been or may hereinafter be divested of his jagir land under the Madhya Bharat Zamindari Abolition Act, Samwat 2008 (Madhya Bharat Act 13 of 1951).

1. Insertion by Rajasthan Act 1 of 1958, Ibid.

13. Applicability of Rajasthan General Clauses Act :-

The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955) shall, as far as may be, apply mutatis mutandis to this Act.