

## **Rajasthan Land Acquisition Rules, 1956**

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### **Rajasthan Land Acquisition Rules, 1956**

[Notfn. No. F. 13(1) Rev. 1154. dated 27-8-1956, pub. in Raj. Gaz.. part IV-C, dated 6-9-1956]. And as amended by the following notfns:-- 1. No. F. 1(35) Rev./B/60, dt. 11-1-1961: pub. in Raj. Gaz. Pt. IV- C, dt. 2-3-61. 2. No. F. 1(18) Rev./B/66, dt. 6-6-1968: pub. in Raj. Gaz. Pt. IV-C, dt. 1-8-68. 3. G.S.R. 16, dt. 20-5-1981: pub. in Raj. Gaz. Ext., Pt. IV-C, dt. 20-5-8 1, p. 39(1). 4. G.S.R. 60, dt. 2 1-7-1981: pub. in Raj. Gaz. Ext., Pt. IV-C; dt. 30-7-8 1, p. 242. 5. G.S.R. 97, dt. 20-12-1982: pub. in Raj. Gaz.

Ext., Pt. IV-C, dt. 20-12-82, p. 205(1-4). Note: -In the footnotes appearing hereinafter, the amending notifications are referred to by serial Nos. as given to them above. In exercise of the power conferred by section 55 of the Rajasthan Land Acquisition Act, 1953, (Rajasthan Act XXIV of 1953), the State Government has made the following rules, the same having been previously published as required by sub-section (3) of the said section.

#### CHAPTER 1

##### PART A

### **1. Short title and commencement :-**

(1) These rules may be called the Rajasthan Land Acquisition Rules, 1956. (2) They shall come into force at once.

### **2. Interpretation :-**

In these rules, unless the context otherwise requires,-- (a) "Act" means the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953): (b) "form" means a form apprehended to these rules; and (c) "section" means a section of the Act.

#### CHAPTER 2

##### PART B

### **3. Order under section 4(1). :-**

An order under sub-section (1) of section 4 shall be in Form I. 3-A. Notice under clause (i) of sub-- section (5) of section 4.-A notice under clause(i) sub-section (5) of section 4 shall be in Form 1-A].

#### CHAPTER 3

##### PART C

### **4. Statement of objections :-**

(1) The Statement of objections tinder section 5-A is to be in writing. (2) In the enquiry into the objections. the Collector shall particularly investigate-- (a) whether the objector is in actual possession of the interest: (b) whether the objector can show some specific ground, such as these--- (i) the notified purpose is not genuinely or properly a public purpose: (ii) the land notified is not suitable for the purpose for which it is notified: (iii) the land is not so well suited as other land: (iv) the area proposed is excessive: (v) the objectors land has been selected maliciously or vexatiously: (vi) the acquisition will destroy or impair the amenity of historical or artistic monuments and places of public resort, will take away important public rights of way or other conveniences or will desecrate religious buildings, grave-yards and the like.

## **5. Disposal of objections :-**

(1) If a statement of objections is filed after the due date, or by a person who is not interested in the land, it shall be summarily rejected. (2) If any objections are received from a person interested in the land and within the time prescribed in sub-section (1) of section 5A, the Collector shall fix a date not earlier than seven or later than twenty one days from the date of receipt of the objections for hearing the objections, and give notice thereof to the objector as well as to the department or company requiring the land, where such department is not the Revenue Department. Copies of the objections shall also be forwarded to such department or company. (3) The department or company may file, on or before the date fixed by the Collector, a statement by way of answer to the objections and may also depute a representative to attend the enquiry. (4) On the date fixed for enquiry, or any other date to which the enquiry may be adjourned by the Collector, the Collector shall hear the objector or his pleader and the representative, if any, of the department or company. (5) The duty of hearing objections under section 5A shall be performed by the Collector in person and shall not be delegated. (6) The right of the objector under sub-section (2) of section 5A shall extend not only to the making of a written objection, but also to the adducing of evidence, if he so desires, in support of his objection. (7) On the application of either party, the Collector may exercise his powers under section 14 of compelling the attendance of witnesses and production of documents. The proceedings shall be summary and no oath need be administered to the witnesses. (8) A memorandum of the statement of the witnesses shall be made and signed by the Collector and shall form part of the record. (9) The hearing may be adjourned by the Collector from time to time, if necessary.

## **6. Collectors report to Government :-**

The Collector, after hearing all objections and recording a memorandum of the evidence produced in support or against the objections, and after making further inquiry, if he thinks fit, and after inspecting the land proposed to be acquired if he considers this necessary, shall submit the case for the decision of the Government, together with the record of the proceedings held by him and a report containing his recommendation of the objections.

### **CHAPTER 4**

#### **PART D**

## **7. Further procedure on Governments decision for or**

**against the acquisition :-**

On a consideration of the objections and the Collectors report thereon, if Government decide that the land should be acquired, a draft of the declaration required under section 6 shall be submitted by the Collector of the district, or Collectors of the district concerned, to Government for approval and publication in the Official Gazette. If, on the other hand the Government decide to give up the acquisition 1[ shall issue a public notice canceling the order issued under section 4].

**8. Form of declaration under section 6 :-**

The declaration under section 6 may be in Form No. 3.

**9. Procedure after issue of declaration under section 6 :-**

After a declaration under section 6 has been published in the Rajasthan Gazette, the Collector shall be responsible for all further proceedings in accordance with the provisions of the Act.

**10. [XXX] :-**

1 Subs. by No. 2, dt. [6-6-1968]. 2 Omitted by No. 2, [6-6-1968].

**11. Land to be marked out :-**

1[The]Collector shall send to the Tehsildar a copy of the notification issued under section 6 and have the land marked out and measured. At the time of marking out and measuring the land, and officer of the department or company for which the land is to be acquired should, if possible be present, and see that the boundaries and correctly aligned.

**12. Treatment of discrepancies in measurement :-**

When action is taken under section 8 and it is found that there is a discrepancy between the land to be acquired and the description or measurement of the land given in the notification, the proceedings need not be stayed. Provided the notification describes the land with approximate correctness and the persons interested in the land, have had due notice of Governments intention to acquire the land the acquisition should be completed, and no revised notification need be issued.

**CHAPTER 5****PART E****13. Form of notice under section 9 :-**

The notice to persons interested in the land, required to be served under section 9, may be in Form No. 4.

**14. Notice to departmental officer :-**

The Collector shall give at least 15 days previous notice of the date fixed under section 9 to the departmental officer acting on behalf of the department for the acquisition of land, or to the company in order that he or they may have an opportunity making, in person, by agent or by letter, any representation regarding its value which he or they may think necessary.

**15. Consideration of representation made :-**

Representation if any, made in response to the notice by the departmental officer or Company, whether in person by agent or by written statements, shall be given consideration by the Collector].

CHAPTER 6

PART F

**16. Procedure of Collector on hearing claims for compensation :-**

(1) On the date fixed in the notice issued under section 9, the Collector shall cause those persons who are interested in the land to be acquired to appear before him. He shall then prepare two lists, one showing the names of persons present and the other the names of absentees. Unless it appears to the Collector that there is sufficient reason for adjourning proceedings to a later date, the case may be disposed of expert so far as the absentees are concerned. 1 Subs. by No. 2, dt. [6-6-1968]. 2. Subs. By No.4 [21-7-1981] (2) Matters to be inquired into by the Collector before awarding compensation.-The statement of the persons interested shall then be recorded as to whether they accept the measurements and agree to the rates of compensation proposed for the various classes of land, for trees, houses, standing crops, if any, and to the apportionment there of.<sup>1</sup>[If a holding or field is jointly held or is mortgaged, or held by] Khaterdar tenants, the Collector shall also enquire as to the shares of the compensation to be paid to the <sup>2</sup>[several persons interested, to the mortgagor and to the tenant, respectively]. Where compensation is payable on account of standing crops. the amount of compensation awarded should be the market value of the crops less the amount of land revenue and ceases payable on the land since under rule 17 the land revenue will be reduced from the harvest during which the land has been taken up. (3) Where the land to be acquired is agricultural land, the Collector may find out whether the persons interested are prepared to take other land in exchange or to come to any other: reasonable arrangement contemplated by sub-sections (3) and (4)

of section 31.

**17. Relief in rent and date from which it would take effect :-**

When any agricultural land assessed to rent is acquired, the tenant shall be entitled to be relieved of the liability to pay the rent assessed on the land to be acquired and such relief shall have effect from the beginning of the agricultural year in which possession of the land is taken.]

**18. [x x x] :-**

**19. [x x x] :-**

**20. [x x x] :-**

**21. [Rent] to be taken into consideration in determining amount of compensation :-**

In determining the amount of compensation to be awarded the Collector shall take into consideration the fact that the land acquired is subject to the burden of the payment of 6[rent]

**22. XXX :-**

**23. How the award is to be drawn up :-**

(1) When all statements have been recorded, the Collector shall draw up, with his own hand, his award, which should state the total area of the various classes of land taken up, the rate and total amount of each class, the total amount of compensation to be paid on account of crops, trees, houses, etc., the promotion of the compensation to be enjoyed by mortgagees and by Khaterdar tenants, and decision on any objections that may have been raised by persons interested. 1 Subs. by No. 2, dt. [6-6-1968]. 2. Subs. by No. 2, dt. [6-6-1968]. 3. Subs. by No. 2, dt. [6-6-1968].. 4 Omitted by No. 2. dt. [6-6-1968]. 5. Subs. by No. 2. dt [6-6-1968]. 6 Subs. by No. 2. dt. [6-6-1968]. 7 Omitted by No. 2. dt. [6-6- 1968]. (2) To enable him to calculate accurately the additional compensation to be given under sub-section (2) of section 23 and to keep up fully and clearly his registers of all lands acquired and compensation paid for them, the Collector shall invariably record separately his finding under the first head of sub-section (1) of section 23 which concerns the market value of the land. (3) The extra 10 per cent awarded under sub-section (2) of section 23 on account of compulsory acquisition should not be included in the rates awarded per acre, but should be added to the

total compensation and shown separately.

#### **24. Announcement of the award :-**

The Collector shall then explain his award to the persons present, and those interested in each holding shall be informed of the amount of compensation to which they are entitled. Immediate notice of the award shall also be sent to all persons interested in the land who are not present in court. The notice may be in Form No.5.

#### **CHAPTER 7**

##### **PART G**

#### **25. Reference under section 19 how made :-**

When action is taken under section 19, the Collector should be guided by the following considerations in deciding whether to make a separate reference on account of each holding included in the award, as to which an application has been filed under section 18. or to make a single reference covering several holdings. In any case there must be a separate reference on account of each village. If the persons interested in a number of holdings in the same village object to the award on the same grounds, one reference may be made as to all the holdings, however, the persons interested in any holding object to the award on grounds which apply only to that holding, then a separate reference may be made as to that holding. Reference to the court should, of course, be made only in the case of persons interested who have objected to the award, the assenting 1[persons interested] being settled with without reference to the court. The provisions of the Code of Civil Procedure (V of 1908) on the subject of misjoinder of causes of action and of parties should be consulted in this connection.

#### **26. Departmental officer or company to be informed :-**

The Collector shall at once inform the departmental officer or company concerned of any reference to the court made under 2[Section 18] and shall forward to him a copy of the grounds on which the objection to the award is taken 3[section 18(2)] When a notice is served under clause (c) of section 20, the Collector shall immediately forward a copy to the departmental officer or company. 1 Subs. by No. 2, dt. [6-6-1968]. 2 Subs. by No. 2, dt. [6-6-1968].. 3 Subs. by No. 2, dt. [6-6-1968].

#### **CHAPTER 8**

##### **PART H**



## **27. Payment of compensation when made :-**

As soon as the award has been announced the Collector shall proceed to pay the compensation awarded to those persons who are present and who accept the award. Sufficient notice shall be given to enable all payees to assemble at the place where they will receive their dues, but no time should be wasted in useless endeavors to secure the attendance of absentees. A note shall be made of the names of those persons who refuse to accept the amount awarded or accept it under protest. As far as possible, payment of compensation should be made at the time of award, as most of the persons interested will then be present.

## **28. Summoning of persons interested for receiving payment and further procedure :-**

(1) In giving notice of the award under sub section (2) of section 12 and tendering payment under sub-section (1) of Section 31 to such of the persons interested as were not present personally or by their representatives when the award was made, the Collector shall require them to appear, personally or by representatives, by a certain date, to receive payment of the compensation awarded to them, intimating also that no interest will be allowed to them, if they fail to appear. (2) The Collector should, as far as possible, arrange to make the payments due in or near the village to which the land pertains, in order that the number of undisbursed sums to be placed in deposit on account of non-attendance may be reduced to the minimum. (3) Whenever payment is claimed through a representative such, representative must show legal authority for receiving the compensation, on behalf of his principal. (4) If the persons interested do not appear, and do not apply for a reference to the civil court under section 18, the Collector shall, after any further endeavour to secure their attendance or made payment that may seem desirable, cause the amount due to be paid into the treasury as revenue deposits payable to the persons to whom they are respectively due, and vouched for in that form prescribed or approved by Government from time to time. He shall also give notice to the payee of such deposits, specifying the Treasury in which the deposits have been made.

## **29. Procedure for payment of deposits :-**

When the persons concerned ultimately claim payment of sums placed in deposits, the amount will be paid to them in the same manner as ordinary revenue deposits.

**30. Procedure for payment of compensation in cases covered by section 30 or section 35 :-**

The procedure laid down as to the payment of the compensation money in cases of reference under section 18 shall apply also to reference under section 30 or sub section (5) of section 35. The compensation money or if any of the parties are willing to accept payment of their shares and payment to them is admissible, the portion of it which is in dispute and cannot be paid away, shall be deposited in court when the reference is made.

**31. Collectors power to award land in lieu of cash :-**

The Collector shall bear in mind the provisions of sub-section (4) of section 31 which empower him to come to any agreement with the parties as to the method of payment; but except in the cases provided for by sub-section (3) of that section, the Collector cannot force a party to take land in lieu of cash. Where, however, the interest of a party is so limited, as in the case of a trustee of a wakf property or a Hindu widow, as to make it extremely difficult, if not impossible, to arrive at an adequate cash estimate of its value or where, from the circumstances of the case, it is impossible to place the parties concerned by a cash compensation in the same or nearly the same position as before acquisition, sub-section (3) enables the Collector to arrange to award land (subject to the same limitation of interest) in lieu of cash.

**CHAPTER 9**

**PART H**

**32. A. Compensation to khatedar tenants :-**

A khatedar tenant, who has heritable and transferable rights under the Rajasthan Tenancy Act, 1955 (Raj Act No. 3 of 1955), shall be entitled to compensation for the lands acquired from him. 31-B. Compensation to Ghair-khatedar tenant.-(1) A Ghair-khatedar tenant who is recorded as such in the revenue record for a period exceeding ten years in non-colony areas and fifteen years in colony areas shall be entitled to compensation for the lands acquired from him: Provided that no enquiry is pending against such tenant with any competent authority under any Act or rules for the time being in force, and on the conclusion of which there may be possibility of the land being resumed to the State: Provided further that such Ghair-khatedar tenant in colony areas has paid full price of land to the State Government as per rules under which the allotment was made. I. Ins. by No. 5 [20-12-1982]. (2) That in case the judicial or quasi-judicial enquiry is pending before the competent authority,

the amount of compensation shall be kept in deposit by the Land Acquisition Officer: Provided that on the final conclusion of the proceedings, the amount shall be disbursed to the Ghair-Khatedar tenant if the case is decided in his favour and to the State Government if the land is ordered to be resumed. (3) That a Ghair-khatedar tenant, other than one referred to above shall be allotted land of equal value for land acquired in lieu of cash compensation: Provided that in case normal cultivable un-occupied Government agricultural land is not available for allotment, lands declared surplus under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973), may be allotted to such Ghair Khatedar tenant if he so opts: Provided further that allotment of land in colony area to a Ghair-khatedar shall be made, if such Ghair-khatedar tenant was a landless person prior to the acquired land allotted to him or the acquired land situated in the canal command Area, (4) Where a Ghair-khatedar tenant does not opt as mentioned in sub-rule (3) or on suitable land in any nature is available for allotment, only then the compensation in cash shall be paid to such Khatedar tenant according to the following formula, namely:- Compensation Market price of land as applicable to khatedar tenants determined by Land Acquisition Officer No. of years elapsed after allotment (treating period of more than 6 months as one year ignoring shorter period) Improvement as legally permissible 10 (for non-colony area or 15 (for Colony area) (5) Where land is acquired on behalf of the Government of India or a Company or any other body or Organisation or institution other than the State Government, the Ghair-khatedar tenant shall be paid compensation in accordance with this rule and the balance payment (market price minus compensation paid to Ghair-khatedar) shall be paid to the State Government.]

#### CHAPTER 10

##### PART I

### **32(2). State Government to be satisfied with regard to certain matters before initiating proceedings :-**

(1) Whenever a Company makes an application to the State Government for acquisition of any land, the Government shall direct the Collector or submit a report to it on the following matters, namely:-- (i) that the company has made its best endeavor to find out lands in the locality suitable for the purpose of acquisition: (ii) that the Company has made all reasonable efforts to get such lands, by negotiation with the persons interested therein on

payment of reasonable price and such efforts have failed; (iii) that the land proposed to be acquired is suitable for the purpose: (iv) that the area of land proposed to be acquired is not excessive: (v) that the Company is in a position to utilise the land expeditiously: and (vi) where the land proposed to be acquired is good agricultural land, that no alternative suitable site can be found so as to avoid acquisition of that land. (2) The Collector shall, after giving the company a reasonable opportunity to make any representation in this behalf, hold an enquiry into the matters referred to sub-rule (1) and while holding such enquiry he shall-- (i) in any case where the land proposed to be acquired is agricultural land, consult the District Agricultural Officer of the district whether or not such land is good agricultural land: (ii) determine, having regard to the provisions of section 23 and 24 of the Act, the approximate amount of compensation likely to be payable in respect of the land. which, in the opinion of the Collector, should be acquired for the Company, and (iii) ascertain whether the Company offered a reasonable price (not being less than the compensation so determined), to the persons interested in the land proposed to be acquired. Explanation.- For the purpose of this rule "good agricultural land" means any land which, considering, the level of agricultural production and the crop pattern of the area in which it is situated, is of average or of above average productivity and includes a garden or grove land. (3) As soon as may be after holding the enquiry under sub-rule (2), the Collector shall submit a report (in duplicate) to the State Government. (4) No declaration shall be made by the State Government under section 6 of the Act unless the agreement under section 41 of the Act has been executed by the company.] The Rules 4 and 32 of the Rajasthan Land Acquisition Rules, 1956 clearly reveal that the nature of enquiry u/s 5A of the Act and Rule 32 of the Rules of 1956 is altogether different. The matter which is to be inquired into under Rule 32 and in particular the point that the Company made all reasonable efforts to get the land by negotiations and the price offered to the person interested in the land was a fair price is beyond the scope of the enquiry under section 5A of the Act. For the reasons mentioned above, we hold that the enquiry contemplated under Rule 32 is not of administrative nature. M/s. Rajasthan Udhya v. State of Rajasthan, 1976 WLN 835 = ILR (1977) 27 Raj. 579. The enquiry under Rule 32 is a condition precedent for initiation the proceedings under the Land Acquisition Act. The proceedings under the Land

Acquisition Act are initiated by the publication of a notice under sub-section (1) of section 4 of the Act. We hold that the compliance of Rule 32 has not been made because the owner of the land who is the appellant was given no notice or opportunity to represent his case to the Collector, at any stage of the alleged enquiry under Rule 32. We further held that the owner of the land is entitled to an opportunity of being heard in an enquiry under Rule 32. The compliance of rule 32 of the Rajasthan Land Acquisition Rules, 1956 has not been made in the case on hand. M/s. Rajasthan Udhvoga vs. State of Rajasthan, 1976 WLN 385 = ILR (1977) 27 Raj. 579.

**33. Matters to be provided for in the agreement under section 41 :-**

(1) The terms of the agreement referred to in section 41 of the Act shall also include the following matters, namely:- (i) that the Company shall not, except with the previous sanction of the State Government, use the land for any purpose other than that for which it is acquired; (ii) that the time within which the dwelling houses or amenities directly connected therewith shall be erected or provided, or the building or work shall be constructed or executed, shall not exceed three years from the date of transfer of the land to the company; (iii) that where the State Government is satisfied, after such enquiry as it may deem necessary, that the Company was prevented by reasons beyond its control from erecting, providing, construction or executing dwelling house or amenities or any building or work within the time specified in the agreement, the State Government may extend the time for that purpose by a period not exceeding one year at a time so however that the total period of extension shall not exceed three years. (iv) that if the company commits a breach of any of the conditions provided for in the agreement, the State Government may make an order (a) declaring the transfer of the land to the Company as null and void, whereupon the land shall revert back to the State Government; and (b) direction that an amount not exceeding one-fourth of the amount paid by Company to the State Government as the cost of the acquisition under clause (1) of section 41 of the Act shall be forfeited to the State Government as damages and the balance shall be refunded to the Company, and the order so made shall be final and binding; (v) that if the Company utilise only a portion of the land for the purpose for which it was acquired and the State Government is satisfied that the Company can continue to utilise the portion of the land used by it even if the unutilised part thereof

is resumed, the State Government may make an order declaring the transfer of the land with respect to the unutilised portion thereof as null and void whereupon such unutilised portion shall revert back to the State Government and direction that an amount not exceeding one fourth of such portion of the amount paid by the Company as cost of the acquisition tender clause (1) of section 41 of the Act as is relatable to the unutilised portion shall be forfeited to the State Government as damages and that the balance of the portion shall be refunded to the Company and the order so made shall, subject to the provisions of clause (vi) be final and binding: (vi) that where there is any dispute with regard to the amount relatable to the unutilised portion of the land, such dispute shall be referred to the Court within whose jurisdiction the land or any part thereof is situated and the decision of the Court thereon shall be final. (2) Where the Company commits a breach of any of the terms of the agreement the State Government shall not make an order under clause (iv) of clause (v) of sub-rule (1) unless the company has been given an opportunity of being heard in the matter.

**34. Additional matters which may be provided for in the agreement under section 41 :-**

(1) Without prejudice to the provisions of rule 33, the terms of the agreement referred to in section 41 of the Act may also include the following matters, namely:-- That, in any case of urgency where possession of any land is proposed to be taken under section 17 before an award has been made under section 11 of the Act, the Company shall deposit with the Collector, free of interest, such amount (being not more than two third of the approximate amount compensation payable in respect of the land as determined under clause (ii) of sub-rule (2) of rule 33, and within such time as the Collector thinks fit, to specify in this behalf. (2) Where any amount has been deposited with the Collector under sub-rule (1), the Collector shall tender payment of amount so deposited to the person interested who, in the opinion of the Collector. are entitled to receive payment of compensation under sub-section (1) of section 3 1 of the Act, and shall, pay it to them unless prevented by same one or more of the contingencies mentioned in sub-section (2) of section 3 1 of the Act, subject to the following condition namely:-- (i) the execution of any agreement by such recipient that the amount received by him would be adjusted against the compensation finally awarded and that where the amount received by him exceeds the amount of the compensation finally awarded,

the excess amount shall be recoverable from him as an arrear of land revenue and that he shall not claim any interest under the provisions of the Act in respect of the amount received by him under this sub-rule: and (ii) the execution of a bond by each recipient with or without security as the Collector may decide, undertaking to indemnify the State Government against any claim for compensation or part thereof by any other person. (3) If the amount deposited by the Company under sub-rule (1) or any part thereof is not paid under sub-rule (2), the Collector shall, as soon as practicable, refund the same to the Company.

**35. Submission of periodical reports :-**

For the purpose of ensuring that the conditions provided for in the agreement executed by the Company are complied with, the State Government may direct the Collector, or such other officer as the Government may appoint for the purpose, to submit to it and to the Committee, a periodical report, at such interval of time as it may specify, indicating the conditions which have been or have not been complied with as well as the steps taken by the Company towards their compliance.

**36. Conditions under which sanction may be given for transfer of land :-**

Where a Company for which land has been acquired under the Act applies, for previous sanction of the State Government for the transfer of that land or any part thereof by sale, gift, lease or otherwise, no such sanction shall be given unless:- (i) the proposed transfer of land alongwith dwelling houses, amenities, building or work, if any, is to some other company, or where the company is a co-operative society, such transfer is to any or all of its members, or (ii) where the land has been acquired solely for the erection of dwelling houses for workmen employed by the Company, the proposed transfer of the land alongwith dwelling house, if any, is to such workmen on their dependent heirs.

**37. Special provisions in relation to Certain companies :-**

(1) When an application is made to the State Government for acquisition of any land by a Company, other than a Company owned or controlled by the Central Government or any State Government, such acquisition shall ordinarily be made in accordance with the provisions of Part VII of the Act. (2) Where any land is proposed to be acquired for a Company, other than a Company owned or controlled by the Central Government or any State

Government, the special powers conferred on the State Government under section 17 of Act shall not be exercisable unless it is satisfied that it is necessary to do so in order to avoid danger to life or property or that it is otherwise necessary to do so in public interest.]

SCHEDULE 1

FORM NO. 1

Subs. by No. 2, dt. [6-6-1968].

(See Rule 3)

FORM OF ORDER UNDER SUB-SECTION (1) OF SECTION 4 OF RAJASTHAN ACT 24 OF 1953

ORDER

No. Dated, Jaipur, the 19 Whereas it appears to the State Government that land in the locality described below is needed, or is likely to be needed, for a public purpose namely (purpose to be mentioned), now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Rajasthan Land Acquisition Act, 1953. (Rajasthan Act 24 of 1953), the State Government hereby requires and authorizes..... being, an officer subordinate to it, to enter upon or into any land in the said locality accompanied by his servants and workman, if any,

(a) to survey and take levels of such land suitable for such purpose,

(b) to dig or bore into the sub-soil thereof,

(c) to set out the boundaries of such land and the intended line of the work, if any, proposed to be carried out thereon or there in,

(d) where otherwise the survey cannot be completed or that the levels cannot be taken or the boundaries or the line cannot be set out, to cut down and clear away any part of any standing crop, fence or jungle.

(e) to make the levels taken or the boundaries or the intended line of work by placing marks and cutting trenches,

(f) to do all other acts necessary to ascertain whether land is suitable for such public purpose, and

(g) to inquire into and ascertain the particulars of the persons interested in such land; provided that, as laid down in the proviso to clause (g) of sub-section (1) of section 4, of the Act no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without giving such occupier at least seven days notice in writing of his intention to do so.

(2) the said officer making an entry as above shall, at the time of such entry, pay or tender payment for all necessary damages to be done to the land entered upon or into and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute for the decision of the Collector, and such decision shall be final.

(3) The said officer shall send to the Collector, as required by sub-section (4) of section 4, a report on the result of the survey, as to the other operations described in or carried on under sub-para (1) above, as to the enquiries made thereunder and as to the particular land in the locality which may be acquired for the public purpose. Description of Locality District Tehsil Locality Note.- The description of the locality should be so framed as to indicate, as clearly as practicable, where the land lies in a particular village.

Copy forwarded to the:--



1. Collector of .....(district), for information and (a) forwarding copies order to the (i) Tehsil, and (ii) Village Panchayat concerned for being affixed at the notice board of the Tehsil/ Village Panchayat:and (b) getting copies of the notice affixed at some convenient place on or near about the land and in other conspicuous public place in the locality or by publishing the same by beat of drum, or by advertisement in a newspaper having wide publicity in the locality, or by any two or more than these means, and (2) for taking action upon the receipt of the report as required by sub-section (5) of section 4 of the Act.

2. Department/Company for information and necessary action with reference to .....(Reference to be given).

[FORM NO. 1-A 1 Added by No. 2. [6-6-1968].

(See rule 3-A)

Form of notice under clause (i) of sub-section (5) of section 4 of Rajasthan Act 24 of 1953.

1. .... (Head of Government Department)

2 . ....(Persons reported under clause (g) of sub-section (1) of section 4 to be interested in the land).

Whereas in compliance with order No..... dated..... issued by the State Government in exercise of the powers conferred by sub-section (1) of Section 4 of the Rajasthan Land Acquisition Act,1953 (Rajasthan Act 24 of 1953) (Name of officer with designation), has submitted his report as required by sub-section (4) of the said section, and has reported that the land of which the description is given below:--

Description of Locality District Tehsil Locality is suitable for the public purpose as mentioned in the said order, namely:--

Purpose to be mentioned).

Now, therefore, in pursuance of the provisions of clause (I) of sub-section (5) of section 4 of the said Act, notice is hereby given that it is proposed to acquire the said land for the said public purpose. Any person interested in the said land may, within thirty days after the issue of this notice, object to the acquisition of the land in accordance with the provisions of section 5-A of the Act, and rule 4 of the Rajasthan Land Acquisition Rules, 1956.

Issued under my hand and seal.

Seal

Sd/- Collector

Dated.....

ORDER

Ordered that a copy of this notice be affixed at the notice board of this office, and copies be also affixed at the notice board of Tehsil..... and the notice board of Village Panchayat ..... and a copy be also affixed at some convenient place on or near about the land and in other conspicuous public places in the locality of by publishing the same by beat of drums or by advertisement in a newspaper having wide circulation in the locality or by any two or more of these means.

Seal Sd/- Collector

District.....

Date.....].

SCHEDULE 2

FORM NO. 2

[Omitted]

Omitted by No. 1. dt. [11.1.1961].

### SCHEDULE 3

FORM NO. 3

(See rule 8)

Declaration by Government under section 6 of Rajasthan Act XXIV of 1953.

Whereas it appears to the Government of Rajasthan that land is required to be taken by Government for a public purpose, namely.....

It is hereby declared that the land described in the specification below is required for the above purpose.

2. This declaration is made under the provision of section 6 of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953), to all whom it may concern and after a consideration of the report of the Collector ..... received under sub-section (2) of section 5-A of the said Act: 2[x x x] the Collector of ..... hereby directed to take order for the acquisition of the said land.

3. Plans of the land may be inspected in the office of the Collector of ..... district and of the Executive Engineer ..... division.....

#### **SPECIFICATION**

Khasra Nos .....Village..... Tehsil .....Khasra

Nos. and areas in acres.....

Directions and boundaries

North..... belonging to..... S/o .....Caste..... of.....

East ..... belonging to..... S/o .....Caste..... of.....

South ..... belonging to..... S/o .....Caste..... of.....

West ..... belonging to..... S/o .....Caste..... of.....

2.Omitted by No. 2. dt. [6-6-1968].

### SCHEDULE 4

FORM NO. 4

[See rule 13]

Notice to persons interested in the land to be acquired under Rajasthan Act XXIV of 1953 Whereas the under mentioned land is about to be taken up for a public purpose,namely .....under notification of the Government of Rajasthan

No..... dated .....published in the Rajasthan Gazette, dated..... all persons interested in the said land are hereby called upon to

attend personally, or by agent at (place)..... on the.....

(date)..... O'clock to state the nature of their respective interests in the

land and the amount and particulars of their claim to compensation for such interests 1[ and their objection, if any to the measurements made].

This notice is issued under section 9 of Rajasthan Act XXIV of 1953.

Boundaries North East Extent South West

Dated .....19. ....

(Collector)

1. Subs. by No. 2, dt. [6-6-68]

2 [4-A [See rule 16(4)]

Agreement to be executed under section 11 sub-section (3) of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953).

Memorandum of agreement made this .....day of .....

between .....by occupation .....at present residing at

.....hereinafter referred to as the tenant/tenants (which expression

shall unless excluded by or repugnant to the context be deemed to include his/their respective heirs, executors and assigns) of the one part and the Governor of Rajasthan hereinafter referred to as the Government (which expression shall unless excluded by or repugnant to the context be deemed to include his successor and assigns) of the other part. Whereas the tenant/tenants is/are possessed of or otherwise entitled to the premises/land situate at .....and more particularly described in the Schedule hereunder written (hereinafter called the said property)

And Whereas the said property has been acquired/continued under acquisition under the Rajasthan Land Acquisition Act, 1953 (hereinafter referred to as the said Act) on the .....day of..... 19.... have been taken possession of by or on behalf of or under the authority of the Government.

And whereas the tenants has/have represented and informed the Government that the tenant/tenants is/are agreeable to and alone entitled to the compensation payable in respect of the said property and that no other person has any right to such compensation or any part thereof.

And whereas the Government has agreed to pay the said compensation to the tenants on the terms and conditions hereinafter appearing.

And whereas the amount of compensation payable by the Government to the tenant/ tenants in respect of the said property has been fixed at Rs..... by the Collector authorised in that behalf under section 11 of said Act. Now This Agreement Witnesseth as follows:-

(1) The Government or in its behalf the allottee who has been given possession of the said property shall pay and the tenant/tenants shall accept and receive a sum or Rs..... in full settlement of the compensation for the said property as compensation for the use and acquisition of the said land.

(2) The said tenant/tenants shall not claim or be entitled to any compensation other than that mentioned in clause (1) above whatsoever in connection with the said acquisition.

(3) The tenant/tenants shall indemnify the Government against all distresses, actions, proceedings, claims, costs, damages and expresses which may be levied, brought, made or incurred against the Government or which the Government or allottee may sustain. The Government may, without prejudice to any other rights, powers or remedies recover such amount from the person/s as an arrears of land revenue.

(4) All questions of difference whatsoever which may at any time hereafter arise between the parties hereto or their respective representatives touching these presents or construction hereof or as to any other matter of these presents, the same shall be referred to the Collector, whose decision shall be final and binding on the parties hereto.

(5) The Government shall bear the stamp duty payable in respect of this agreement. 2 Added by No.3. dt. [20-5-1981].

#### SCHEDULE

(Particulars and description of property acquired)

In witness whereof ..... the person/s above named has/have set his/their hand/s and the Collector of .....on behalf of the Governor of Rajasthan set his hand and the seal of his office hereto the day and year first above written.

SIGNED AND DELIVERED BY:-

above named (person/s) in the presence of--

(1) (2) SIGNED, SEALED AND DELIVERED BY ON BEHALF OF THE GOVERNOR:--

in the presence of--

SCHEDULE 5

FORM NO. 5

(See rule 24)

Form of notice under section 12(3) and 31(1) of Rajasthan Act XXIV of 1953.

Notice is hereby given that in the above case, in which you have been treated as a person interested, an award was made by me on the .....of..... 19...: under section 11 of Rajasthan Act XXIV of 1953. The sum payable to you is Rs..... If you are willing to accept it, you should appear before me personally, or by authorised agent, on or before..... 19.... Interest will not be payable in case of failure to appear.

Dated .....19. ....

(Collector)