

Rajasthan Land Reforms And Acquisition Of Land-Owners Estates Act, 1963

11 of 1964

[06 April 1964]

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SCHEDULE 1 :- SCHEDULE

Rajasthan Land Reforms And Acquisition Of Land-Owners Estates Act, 1963

11 of 1964

[06 April 1964]

PREAMBLE

An Act to provide for the acquisition of estates of landowners' and²[for other measures of agrarian reform, removal of intermediaries, allotment of land to landless persons, development of agriculture] and, in consequence thereof, to amend certain other Acts.

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

1. Published in Rajasthan Govt. Gaz. Exty. Part IV-A Dated 13.4.1964

2. Substituted by Raj. Act 15 of 1975, Pub. in Raj. Govt. Gaz. Exty. Part IV-A Dated 29.3.1975

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

- (1) This Act may be called the Rajasthan Land Reforms and Acquisition of Landowners Estates Act, 1963.
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires, -

- (a) "Compensation Commissioner" means the person appointed by the Government to perform the functions of a Compensation Commissioner;
- (b) "estate" means land or right, title or interest in land held by a landowner;
- (c) "Government" means the Government of the State of Rajasthan;
- (d) "inventory" means the inventory of the private properties of the Ruler prepared in pursuance of Art. XII of the Covenant and finally approved by the Government of India;
- (e) "khudkasht" means any land cultivated personally by a landowner and includes any land recorded as the land-owners sir or khudkasht;
- ¹[(f) "land" means any land held or let for purposes of agriculture or for purposes ancillary thereto including waste land, forest land, land for pasture or sites of buildings and other structures occupied by cultivators of land, agricultural labourers and village artisans and includes-
 - (a) tanks, lakes, ponds, rivers and water channels held for purposes of irrigation,
 - (b) surface of hills,
 - (c) landing grounds or strips, and
 - (d) shikargah but does not include forts, palaces, buildings and building plots, specified in the inventory;]
- (g) "landowner" means the Rulers of a Covenanting State in Rajasthan holding an estate under and in accordance with the Settlement of his personal or private properties made in pursuance of the Covenant and finally approved by the Central Government;
- (h) "settled" when used with reference to a village or any other area, means the village or other area in respect of which settlement, or resettlement, of rent or revenue or both has been made; ²[X X X]
- (i) "words and expressions" defined in the Rajasthan Tenancy Act, 1955 [Rajasthan Act 3 of 1955], and in the Rajasthan Land

Revenue Act, 1956 (Rajasthan Act 15 of 1956) but not defined in this Act shall, wherever used herein be construed to have the meanings respectively assigned to them by those Acts³[; and]

⁴[(j) All words and expressions used in this Act, to denote the person in possession of any right, title or interest in estate shall be deemed to include the predecessor and successor in right, title or interest of such person

1. Substituted by Raj. Act 15 of 1975, Pub. in Raj. Govt. Gaz. Exty. Part IV-A Dated 29.3.1975

2. Omitted by Raj. Act 15 of 1975. Pub. in Raj. Govt. Gaz. Exty. Part IV-A Dated 29.3.1975

3. Substituted by Raj. Act 15 of 1975, Pub. in Raj. Govt. Gaz. Exty. Part IV-A Dated 29.3.1975.

4. Inserted by Raj. Act 15 of 1975, Pub. in Raj. Govt. Gaz. Exty. Part IV-A Dated 29.3.1975

CHAPTER 2 ASSESSMENT OF LAND-OWNERS' ESTATES TO LAND REVENUE

3. Liability of estates to pay land revenue :-

(1) Every estate shall be liable to the payment of land revenue to the Government as from the 1st day of April, 1963 and till the day immediately preceding its acquisition.

(2) The amount of land revenue payable in respect of any estate of a landowner shall be assessed by the Collector in the manner hereinafter provided in this chapter.

(3) The amount of the land revenue payable under sub-sec. (1) shall be equal to one-fourth of the rental income from the estate as determined in accordance with the provisions of Sees. 4 and 5.

4. Determination of rental income from estates :-

(1) For the purpose of assessing land revenue payable for any year in respect of any estate of a landowner, the Collector shall first determine the rental income for that year from such estate in the manner hereinafter provided.

(2) Where the lands forming part of any estate are situated in more than one village, the rental income from such lands in each village shall be separately determined.

(3) The rental income from the lands forming part of the estate in a

village shall,

(a) where the village is a settled village, be the total of-

(i) the rents assessed on lands forming part of the estate (other than Khudkasht lands which have not been assessed) as entered in the revenue records of the village, and

(ii) the rents which would have payable in respect of Khudkasht lands (which have not been so assessed) if they had been let out to tenants on the prevailing rent rates in the locality;

(b) where the village is not a settled village, be the amount determined in the manner specified in Sec. 5.

5. Computation of rental income from estates situated in villages which are not settled :-

(1) Where any lands forming part of any estate are situated in a village which is not settled, the Collector shall give notice, in the prescribed manner, requiring the landowner to furnish within such period, not being less than sixty days, as may be specified in the notice, a statement in the prescribed form showing-

(a) the income from rents during each of the three agricultural years 1960-61, 1961-62 and 1962-63, and the annual average thereof,

(b) the income from rents which would have been payable in respect of Khudkasht lands, if they were let out to tenants on the prevailing rent rates in the locality.

(2) Where a landowner has furnished a statement under sub-sec. (1), the annual average of rental income mentioned therein from the estate, shall, subject to the provisions of sub-sec. (3), be deemed to be the rental-income therefrom for the purpose of assessment of land revenue thereon.

(3) Where a landowner has failed to furnish a statement under sub-sec. (1) in respect of any estate, or where the Collector has reason to believe that in any such statement the landowner has concealed any rental income or deliberately furnished inaccurate particulars thereof, the Collector shall determine the rental income from the estate after holding such enquiry and in accordance with such principles as may be prescribed.

(4) The statement furnished by a landowner under sub-sec. (1) may be used against him for the purpose of determining the compensation payable to the landowner, if the estate is acquired under this Act or under any other law for the time being in force.

CHAPTER 3 KHATEDARI RIGHTS OF TENANTS AND LANDOWNERS'

ESTATES

6. Khatedari Rights in estates :-

(1) Every person who, at the commencement of this Act, is or so, entered in the revenue records as a tenant of Khudkasht, but not as a sub-tenant, of any land forming part of an estate shall, unless he had become a Khatedari tenant thereof previously to such commencement by virtue of any law or otherwise, be deemed to be the Khatedar tenant of such land holding from the landowner of the estate :

Provided that Khatedari rights under this sub-section shall not accrue to any person to whom land is or has been let out temporarily in the Gang Canal, Bhakra, Chambal, Jawai or Rajasthan Canal Project Area; and no Khatedari rights shall accrue if the land belongs to any of the categories specified in Sec. 16 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(2) In respect of land under the personal cultivation of the landowner and in which there are no tenants, the landowner shall, as from the date of vesting, be the Khatedar tenant thereof:

Provided that nothing in this sub-section shall affect the provisions contained in Chapter III-B of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

7. Acquisition of estates :-

¹[Chapter IV

ACQUISITION OF ESTATES

(1) As soon as may be after the commencement of this Act, the Government may for the purpose of carrying out agrarian reform in accordance with the provision of this Act, by notification in the Official Gazette, appoint a date for the acquisition of land owners estates in the State and for their vesting in the State Government.

(2) The date appointed under this section in relation to the acquisition of landowners estates in the State is in this Act referred to as the date of vesting of such estates.

1. Substituted by Raj. Act 15 of 1975, Pub. in Raj. Govt. Gaz., Exty., Part 4-A dated 29.3.1975.

7A. Non-recognition of certain transfers and agreements :-

Notwithstanding anything contained in any law of judgment,

decree or order of a Court to the contrary,-

- (i) no transfer of an estate liable to acquisition under this Act or part thereof made by the landowner on or after the date of commencement of this Act and before the date of vesting, whether by way of sale, mortgage, gift, exchange, lease, assignment, surrender, bequest, creation of trust or otherwise, shall be recognised for any purpose of this Act and the estate or part so transferred shall be deemed to continue to vest in the landowner;
- (ii) all transfers of an estate liable to acquisition under this Act or part thereof of the nature referred to in clause (i) made by the land owner on or after the date of vesting shall be null and void; and
- (iii) any agreement made by a landowner with any other person on or after the commencement of this Act for transfer of his estate liable to acquisition under this Act or part thereof or for relieving, whether in whole or in part, a tenant from liability for payment of rent of any land comprised in his estate shall be and is hereby declared to be null and void.

8. Consequences of acquisition :-

(1) As from the date of vesting of any estate,-

- (a) the right, title and interest of the landowner and of every other person claiming through him in his estate, shall stand acquired by and vested in the Government free from all encumbrances and shall be utilised by it for the purpose of carrying out agrarian reform in accordance with the provisions of this Act;
- (b) all rights, titles and interests created in or over the estate by the landowner or his predecessor-in-interest shall, as against the Government, cease and determine;
- (c) all rents and cesses in respect of any holdings (including any land leased by or on behalf of the landowner for any purpose other than agriculture) in the estate for any period after the date of vesting which, but for such vesting, would have been payable to the landowner, shall be payable to the Government;
- (d) all revenue, rents, cesses or other dues for the agricultural year in which the date of vesting falls recovered by the landowner before the said date or by the Government after the said date, shall, after deducting there from the expenses of collection at the rate of seven per cent, be rateably distributed between the land owner and the Government, the amount to be distributed bearing to the total amount recovered during the agricultural year the same proportion which the period before the date of vesting or, as the

case may be, the period after the said date, bears to the whole of the agricultural year;

(e) all arrears of revenue, cesses or other dues in respect of any estate due from the landowner for any period prior to the date of vesting including any sum due from him under clause (d), shall continue to be recoverable from such land-owner;

(f) the right, title and interest of the landowner or any other person in the estate acquired under clause (a) shall not be liable to attachment or sale in execution of any decree or other process of any Court, civil or revenue, and any attachment existing on the date of vesting or any order for attachment passed before such date shall cease to be in force;

(g) the landowner, shall cease to be liable to pay and shall not be required to pay to the Government in respect of any estate acquired under this Act, any land revenue payable by him under any existing law or under this Act.

(2) Nothing contained in this section shall -

(a) render the Government liable for the payment of debts incurred by the landowner and the landowner shall be personally liable for the payment of all such debts;

(b) operate as a bar to the recovery through the Collector as an arrear of land revenue by the landowner of any sum which is legally due (subject to the deduction of collection charges at the rate of seven per cent) to him by virtue of his rights in the estate in respect of any period prior to the commencement of the agricultural year in which the date of vesting falls :

Provided that where a tenant disputes the landowners claim for the dues mentioned in clause (b), the landowner shall be required to file a suit for such dues according to law;

(c) operate as a bar to the recovery of arrears of land revenue payable by the landowner for the period preceding the date of vesting or the recovery of rent in respect of land referred to in sub-sec. (2) of Sec. 6.

9. Land-owner to deliver records :-

(1) Every landowners whose estate is acquired under this Act shall, within two months of the date of publication of the Rajasthan Land Reforms and Acquisition of Landowners Estate (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, deliver to the Collector, or to any officer authorised in this behalf by the Collector, after obtaining a duly signed receipt from him for the

same, all records relating to the administration and management of his estate so acquired or pertaining to the various items of receipts and disbursements mentioned in clauses (2) and (4), respectively of the Schedule to this Act, which in respect, of such estate, such landowner may have maintained or caused to be maintained or which may then be in his possession or power.

(2) If any such landowner fails without reasonable excuse to deliver his records in accordance with the provisions of sub-sec. (1), then, without prejudice to any other action that may be taken against him under any other provisions of this Act or under the provisions of any other law for the time being in force, the Compensation Commissioner may, on the report of the Collector made in this behalf and after making such inquiry as he consider necessary, -

(i) impose upon such landowner a penalty not exceeding one-fifteenth of the aggregate amount of compensation finally determined under Sec. 15 as payable to him, and

(ii) direct the Collector to take recourse to legal process through a competent Magistrate for enforcing the surrender of such records.

(3) The Government or a landowner aggrieved by an order of the Compensation Commissioner under sub-sec. (2) may appeal to the Board within sixty days from the date of such order and the provisions of sub-secs. (3) and (4) of Sec. 20 shall apply to the hearing of such appeal and the decision of the Board thereon.

(4) The amount of any penalty imposed upon a landowner under clause (i) of sub-sec. (2) may be deducted from the amount of compensation payable to him under this Act and shall otherwise be recoverable as an arrear of land revenue.

9A. Landowner to deliver possession :-

The landowner and every other person claiming through him in his estate, shall deliver the possession of the estate acquired under Sec. 7 to the Collector immediately after the publication of the Rajasthan Land Reforms and Acquisition of Landowners Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette and if he fails to do so; the Collector shall recover its possession from the landowner and such other person in the prescribed manner.

10. Private lands, buildings, wells, house-sites and enclosures :-

(1) Notwithstanding anything contained in Sec. 8-

- (a) (i) all open enclosures in the possession of the landowner used for agricultural or domestic purposes,
 - (ii) all private buildings, places of worship, and wells situated in, and trees standing on, lands, included in such enclosures or house-sites, as are specified in clause (i) above, or land appertaining to such buildings or places of worship,
 - (iii) all groves, wherever situate, belonging to or held by the landowner or any other person,
 - (b) all private wells and buildings belonging to or held by the landowner or any other person, and
 - (c) all tanks in the personal occupation of the landowner and used solely for irrigating the land referred to in sub-sec. (3) of Sec. 6; shall continue to belong to, or be held by, such landowner or other person subject in the case of tanks, to the terms and conditions, if any, mentioned in the Covenant.
- (2) If any question arises whether any property is of the nature referred to in sub-sec. (1), it shall be referred to the Compensation Commissioner, who may, after holding the prescribed enquiry, make such order thereon as he deems fit.

11. Refund of sums to which landowner is not entitled :-

- (1) On and from the date of vesting, no landowner shall recover or receive from any tenant or resident of the estate, or from any contractor or other person any rent, cess or other dues which he is not entitled to recover or receive, under the provisions of this Act.
- (1-A) If any landowner has, before the publication of the Rajasthan Land Reforms and Acquisition of Landowners Estates (Amendment) Act, 1975 in the Official Gazette, recovered or received any amount on account of rent, cess or other dues in contravention of sub-sec. (1), he shall refund the same to the Collector within two months from the date of publication of the said Act and submit a proper account of such amounts recovered or received by him.
- (2) If the landowner fails to refund such amount to the Collector within the time specified in sub-sec. (1-A) or if the Collector finds that the landowner has refunded lesser amount than what has been recovered or received by him, the Collector shall, after giving the landowner a reasonable opportunity of being heard, determine the amount of such rent, cess or other dues and shall order him to refund the same with interest calculated from the expiry of the time specified in the said sub-sec. at such rates as may be prescribed and within the time specified in such order, and if the

landowner fails to refund the amount as so determined and ordered to him, the Collector may impose on him a penalty not exceeding five hundred rupees: Provided that before imposing any penalty on the landowner under this sub-sec, the Collector shall give the landowner an opportunity to show-cause against the imposition of such penalty.

(3) All sums recoverable from a landowner under sub-sec. (2) may be deducted from the amount of compensation payable to him under this Act and shall otherwise be recoverable as an arrear of land revenue.

11A. Mode of utilisation of acquired estates :-

(1) The Government shall, after reserving such extent of the land comprised in the estates acquired by or vesting in it under Sec. 7, as may be necessary for purposes directed towards the promotion of agriculture or the welfare of the agricultural population to be settled on such lands, allot the remaining lands to landless persons, agriculturists and agricultural labourers in such manner, on such terms and subject to such conditions and restrictions, as may be prescribed.

(2) The Government may, by notification in the Official Gazette, delegated their powers of allotment under sub-sec. (1) to the Collector or to any other officer or authority subordinate to it subject to such restrictions and control as may be specified in the notification.

CHAPTER 4 LIABILITY FOR COMPENSATION

12. Liability to pay compensation :-

(1) Subject to the other provisions of this Act, the Government shall be liable to pay to every landowner whose estate is acquired under Sec. 7, such compensation as shall be determined in accordance with the principles laid down in the Schedule.

(2) Compensation payable under this section shall be due as from the date of vesting and shall carry simple interest at the rate of two and half per cent per annum from that date up to the date of payment:

Provided that no interest shall be payable on any amount of compensation which remains unpaid for any default of the landowner, his agent or his representative in interest.

13. Liability to make payments to religious Institution :-

Notwithstanding anything contained in this Act, if the Government is satisfied, after making such inquiry as may be prescribed, that a religious institution was receiving from the income of any estate acquired under this Act a grant of money for a period exceeding six years from the date of acquisition, Government may continue to make such grant or any part thereof as it may deem fit from the Consolidated Fund of the State.

CHAPTER 5 PAYMENT OF COMPENSATION

14. Statement of claim :-

¹[Chapter VI

PAYMENT OF COMPENSATION

(1) Every landowner whose estate has been acquired under Sec. 7 shall, within two months of the date of publication of the Rajasthan Land Reforms and Acquisition of Landowners Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in their Official Gazette, file, in the prescribed form, a statement of claim of compensation before the Compensation Commissioner:

Provided that the Compensation Commissioner may entertain a statement submitted after the period prescribed in this section, if he is satisfied that the landowner was prevented by sufficient cause from submitting the statement within the prescribed time.

(2) Every such statement of claim shall contain the following particulars, namely: -

- (i) description of the estate and the name of the landowner;
- (ii) the number and names of villages comprised in his estate or in which lands forming part of his estate are situated together with the particulars of area and the income there from on account of rent;
- (iii) the amount of gross income from his estate calculated in accordance with, and the details of such income from various sources specified in the Schedule;
- (iv) the amounts which are required to be deducted from the said gross income in accordance with the Schedule for the computation of the net income of the landowner;
- (v) the amount of dues recoverable from the landowner under clause (e) of sub-sec. (1) of Sec. 8; and
- (vi) such other particulars as may be prescribed.

(3) Where a landowner relies upon any documents (whether in his possession or not) as evidence in support of the statement of claim,

he shall enter such documents in a list to be added or annexed to the statement of claim.

1. Substituted by Raj. Act 15 of 1975, Pub.in Raj. Govt. Gaz., Exty., Part 4-A dated 29.3.1975.

15. Determination of compensation :-

(1) On receipt of a statement of claim under Sec. 14, or if no such statement of claim is received within the period specified in that section, upon the expiry of that period, the Compensation Commissioner shall, after making such enquiry as he deems necessary, by order in writing, provisionally determine.-

(a) the amount of compensation payable to the landowner under Sec. 12;

(b) the amount recoverable from the landowner under clause (e) of sub-sec. (1) of Sec. 8 and the Schedule.

(2) A copy of an order made under sub-sec. (1) shall be served upon the Government and the landowner, and the Compensation Commissioner, shall, after giving the Government and the landowner a reasonable opportunity of being heard in the matter, make a final order.

16. Communication of decision :-

The Compensation Commissioner shall communicate, as soon as practicable, his final order made under sub-sec. (2) of Sec. 15 to the Government and the landowner.

17. Payment of Compensation :-

(1) After the amount of compensation payable to a landowner under Sec. 12 is finally determined under sub-sec. (2) of Sec. 15 and the amount specified in clause (b) of sub-sec. (1) of that section as finally determined is deducted there from, the balance shall be divided into thirty equal annual instalments.

(2) The payment of compensation money under this Act to a landowner shall be a full discharge of the Government from the liability to pay compensation in lieu of the acquisition of his estate by the Government, but shall not prejudice the rights to which any other persons may be entitled by due process of law to enforce against the landowner.

18. Form of compensation :-

The compensation payable under this Act shall be given in cash or in bonds or partly in cash and partly in bonds, as may be prescribed.

19. Payment of compensation on the death of land-owner :-

If any landowner to whom compensation is payable under this Act dies before the full payment of such compensation to him, such compensation as may remain payable to him under this Act, shall be payable to the person who is successor of such landowner to the estate acquired in accordance with the law of succession application to such landowner and for the time being in force:

Provided that in cases in which the question of such succession is in dispute, the Compensation Commissioner shall direct all claimants to succession to have their respective title thereto adjudicated upon by a competent Civil Court and the payment of the remaining compensation shall be in accordance with such adjudication.

CHAPTER 6 APPEAL AND REVIEW

20. Appeals from the orders of Compensation Commissioner and Collector :-

(1) The Government or any person aggrieved by any decision of the Compensation Commissioner or the Collector, as the case may be, may-

(a) under sub-sec. (2) of Sec. 3, sub-sec. (2) of Sec. 10 and sub-sec. (2) of Sec. 11, within ninety days of the date of such decision, and

(b) under sub-sec. (2) of Sec. 15, within ninety days from the date of communication of such order, appeal to the Board.

(2) When an appeal is made to the Board under sub-sec. (1), the appeal shall be heard and decided by a Bench of the Board consisting of two members.

(3) In deciding an appeal under this section, the authority hearing the appeal shall follow the same procedure as is prescribed for the hearing of appeals made to it under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(4) The decision of the Board in an appeal under this Section shall be final.

21. Review :-

(1) The Board, or the Compensation Commissioner may, either on an application made within three months of the date of order by an interested party, or suo motu, review an order passed by the Board or by such Commissioner himself or by his predecessor-in-office and pass such order in relation thereto as it or he thinks fit.

(2) No order passed by the Board or the Compensation Commissioner shall be reviewed under sub-sec. (1) otherwise than on any of the grounds mentioned in Rule 1, Order 47 of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908), and the provisions of the said Order shall apply.

22. Correction of clerical errors :-

Clerical or arithmetical mistakes in any order passed by any officer or authority under this Act, or errors arising therein from any accidental slip, or omission, may, at any time be corrected by such officer or authority, either of his own motion or on an application received in this behalf from any interested person:

Provided that no order prejudicial to any person shall be made under this section unless such person has been given a reasonable opportunity of being heard.

CHAPTER 7 MISCELLANEOUS

23. State Government to be a party :-

The State Government shall be, and be deemed to be, a party in every proceeding under this Act before the Compensation Commissioner or the Board, and every notice to be served, or intended to be served, on the State Government may be served on the Collector.

24. Officers holding inquiries to have powers of Civil Courts :-

Any officer or authority holding an inquiry or hearing an appeal under this Act shall have the powers of Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) relating to-

- (a) proof of facts by affidavits,
 - (b) enforcing attendance of any person and his examination on oath,
 - (c) production of documents,
 - (d) issuing of commission,
- and every such officer or authority shall be deemed to be a Civil

Court within the meaning of Secs. 480 & 482 of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

25. Delegation of powers :-

(1) The Government may, by notification in the Official Gazette, delegate to the Compensation Commissioner, or any other officer subordinate to it, all or any of the powers conferred upon it by this Act, other than those conferred by Secs. 7 and 30.

(2) Subject to any general or special order of the Government, the Compensation Commissioner or the Collector may delegate, with the previous sanction of the Government, all or any of the powers conferred upon him by this Act to any officer subordinate to him or to any officer of the Revenue Department not inferior in rank to that of an Assistant Collector.

26. Certain officers to be public servants :-

Every officer acting under or in pursuance of the provisions of this Act, or under any rules made there under, shall be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

27. Protection of action taken under this Act :-

(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done, or intended to be done, under or in pursuance of this Act, or any rules made there under.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused, or likely to be caused, or any injury suffered, or likely to be suffered, by virtue of any provision contained in this Act, or any rules made there under, or by anything in good faith done, or intended to be done, under or in pursuance of this Act, or any rules made there under.

28. Bar of jurisdiction :-

(1) Save as otherwise provided in this Act, no Civil or Revenue Court shall have jurisdiction in respect of any matter which is required to be settled, decided or dealt with by any officer or authority under the Act.

(2) No order made by any such officer or authority under this Act shall be called in question in any Court.

29. Act to override other laws :-

Save as otherwise expressly provided in this Act, the provisions of this Act, and of the rules and orders made there under, shall have effect notwithstanding anything therein contained being inconsistent with any existing law or any other law for the time being in force.

30. Power to make rules :-

(1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, the Government may make rules to provide for-

- (a) the form of statement of claim under sub-sec. (1) of Sec. 14;
- (b) the payment of compensation in cash or bonds;
- (c) the delegation of powers conferred on any officer under this Act;
- (d) the manner of holding inquiries under this Act;
- (e) the manner of service of any order or notice made or issued under this Act; and
- (f) any other matter which is to be, or may be, prescribed under this Act.

(3) All rules made under this Act shall be laid as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which they are so laid, or of the session immediately following, the House of the State Legislature makes any modification in any of such rules, or resolves that any such rule should not be made, such rule shall thereafter have effect only in such modified form, or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done there under.

31. Amendments in Rajasthan Act 3 of 1955 :-

In the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955). -

(a) in Sec. 5, -

(i) in clauses (10) and (11), after the words "or a Zamindar", the words "or a landowner" shall be inserted,

(ii) after sub-clause (d) of clause (22), the following new sub-clause shall be inserted, namely.--

"(e) land or interest in land held by a landowner";

(iii) after clause (25), the following new clause shall be inserted, namely.-

"(25-A) "landowner" shall mean the Ruler of a Covenanting State in Rajasthan holding an estate, as defined in clause (b) of Sec. 2 of the Rajasthan Land Reforms and Acquisition of Landowners Estates Act, 1963 (Rajasthan Act 11 of 1964), under and in accordance with the settlement of his personal or private properties made in pursuance of the Covenant and finally approved by the Central Government";

(iv) in clause (41), after the words "the tenant thereof, the words "including a Malik or a tenant holding from a landowner" shall be inserted, and

(v) after sub-clause (f) of clause (43), the following new sub-clause shall be inserted, namely: -

"(ff) a tenant holding from a landowner";

(b) in Secs. 44, 45 & 46, after the words "holder of khudkasht" the words "or a landowner" shall be inserted, and

(c) in Secs. 65, 67 & 71 after the words "Government", the words "or a landowner" shall be inserted.

32. Amendments in Rajasthan Act 15 of 1956 :-

In the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956). -

(a) in sub-sec. (1) of Sec. 89, the words "subject to the subsisting rights of private persons" shall be omitted; and

(b) in the proviso to Sec. 228 after the words "jagir land", the words "or the estate of a land owner" shall be inserted.

33. Savings :-

¹[(1) Notwithstanding any judgment, decree or order of any Court to the contrary, any notification issued under Sec. 7, appointments, orders or rules made, things done or action taken under this Act before the publication of the Rajasthan Land Reforms and Acquisition of Landowners Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, shall be deemed to have been issued, made, done or taken, as the case may be, under this Act as amended by the said Ordinance.

(2) Nothing contained in this Act shall apply or shall be deemed

ever to have applied to that part of an estate which, before the publication of the Rajasthan Land Reforms and Acquisition of Landowners Estates (Amendment) Ordinance, 1975 (Ordinance No. 6 of 1975) in the Official Gazette, has already been acquired by or vested in the Government under any law relating to imposition of ceilings on agricultural land for the time being in force.

(3) Nothing contained in this Act shall affect the right of the Government to recover the amount referred to in clause (e) of sub-sec. (1) of Sec. 8 or the balance thereof through a Civil or Revenue Court.))]

1. Inserted by Raj. Act 15 of 1975, Pub. in Raj. Govt. Gaz., Extra., Part 4-A, dated 29.3.1975.

SCHEDULE 1

SCHEDULE

¹[THE SCHEDULE

[See Sec. 12 and clause (iii) of sub-sec. (2) of Sec. 14]

Principal governing determination of compensation payable to landowners.

1. Basic year.--

The expression basic year means the agricultural year in which the date of vesting falls.

2. Gross income.--

The gross income of a landowner for the basic year shall be the total income from his estate under the following heads: -

(a) income from land revenue and rents from occupied lands, which would have accrued to him but for acquisition thereof.

(b) income from forests calculated on the basis of average yield for three years preceding the basic year;

(c) income from grazing dues calculated on the same basis as forest income except that where grazing fees are prescribed by the Government, income shall be calculated on the basis of the prescribed scale of fees;

(d) income from other non-agricultural uses of land as for example, market fees, sale of fishing rights and the like, but not including rents from houses on village sites, calculated on the basis of average yield for three years preceding the basic year;

(e) income from conversion of cultivable land into abadi and vice versa and from sale of cultivable or abadi land calculated on the basis of average income there from during twenty years immediately preceding the basic year;

(f) income from any other prescribed source calculated in the prescribed manner:

Provided that where a landowner received or would have received a fixed sum from any person in respect of any of the aforesaid heads of income or any part thereof, such fixed sum shall, notwithstanding anything contained in clause (3), be substituted for the income from any such head or part thereof.

3. Calculation of the income from rent.--

The income from rent shall be calculated in accordance with the provisions of Secs. 4 and 5.

4. Net income.--

The net income of a landowner for the basic year shall be calculated by deducting

from his gross income there for, -

(1) any sums of recurring nature due to the Government from the landowner for the basic year on any account, including revenue; and

(2) Administrative charges, inclusive of the cost of collection, maintenance of land records, managements of estates and irrecoverable arrear of rents, at the rate of twenty-five per cent of gross income:

Provided that in no case shall the net income be computed at a figure less than fifty per cent of the gross income.

5. Amount of compensation money.--

The compensation payable under Sec. 12 to a landowner shall be seven times his net income calculated in accordance with the provisions hereinbefore in this Schedule contained.

6. Charitable and educational institutions.--

Notwithstanding anything in Sec. 12 or in clause (5) of this Schedule, where any part of the estate in respect of which a notification under Sec. 7 has been issued is held as a grant made before the first day of July, 1959, by the landowner for the maintenance of an institution for educational or charitable purposes, or any place of religious worship, or for the performance of any religious service, such part of the estate shall be excluded in assessing the amount of compensation payable for the whole of such estate to the landowner and the State Government shall, in respect of such part, pay, by way of compensation, an annuity in perpetuity equal in amount to the net income from such part of the estate in or for the basic year, determined in accordance with the provisions governing determination of compensation as contained in this Schedule to the person who is, or may hereafter be, recognised, in accordance with law as being charged, for the time being, with the duty of maintenance of such institution or place of worship, or the performance of such service, and any such person shall file a statement of his claim for compensation in the prescribed manner within the prescribed period.

1. Substituted by Raj. Act 15 of 1975, Pub.in Raj. Govt. Gaz., Extry., Part 4-A, dated 29.3.1975