

RAJASTHAN LAND REVENUE ACT, 1956

15 of 1956

[23rd May, 1956]

CONTENTS

CHAPTER 1 :- PREAMBLE

1. Short title, extent and commencement
2. Enactments not affected by Act
3. Interpretation

CHAPTER 2 :- THE BOARD OF REVENUE

4. Establishment and Composition of Board
5. Establishment and Composition of Board
6. Place of Sitting
7. Ministerial Officers
8. Powers of the Board
9. General Superintendence of Subordinate Revenue Courts
10. Jurisdiction of Board how exercised
11. Power to refer to a Bench
12. Power to refer question to High Court
13. Decision in case of difference of opinion
14. Registers etc. to be kept

CHAPTER 3 :- REVENUE COURTS AND OFFICERS

15. Territorial Divisions
16. Power to create, abolish or alter divisions etc.
17. Commissioners and Additional Commissioners
18. Settlement Commissioner and Additional Settlement Commissioner
19. Director and Additional Directors of Land Records
20. Appointment of other Officers
- 20A. Revenue Appellate Authority
21. Appointment ex-officio
22. Notification of appointment
23. Controlling Power
24. Subordination of Revenue Courts and Officers
25. Powers and duties of Courts and Officers
26. Additional powers of courts and officers
27. Inherent powers of Courts and Officers
28. Officers temporarily succeeding to permanent vacancies

29. Temporary-absence of officers
30. Formation and alteration of Patwaris Circles
31. Appointment of Patwaris
32. Formation and alteration of Land Records Inspection circles
33. Appointment of Girdawar, Qanungos or Land Record Inspectors
34. Sadar Qanungos
35. Qualifications etc. of Patwaris and Qanungos
36. Obligation to furnish information necessary for the preparation of records
- 40A. Termination of the services of Lambardars
41. Village Servants
42. Vacancies
43. Register of village servants
44. Remuneration of village servants
45. Non-liability of remuneration attachment
46. Duties of village servants
47. Appointment how to be made
48. Disqualifications for appointment
49. Punishment, suspension and removal of village servant and Lambardars
50. Power to place village watchman under police authorities

CHAPTER 4 :- PROCEDURE OF REVENUE COURTS AND OFFICERS

51. Place for holding court or making inquiries
52. Power to enter upon and survey land
53. Power of Government, Board etc. to transfer cases
54. Power of transfer cases to and from subordinates
55. Consolidation of cases
56. Appearances, applications etc., by whom made
- 56A. Presentation of applications, appeals, etc.
57. Power of Revenue Courts on officers to require attendance of persons and production of document and to receive evidence
58. Summons to be in writing signed and sealed
59. Serving of summons
60. Mode of Serving Notice
61. Mode of issuing proclamations
62. Notice or proclamation not void for error
63. Hearing in absence of party
64. Adjournment of hearing
65. No appeal from order passed under Section 63
66. Power to give and apportion costs
67. Correction of error or omission
68. Power to refer disputes to arbitration
69. Procedure in cases referred to arbitration
70. Application to set aside award
71. Decision according to award
72. Bar to appeal & Suit in Civil Court
73. Delivery of possession of immovable property

CHAPTER 5 :- APPEAL, REFERENCE, REVISION AND REVIEW

- 74. Appeal to be as allowed by this Act
- 75. First Appeals
- 76. Second Appeals
- 77. No appeal in certain cases
- 78. Limitation for appeals
- 79. Copy of [XXX] order objected to, to accompany petition
- 80. Power of Appellate Authority
- 81. Power to stay execution of [XXX] orders of lower court
- 82. Power [XXX] to call for records and proceedings and reference to State Government or Board
- 83. Powers of Government to call for records and revise orders
- 84. Power of Board to call for records and revise orders
- 84A. No revision in certain cases
- 85. Hearing
- 85A. Review by the State Government
- 86. Review by the Board and other Courts
- 87. Application of Act IX of 1908

CHAPTER 6 :- LAND

- 88. All roads etc. and all lands which are not the property of others belong to the State
- 89. Right of minerals, mines, quarries and fisheries
- 90. Liability of all land to payment of revenue or rent
- 90A. Use of agricultural land for non-agricultural purpose
- 90B. "Termination of rights and resumption of land in certain cases
- 91. Unauthorised occupation of Land
- 92. Land may be set apart for special purposes
- 93. Regulation of use of Pasturage
- 94. Powers to regulate control and management of forest growth
- 94A. Roadside trees
- 94B. Recovery of value of trees etc. unauthorisedly appropriated
- 95. Development of abadi
- 96. Collector to fix rates for premium
- 97. Auction of abadi land
- 98. Land granted for receptacles of household refuse, etc. and for storing fodder
- 99. Right to regulate the construction of a building in a village
- 100. Sale of land in Industrial and Commercial Areas
- 101. Allotment of land for agricultural purposes
- 102. Power of Government to allot land for purposes other than agricultural as well as on special terms
- 102A. Land which may be entrusted with Local Authorities
- 103. Land and Abadi defined for the purposes of Chapter VI
- 104. Cases in which power of Revenue Officers may be exercised by Local Authorities
- 105. Rights of tenants under Section 31, Rajasthan Act 3 of 1955, not affected

CHAPTER 7 :- SURVEY AND RECORD OPERATIONS

- 106. Survey or re-survey
- 107. Record Operations
- 108. Record Officers
- 109. Mode of conducting operations
- 110. Assistance in survey of boundaries
- 111. Decision of disputes as to boundaries
- 112. Preparation of map and field book
- 113. Preparation of record of rights
- 114. Contents of record of rights
- 115. Inviting claims to lands appearing to have no owner
- 116. Procedure when unclaimed land is used for common purposes
- 117. Procedure when limited right over such land is established
- 118. Determination and record of khudkasht land
- 119. Determination of the abadi of a village
- 120. Register of villages
- 121. Particulars to be stated in khatauni
- 122. Attestation of entries [x x x]
- 123. [Omitted]
- 124. Procedure when rent or revenue payable is disputed
- 125. [Amended]
- 126. Existing records to be acted upon
- 127. Proceedings pending upon close of survey & record operations
- 128. Boundary disputes
- 129. Obligation of holders as to boundary marks
- 130. Penalty for injury to, or removal of marks
- 131. Maintenance of Map and Field Book
- 132. Annual Registers
- 133. Report of succession and transfer of possession
- 134. Fine for neglect to report
- 135. Procedure on report
- 136. Correction of errors
- 137. Succession to estates
- 138. Inspection of records
- 139. Copies of entries
- 140. Presumption as to entries
- 140A. Procedure in disputes relating to khudkasht entries
- 141. Decisions to be binding on revenue courts

CHAPTER 7A :- SURVEY OF ABADI AREAS

- 141A. Definitions
- 141B. Power to order survey
- 141C. Entry upon land
- 141D. Notice of survey may be given before hand
- 141E. Survey may be proceeded with after service of notice under Section 141-D
- 141F. Survey map and register
- 141G. Erection of boundary marks
- 141H. Maintenance of temporary boundary marks
- 141I. Disputes as to boundaries

- 141J. Appeal to the Collector
- 141K. Power to refer to arbitration
- 141L. Documents connected with survey to be sent to officer or authority in charge of survey
- 141M. Maintenance of maps and registers
- 141N. Survey fees
- 141O. Cost of survey
- 141P. Penalty for failure to comply with requisition in notice
- 141Q. Inspection of, and copies of extracts from maps, registers and other documents
- 141R. Rules
- 141S. Proceedings not to be affected by informality
- 141T. Presumption as to maps and entries in registers

CHAPTER 8 :- SETTLEMENT OPERATIONS

- 142. Settlement or re-settlement
- 143. Probable results of resettlement
- 144. Consideration which shall determine whether re-settlement shall be made
- 145. Settlement Officers
- 146. Transfer of duties of Land Records Officers to Settlement Officer
- 147. Rules
- 148. Economic survey
- 149. Formation of assessment circles or groups
- 150. Soil Classification
- 151. Evolution of rent-rates
- 152. Basic of rent- rates
- 153. Modifications of rates
- 154. Matters to be determined and recorded
- 155. Publication and submission of proposals
- 156. Sanction of proposals
- 157. Assessment of rents
- 158. Land to be excluded from assessment
- 159. Allowance for improvements
- 160. Existing rent to be taken into consideration while assessing rents
- 161. Limits of enhancement
- 162. Progressive enhancement
- 163. Additional provision for assessment of Chahi holdings
- 164. Preparation and distribution of parchas
- 165. Interim stoppage of recovery of kind rents
- 166. Hearing of objections and determination of rent
- 167. Rent from what date payable
- 168. Option to tenant to refuse rent determined
- 169. Effect of refusal
- 170. Offer of holding to other persons
- 171. Procedure upon non-refusal
- 172. Rent not liable to variation during currency of settlement

- 173. Preparation of Dastoor Ganwai
- 174. Presumption of settlement entries
- 175. Term of Settlement
- 175A. Commencement of term of settlement
- 176. Earlier termination of settlement
- 176A. Interim relief during settlement operations
- 177. Tenure of land under expired settlement until new settlement
- 177A. Increase in assessment of irrigated land assessed at un-irrigated rates
- 179. Settlement of land added by alluvion and revision of assessment when culturable area reduced by fluvial action
- 180. Power of Government to levy additional urban rates
- 181. Applications and proceedings pending before Settlement Officer when operations are closed
- 182. Corrections of errors and omissions
- 183. Review of sanctioned rent-rates

CHAPTER 9 :- PARTITION OF ESTATES

- 184. Partition
- 185. Partible estates
- 186. Persons entitled to claim partition
- 187. Application for partition
- 188. To whom application lies
- 189. Partition of an estate failing under several districts
- 190. Consolidation of claims
- 191. Power to stay partition of an estate
- 192. Proclamation of application for partition
- 193. Objection raising question of title
- 194. Stay of partition pending decision of appeal
- 195. Attachment of estate pending completion of partition
- 196. Method of trial
- 197. Determination of principles and conditions of valuations
- 198. Preliminary decree for partition
- 199. Partition by whom to be made
- 200. Partition by agreement
- 201. Partition by arbitration
- 202. Court when to make partition itself
- 203. Estimate and levy of partition costs
- 204. Appointment of amins etc. and issue of warrant
- 205. Manner of executing warrant
- 206. Issue of proclamation
- 207. Consideration of proposals and determination of claims and objections
- 208. Division of tenant s holding
- 209. Division of Khudkasht
- 210. Allotment of lands held in common
- 211. Buildings, gardens etc. of one co-sharer on land allotted to another
- 212. Tanks, wells, water courses and embankments

- 213. Places of worship and cremation or burial grounds
- 214. Incompactness a reason for disallowing partition
- 215. Distribution of revenue on partition
- 216. Final order for partition
- 217. Instrument of partition
- 218. Delivery of possession of property allotted on partition
- 219. Division of complex estates
- 220. Fraudulent or erroneous distribution of revenue
- 221. Under-assessed estates to refund to over-assessed estates
- 222. Consolidation of estates forming part of the same village
- 223. Chapter not to apply to division between Government and estate holder

CHAPTER 10 :- COLLECTION OF REVENUE

- 224. Revenue, a first charge on land and its produce
- 225. Responsibility for revenue
- 226. Rules as to payment of arrears and defaulters
- 227. Certified account to be evidence as to arrears
- 228. Processes for recovery of arrears
- 229. Writ of demand and citation to appear
- 229A. Power to grant Instalments
- 230. Attachment and sale of movable property
- 231. Attachment of the Land
- 232. Powers and obligations of manager
- 233. Proclamation of attachment
- 234. Transfer of defaulter s share
- 235. Sale of defaulter s specific area, patti or estate
- 236. Land to be sold free of encumbrances
- 237. Powers to proceed against interest of defaulter in property other than that in respect of which default is made
- 238. Proclamation of sale
- 239. Sale when and by whom to be made
- 240. Prohibition to bid for or acquire the property sold
- 241. When sale may be stayed
- 242. Deposit by purchaser, re-sale in default of deposit
- 243. Purchase money when to be paid
- 244. Liability of purchaser for loss by re-sale
- 245. Proclamation before re-sale
- 246. Application to set aside sale on deposit of arrear
- 247. Application to set aside the sale for irregularity etc.
- 248. Order confirming or setting aside sale
- 249. Bar of claims founded on irregularity or mistake
- 250. Refund of purchase-money when sale set aside
- 251. Purchaser to be put In possession - Certificate of Purchase
- 252. Application of proceeds of sale
- 253. Liability of purchaser for revenue or rent
- 254. Pre-emption by co-sharers
- 255. [Omitted]
- 256. Recovery of miscellaneous revenue and other moneys

257. Recovery of moneys from sureties

257A. Application for Recovery of Moneys referred to in Sections 256 and 257

257B. Payment under protest and further remedy

257C. "Person from whom sum is due" defined

257D. Provisions of Chapter to apply to sum due at commencement of Act

CHAPTER 11 :- MISCELLANEOUS

259. Jurisdiction of civil courts excluded

260. Delegation

262. Patwaris, etc. to be public servants

263. Repeal and Savings

SCHEDULE 1 :- THE FIRST SCHEDULE

SCHEDULE 2 :- THE SECOND SCHEDULE

RAJASTHAN LAND REVENUE ACT, 1956

15 of 1956

[23rd May, 1956]

An Act to consolidate and amend the law relating to land; the appointment, powers and duties of revenue courts, revenue officers, [xxx]2 and village servants; the preparation and maintenance of maps and land records; the settlement of revenue and rent; the partition of estates; the collection of revenue and matters incidental thereto. Be it enacted by the Rajasthan State Legislature in the seventh year of republic of India, as follows:-- 1. Pubs, in the Raj. Gaz. Ex.-ord. Pt. IV-A, dt. 1-6-1956; Also Published in Hindi version in Raj. Gaz. Pi. IV-A, dt. 11-3-1976. 2. Omitted vide S. 2 of Rajasthan Act No. 18 of 1963, pub. in Raj. Gaz. Ex.-ord. Pt. IV-A, dt. 12-10-1963

CHAPTER 1

PREAMBLE

1. Short title, extent and commencement :-

(1) This Act may be called "The Rajasthan Land Revenue Act, 1956." (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force on such date as the State Government may by notification in the [Official Gazette]1 appoint. 1. Substituted by Sec. 4 of the Rajasthan Act No. 2 of 1958, pub. in Raj. Gaz. Part IV-A, Extraordinary, dt. 13-1-1958.

2. Enactments not affected by Act :-

Nothing in this Act shall be construed so as in any way of affect or restrict the operation of the provisions of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952) [or the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act 3 of 1955) or the Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act XXXIX of 1954) in so far as it applies to the Abu area or the Madhya Bharat Zamindari Abolition Act, Samvat 2008 (Madhya Bharat Act 28 of 1954) in so far as they apply to the sunel area)1 or the Rajasthan Land Summary Settlement Act, 1953 (Rajasthan Act XIX of 1953) or the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) or the Rajasthan Panchayat Act, 1953 (Rajasthan Act XXI of 1953) or and other law or enactment not repeated by Section 263. 1. Ins. by Part-B of the First Schedule of Rajasthan Act No. 2 of 1958, pub. in Raj. Gaz., Part IV-A, Extraordinary, dt. 13-1-1958.

3. Interpretation :-

In this Act, unless the subject or context otherwise requires- (i) "Land Record Officer" shall mean the Collector and shall include Additional or Assistant Land Records Officer; 1[(ia) "Municipality" shall have the meaning assigned to it by the Rajasthan Town Municipalities Act, 1951 (Rajasthan Act 23 of 1951) or any other municipal law for the time being in force; (ib) "Nazul Land" shall mean abadi land within the limits of a municipality or a panchayat circle or a village, town or city, vesting in the State Government; (ic) "Panchayat Circle" shall have the meaning assigned to it by the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953) or any other Panchayat law for the time being in force;] (ii) "Prescribed" shall mean prescribed by this Act or by rules made under this Act; (iii) "Recognised Agent" of a party shall, subject to rules made under this Act, mean a person authorised in writing by such party to make appearances and applications and to do other acts on his behalf; 2[(iiia) "Revenue Appellate Authority" shall mean the officer appointed as such authority under Section 20-A;] (iv) "Settlement Officer" shall include an Assistant Settlement Officer; (v) "Village" shall mean the tract of land which has been recognised and recorded, or may here after be recognised & recorded to be a village; (vi) "Reference" to an officer appointed under this Act shall be construed to include references to an additional officer of the same grade likewise appointed; (vii) "Words and expressions" defined in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) shall, wherever used herein, be construed to have the

meaning assigned to them by the said Act; and (viii) "Words & expressions used to denote" the possessor of any right, title and interest shall be deemed to include the predecessors and successors in right, title or interest of such person. 1. Inserted by Section 2 of Rajasthan Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Extraordinary, dt. 30-6-1959 2. Ins. vide item 16 of the Schedule of The Rajasthan Act No. 8 of 1962, pub. in Raj. Gaz. Part IV-A, Extraordinary, dt. 23-4-1962.

CHAPTER 2

THE BOARD OF REVENUE

4. Establishment and Composition of Board :-

(1) There shall be established for the State of Rajasthan, a Board of Revenue here in after referred as the Board. 1[(2) The Board shall consist of a Chairman, and not less than three and not more than 2[fifteen] other members]. (3) All appointments made under sub-session (2) shall be notified in the 3[Official Gazette]. 4[(4) The State Government shall prescribe the qualifications of persons who shall be eligible for appointment as Chairman and member of the Board, the method of their selection for appointment and the condition of their service: Provided that till the qualifications of persons to be eligible for appointment as Chairman and Members of the Board are prescribed by the Government and appointments are made in accordance therewith their qualification shall continue to be the same as prescribed by sub-section (4), as it stood immediately before the commencement of the Rajasthan Land Revenue (Amendment) Ordinance, 1969.] 5[(5) The Constitution of the Board shall not be deemed to be invalid if any vacancy occurs on account of the death, resignation, expiry or termination of the appointment or temporary absence of the Chairman or any member.] 1. Subs, and shall be deemed always to have been subs, vide Sec. 2(ii) of Raj. Act No. 21 of 1966, pub. in Raj. Rajpatra, Part IV-A, Extraordinary dt. 13-10-1966. 2. Subs, for ten vide Sec. 2 of the Raj. Revenue (Admnt.) Act 1986, pub. in Raj. Rajpatra, Part IV-(Ka), Extraordinary dt. 15-9-1986, Page 1, w.e.f. 23-7-1986. 3. Subs, by Sec. 4 of Raj. Act No. 2 of 1958, pub. in Raj. Rajpatra, dt. 13-1-1958. 4. Subs, vide Raj. Act No. 6 of 1970, pub. in Raj. Rajpatra, dt. 24-4-1970. 5. Ins. vide Raj. Act No. 6 of 1970 pub. in Raj. Rajpatra, dt. 24-4-1970.

5. Establishment and Composition of Board :-

5 - Tenure of Members All members of the Board shall hold office during the pleasure of the 1[Governor]. 1. Subs, vide Part 1 of the

Fourth Schedule to the Rajasthan Adaptation of Law Order, 1955, pub. in Raj. Rajpatra, dt. 1.11.1956.

6. Place of Sitting :-

The headquarters of the Board of Revenue shall be at 1[Ajmer] but subject to the general or special orders of the State Government, it shall be lawful for the Board to sit at any place within its jurisdiction. 1. Union of India v. Col. J.N. Sinha, AIR 1951 SC 40:1970 (2) SCC 458.

7. Ministerial Officers :-

(1) There may be appointed for the Board, a registrar and such other ministerial officers as may be necessary for the exercise and performance of the powers conferred and duties imposed on it by the Act or by or under any other enactment, rule or order for the time being in force. (2) The Registrar and other officers appointed under sub-section (1) shall, subject to general or special orders of the State Government, exercise such powers and discharge such functions as the Board may direct.

8. Powers of the Board :-

Subject to the other provisions of this Act or to the provisions of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) or of any other law in force, the Board shall be the highest revenue court of appeal, revision and reference in Rajasthan: Provided that in all matters where there is a doubt or dispute involving the determination of the jurisdiction of a civil or a revenue court in respect thereof, the decision of the High Court shall be final and binding on all civil and revenue courts in 1[the State] including the Board. (2) In addition to the powers mentioned in sub-section (1), the Board shall exercise such other powers and perform such other duties as may from time to time entrusted to it by the Government or as are conferred or imposed on the Board by or under this Act or any other law for the time being in force. 1. Subs, vide S. 4 of Raj. Act No. 2 of 1958, pub. in Raj. Rajpatra part IV-A, Extra-ord., dt. 13-1-1958.

9. General Superintendence of Subordinate Revenue Courts :-

Subject to other provisions of this Act, the general superintendence and control over all revenue courts and over all revenue officers shall be vested in, and all such courts and officers shall be subordinate to the Board.

10. Jurisdiction of Board how exercised :-

(1) Except as otherwise provided by or under this Act or by any other law or enactment for the time being in force in the whole or any part of 1[the State] and subject to any rule made in that behalf, the jurisdiction of the Board may be exercised- (a) by the Chairman or any other member of the Board, sitting singly, or (b) by a Bench of the Board, consisting of two or more members: Provided that a party aggrieved by a decision of a single member shall have the right to make a special appeal to a bench consisting of two or more members of the Board within one month from the date of the decision of the single member, 2[if the member who passed the judgment 3[and if the member who passed the judgment ceases to be attached the Board, any other member] declares that the case is a fit one for appeal]. (2) Subject to any rules made in that behalf, the Chairman may distribute the business of the Board & make such territorial or other divisions of its jurisdiction as he may deem fit. (3) Every order made or Act done under sub-section (1) or in accordance with the distribution or division made under sub-section (2), shall be deemed to be the order or act, as the case may be, of the Board. 1. Added vide Sec. 2 of Raj. Act No. 5 of 1964, published in Raj. Gazette Ex-ord., dt. 26-3-1964. 2. Substituted vide Sec. 4 of Raj. Act No. 2 of 1958, published in Raj. Rajpatra, dt. 13-1-1958. 3. Ins. vide sec. 2 of Raj. Act No. 3 of 1991 pub. in Raj. Gaz. Ex-ord. 4 (Ka) dt. 27-3-1991, P. 101.

11. Power to refer to a Bench :-

The Chairman or any other member of the Board sitting singly for the disposal of any case or proceeding may, if he thinks fit, for reasons to be recorded in writing, refer any question of law or custom having the force of law or of the construction of any document arising before him in such case or proceeding, for the opinion of a Bench, and the case or proceeding shall be disposed of in accordance with such opinion.

12. Power to refer question to High Court :-

(1) If in any case it appears to a Bench that any such question as is referred to in Section 11 is of public importance and that it is expedient to obtain the opinion of the High Court thereon, the Bench may refer the question to the Court. (2) The High Court may, after such hearing as it thinks fit, record opinion on the question so referred and the decision of the case shall be in conformity with such opinion.

13. Decision in case of difference of opinion :-

(1) Where a case is heard by a Bench of the Board, the decision of such case shall be in accordance with the opinions of the majority of the members who hear it. (2) Where such members are equally divided in opinion as to the order to be made in such case, the case shall be referred to another member and decided in accordance with the opinion of the majority of the members including such other members who hear it.

14. Registers etc. to be kept :-

The Board shall cause to be kept and maintained such registers, books and accounts as may be prescribed or as may be necessary for the transaction of its business. List of Registers Prescribed

JUDICIAL

1. Register for all defective cases.
2. Register of appeals from decrees.
3. Register of appeals from orders.
4. Register of revisions.
5. Register of applications for review of judgment.
6. Register of Revenue Reference.
7. Register of Miscellaneous Revenue Cases.
8. Register for disposal of (i) appeals from decrees (ii) appeals from orders (iii) applications for review (iv) revenue references.
9. Register for miscellaneous applications relating to pending cases.
10. Memorandum book of dates for cases.
11. Register of requisitions for record.
12. Register of record taken by the presiding officers to their residence.
13. Register of application for inspection.
14. Register of applications for copies.
15. Register of records handed over to the Copyist.
16. Register of sanctioned arrangements of copying charges for maps and plans etc,
17. Register of copies disposed off.
18. Register of records requisitioned and return.
19. Register of return documents.
20. Register of worth reporting cases.

LIBRARY

21. General Register of books.
22. Register of periodicals received.
23. Classified catalogue of books.
24. Register of books issued from library.

JUDICIAL-EXECUTIVE BRANCH

25. Register for enrolment of Revenue Agents.
26. Register for enrolment of Petition Writers.
27. Register of registered "Advocate" Clerks.

GENERAL REGISTERS

28. Register for receipts of confidential letters.
29. Register for despatch of confidential letters.
30. Receipt of inward Register.
31. Outward Register.
32. Despatch Register.
33. File Register.
34. Precedent Register.
35. Daily Diary.
36. File Index.

NAZARAT AND ACCOUNTS

37. Cash Register.
38. Register of Contingent Charges.
39. Register of T.A. Salary bills sent to A.G.
40. Register of purchase of typewrites and duplicators.
41. Register of Bicycles.
42. Register of Securities.
43. Register of Money Orders received.
44. Stock Register of Service Postage

Stamps. 45. Acquittance Rolls. 46. Register of Stationery received
 47. Register of Stationery issued. 48. Register of printed forms. 49.
 Stock Book of furniture and other articles & Stores. 50. Register of
 repairs. 51. Register of liveries. 52. Dak Book or Peon Book. 53.
 Register of Repayment of Deposits. 54. Register of receipt of
 deposits. 55. Register of Revenue Receipt. ESTABLISHMENT 56.
 Register of Casual leave 57. Register of leave applications refused
 or sanctioned. 58. Gradation list register. 59. Attendance register.
 RECORDS 60. Register for records received. 61. Receipt book in
 which cases are consigned and entered. 62. Register of handing
 over charge. 63. Register of records sent out and received in the
 record room. 64. Requisition Book. 65. General Index. 66. Register
 of circulars. 67. Register of weeding. LIST OF FORMS 1. Receipt
 Slip. 2. Requisition for the record. 3. Notice for appeal. 4. Notice for
 application. 5. Notice for revision. 6. Order sheet. 7. General index,
 8. Fly leaf. 9. Cause list 10. Form of decree. 11. Application for
 inspection. 12. Application for copying. 13. Notice when copies are
 ready. 14. Form of application by a petition writer. 15. Form of
 licence issued to a petition writer 16. Forms of application for
 enrolment of Revenue agent. 17. Form of application for
 registration of Advocate, Clerk. 18. Requisition slips. 19. Forms of
 labels. 20. List of papers consigned to record. 21. List of pending
 papers. 22. Monthly list of unanswered Government reference and
 other orders. 23. Reminders. 24. Office note. 25. Ephemeral
 Character roll. 26. Ephemeral note of reminders. 27. Await case
 roster. 28. List of furniture.

CHAPTER 3

REVENUE COURTS AND OFFICERS

15. Territorial Divisions :-

(1) For the purpose of the revenue and general administration of
 the State, the whole of 1[the State] shall consist of as many
 2[divisions and] 3[districts] as the State Government may deem fit.
 2[(2) Every division shall for like purpose be a district or consist of
 more than one district as the State Government may determine.]
 (3) The State Government may divide any district into as many
 sub-divisions as it may deem fit, each such division to consist of a
 tehsil or of more than one tehsil. (4) The State Government may
 sub-divide any tehsil into as many sub-tehsils as it may deem fit.
 (5) The State Government shall define the limits of each 2[division]
 district, subdivision, tehsil or sub-tehsil constituted under this
 section. (6) All 2[divisions] districts, sub-divisions, tehsils and sub-

tehsils constituted under this section shall be notified in the 1[Official Gazette]. (7) The 2[XXX]districts, sub-divisions, tehsils and sub-tehsils 4[by whatever name locally designated] existing at the commencement of this Act shall continue respectively to be the 2[XXX] districts, sub-divisions, tehsils and sub-tehsils as if constituted under this Act unless, other provision is made in respect thereof under or in pursuance of this Act. 1. Subs, by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Rajpatra Part IV-A Ex.ord., dt. 13.1.1958. 2. Ins. by Act No. 10 of 1987 w.e.f. dt. 31.1.1987, Pub. in Raj. Gaz., Ex-ord., 4(ka), dt. 9.4.1987, Pages 43-50. 3. Subs, and omitted vide item No. 16 of the Schedule of Rajasthan Act No. 8 of 1962, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 23.4.1962. 4. Ins. by Part B of the First Schedule to Rajasthan Act No. 2 of 1958, pub. on 13-1-1958 in Rajpatra.

16. Power to create, abolish or alter divisions etc. :-

The State Government may by notification in the 1[Official Gazette] (a) create new or abolish existing 2[divisions] districts, sub-divisions, tehsils and 3[sub-tehsils, villages], and (b) alter the limits of any of them. 1. Subs, by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Rajpatra - Part IV-A Ex. ord., dt. 13.1.1958. 2. Ins. by Act No. 10 of 1987 w.e.f. dt. 31.1.1987, Pub. in Raj. Gaz., Ex-ord., 4(ka), dt. 9.4.1987, Pages 43-50. 3. Subs, by Act No. 8 of 1995, pub. in Raj. Gaz., E.O.4(ka), dt. 26-4-1995, page 19.

17. Commissioners and Additional Commissioners :-

1[The State Government shall appoint in each division a Commissioner and may appoint as may Additional Commissioners as may be necessary in a division or in two or more divisions or parts thereof combined.] 1. Ins. by Act No. 10 of 1987 w.e.f. dt. 31.1.1987, Pub. in Raj. Gaz., Ex-ord., 4(ka), dt. 9.4.1987, Pages 43-50.

18. Settlement Commissioner and Additional Settlement Commissioner :-

The State Government shall appoint for the whole of the State a Settlement Commissioner and may appoint as many Additional Settlement Commissioners as it may considers necessary.

19. Director and Additional Directors of Land Records :-

The State Government shall appoint for the State, a Director of Land Records and may appoint as many Additional and Assistant Directors of Land Records as it may consider necessary.

20. Appointment of other Officers :-

The State Government- (a) shall appoint- (i) a Collector in each district, who shall also be the Land Records Officer for the district, and (ii) a Tehsildar in each tehsil; (b) may appoint- (i) an Additional Land Record Officer to a district, (ii) a Settlement Officer to a district, (iii) as many Assistant Collectors to a district as it thinks fit, and (iv) as many Naib-Tehsildars to a Tehsil as it thinks fit; (c) shall place- (i) as Assistant Collector in charge of one or more sub-divisions of a district, (ii) a Tehsildar or a Naib-Tehsildar in charge of one or more sub-tehsils of a tehsil; and (d) may appoint- (i) an Additional Collector in a district or in two or more districts combined, and (ii) an Additional Tehsildar in a tehsil or in two or more tehsils combined.

20A. Revenue Appellate Authority :-

1[(1) The State Government may appoint such number of officers, not being less than three, as may be found necessary to receive, hear and dispose of appeals, revisions and references in revenue judicial cases and other matters specifically provided for by law. (2) Every officer so appointed shall be designated as Revenue Appellate Authority and shall, for exercise of his jurisdiction and the performance of his duties, sit at such place or places as the State Government may from time to time direct.] 1. Ins. by Act No. 10 of 1987 w.e.f. dt. 31.1.1987, Pub. in Raj. Gaz., Ex-ord, 4(ka), dt. 9.4.1987, Pages 43-50.

21. Appointment ex-officio :-

Any appointment under Section 17 or Section 18 or Section 19 or Section 20 1[or Section 203-A] may be made by virtue of office. 1. Ins. & omitted vide Sec. 4 read with item No. 16 of the Schedule of Rajasthan Act No. 8 of 1962, pub. in Raj. Rajpatra, Part IV-A, Ex. Ord., dt. 23.4.1962.

22. Notification of appointment :-

All appointments made under Section 17 to 21 shall be notified in the 1[Official Gazette], provided that it shall not be necessary so to notify the appointments of Naib-Tehsildars. 1. Subs, by Sec. 4 of Rajasthan Act No. 2 of 1958, pub. in Raj. Gaz., Part IV-A, Ex., Ord., dt. 13-1-1958.

23. Controlling Power :-

(1) The control of all non-judicial matters connected with revenue in the State, other than matter connected with settlement, is vested in the State Government and the control of all judicial

matters and of all matters connected with settlement is vested in the Board. (2) The expression "judicial matter" means a proceeding in which a revenue court or officer has to determine the rights and liabilities of the parties thereto and the proceeding and orders as well as appeals, revisions and references in the case specified in the First Schedule shall be deemed to be judicial matters for the purpose of this Act.

24. Subordination of Revenue Courts and Officers :-

Subject to the provisions of Section 9 & 23 - 1[(i) all addl. Commissioners, Collectors, Addl. Collectors, Sub-Divisional Officers, Asstt. Collectors, Tehsildars, Addl. Tehsildars and Naib-Tehsildars in a division shall be subordinate to the Commissioner of such division;] (ii) all addl. Collectors, Sub-Divisional Officers, Asstt. Collectors, Tehsildars, Addl. Tehsildars and Naib-Tehsildars in a district shall be subordinate to the Collector of such district; (iii) all Tehsildars, Addl. Tehsildars and Naib-Tehsildars in a sub-division shall be subordinate to the Sub-Divisional Officer of such sub-division; (iv) all Addl. Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Tehsildar of such Tehsil; (v) all Additional Settlement Commissioners, Collectors, Additional Collectors, Settlement Officers, Tehsildars, Additional Tehsildars and Naib-Tehsildars shall be subordinate to the Settlement Commissioner; (vi) all Tehsildars, Additional Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the settlement Officer exercising jurisdiction in such Tehsil; (vii) all Additional and Assistant Directors of Land records Collectors Additional Collectors Land Records Officers Tehsildars, Additional Tehsildars and Naib-tehsildars shall be subordinate to the Director of Land Records; (viii) all Tehsildars, Additional Tehsildars and Naib-Tehsildars in a Tehsil shall be subordinate to the Land Records Officer exercising jurisdiction in such Tehsil; and (ix) all Officers specially appointment for any local area under Chapter VII shall subordinate to the Land Records Officer or under Chapter VII to the Settlement Officer, for such area. [Refer S. 221 Raj. Tenancy Act also] 1. Ins. by Act No. 10 of 1987 Pub. in Raj. Gaz. EO, Part 4(A), dt.9.4.1987 w.e.f. 31.1.1987.

25. Powers and duties of Courts and Officers :-

(1) 1[A Commissioner or a] Collector or a Sub-Divisional Officer or a Tehsildar shall respectively within his division or district or sub-division or tehsil, exercise all the powers and discharge all the duties conferred and imposed on him by or under this Act or the

Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) or any other law for the time being in force. (2) The Settlement Commissioner shall be incharge of all matters relating to settlement throughout the State and shall in respect thereof exercise such powers and discharge such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force. (3) The Director of Land Records shall be incharge of all matters relating to survey and the preparation, revision and maintenance of land records throughout the State and shall in respect thereof exercise powers and discharge such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force. (4) A Land Records Officer or an officer appointed under Chapter VII shall, within the area for which he is appointed exercise such powers and perform such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force. (5) A Settlement Officer or an officer appointed under Chapter VII shall, within the area for which he is appointed, exercise such powers and perform such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force. (6) An 2[Additional Commissioner or an] Additional Settlement Commissioner or an Additional or Assistant Director of Land Records or an Additional Collector or an Additional Tehsildar shall, within the area for which he is appointment, exercised such powers and perform such duties respectively of a 2[Commissioner or] the Settlement Commissioner or the director of Land Record or a Collector or a Tehsildar in such cases or matters or classes of cases or matters 3[under this Act or under any other law for the time being in force] as the State Government may direct, and every 2[Additional Commissioner or] Additional Settlement Commissioner or Additional or Assistant Director of Land Records or Additional Collector or Additional Tehsildars, while exercising any such power performing any such duty, shall for all purposes be deemed to be the 2[Commissioner or] Settlement Commissioner or Director of Land Records or Collector or Tehsildar, as the case may be, of the area for which he is appointed. (7) An Assistant Collector or a Naib-Tehsildar shall, within the district or the Tehsil, as the case may be, to which he is appointed, exercise such powers and perform such duties as are conferred and imposed on him by or under this Act or any other law for the time being in force or as may be delegated, to him by a general or special order of the State Government. 1. Ins. by Act No. 10 of 1987 w.e.f. dt. 31.1.1987, Pub. in Raj. Gaz., Ex-ord., 4(ka), dt. 9.4.1987, Pages 43-50. 2.

Ins. by Act No. 10 of 1987, Pub. in Raj. Gaz. EO 4(ka),dt. 9.4.1987 w.e.f. 31.1.1987. 3. Inserted and shall be deemed always to have been inserted by Part B of the First Schedule to Rajasthan Act No. 2 of 1958, Pub. in Ra). Gaz. Part IV-A Ex-Ord. dt. 13.1.1958.

26. Additional powers of courts and officers :-

(1) The State Government may, by notification in the 1[Official Gazette] confer- (a) on a Naib-Tehsildar, all or any of the powers of a tehsildar, (b) on a Tehsildar, all or any of the powers of an Assistant Collector, (c) on an Assistant Collector, all or any of the powers of a Sub-Divisional Officer or a Land Records Officers or a Settlement Officer or a Collector, (d) on a Sub-Divisional Officer, all or any of the powers of Land Records Officer or a Settlement Officer or a Collector, (e) on a Land Records Officer or a Settlement Officer all or any of the powers of a Sub-Divisional Officer or an Assistant Collector or a Collector, (f) on a Collector, all or any of the powers of Settlement Officer, 2[(g) on a Commissioner, all or any of the powers of the Settlement Commissioner or the Director of Land Records, and (h) on the Settlement Commissioner, all or any of the powers of the Director of Land Records. (2) The powers conferred under sub-section (1) shall be exercised in such areas and in respect of such cases and matters or classes of cases and matters as the State Government may direct. (3) In conferring powers under this section, the State Government may empower persons, by name or classes of officers generally by their official designations. (4) If an officer in any tehsil, sub-division, district 3[division] or other area who has been invested by name with any powers under this section is transferred to an equivalent office of the same nature in other tehsil, sub-division, district, 3[division] or area, he shall, unless the State Government otherwise directs be held to be invested with the same powers under this section in such other tehsil, sub-division, 3[division] or area. 1. Subs, by Sec. 4 of Rajasthan Act No. 2 of 1958. 2. Ins. by Act No. 10 of 1987, pub. in Raj. Gaz. Ex.ord. Part 4(A) dt. 9-4-1987, w.e.f. 31.1.1987. 3. Ins. by Act No. 10 of 1987 w.e.f. dt. 31.1.1987, Pub. in Raj. Gaz, Ex-ord, 4(ka), dt. 9.4.1987, Pages 43-50.

27. Inherent powers of Courts and Officers :-

In addition to the powers specified in Section 25 & 26 - 1[(a) a Commissioner shall, on being conferred powers under clause (g) of S. 26, have all the powers of, a Land Records Officer and the officers subordinate to the Land Records Officers]; (aa) a

2[Revenue Appellate Authority] shall have all the powers of a Collector, a Sub Divisional Officer, an Assistant Collector, and a Tehsildar; (b) a Collector shall have all the powers of a Sub Divisional Officer, an Assistant Collector and a Tehsildar; (c) a Sub Divisional Officer shall have all the powers of an Assistant Collector and a Tehsildar; (d) an Assistant Collector shall have all the powers of a Tehsildar and a Naib-Tehsildar; (e) a Tehsildar shall have all the powers of a Naib-Tehsildar; (f) a Land Records Officer or a Settlement Officer shall have all the powers of a Tehsildar or a Naib-Tehsildar or an Officer appointed under Chapter VII or Chapter VIII. 1. Clause (a) renumbered as (aa) and new clause (a) inserted by the Raj. Land Revenue (Amend.) Act, 1987, Pub. in Raj. Gaz. Exty. Part 4(A) dated 9.4.1987, w.e.f. 31-1-1987. 2. Subs, by Raj. Act No. 8 of 1962.

28. Officers temporarily succeeding to permanent vacancies

:-

Whenever in consequence of the office of 1[a Commissioner, or] a Collector or a Sub-Divisional Officer or a Tehsildar becoming permanently vacant, any officer succeeds temporarily to the chief executive administration of the 1[division] district, sub-division or Tehsil, as the case may be, such officer shall, pending the order of the State Government, exercise all the powers and perform all the duties conferred and imposed on 1[a Commissioner], a Collector or a Sub-Divisional Officer or a Tehsildar by or under any law for the time being in force in 2[the State]. 1. Inserted by Act No. 10 of 1987 w.e.f. dt. 31-1-1987 Published in Raj. Gaz. EO, 4(ka) dated 9-4-1987 Pages 43-50. 2. Substituted by Section 4 of Rajasthan Act No. 2 of 1958, Published in Rajasthan Gazette, Part IV-A, Extraordinary dt, 31-1-1958.

29. Temporary-absence of officers :-

Where an officer is temporarily absent from his duties- (i) any other officer of equal grade functioning at his headquarters or, if there be no officer of an equal grade there any other officer of a superior grade so functioning or, if there be no such superior officer, any other officer of an inferior grade so functioning shall, without relinquishing the ordinary duty, assume charge of the office of the absentee officer and shall continue in charge thereof until the office is assumed by another officer duly appointed thereto and while in such charge perform the routine duties of the absentee officer, and (ii) If any officer of an equal, superior or inferior grade is no functioning at such headquarters or is himself also absent, the chief

ministerial official of the office shall possess the power of adjourning from time to time any matter, case or proceeding.

30. Formation and alteration of Patwaris Circles :-

The Director of Land Records, with the previous sanction of the State Government, may from time to time arrange the village of each district in Patwaris circles and may alter the number and limits of such circles.

31. Appointment of Patwaris :-

Subject to rules made under this Act, the Collector shall appoint a Patwari to each circle for the maintenance and correction of the annual registers and records under Chapter VII 1[for the collection of all rents, revenue and other demands due from the land holders and tenants of the circle for which he is appointed], and for such other duties, as the State Government may prescribe. 1. Inserted vide Section 3 of the Rajasthan Act No. 18 of 1963, published in Rajasthan Gaz. Part IV-A, Extraordinary dt. 12-10-1963.

32. Formation and alteration of Land Records Inspection circles :-

With the previous sanction of the State Government, the Director of Land Records may arrange the patwaris, circles of each district into land records inspection circles.

33. Appointment of Girdawar, Qanungos or Land Record Inspectors :-

Subject to rules made under this Act, the Collector shall appoint to each land records inspection circle, a Girdawar Qanungo or Land Record Inspector for the proper supervision, maintenance and correction of the annual registers and records under Chapter VII.

34. Sadar Qanungos :-

Subject to rules made under this Act, the Director of Land Records shall appoint one or more Sadar Qanungos in each district to supervise the work of the Girdawar Qanungos or Land Records Inspectors and Patwaris and to perform such other duties as the State Government may prescribe.

35. Qualifications etc. of Patwaris and Qanungos :-

The qualifications of service and duties of Patwaris, Girdawar Qanungos or Land Records Inspectors and Sadar Qanungos shall be regulated by rules made by the State Government in that behalf.

36. Obligation to furnish information necessary for the

preparation of records :-

Any person whose rights, interests or liabilities are required by any enactment for the time being in force or by any rule made under any such enactment to be entered in any official register by a Patwari or by a Girdawar Qanungo or Land Records Inspector or by a Sadar Qanungo shall be bound to furnish, on his acquisition all information necessary for the correct compilation thereof.

40A. Termination of the services of Lambardars :-

1[2[3[Notwithstanding anything contained in the Rajasthan General Clauses Act, 1955 (Rajasthan Act 8 of 1955), or in any other law for the time being in force, all Lambardars appointed or deemed to have been appointed under this Act, shall, as from the date of commencement of the Rajasthan Land Revenue (Amendment) Act, 1963, cease to be Lambardars of the village or group of villages for which they were appointed and shall cease to exercise the powers conferred and to discharge the functions and duties imposed on them, by this Act/and the duty of collecting the revenue or rent or any other State demand shall, until the State Government directs otherwise, be performed by the Patwari of the circle.]" Editorial Note Sections 41 to 50 deleted- Vide Section 2 of the Rajasthan Act No. 34 of 1992, Sections 41,42,43,44,45,46,47,48,49 and 50 have been deleted and consequential amendments have been made in Section 261 and 262 also. The text of these Sections is being retained here for old references. 1. Omitted vide Section 3 of Rajasthan Act No.18 of 1963, Published in Rajasthan Gaz. Part IV-A, Extraordinary, dated 12-10-1963. 2. Repealed by Section 5-ibid. 3. Inserted vide Section 6 of the Rajasthan Act No. 18 of 1963, Published in Raj. Gaz. Part IV-A, Ex. ordinary, dated 12-10-1963.

41. Village Servants :-

In every village or group of villages, there shall be appointed and maintained so many and such of the following village servants as the Collector, subject to the orders of the State Government, may direct namely:- (i) a village watchman or chowkidar, (ii) a village Balai, and (iii) such other village servants as the State Government may from time to time notify in the 1(Official Gazette). 1. Subs, vide Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dated 13-1-1958.

42. Vacancies :-

Every vacancy caused by the death, resignation, removal or

otherwise, of a village servant shall be reported within fifteen days after the occurrence thereof, by the patwari, of the village to the Tehsildar within whose jurisdiction such village or group of villages is situate. The Tehsildar shall thereupon take such action, as may be prescribed by rule.

43. Register of village servants :-

(1) For every village or group of villages within his Tehsil, the Tehsildar shall prepare, within the time prescribed by the Collector, a register of village servants, containing the prescribed particulars, on the basis of the best evidence available. (2) Each register prepared under sub-section (1) shall be kept and maintained up-to-date as a permanent record and all alterations made from time to time in the number, personnel and other particulars of village servants, shall be properly noted therein and duly authenticated.

44. Remuneration of village servants :-

The village servants appointed and maintained under Section 41 shall be entitled to get such remuneration, at such scale and in such manner, as may be prescribed by rules made under this Act.

45. Non-liability of remuneration attachment :-

The remuneration of a village servant, whether consisting of land or interest in land or otherwise, shall not be liable to be alienated or encumbered except to the extent provided by the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and it shall not be lawful for any court to attach or sell the same or any portion thereof.

46. Duties of village servants :-

(1) Every village servants, other than a village watchman appointed under this Act, shall perform such duties as may be imposed on him by rules made under this Act. (2) Every village watchman appointed under this Act shall exercise such power and perform such duties as may be conferred and imposed on him by rules made under this Act or as may be required of him by the Superintendent of Police.

47. Appointment how to be made :-

Whenever the Collector directs that a village servant shall be appointed for village or a group of villages or whenever a vacancy occurs in the officer of a village servant, the Tehsildar shall, within six weeks of such direction or vacancy make an appointment to the office.

48. Disqualifications for appointment :-

No person shall be eligible for appointment as a village servant, who (a) has not attained the age of majority, or (b) is not physically or mentally capable of discharging the duties of his office, or (c) does not reside in the area for which he is appointed, or (d) has been convicted by a criminal court of an offence involving moral turpitude.

49. Punishment, suspension and removal of village servant and Lambardars :-

(1) A village servant 1(XXX) found guilty of not discharging his duties properly, shall be liable under the orders of the Tehsildar to a fine not exceeding twenty rupees. (2) Subject to any rules made under this Act, a village servant or a Lambardar found:- (i) to be unwilling to work as such or not physically fit to perform his duties; or (ii) to be guilty of gross misconduct or of continued and glaring neglect of his duties; or (iii) to be otherwise unfit to remain in that office, may be suspended dismissed or removed from his office, after being given an opportunity to explain his conduct. 1. Omitted and Section 7 of the Rajasthan Act No. 18 of 1963, Published in Raj. Gaz., Part IV-A Extraordinary, 12-10-1963.

50. Power to place village watchman under police authorities :-

The State Government may declare that the powers of appointing and punishing a village servant under Section 47 and 49 shall be exercised in any specified local area by the Superintendent or Inspector of Police in respect of all or any of the village watchman in that local area, subject to an appeal to the District Magistrate of that area within one month.

CHAPTER 4

PROCEDURE OF REVENUE COURTS AND OFFICERS

51. Place for holding court or making inquiries :-

(1) Every officer appointed under Chapter III may 1[subject to the provisions contained in Section 20-A] hold court and make an inquiry at any place within the local limits of his jurisdiction. (2) Except for reasons to be recorded in writing, no such officer shall hear or inquire into any case at any place outside such limits. 1. Inserted by item No. 16 of the Schedule of Raj. Act No. 8 of 1962.

52. Power to enter upon and survey land :-

All revenue and village officers and their servants and workman

when authorised, either verbally or in writing may enter upon and survey land and demarcate boundaries and do other acts connected with their duties under this Act or any enactment for the time being in force: Provided that no person shall enter any building or upon any enclosed courtyard or garden attached to a dwelling house unless with the consent of the occupier thereof without giving such occupier at least twenty-four hours notice and in making such entry due regard shall be paid to the social and religious sentiments of the occupier.

53. Power of Government, Board etc. to transfer cases :-

The State Government or the Director of Land Records 1[or Commissioner] may transfer any non-judicial case or any class of non-judicial cases not concerned with settlement, and the Board or the Settlement Commissioner or the Director of Land Records *[XX] may transfer any judicial or settlement case or any class of such case from any subordinate revenue court or revenue officer to any other such court or officer competent to deal therewith. 1. Inserted by Act No. 10 of 1987 w.e.f. 31-1-1987 Pub. in Raj. Gaz., EO, 4(ka) dt. 9-4-1987 Pages 43-50. *Omitted by Raj. Act No. 8 of 1962.

54. Power of transfer cases to and from subordinates :-

1[A Commissioner], a Collector, a 2[Sub] Divisional Officer, a Tehsildar, a Land Records Officer or a Settlement Officer may make over any case or class of cases, arising under the provisions of this Act or otherwise for inquiry or decision from his own file to any revenue officer subordinate to him who may be competent to deal with such case or class of cases, may withdraw any case or class of cases from any such revenue officer and may deal with such case or class of cases himself, or refer the same for disposal to any other such revenue officer competent to deal therewith: Provided that when, after inquiry in a case, a report is submitted by a revenue officer to a superior revenue authority for final order, the latter may, before passing the final order, give the parties an opportunity to be heard. 1. Inserted vide Rajasthan Act No. 28 of 1987. 2. Word "Sub" is missing in the original Act published by Govt. Press.

55. Consolidation of cases :-

Where more cases than one involving substantially the same question for determination and based on the same cause of action are pending in one or more revenue court, they shall, on application being made by any party to the court to which the court

or courts concerned are all subordinate, be consolidated in one court and decided by a single judgment. Such cases may be filed in the superior court.

56. Appearances, applications etc., by whom made :-

All appearances before, applications to, and acts to be done before, any revenue court or officer under this Act or under any other law for the time being in force, may be made or done- (i) by the parties in person, or (ii) by their recognised agents, or (iii) by legal practitioners duly authorised by the parties and competent to practise before such court or officer: Provided that the revenue court or officer may require the attendance of any party to a proceeding notwithstanding the employment by him of an agent or a legal practitioner.

56A. Presentation of applications, appeals, etc. :-

1[(1) All applications, appeals and proceeding shall, in the absence of a provisions to the contrary effect, be presented to the Court, officer or authority to which or to whom such applications, appeals or proceedings lie under any provision of the Act or the rules thereunder or of any other law for the time being in force or of the rules made under such law: Provided that, if under any such provision, any application, appeal or proceeding lies to a Revenue Appellate Authority, such application, appeal or of proceeding may be presented to, and received by, the Collector of the District in which the cause of action for such application, appeal or proceeding arises wholly or in part. (2) Upon receipt of an application, appeal or proceeding under the proviso to sub-section (1), the Collector shall examine the same to see if it bears the proper court fee, has been presented to him within the time limit, if any, prescribed for such presentation, is accompanied with all the necessary certified copies of judgments, decrees and orders and has been presented in proper form by the person competent to do so under Section 56; and thereafter if the application, appeal or proceeding is found to be in order or after the defects, if any, noticed by the Collector have been removed" wherever possible, the Collector shall forward the application, appeal or proceeding, together with the record of the case, to the revenue appellate authority for the time being competent to hear and dispose of the same.] 1. Ins. and omitted vide Item No. 16 of the Schedule of Rajasthan Act No. 8 of 1962, pub. in Raj. Gaz. Part IV-A, Ex.-ord. dt. 23-5-1962

57. Power of Revenue Courts on officers to require

attendance of persons and production of document and to receive evidence :-

(1) Subject to the provisions of Sections 132 and 133 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and rules made under this Act; every revenue court or officer shall have power to summon any person whose attendance is considered necessary either to be-examined as a party or to give evidence as a witness or to produce any document for the purposes of any inquiry or case arising under this Act or any other enactment for the time being in force. (2) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or power of the person summoned. (3) All persons so summoned shall be bound to attend, either in person or by an authorised agent, as such court or officer may direct, and to state the truth upon any subject respecting which they are examined or make statements, and to produce such documents and other things as may be required. (4) If any persons, on whom a summons has been served, fails to comply with the summons, the court or officer by whom the summons has been issued may issue a bailable warrant for the arrest of such person. (5) Any person present may be required by any revenue court or officer to give evidence or to produce any document then and there in his possession or power.

58. Summons to be in writing signed and sealed :-

Every summons shall be in writing in duplicate and shall be signed and sealed by the officer issuing it or by such person as he empowers in this behalf, and it shall specify the time and place at which the person summoned is required to attend and also whether he is required to give evidence or to produce a document.

59. Serving of summons :-

Every summons shall be served- (i) by tendering or delivering a copy of it- (a) to the person summoned, or (b) to his recognised agent or legal practitioner, or (c) to any adult male member of his family usually residing with him, or (ii) If any of the aforesaid persons cannot be found or refuses to accept the service of summons, by affixing a copy thereof to some conspicuous part of his usual or last known place of residence; or (iii) If such person resides in another district, by sending the summons by post to the Collector of such district for service in accordance with clause (i) or clause (ii); or (iv) if the revenue court or officer so directs, for reasons to be recorded in writing, by sending the summons to the

person named therein either in addition to or in substitution of, any other mode of service, by post under a registered cover.

60. Mode of Serving Notice :-

Every notice under this Act may be served either by tendering or delivering a copy thereof, or sending such copy by post in a cover registered under the Indian Post Office Act, 1898 (Central Act VI of 1898) to the person on whom it is to be served or his authorised agent or, if service in the manner aforesaid cannot be made, by affixing a copy thereof, at his last known place of residence or at some place of public resort in the village in which the land to which the notice relates is situated.

61. Mode of issuing proclamations :-

Whenever a proclamation is issued under this Act, copies thereof shall be posted in the court-house of the officer issuing it, at the headquarters of the tehsil within which the land to which it refers is situated, and at some place of public resort on or adjacent to the land to which it refers, and, if the officer issuing it so directs, the proclamation shall be further published by beat of drum on or near the land to which it refers.

62. Notice or proclamation not void for error :-

No notice or proclamation shall be deemed void on account of any error in the name, description or designation of any person or in the description of any land referred to therein unless such error has caused substantial injustice.

63. Hearing in absence of party :-

(1) If any party to a case of proceeding before a revenue court or officer does not appear on the date fixed for hearing, or on any subsequent date or dates to which the hearing may have been postponed, the case or proceeding may be heard and determined in his absence or may be dismissed in default. (2) If, on the date fixed for hearing a case or proceeding, a revenue court or officer finds that a summons or notice was not served on any party due to the failure of the opposite party to pay the requisite process-fees for such service, the case or proceeding may be dismissed in default of payment of such process-fees.

64. Adjournment of hearing :-

(1) A revenue court or officer may, from time to time, adjourn the hearing of a case or proceeding. (2) The time and place of an adjourned hearing of a case or proceeding shall be intimated at the

time of the adjournment to such of the parties and witnesses as are present.

65. No appeal from order passed under Section 63 :-

(1) Except where a case or proceedings before any revenue court or officer has been decided on the merits, no appeal shall lie from an order passed under Sec. 63. (2) The party against whom any order is passed under Section 63 may apply within 30 days from the date of such order, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing or from paying the requisite process-fee for the service of a summons or notice on the opposite party, and the revenue court or officer may, after notice to the opposite party and after making such inquiry, as may be considered necessary, set aside the order passed.

66. Power to give and apportion costs :-

(1) A revenue court or officer may give and apportion costs incurred in any case or proceeding arising under this Act in such manner and to such extent, as may be deemed fit. (2) An order under sub-section (1) awarding costs to a party other than the State Government shall be executable as if it were a decree for money passed by a revenue court.

67. Correction of error or omission :-

Any revenue court or officer by whom an order has been passed in any proceeding under this Act may, either of his own motion or on the application of a party, correct any error or omission not affecting a material part of the case, after such notice to the parties as may be necessary.

68. Power to refer disputes to arbitration :-

The Board 1[a Commissioner, an Additional Commissioner], 2[a Revenue Appellate Authority], the Settlement Commissioner, An Additional Settlement Commissioner, the Director of Land Records, an Additional or Assistant Director of Land Records, a Collector, an Addl. Collector, a Sub-Divisional Officer, an Asstt. Collector, a Land Records Officer, a Settlement Officer, a Tehsildar or an Addl. Tehsildar may, with the consent of the parties, by order refer any dispute before it or him to arbitration. 1. Ins. by Act No. 10 of 1987 w.e.f. 31-1-1987, pub. in Raj. Gaz. E.0.4(Ka), dt. 9.4.1987, P. 43-50. 2. Sub. vide item 16 of the Schedule of Rajasthan Act No. 8 of 1962, pub. in Raj. Gaz. Part IV-A, Ex-order dt. 23.4.1962.

69. Procedure in cases referred to arbitration :-

In all cases of reference to arbitration under Section 68, the provisions of the Arbitration Act, 1940 (Central Act X of 1940), shall apply so far as they are not inconsistent with anything in this Act.

70. Application to set aside award :-

Any application to set aside an award shall be made within the twenty days after the service of the notice of filing the award.

71. Decision according to award :-

If the revenue court or officer making the reference does not see cause to remit the award or any of the matters referred to arbitration for reconsideration, and if no application has been made to set aside the award, or if such application has been refused, such court or officer shall decide the dispute in accordance with the award or if the award has been submitted in the form of a special case, according to its or his own opinion in such case.

72. Bar to appeal & Suit in Civil Court :-

Such decision shall be at once carried out and shall not be open to appeal unless the decision is in excess of, or not in accordance with the award or unless, the decision is impugned on the ground that there is no valid award in law or in fact.

73. Delivery of possession of immovable property :-

If possession of immovable property is adjudged, the court or officer making the order may deliver possession in the same manner, and with the same powers in regard to all contents, resistance and the like, as may be lawfully exercised by the civil courts in execution of their own decrees.

CHAPTER 5

APPEAL, REFERENCE, REVISION AND REVIEW

74. Appeal to be as allowed by this Act :-

Notwithstanding any law for the time being in force, no appeal shall lie from any 1[XXX] order passed by any revenue court or officer except as provided in this Act. 1. Omitted by Sec. 3 of Raj. Act No. 33 of 1959, pub. in Raj. Gaz. Part IV-A, E.O., dt. 30-6-1959.

75. First Appeals :-

(1) Save when otherwise provided in this Act, a first appeal shall lie- 1[(a) to the Collector from an original order passed by a Tehsildar in matters not connected with settlement or land records. (b) to the 2[revenue appellate authority] from an original order

passed by an Assistant Collector or a Sub-Divisional Officer or a Collector in matters not connected with settlement.] (c) to the Settlement Officer from an original 3[XXX] order passed by a revenue court or officer subordinate to him. (d) to the Land Records Officer an original 3[XXX] order passed by a revenue court or officer subordinate to him. (e) to the Settlement Commissioner from an original 3[XXX] order passed by a Settlement Officer or by a Collector in matters connected with Settlement. (f) to the Director of Land Records from an original 3[XXX] order passed by a Land Records Officer in matters connected with land records, and (g) to the Board from an original 4[XXX] order passed by the 5[Commissioner or Additional Commissioner, the] 2[revenue appellate authority], the Settlement Commissioner 4[XXX]. 1. Subs, by clause (i)(a) of Sec. 4 of Raj. Act No. 33 of 1959, Published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959. 2. Subs, vide item No. 16, the Schedule of Raj. Act No. 8 of 1962, Pub. in Raj. Gaz. Part IV-A, Ex.ord. dt. 23.4.1962. " 3. Omitted by clause (i) (b) of Sec. 4 - ibid. 4. Omitted by clause (ii) of Sec. 4-ibid. 5. Inserted by Act No. 10 of 1987 w.e.f. dt. 31-1-1987, Published in Raj. Gaz. E.O., 4(Ka), dt. 9-4-1987, Pages 43-50.

76. Second Appeals :-

1[***] An appeal shall lie from [an order] passed in appeal- (a) by a Collector in 2[XXX] matters not connected with settlement or land records, -to the 3[revenue appellate authority], or (b) by a Settlement Officer acting under Section 181, to the Settlement Commissioner, or (c) by a Land Records Officer- to the Director of Land Records, or (d) by the 4[Commissioner or the] 5[revenue appellate authority] or the Settlement Commissioner 1[XXX] to the Board. (2) 1[***] 1. Omitted and Substituted by Sec. 5 of Raj. Act No. 33 of 1956, published in Raj. Gaz. Part IV-A, Ex-ord., dt. 30-6-1956. 2. Substituted by Sec. 6 - ibid. (Page 109). 3. Substituted vide item No. 16 of the Schedule of Raj. Act No. 8 of 1962, published in Raj. Gazette Part IV-A, Ex-ord, dt. 23-4-1962 10. Inserted by Act No. 4 of 1987, w.e.f. 31-1-1987, pub. in Raj. Gaz., Ex-ord. 4(Ka), dt. 9.4.1987, pages 43-50. 5. Omitted by Sec. 7-ibid.

77. No appeal in certain cases :-

1(1) No appeal shall lie- (a) from an order admitting an appeal or application for review on the ground specified in Sec. 5 of the Indian Limitation Act, 1908 (Central Act IX of 1908), or (b) from an order rejecting an application for revision or review, or (c) from an

order which is expressly declared by this Act to be final, 2[or] 1[(d) from an interim order, and (2) The provisions of sub-section (1) shall apply to all applications or proceedings pending on the date of the commencement of the Rajasthan Revenue Laws (Amendment) Ordinance, 1975 (Ordinance No.13 of 1975). (3) All pending appeals against interim order, whether under Section 75 or under Section 76, shall abate on the date of the commencement of the Rajasthan Revenue Laws (Amendment) Ordinance, 1975 (Ordinance No. 13 of 1975)]. 1. Amended vide Sec. 4 of Raj. Act No. 4 of 1976, pub. in Raj. Gaz. Part 4(Ka) dt. 31-1-76 on Page 85, the date of commencement of the Ordinance is 15-8-1975.

78. Limitation for appeals :-

No appeal shall lie- (a) to the Collector or Land Records Officer or Settlement Officer after the expiration of thirty days from the date of the 1{XXX] order to which objection is made; or (b) to the 2[revenue appellate authority] or Settlement Commissioner or the Director of Land Records after the expiration of sixty days from such date; or (c) to the Board after the expiration of ninety days from such date. 1. Omitted by S. 7 of Act No. 33 of 1959. 2. Subs, vide item No. 16 of the schedule of Raj. Act No. 8 of 1962 pub in Raj. Gaz. Part IV-A, Ex.-ord. dated 23.4.1962.

79. Copy of [XXX] order objected to, to accompany petition :-

Every petition for appeal shall be accompanied by a certified copy of the 1[XXX] order to which objection is made, unless the production of such copy is dispensed with. 1. Omitted and substituted by Sec. 5 of Raj. Act No. 33 of 1959, pub. in Raj. Gaz. Part IV-A, Ex.-ord. dt. 30-6-1959.

80. Power of Appellate Authority :-

(1) The appellate authority may either admit the appeal, or, after calling for the record and giving the appellant an opportunity to be heard may summarily reject it: Provided that the appellate authority shall not be bound to call for the record where the appeal is time-barred or does not lie. (2) If the appeal is admitted a date shall be fixed for hearing and notice there of shall be served on the respondent. (3) After hearing the parties, if they appear, the appellate authority may confirm, vary or reverse the [XXX] order appealed against; or may direct such further investigation to be made or such additional evidence to be taken, as it may think necessary; or may itself take such additional evidence; or may

remand the case for disposal with such directions, as it thinks fit.

81. Power to stay execution of [XXX] orders of lower court

:-

(1) If an appeal is admitted the appellate authority may, pending the result of the appeal, direct the execution of the 1[XXX] order appealed from to be stayed. (2) A revenue court or officer passing any 1[XXX] order may direct the execution of such 1[XXX] order to be stayed at any time before the expiry of the period prescribed for appeal, if no appeal has been filed. (3) If execution of any 1[XXX] order is stayed under sub-section (1) or subsection (2), such security may be taken or conditions imposed as the appellate authority or the revenue court or officer thinks fit. 1. Omitted by Sec. 7 of Rajasthan Act No. 33 of 1959, Published in Raj. Gaz., Part IV-A, Extra-Ord., dt. 30-6-1959.

82. Power [XXX] to call for records and proceedings and reference to State Government or Board :-

1[XXX]The Settlement Commissioner or the Director of Land Records 2[or a Collector] may call for and examine the record of any case decided or proceedings held by any revenue court or officer subordinate to him for the purpose of satisfying himself as to the legality or propriety of the order passed and as to the regularity of proceedings; and, if he is of opinion that the proceedings taken or order passed by such subordinate court or officer should be varied cancelled or reversed, he shall refer the case with his opinion thereon for the orders of the Board, if the case is of a judicial nature or connected with settlement, or for the orders of the State Government if the case is of a non-judicial nature not connected with Settlement; and the Board or the State Government, as the case may be, shall thereupon pass such order as it thinks fit. 1. Omitted vide item No. 16 of the Schedule of Raj. Act No. 8 of 1962, pub. on dt. 23.4.1962. 2. Ins. vide sec. 8 of Raj. Act No. 18 of 1963 Pub. in Raj. Gaz. Part IV-A, Ex-ord. dt. 12-10-1963.

83. Powers of Government to call for records and revise orders :-

The State Government may call for the record of any non-judicial proceedings not connected with settlement held by any officer subordinate to it and may pass thereon such orders as it thinks fit.

84. Power of Board to call for records and revise orders :-

The Board may call for the record of any case of a judicial nature or connected with settlement in which no appeal lies to the Board if

the court or officer by whom the case was decided appears to have exercised a jurisdiction not vested in it or him by law, or to have exercise jurisdiction so vested, or to have acted in the exercise of its or his jurisdiction illegally or with material irregularity, and may pass such orders in the case as it thinks fit.

84A. No revision in certain cases :-

1[No revision shall lie against an interim order passed in any proceeding under this Act and all pending revisions against such orders shall abate on the 2[date of commencement of the Rajasthan Revenue Laws (Amendment) Ordinance, 1975 (Ordinance No. 13 of 1975). 1. Inserted vide section 5 of Rajasthan Act No. 4 of 1976, Published in Rajasthan Gazette Ex-ord. Part 4(Ka), dated 24-1-1976 Page 85. 2. 15th August, 1975 (Date of Commencement of Ordinance)]

85. Hearing :-

No order under Section 82 or Section 83 or Section 84 shall be passed to the prejudice of any person unless such person had an opportunity of being heard.

85A. Review by the State Government :-

1[The State Government may of its own motion or on the application of a party to a proceeding, review and may rescind; alter or confirm any order made by it under this Act.] 1. Ins. by S. 2 of Rajasthan Act No. 26 of 1960, pub. in Rajpatra, Part IV-A, E.O., dt. 14-9-1960.

86. Review by the Board and other Courts :-

(1) The Board of its own motion, or on application of a party to a suit or other proceeding may review and may rescind, alter or confirm any 1[XXX] order made by itself or by any of its members.
(2) Every other revenue court or officer may either on its or his own motion, or on application of any party interested, review any 1[XXX] order passed by itself or himself or by any of its or his predecessors in office and pass such orders in reference thereto as it or he thinks fit: Provided that - (i) no 1[XXX] order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such 1[XXX] order: (ii) no 1[XXX] order from which an appeal has been made or which is the subject of any revision proceedings shall, so long as such appeal or proceedings are pending be reviewed; (iii) no 1[XXX] order affecting any question of right between private persons shall be reviewed except on the application of a party to the

proceedings, and no application for the review of such 1[XXX] order shall be entertained unless it is made within ninety days from the passing of the 1[XXX] order. (3) An application for review under this section shall lie on any of the grounds mentioned in rule 1 of Order XLVII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act V of 1908) and the provisions of the said order shall, subject to the provisions contained in sub-section (1) or sub-section (2), be applicable. 1, Omitted by Section 7 of Rajasthan Act No. 33 of 1959, published in Raj. Gaz. Part IV-A, Ex.-ord. dated 30-6-1959.

87. Application of Act IX of 1908 :-

The provisions of the Indian Limitation Act, 1908 (Central Act IX of 1908), shall apply to all appeals and applications for review under this Act.

CHAPTER 6

LAND

88. All roads etc. and all lands which are not the property of others belong to the State :-

(1) All public roads, paths, bridges and ditches; all fences on or beside the all rivers, streams, lakes and tanks, all canals and watercourses, all standing and flowing water and all lands wherever situated, which are not the property of individuals or of bodies of person legally capable of holding property are except in so far as any right of such persons or bodies may be established in over the same and except, may be otherwise provided in any law for the time being in force, and are hereby declared to be, with all rights in or over the same or appertaining thereto, the property of the State; and it shall be lawful for the Collector subject to the 1[order of the Commissioner] to dispose of them in such manner as may be prescribed subject always to the rights of way and all other rights of the public or of individuals legally subsisting. (2) Where any property or any right in or over any property is claimed by or on behalf of the State or by any person as against the State, it shall be lawful for the Collector, after formal inquiry of which due notice has been given to pass an order deciding the claim. (3) Any suit instituted in any civil court after the expiration of any year from the date of any order passed under sub-section (1) or sub-section (2) or, if one or more appeals have been made against such orders within the period of limitation, then from the date of any order passed by the final appellate authority, shall be dismissed (although limitation has not been set up as a defence) if the suit is

brought to set aside such order or if the relief claimed is inconsistent with such order; provided that in the case of an order under sub-section (2), the plaintiff has had due notice of such order. (4) Every person shall be deemed to have been due notice of an inquiry or order under this section, if notice there or has been given in accordance with the provisions of this Act or the rules made thereunder, (5) Any order passed under sub-section (1) or sub-section (2) shall be enforceable by the Collector in the prescribed manner. 1. Subs, by Act No. 10 of 1987 for the words. The State Government, Pub. in Raj. Gaz. Ext.-ord. Part 4(A), dt. 9-4-1987, w.e.f. 31-1-1987.

89. Right of minerals, mines, quarries and fisheries :-

The right to all minerals, mines and quarries and to all fisheries, navigation and irrigation in and from, a river shall vest in the State Government and the State Government shall, 1[XXX] have all powers necessary for the enjoyment of such a right. (2) The right to all mines and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen's dwellings and machinery, the staking of minerals and deposit of refuse, the construction of roads, railways or tram lines, and any other purposes which the State Government may declare to be subsidiary to mining and quarrying. (3) If the State Government has assigned to any person its right over any minerals, mines or quarries, and if for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised by such person, the Collector may, by an order in writing, subject to such conditions and reservations as he may prescribe; delegate such powers to the person to whom the right has been assigned: Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land effected and their objection have been heard and considered. (4) If, in the exercise of the right herein referred to over any land, the rights of any persons are infringed by the occupation or disturbance of the surface of such land, the State Government or its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall be calculated by the Collector, or if his award is not accepted, by the civil court, as nearly as may be in accordance with the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953). (5) No

assignee of the State Government shall enter on or occupy the surface of any land without the previous sanction of the Collector, unless the compensation has been determined and tendered to the person whose rights are infringed. (6) If any assignee of the State Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the person entitled to it, as if it were an arrear of land revenue. (7) Any person who without lawful authority extracts or removes minerals from any mine or quarry, the right to which vests in and has not been assigned by the State Government shall without prejudice to any other action that may be taken against him be liable, on the order in writing of the Collector to pay a penalty not exceeding a sum calculated at the rate of fifty rupees per ton, or a fraction thereof, of the minerals so extracted or removed: Provided that if the sum so calculated is less than one thousand rupees, the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose. Explanation- In this section, minerals include any sand or clay which the State Government may declare to have a commercial value or to be required for any public purpose. 1. Omitted by Section 32(a) of Raj. Act No. 11 of 1964, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 13.4.1964.

90. Liability of all land to payment of revenue or rent :-

(1) 1[Subject to other provision of this Act] all land, to whatever purpose applied and wherever situate, is liable to the payment of revenue or rent to the State Government except such land as has been wholly exempted from such liability by special grant of or contract with, the State Government, or by the provision of any law for the time being in force. (2) No length of occupation of any land nor any grant of land made by an estate holder shall release such land from the liability to pay revenue or rent. (3) The State Government may exempt any land from the liability to such payment by means of a special grant or contract or in accordance with the provisions of any law for the time being in force. 2[3-A) The State Government may, by notification in the Official Gazette, exempt, whether prospectively or retrospectively, any land or class of land from the payment of rent or land revenue. (4) Revenue or rent may be assessed on land notwithstanding that such revenue or rent, by reason of its having been assigned, released, compounded for or redeemed, is not payable to the State Government. 1. Ins. by Sec. 2 of Raj. Act No. 47 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex.ord., dt. 27.12.1958 2. Ins. vide Sec. 2 of Raj. Act No. 13 of

1991, Pub. in Raj. Gaz. Ex-ord. - 4(Ka), dt. 24-9-1991.

90A. Use of agricultural land for non-agricultural purpose :-

1[(1) No person holding any land for the purpose of agriculture, and no transferee of such land or any part thereof, shall use the same or any part thereof, by the construction of buildings thereon, shall use the same or any part thereof, by the construction of buildings thereon or otherwise for any other purpose except with the written permission of the State Government obtained in the manner hereinafter laid down and otherwise that in accordance with the terms and conditions of such permission. (2) Any such person desiring to use such land or any part thereof for any purpose other than that of agriculture shall apply for the requisite permission in the prescribed manner and to the prescribed officer or authority and every such application shall contain the prescribed particulars. (3) The State Government shall, after making or causing to be made due inquiry in the prescribed manner, either refuse the permission applied for or grant the same subject to the prescribed terms and conditions. (4) When any such land or part thereof is permitted to be used for any purpose other than that of agriculture, the person to whom such permission is granted shall be liable to pay to the State Government in respect thereof - (a) an urban assessment levied at such rate and in accordance with such manner as may be laid down in rules to be made in this behalf by the State Government; or (b) such amount by way of premium as may be prescribed by the State Government; or (c) both. 2[(5) If any such land is so used- (a) without the written permission of the State Government being first obtained, or (b) otherwise than in accordance with the terms and conditions of such permission, or (c) after such permission having been refused under sub-section (3), or (d) without making any of the payments referred to sub-section (4), the person originally, holding the land as aforesaid for the purpose of agriculture as well as all subsequent transferees, if any, shall be deemed to be a trespasser or trespassers, as the case may be, and shall be liable to ejectment from such land in accordance with Section 91 as if he or they had occupied or continued to occupy such land without lawful authority and to every such proceeding the provisions of Section 212 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) shall apply as if such land were in danger or being wasted, damaged or alienated: Provided that State Government may, in lieu of having such person and the subsequent transferees so ejected from the land in question, allow

him or them, as the case may be, to retain such land, use the same for any purpose other than that of agriculture on payment to the State Government, in addition to the urban assessment and premium payable under sub-section (4) of such fine by way of penalty as may be prescribed.] 1. Ins. by Sec. 3 of Raj. Act No. 47 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 27.12.1958. 2. Substituted by Section 2 of Rajasthan Act No. 26 of 1960, Published in Raj. Gaz. Part IV-A, Ex.-ord., dated 14-9-1960.

90B. "Termination of rights and resumption of land in certain cases :-

1[(1) Notwithstanding anything to the contrary contained in this Act and the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) where before the commencement of the Rajasthan Laws (Amendment) Act, 1999 (Rajasthan Act No. 21 of 1999) any person, holding any land for agricultural purposes in 2["Urbanisable limits or peripheral belt of an urban area"], has used or has allowed to be used such land or part thereof, as the case may be, for non-agricultural purposes or, has parted with possession of such land or part thereof, as the case may be, for consideration by way of sale or agreement to sell and/or by executing power of attorney and/or will or in any other manner, for purported non-agricultural use, the rights and interest of such person in the said land or holding or part thereof, as the case may be, shall be liable to be terminated and such land shall be liable to be resumed. (2) Where any land has become liable to be resumed under the provisions of sub-section (1), the Collector or the officer authorised by the State Government in this behalf, shall serve notice, calling upon such person to show cause why the said land may not be resumed summarily, and among other things, such notice may contain the particulars of the land, cause of proposed action, the place, time and date, where and when the matter shall be heard. (3) When the tenant or the holder of such land or any person duly authorised by him, as the case may be, makes an application to the Collector or the officer authorised by the State Government in this behalf, expressing his willingness to surrender his rights in such land, with the intention of developing such land 3["for housing, commercial, institutional, semi-commercial, industrial, cinema or petrol pump purposes or, for the purpose of multiplex units, infrastructure projects or tourism projects or, for such other community facilities or public utility purposes, as may be notified by the State Government"] the Collector or the officer authorised by the State Government in this

behalf, shall upon being satisfied about the willingness of such person, order for termination of rights and interest of such person in the said land and order for resumption of such land. (4) The proceedings in the matter shall be conducted summarily and shall ordinarily be concluded within a period of sixty days from the first date of hearing specified in the notice served under sub-section (2). (5) Where, after hearing the parties, the Collector or the officer authorised by the State Government in this behalf, is of the opinion that the land is liable to be resumed under sub-section (1), he shall after recording reasons in writing, order for termination of rights and interest of such person in the said land and order for resumption of the said land. (6) The land so resumed under sub-section (3) and (5) shall vest in the State free from all encumbrances and shall be deemed to have been placed at the disposal of the concerned local authority under section 102-A of this Act with effect from the date of passing such order: Provided that the land surrendered under sub-section (3) above, shall be made available to the person, who surrenders the land, for its planned development in accordance with the rules, regulation and bye-laws applicable to the local body concerned, 4[for housing, commercial institutional, semi-commercial, industrial, cinema or petrol pump purposes or, for the purpose of multiplex units, infrastructure projects or tourism projects or, for other community facilities or public utility purposes.] (7) The person, aggrieved by the order made under sub-section (5), may appeal to the Divisional Commissioner or the officer authorised by the State Government in this behalf, within thirty days of passing of order under sub-section (5). (8) The Divisional Commissioner or the officer authorised by the State Government in this behalf shall after hearing the parties, pass appropriate orders in such appeal within a period of sixty days from the date of presentation of appeal before him. (9) The order passed by the Divisional Commissioner or the officer authorised by the State Government in this behalf in appeal under this section shall be final. (10) No Civil Court shall have jurisdiction to entertain or decide any suit or proceeding questioning the order made under sub-section (5) by the Collector or the officer authorised by the State Government or an order made under sub-section (8) by the Divisional Commissioner or the officer authorised by the State Government. (11) Nothing in this section shall apply to any land belonging to Deity, Devasthan Department, any public trust or any religious or charitable institution or a wakf: 5[Provided that where any public trust registered under the Rajasthan Public Trusts Act,

1959 or any registered, charitable institution intends to use its land or holding or part thereof and returns/proceeds received therefrom for the purposes of fulfillment of its aims and objectives, it may make an application under Sub-section (3) to surrender its rights in such land or holding or part thereof and in that case provisions of this section shall apply with the modification that such purposes shall be deemed to have been provided for in Sub-section (3) and proviso to Sub-section (6). [Explanation-- For the purposes of this proviso, "Land or holding" does not include the land allotted by the State Government free of cost or on token amount or on lease unless the State Govt. permits otherwise." (12) No proceedings or orders under this section shall be initiated or made in respect of lands for which proceedings under the provisions of Urban Land (Ceiling and Regulation) Act, 1976 (Central Act No. 33 of 1976), the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Act No. 11 of 1973) and the Rajasthan Land Reforms and Acquisition of Land Owners Estate Act, 1963 (Act No. 11 of 1964) are pending. Explanation-I. Part use of the land for purposes subservient to the agriculture such as residential house of the tenant (subject to the limit of 1/50th part his holding or 500 Sq. yards whichever is less) cattle breeding, dairy farming, fodder storage, poultry farming, horticulture, forestry development, water tank, well, pasturage, grove land and such other purposes ancillary thereto or connected therewith shall not be construed to mean non-agricultural purposes. Explanation-II. For the purpose of sub-section (1), urban area shall mean an area for which a municipality is constituted under the Rajasthan Municipality Act, 1959 (Act No. 38 of 1959) or Urban Improvement Trust is constituted under Rajasthan Urban Improvement Act, 1959 (Act No. 35 of 1959) or the Jaipur Development Authority is constituted under the Jaipur Development Authority Act, 1982 (Act No. 25 of 1982) 6Explanation-III. For the purposes of this section, "urbanisable limits" means, the urbanisable limits as indicated in the master plan or the master development plan of a city or town prepared under any law for the time being in force, and where there is no master plan or master development plan, the municipal limits of the areas. Explanation-IV. (i) For the purposes of this section, "peripheral belt" means the peripheral belt as indicated in the master plan or master development plan of a city or a town prepared under any law for the time being in force, and where there is no master plan or master development plan or where peripheral belt is not indicated in such plan, the area as may be notified by the State

Government from time to time. (ii) Where any part of a village falls within the peripheral belt, the whole village shall be deemed to be within the peripheral belt." 1. Inserted by Rajasthan Act No.-21 of 1999, Published in Raj. Gaz EO-4(Ka) 1, dated 11-10-1999. Page 67(1) to 67(16) 2. In Sub. Sec. (1) of Sec. 90B for expression "Such Urbanisable limits, of an urban area, as may be notified from time to time by the State Government by notification in the Official Gazette" have been substituted vide Notification No. F-2(8) Vidhi-2/2002 (Act 6 of 2002) Published in Raj. Gaz. Extraordinary Part 4(A) dated 28th April 2002 w.e.f. 14.2.2002. 3. In Sub. Sec. (3) of Sec. 90B for the expression "for housing or Commercial purposes" have been Substituted vide Notification No. F-2(8) Vidhi 2/2002 (Act 6 of 2002) Published in Raj. Gaz. Ex-ordinary Part 4 (A) dated 28 April, 2002 w.e.f. 14-2-2002. 4. In proviso to Sub Section (6) for the words "for housing or commercial purposes" have been substituted vide Notification No. F-2(8) Vidhi-2/2002 (Act 6 of 2002) (Act 6 of 2002) Published in Raj. Gaz. Ex-ordinary Part 4(A) dated 28 April, 2002 w.e.f. 14-2-2002. 5 In Sub. Sec. (11) of Sec. 90B a proviso and an Explanation have been inserted vide Notification No. F-2(8) Vidhi-2/2002 (Act 6 Of 2002) Published in Raj. Gaz. Ex-ordinary Part 4(A) dated 28 April 2002 w.e.f. 14-2-2002. 6. Explanation III & IV have been inserted vide Notification No. F-2(8) Vidhi-2/2002 (Act 6 of 2002) Published in Raj. Gaz. Ex-ordinary Part 4(a) dated 28 April 2002 w.e.f. 14-2-2002.

91. Unauthorised occupation of Land :-

(1) Any person who occupies or continues to occupy any land without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the Tehsildar at any time of his motion or upon the application of a local authority at whose disposal such land has been placed, and 2[any crop standing, or any] building or other construction erected, or anything deposited on such land shall, if not removed within such reasonable time as the Tehsildar may from time to time fix for the purpose, be liable to be forfeited to the State and to be disposed of 1[in the case of any such crop in the manner he thinks fit and in other cases] as the Collector may direct: Provided that the Tehsildar may in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof. 1[(2) Such trespasser shall further be liable to pay for each agricultural year during the whole or any part whereof has been in such unauthorised occupation of the land, a penalty which may extend

to fifty times the annual rent, or assessment, as the case may be, for the first act of trespass. In the case of each subsequent act of trespass, he shall, by the order of Tehsildar, be liable to commitment to civil person for a term which may extend to three months and to pay penalty to the extent as aforesaid. The amount of such penalty shall be recovered as an arrear of land revenue, and] 1[(3) Where the trespasser ordered to be committed to civil prison under subsection (2) satisfies the Tehsildar by whom he is ordered to be committed to civil prison that he intends to present an appeal, the Tehsildar shall order that such trespasser be released on his own bond, for such period as will afford him sufficient time present the appeal and obtain stay order from the Appellate Court and such order shall, so long as he is so released on bond, be deemed to be suspended.] (4) In any of the following cases, namely:- (i) Where the trespasser does neither vacate the land nor make appearance in response to the notice issued under sub-section (3), or (ii) Where in response to such notice the trespasser does not vacate the land and makes appearance but- (a) does not show any such cause, or (b) makes any representation which is rejected after such inquiry and hearing as may be necessary in the circumstances of the case, the Tehsildar shall, unless, in the case covered by clause (ii) the trespasser undertakes to vacate the land within a week's time and vacates it within such time order the removal of the trespasser from such land and shall remove or depute any person, to remove him therefrom and take a possession thereof; and if the Tehsildar or the person so deputed is opposed or impeded in taking possession of land, the Tehsildar shall apply to a Magistrate having jurisdiction and such Magistrate shall enforce the surrender of the land to the Tehsildar. (5) Notwithstanding anything contained in the foregoing sub-sections, the Tehsildar may, in case any such land belongs to the category specified in clause (ii) of the proviso to Section 97, sell it, with the approval of the Sub-divisional Officer, to the trespasser upon payment by him of the premium therefor at the rate fixed under section 96 and applicable to such land in addition to the assessment and penalty recoverable from him under sub-section (2) in respect of the whole period of unlawful occupation. 2[(6) Notwithstanding anything contained in sub-section (2)- (a) whoever occupies any land without lawful authority or, having occupied such land before coming into force of the Rajasthan Land Revenue (Amendment) Act, 1992, fails to remove such occupation within fifteen days from the date of service of a notice in writing

calling upon him to do so by the Tehsildar shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees; and (b) whoever, being an employee of the State Government specifically entrusted by an order of the Collector in writing with the duty to stop or prevent an offence punishable under this sub-section wilfully or knowingly neglects or deliberately omits to stop or prevent such offence, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both: Provided that, in the case of an offence under clause (a), the court may for any adequate or special reason to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one month: Provided also that no investigation of an offence under clause (a) of this sub-section shall be made by an officer below the rank of a Deputy Superintendent of Police: Provided further that no court shall take cognizance of an offence under clause (b) except with the previous sanction of the Collector. Explanation- For the purpose of this sub-section, "Land" means - (i) a pasture land as defined in the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955); and (ii) land as defined in sub-clauses (iii) and (iv) of clause (a) of section 103 including land appurtenant to a public well, Nadi, Johad and Talab.] 1. Amended vide Sec. 6 of the Raj. Act No. 4 of 1976, Pub. in Raj. Gaz. Part 4(ka) Ex.-ord. dt. 24-1-1976 on page 85. 2. Inserted by Raj. Act No. 34 of 1992, Pub. in Raj. Gaz. Ex-ord., 4(ka) dt. 3-12-1992, Page 195.

92. Land may be set apart for special purposes :-

(1) Subject to the general orders of the State Government, the Collector may set apart land for any special purpose, such as, for free pasturage of cattle, for forest reserve, for development of abadi or for any other public or municipal purpose; and such land shall not be used otherwise than for such purpose without the previous sanction of the Collector. 1[(2) XXX] 1. Omitted by Section 8 of Rajasthan Act No. 33 of 1959, Published in Raj. Gaz. Part IV-A, Ex.-ord., dated 30-6-1959.

93. Regulation of use of Pasturage :-

The right of grazing on pasturage land shall extend only to the cattle of the village or villages for which such land has been set apart and shall be regulated by rules made by the State Government.

94. Powers to regulate control and management of forest growth :-

(1) The State Government may with a view to preventing deforestation, make rules regulating to control and management of the forest-growth on the land of any estate or village and the exercise of any right of user over such forest growth and may attach to the breach of such rules a penalty not exceeding one thousand rupees or, if the breach be a continuing one, a penalty not exceeding fifty rupees for each day during which such breach continues: Provided that the penalty prescribed in the rules shall be imposed only by a criminal court of competent jurisdiction. (2) Such court may direct that the whole or any part of any sum recovered under the rules made under sub-section (1) shall be paid as compensation to any person or persons to whom loss or injury has been caused or that it shall be expended in such manner, the Collector may deem fit for the benefit of the forest growth. (3) The court referred to in proviso to sub-section (1) may confiscate and sell any timber or other forest produce cut or removed in contravention of any rule made under sub-section (1), and may apply the proceeds of the sale to either or both of the purposes mentioned in sub-section (2). (4) If an estate holder or any other person is guilty of any material violation of the rules made under sub-section (1), the Collector may, unless he is satisfied that such estate-holder or other person has taken reasonable precautions to prevent such violation and after full inquiry and after giving to the estate holder or other person, a reasonable opportunity of being heard- (a) Proclaim that the forest growth of the estate or village will be protected by the State Government, or (b) issue notice to such estate holder or other person to show cause, within a reasonable time to be specified in the notice, why he should not be excluded from the possession of the forest land. (5) Until the proclamation made under sub-section (4) clause (a) is withdrawn, it shall be unlawful for any person to cut, or cause to be cut, for sale or for conveyance or use outside the village area, any timber or brushwood, save with the previous sanction of the Collector and in the manner and to the extent permitted by him. (6) If no sufficient cause is shown against an order under sub-section (4) clause (b), the Collector may exclude such estate-holder or other person from the possession of the forest land and assume the direct management thereof for a term to be fixed by him: Provided that the gross income of the land, of which the direct management is so assumed, shall be paid by the Collector to the estate-holder or

other person entitled thereto after deducting therefrom such amount by way of expenditure incurred in such management as may be determined by the Collector after given the estate-holder or other person, a reasonable opportunity of being heard. (7) No lease, lien, encumbrance or contract to the forest land held under direct management, shall be binding upon the State Government.

94A. Roadside trees :-

1[(1) All roadside trees which have been planted and reared by or under the order of, or at the expense of the State Government and all trees which have been planted and reared at the expense of local funds by the side of any road which vests in the State Government, shall vest in the State Government. (2) In the event of such trees dying or being blown down or being cut down by order of the Collector, the timber shall be the property of the State Government. 1. Sees. 94-A and 94-B insered by Part B of the first schedule to Rajasthan Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex.-ord. dt. 13-1-1958.

94B. Recovery of value of trees etc. unauthorisedly appropriated :-

(1) Any person who shall unauthorisedly sell and appropriate any roadside tree or any portion thereof or remove any other natural product thereof shall be liable to the State Government for the value thereof which shall be recoverable from him as an arrear of land revenue in addition to any penalty to which he may be liable under any law. (2) The decision of the Collector as to the value of such trees or portion or product thereof shall be conclusive.]

95. Development of abadi :-

(1) The State Government may make rules for the reservation of lands 1[to be set apart for the development of abadi, for the allotment of Nazul lands and lands so set apart] for any payments to be made in respect of such lands and for the declaration of the rights of such allottees. (2) No person shall occupy any land in the "abadi" area 1[XXX] without first paying therefore such sums by way of premium as may be fixed under this Act. (3) Complete rights in the abadi land may be acquired only by the paying such premium. (4) Nothing in this section shall apply to land in the abadi area 1[XXX] which is in the lawful occupation of any person at the commencement of this Act. (5) Where at the commencement of this Act, any person is in occupation of some land in the abadi area 1[XXX] with limited rights, he may acquired full proprietary right

over such land upon payment of such premium, as may be fixed under this Act. (6) Any person who after the commencement of this Act occupies any land in the abadi area otherwise than in accordance with the provisions of sub-section (2) or any rules made under sub-section (1) or without proper authority makes any construction on such land separately or by way of extension of a previously existing building or construction of his adjoining land or who after such commencement makes otherwise than under proper authority any construction on any land referred to in sub-section (5) or on such land and other land in his occupation lawfully or otherwise, shall be regarded as a trespasser & dealt with as is he were a person occupying or continuing to occupy land without lawful authority. (7) The provisions of Section 91 shall apply to the person, land and construction referred to in sub-section (6): Provided that - (i) The powers exercisable by a Tehsildar under sub-sees. (1), (2), (3) and (4) of Sec. 91 shall be exercised by him in the case of any land in the abadi 1[XXX] or any land set apart for free pasturage of cattle or for development of abadi or for any other public or municipal purpose, which has been placed at the disposal of a local authority 2[under section 102-A] or otherwise upon application made to him by such local authority 2[or suo moto, and where the Tehsildar proposes to act suo moto, he shall give notice of such intention to the local authority concerned]. (ii) the assessment and penalty imposed under these sub-sections upon the trespasser shall be credited to the fund of such local authority, and (iii) the powers exercisable by a Tehsildar under sub-section (5) of Section 91 shall be exercised in case of any such land placed at the disposal of a local authority as aforesaid itself without the approval of any officer. 1. Subs. & omitted by Sec. 9 of the Rajasthan Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959. 2. Inserted vide sec. 10 of the Rajasthan Act No. 18 of 1963, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 12-10-1963.

96. Collector to fix rates for premium :-

(1) The 1[State Government] may, by notification in the 2[Official Gazette], fix and may from time to time similarly revise, the rates of premium to be charged [for Nazul and other lands] within the "abadi" area [XXX]. (2) Such rate shall be fixed consistently with rules made under this Act having regard to the site value of the land and different rates may be fixed for different areas in the same village [town or city] or group of villages [town or cities]. 1.

Subs. Ins. & omitted by Sec. 10 of the Rajasthan Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex.- Ord. dt. 30-6-1959 2. Substituted by Sec. 4 of the Rajasthan Act No. 2 of 1958, Published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 13.1.1958.

97. Auction of abadi land :-

In all cases where there are more than one applicant for the same piece of land in the abadi area 1[XXX], it shall be sold to the highest bidder at a public auction: Provided that - (i) It shall be open to the Collector to refuse the highest bid for reasons to be recorded; (ii) small strips of land adjoining existing buildings shall, with the previous sanction of the Sub-Divisional Officer, be given at the rates fixed under subsection (1) and (2) of Section 96; and (iii) auctions under this section shall be regulated by rules made by the State _____ Government in this behalf. 1. Omitted by Sec. 11 of the Rajasthan Act N. 33 of 1959, Published In Raj. Gaz. Part IV-A, Ex.ord., dt. 30-6-1959.

98. Land granted for receptacles of household refuse, etc. and for storing fodder :-

(1) Subject to rules made by the State Government in this behalf; the Sub-Divisional Officer may grant in villages 1[towns or cities] free of premium or rent land of such dimensions as may be prescribed to serve as receptacles for the household refuse, stable litter and cattle dropping and other rubbish and manure, and for storing fodder for cattle: Provided that- (i) such land shall not be claimed as a matter of right, and shall be provided only if it is available 2[XXX]; (ii) the Collector shall have the right to resume any such land without paying any compensation; (iii) the person to whom land may be granted shall not have any right of transfer by exchange, mortgage, sale, gift or bequest therein; and (iv) the person to whom such land is granted shall abide by the orders passed under the provisions of this Act or any rules made thereunder. (2) The land granted under sub-section (1) may be resumed under the orders of a revenue officer not below the rank of a Tehsildar, if and when, the person to whom it has been granted 1[XXX] contravenes any of the provisions of this section or the rules made thereunder. 1. Omitted by Sec. 11 of the Rajasthan Act No. 33 of 1959, Published In Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959. 2. Ins. & Omitted by Sec. 12-ibid.

99. Right to regulate the construction of a building in a village :-

The State Government may, by rules made under Act, regulate the construction, maintenance, demolition, repairs and extension of houses and other buildings in such villages or towns for which no local authority has been established.

100. Sale of land in Industrial and Commercial Areas :-

The State Government may make rules regulating sales of lands in industrial and commercial areas and may also impose an annual assessment of such lands, wherever necessary.

101. Allotment of land for agricultural purposes :-

1[(1) Save as otherwise provided elsewhere by this Act, lands for agricultural purposes shall be allotted by such authority and in such manner as may be prescribed by rules made by the State Government in this behalf.] (2) All allotment of land under this section shall be subject to the payment of rent fixed at such rates as may be fixed according to custom or by usage or any law on the subject. 2[(3) XXX deleted XXX] (4) If there be more than one person requiring the same land, the allotment shall be made in the following order- (i) to co-sharer of the holding if it forms part of a compact block or is irrigated from the same source, preference amongst such co-sharers being given to one having land less than the area prescribed by rules made under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955); (ii) to persons residing in the village in which land be situated, preference amongst such persons being given to persons having no land or less than the area prescribed by the said rules; 3[(iii) by drawing lots:] Provided that the area so taken together with the area held by him does not exceed the area prescribed by the said rules. 1. Subs, vide Rajasthan Act No. 20 of 1970 (dt. 3-12-1970). 2. Deleted the following sub-section (3) by Rajasthan Act No. 2 of 1997-Pub. in Raj. Gaz.-EO-4(ka) dated 26.3.97, Page 138(1)- (3) No such land shall be allotted without the previous sanction of the State Government to any person in the service of the State Government: Provided that in the case of non-gazetted Officers, the sanction of the Collector will be sufficient. 3. Substituted by Part B of the First Schedule to Rajasthan Act No. 2 of 1958, Published in Raj. Gaz. Part IV-A, Ex.-ord., dt. 13-1-1958.

102. Power of Government to allot land for purposes other than agricultural as well as on special terms :-

Notwithstanding anything hereinforce contained the State Government shall have power to allot and for the purpose of an

industry or for any purpose of public utility on such conditions as it deems fit.

102A. Land which may be entrusted with Local Authorities

:-

1[Any Nazul land or land set apart under Section 92 may be placed by the State Government at the disposal of a local authority having jurisdiction and such local authority may take over with the land so placed at its disposal for and on behalf of the State Government, or may use the same for the special purpose for which it has been set apart, to such extent and subject to such conditions and restrictions as the State Government may, from time to time lay down and in such, manner as it may, from time to time prescribe.] 1. U.I.T. Bikaner v. Kadumal alias Koda Ram, ILR (1971) 21 Raj. 1170, Chauthmal v. State, ILR (1971) 21 Raj. 1332; 1971 WLN 213.

103. Land and Abadi defined for the purposes of Chapter VI

:-

For the purpose of this Chapter, unless the subject or context otherwise requires- (a) "Land" means land belonging to all or any of the following categories- (i) Land as defined in clause (24) of Section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), (ii) Land acquired under the provisions of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act 24 of 1953) for the purpose of Government or a local authority or an educational institution while such land remains the property of Government or such local authority or educational institution, as the case may be, (iii) Land Surveyed and recorded, whether before or after the commencement of this Act, during any proceeding relating to survey and preparation of records or otherwise belonging to the Government, or a local authority which is used for any public purpose such as a road or pathway, (iv) Land surveyed and recorded as aforesaid for the use of the community such as gocher, cremation-ground or graveyard, (v) Land in possession of the Government or a local authority obtained by transfer or otherwise, (vi) Nazul land as defined in clause (iv) of Section 3, and (v) Land in possession of the Government or a local authority obtained by transfer or otherwise, (vi) Nazul land as defined in clause (iv) of Section 3, and (vli) Land within the abadi area vesting in a local authority or land reserved and set apart for special purposes under section 92, and includes benefits to arise out of such land and things attached to the earth or permanently fastened to anything attached to the earth; and (b) "abadi" or "abadi area" or "abadi

land" means the populated area of a village, town or city and includes the site of such village, town or city, land reserved and set apart under Section 92 for the development of abadi therein and land held therein for building purposes whether a building has been constructed thereon or not.

104. Cases in which power of Revenue Officers may be exercised by Local Authorities :-

Where 1[any Nazul land or land] in the abadi of a village or town or any land set apart for free pasturage of cattle or for development of abadi or for any other, public or municipal purpose has been placed at the disposal of a local authority 1[under Section 102-A] or otherwise; the powers exercisable under Section 97 or Section 98 by a Collector or other revenue officer shall be exercised exclusively by the local authority concerned in accordance with rules made by the State Government in this behalf. 1. Subs, by Sec. 15 of Raj. Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex.-ord., dt. 30-6-1959.

105. Rights of tenants under Section 31, Rajasthan Act 3 of 1955, not affected :-

Nothing in Sections 95, 96, 97, 98 and 102, shall in any way affect, take away or abridge the right conferred on tenants by Section 31 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), to possess in the abadi of a village a site for a residential house free of charge.

CHAPTER 7

SURVEY AND RECORD OPERATIONS

106. Survey or re-survey :-

The State Government may direct, by notification in the 1[official Gazette] that the survey or re-survey of any local area shall be made and every such area shall, from the date of the said notification be held to be under survey and record operations the issue of another notification declaring such operations to be closed therein. 1. Subs vide Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 13-1-1958.

107. Record Operations :-

The State Government may likewise direct, in respect of any local area which has already been surveyed, that a general or partial revision of the records of such local area shall be made and thereupon such local area shall be held to be under record operations until such operations are similarly closed.

108. Record Officers :-

The State Government, upon the issue of a notification under section 106 or Section 107- (i) shall appoint an Additional Land Records Officer to be incharge of the operations referred to therein, unless a permanent Additional Land Records Officer shall have been appointed to the area brought under such operations, and (ii) may appoint as many Assistant Land Records Officers as it may deem fit.

109. Mode of conducting operations :-

The operations referred to in Sections 106 and 107 shall be in charge of the Director of Land Records and shall be conducted in the manner prescribed by the State Government.

110. Assistance in survey of boundaries :-

(1) When any area is under survey and record operations, the Land Record Officer shall issue a proclamation informing all estate-holders and tenants of such area that they are bound to render such assistance as may be required of them in the survey of the boundaries of the village as well as the boundaries of the fields therein. (2) The Land Record Officer may issue a proclamation directing all estate holders and tenants of the area under survey and record operations to erect within fifteen days such boundary marks as he may think necessary to define the limits of their village, estates or fields, and in default of their compliance within the time specified in the proclamation, he may himself cause such boundary marks to be erected at their cost.

111. Decision of disputes as to boundaries :-

(1) In case of any dispute concerning any boundaries the Land Records Officer shall decide such dispute, so far as possible, on the basis of the existing survey maps and where this is not possible or such maps are not available, on the basis of actual possession. (2) If, in the course of an inquiry into a dispute under this section, the Land Records Officer is unable to satisfy himself as to which party is in the possession or if it is shown that possession has been obtained by wrongful dispossession of the lawful occupants within a period of three months previous to the commencement of the inquiry, the Land Records Officer shall ascertain by summary inquiry who is the party best entitled to possession and shall then fix the boundary accordingly.

112. Preparation of map and field book :-

In respect of every local area or part thereof under survey and

record operations, the Land Records Officer shall, in accordance with rules made by the State Govt. in that behalf, prepare for each village or portion of a village comprised in such area or part a map and a field book.

113. Preparation of record of rights :-

In respect of every local area under survey and record operations or only under record operations the Land Records Officer shall frame for each village or portion of a village comprised therein a record of rights.

114. Contents of record of rights :-

The record of rights shall be prepared in such manner as may be prescribed by the State Government and shall consist of the following, namely - (a) a khewat, this is to say, a register of all estate-holders in the area under survey and record operations or under record operations, specifying the nature and extent of the interest of each and his co-sharers, mortgages in possession and persons holding land from him otherwise than as tenants, if any; (b) a khatauni, that is to say, a register of all persons cultivating or otherwise holding or occupying land in such area, specifying the particulars required by Section 121; (c) a register of all persons holding land in such area free of rent or revenue; and (d) such other registers as may be prescribed.

115. Inviting claims to lands appearing to have no owner :-

(1) When any local area is under survey and record operations or only under record operations the Land Records Officer shall make lists of all lands in such area which appear to him to have no lawful owner and shall thereupon issue a proclamation declaring his intention to demarcate such lands as the property of the State and inviting any person having any claims to or over them to present, within three months from the date of such proclamation, a petition in writing setting fourth such claims and the grounds therefore. (2) If any such petition is presented, the Land Records Officer shall decide it summarily after making such inquiry as he deems necessary.

116. Pcedure when unclaimed land is used for common purposes :-

If no claim is made to such land as is mentioned in Section 115 or if such land is decided to be the property of the State but the inhabitants of the adjoining village or village prove that they have there to fore enjoyed the use of such land for pastoral or other

agricultural purposes, the Land Records Officer may assign to such village or village so much of such land as he may consider requisite for such purpose and shall mark off the remainder as, and declare it to be, the property of the State.

117. Procedure when limited right over such land is established :-

If a claim to the exercise of enjoyment of any right, not amounting to the right of exclusive possession, in to or over any land comprised in the proclamation issued under Section 115 is established, the Land Records Officer may assign to the claimant as his property a define portion of such land or, with the sanction of the State Government, otherwise compensate the claimant in accordance with the provision of the Rajasthan Land Acquisition Act, 1953 (Rajasthan Act XXIV of 1953), and such assignment or compensation shall be held to extinguish all claims on account of such exercise or enjoyment.

118. Determination and record of khudkasht land :-

The Land Records Officer shall ascertain and determine the extent of all land as khudkasht and shall record the same as such.

119. Determination of the abadi of a village :-

The Land Records Officer shall, in the case of every inhabited village, ascertain and determine the area to be reserved for the residence of the inhabitants thereof or for purposes, ancillary thereto and such area shall be deemed to be the abadi of such village.

120. Register of villages :-

The Land Records Officer shall prepare in the prescribed form of all villages in the area under survey and record operations or under record operations, showing therein in the prescribed manner- (a) the area liable to fluvial action, (b) the area having precarious cultivation; (c) the revenue or rent assessed thereon and the person through whom it is payable; and (d) the area of which the revenue or rent has, either wholly or in part been released, remitted, assigned or compounded specifying the authority therefore and the conditions thereof.

121. Particulars to be stated in khatauni :-

(1) The register of persons cultivating or otherwise or occupying land, prescribed by clause (b) of Section 114, shall specify as to each tenant the following particulars, namely:- (a) the nature and

class of his tenure as determined in accordance with the provisions of 1[X X X] the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) 2[or any other law or enactment for the time being in force in the whole or any part of the State], (b) the amount of premium, if any, paid by him for the acquisition of khatedari rights, (c) the date of the khatedari parcha, and the transfers, if any, made by him, together with all particulars of such transfers, (d) the khasra number of each field comprised in his holding and the area thereof, (e) the annual rent payable by him, (f) any other condition of the tenure whether contained in a written lease or not, (g) in the case of a person other than a khatedar tenant, the number of years during which he has held the land then in his possession, and (h) such other particulars as may from time to time be prescribed. (2) The register shall also specify the estate-holders (if any) holding land as khudkasht in accordance with the provisions of 1[x x x] the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) 2[or any other law or enactment for the time being in force in the whole or any part of the State] and shall state with respect to such land the number of years during which they have so held it. 1. Omitted by Part B of the First Schedule to Raj. Act No. 2 of 1958, Published in Raj. Gaz. Part IV-A, Ex-Ord., dt. 13-1-1958. 2. Inserted-Ibid.

122. Attestation of entries [x x x] :-

All undisputed entries in the record of rights shall be attested by the parties interested 1[x x x]. 1. Expression "and decision of disputes" deleted by S. 2 of the Second Amendment Act No. 29 of 1995, and the following expression also deleted: and all disputes regarding such entries, whether taken up by the Land Records Officer of his own motion or upon application by any party interested, shall be disposed of by him in accordance with the provisions of Sees. 123, 124 and 125. Pub. in Raj. Gaz. Ex-ord. 4(ka), dt. 22-11-1995, Page 125.

123. [Omitted] :-

1[x x x] 1. Section 123 deleted by ibid. The text of S. 123 was as follows: Determination of class of tenant- (1) In case of any dispute regarding the class or tenure of any tenant, the Land Records Officer shall decide the dispute according to the principles laid down in the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), (2) In the trial of disputes under this section, the Land Records Officer shall observe the procedure prescribed under this Act.

124. Procedure when rent or revenue payable is disputed :-

In case of any dispute regarding the rent or revenue payable, the Land Records Officer shall not decide the dispute, but shall record, as payable, for the year in which the record of right is framed, the rent or revenue payable, for the previous year, unless it has been enhanced or abated by a decree, order or agreement under this Act or under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955)

125. [Amendded] :-

1[x x x] 1. Section 125 deleted vide S. 4 of the Second Amendment Act No. 29 of 1995. Pub. in Raj. Gaz. Ex-ord. 4(ka) dt. 22-11-1995, Page 125. The text of Section 125 was as follows: Settlement of disputes as to entries In record of rights- (1) All other disputes regarding entries in the record of rights shall be decided on the basis of possession. (2) If In the course of enquiry into a dispute under this section, the Land Records Officer is unable to satisfy himself as to which party is in possession, he shall ascertain by summary inquiry who is the person best entitled to possession, and shall decide the dispute accordingly. (3) No order as to possession passed under this section shall debar any person from establishing his right to the property in any civil or revenue court having jurisdiction.

126. Existing records to be acted upon :-

Until a new map and a field book are prepared under Section 112 or until a new record of rights is framed under Section 114, the existing map, field book and record of rights, if any, shall be the map, field book and record of rights of the area concerned.

127. Proceedings pending upon close of survey & record operations :-

When the survey and record operations, or the record operations, as the case may be, are closed by a notification under Section 106 or Section 107, all applications and proceedings then pending before the Additional Land Records Officer shall, if such officer has not been appointed permanently, be transferred to the Collector.

128. Boundary disputes :-

All disputes concerning boundaries shall be decided by the Land Records Officer in the manner laid down in Section 111: 1[Provided that applications in relation to boundaries of fields may be made to any disposed by the Tehsildar in cases where there exists no dispute as to such boundaries but on account of the absence of proper boundary marks there is the likelihood of such a dispute

arising.] 1. Added by Sec. 16 of Raj. Act No. 33 of 1959, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 30-6-1959.

129. Obligation of holders as to boundary marks :-

(1) All holders of villages, estates or fields shall be bound to maintain and keep in repair and their own cost the permanent boundary marks lawfully erected thereon, and the Land Record Officer may at any time order such holders- (a) to erect proper boundary marks on such villages, estates or fields, or (b) to repair or renew in such form and material as he may prescribe all boundary marks lawfully erected thereon. (2) If such order is not complied with within thirty days from the communication thereof, such officer shall cause such boundary marks to be erected, repaired or renewed and shall recover the charges incurred from the holders concerned in such proportion as he thinks fit. 1[(3) In cases of boundaries of fields where there is no dispute as to such boundaries, action under sub-sections (1) and (2) may be taken by the Tehsildar upon an application made to him or otherwise.] 1. Subs, vide Raj. Gaz. Part IV-C, Ex.-ord. dated 28-11-1963.

130. Penalty for injury to, or removal of marks :-

The Land Records Officer may order any person found to have wilfully erased, removed or damaged a boundary or survey mark to pay such sum, not exceeding fifty rupees for each mark so erased, removed or damaged, as may be necessary to restore it & to reward the informer. When such sum cannot be recovered, or if the offender cannot be discovered, the Land Records Officer shall restore the mark and recover the cost thereof from such land holders of the conterminous villages, estates or fields, as the case may be, as he thinks fit.

131. Maintenance of Map and Field Book :-

After the survey and record operations are over, the map and the field book shall be maintained by the Land Records Officer, in accordance with the rules made by the State Government in that behalf and he shall cause, annually or at such longer intervals as the State Government may prescribe, to be recorded therein all changes in the boundaries of each village or portion of a village, estate or field and shall correct any errors which are shown to have been made in such map or field book.

132. Annual Registers :-

(1) The Land Records Officer shall maintain the record of rights and for that purpose shall, annually or at such longer intervals as the

State Government may prescribe, cause to be prepared a set or an amended set, as the case may be, of the registers enumerated in sections 114 and the registers so prepared shall be called the annual registers. (2) The Land Record Officer shall cause to be recorded in the annual registers in the prescribed manner, all changes that may take place and any transaction that may affect any of the rights or interests recorded.

133. Report of succession and transfer of possession :-

(1) Every person obtaining possession by succession, transfer or otherwise of any property or other right or interest in any land or the profits thereof, which is required by this Act or any rules made thereunder to be recorded in the annual registers shall bring the fact to the notice of the village Patwari and report it to the Tehsildar of the Tehsil in which such land is situated either Director through the village Patwari or Land Records Inspector, within three months from the date on which he obtains such possession. (2) If such person is a minor or otherwise disqualified, the guardian or other person who has charge of such person's property shall make such report.

134. Fine for neglect to report :-

Any person neglecting to make the report required by Section 133 shall be liable to a fine not exceeding rupees ten.

135. Procedure on report :-

(1) The Tehsildar, on receiving such report or upon the fact coming otherwise to his knowledge, shall make such inquiry as appears necessary and in undisputed cases, if the succession or transfer or other acquisition appears to have taken place, shall record the same in the annual registers. (2) If the succession or transfer or other acquisition is disputed, the Tehsildar shall, if competent under this Act or any other law for the time being in force decide such dispute according to law if not so competent, refer the dispute to any other officer so competent for decision.

136. Correction of errors :-

1[The Land Records Officer may, at any time, correct or cause to be corrected in the prescribed manner any clerical errors and any errors which the parties interested admit to have been made In the record of rights or register, or which a Revenue Officer may notice during the course of his inspection in any Register: Provided that when any error is noticed by a Revenue Officer in any record of rights during the course of his inspection, no error shall be

corrected unless a notice to show cause has been given to the parties.) 1. Subs, for the following by Sec. 5 of the RLR (Second Amendment) Act, 1995 (Act No. 29 of 1995), Pub. In Raj.Gaz. E.-0 4(Ka) dated 22-11-95, Page 125. 136. Decision of disputes-All disputes respecting the class of tenure of any tenant or regarding the rent or rev. payable or rag. entries in annual registers shall be decided In accordance with provisions of Sec. 123 or 124 or 125, as the case may be.

137. Succession to estates :-

Notwithstanding anything contained in this Act succession to, and transfer of an estate shall be governed and regulated by and be determined in accordance with the law, usage or practice of the local area in which such estate lies, and such law, usage or practice shall notwithstanding the provisions of Section 263, continue in force for the purpose aforesaid.

138. Inspection of records :-

All maps, field books and registers prepared under this Act, shall be open to public inspection free of cost at such hours, at such place and on such conditions as the State Government may prescribe.

139. Copies of entries :-

The patwari shall, when so required, prepare and issue copies of entries from the registers and records maintained under this Chapter on payment of such copying fees as may from time to time be prescribed by the State Government and such copies shall be attested in the prescribed manner.

140. Presumption as to entries :-

All entries made in the record of rights shall be presumed to be true until the contrary is proved.

140A. Procedure in disputes relating to khudkasht entries :-

1[(1) Notwithstanding anything contained in Sections 125 and 136, where a dispute arises as to the correctness or otherwise of any entry in the record to rights relating to khudkasht in respect of any Bir or Jore which was used by a Jagirdar as a grass preserve and let cut for grassing either after the grass was cut or removed or before, with or without any grassing fee, the decision of such dispute shall be based on possession of the particular piece of land as khudkasht In accordance with the provisions of the law for the time being in force regulating and governing the allotment and demarcation of land as khudkasht: Provided that no such entry

shall be liable to be called in question if the total area of Khudkasht in the possession of the Jagirdar does not exceed twice the minimum area prescribed for the purpose of clause (a) of sub-section (1) of Section 180 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955). (2) An application or proceeding under sub-section (1) for the correction of an entry relating to Khudkasht made in the record of rights on or before the commencement of the Rajasthan Land Revenue (Amendment) Act, 1959, may be presented or started within five years from the date of such commencement and not later.] 1. Ins. by Sec. 18 of the Rajasthan Act No. 33 of 1959, Pub. In Raj. Gaz. Part IV, Ex. ord., dt. 30-6-1959.

141. Decisions to be binding on revenue courts :-

Subject to the provisions of sub-section (3) of section 125, all decisions under this Chapter in cases of dispute shall be binding on all revenue courts in respect of the subject -matter of the dispute unless such dispute be with regard to the rent or revenue payable by a tenant.

CHAPTER 7A

SURVEY OF ABADI AREAS

141A. Definitions :-

For the purpose of this Chapter, unless the subject or context otherwise requires - (a) "abadi area" has the meaning assigned to it by clause (b) of Section 103; (b) "land" has the meaning assigned to it by clause (a) of Section 103; (c) "owner" includes - (i) the person having permanent interest in any land or premises, or (ii) an agent of or a manager on behalf of, such person, or (iii) a trustee of such person, or (iv) a body corporate in which any land or premises is vested for the time being, or (v) the occupier for the time being of any land or premises; (d) "premises" means any land or building described as such in any record prepared under this chapter or in any other previously existing record; and (e) "survey" includes identification or boundaries and all other operation antecedent to, or connected with, survey.

141B. Power to order survey :-

(1) The State Government may whenever it thinks fit, order, by notification in the Official Gazette, that a survey shall be made of any abadi area within the State or any part of such abadi area and every such abadi area or part thereof shall thereupon be deemed to be under survey. (2) The State Government may, by the same or a

subsequent notification, direct that a local authority over such abadi are or part thereof shall be in charge of the survey so ordered. (3) A local authority in charge of such survey, shall, in relation thereto, exercise such powers and perform such duties under this Chapter or otherwise as may be specified in the notification referred to in sub-section (2). (4) Where no local authority is directed to be incharge of any survey ordered under sub-section (1), the Collector of the district shall be in charge of such survey. (5) A survey order under sub-section (1) shall be conducted in the prescribed manner by an officer not below the rank of an Additional Land Records Officer to be appointed by the State Government; and such is hereinafter referred to as the officer conducting the survey. (6) The State Government may appoint as many assistant Records Officers and other officers and servants as it may think necessary to assist the officers appointed under sub-section (5) to conduct the survey. (7) Every officer or servant appointed under sub-section (6) shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the officer conducting the survey.

141C. Entry upon land :-

The officer conducting the survey shall, for the purpose of this Chapter, have power, either by himself or by other officers or servants employed in the survey, to enter, between the hours of sunrise and sunset, upon any land or premises within the abadi area or part thereof under survey, without being liable to any legal proceedings what so ever on account of such entry or of anything done on such land or premises in pursuance of the provisions of this Chapter: Provided that no such entry shall be made upon any land or premises which may be occupied at the time, unless with the consent of the occupier thereof, or without previously giving the said occupier twenty- four hours notice of the intention to do so.

141D. Notice of survey may be given before hand :-

Before entering on any land or premises for purposes of survey, the officer conducting the survey may cause a notice in writing under his hand to be served on the owner of the land or premises about to be surveyed and on the owners of conterminous lands or premises, calling upon them to attend either personally or by agent on such land or premises before him or before such officer as may be authorised by him in that behalf within a specified time (which shall not be less than three days after the service of such notice) for the purposes of pointing out boundaries and of affording such

information as may be needed for the purposes of this Chapter, and every person on whom such notice may be served shall be legally bound to attend as required by the notice and to give any information which may be required so far he may be able to give it.

141E. Survey may be proceeded with after service of notice under Section 141-D :-

After due service of the notice issued under Section 141-D- (i) the officer conducting the survey or any other officer or servant authorised by him in this behalf may proceed with the survey whether the person upon whom such notice has been served are present or not, and (ii) every such person who fails to appear or is not so present shall be bound by the result of the survey in the same manner and to the same extent as if the survey were made in his presence.

141F. Survey map and register :-

(1) The officer conducting the survey shall prepare a map of the abadi area or part thereof under survey. (2) Lands and premises in such abadi area or part thereof shall be shown on the map separately in the prescribed manner. (3) To every piece of land to every premises shown separately on the map an indicative survey number shall be assigned. (4) The officer conducting the survey shall also prepare for the abadi area or part thereof under survey, a register of all lands and premises therein which have been surveyed. (5) The register prepared under sub-section(4) shall specify, in relation to each indicative survey number assigned under sub-section (3), the name of the person or persons appearing at the time of the survey to be the owner thereof and such other particulars as may be prescribed.

141G. Erection of boundary marks :-

The Officer conducting the survey may at any time cause to be erected, on any land which is to be or has been surveyed under this Chapter, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient for the purpose of the survey: Provided that no permanent boundary marks shall be erected when the boundary is defined by a permanent building, wall or fence.

141H. Maintenance of temporary boundary marks :-

(1) When any temporary boundary mark has been erected under Section 141-G, the officer conducting the survey may cause a notice in writing under his hand to be served on the owner of the

land or premises whereon, or adjoining which such boundary mark is situate, requiring him to maintain and keep in repair such boundary mark till the survey had been completed. (2) Should such owner nor comply with such notice, the officer conducting the survey may repair the boundary mark and the expenses incurred in doing so shall be recoverable from such owner as an arrear of land revenue.

141I. Disputes as to boundaries :-

(1) If the course of a survey this Chapter a dispute is found to exist as to the boundaries of any land or premises to be surveyed, an inquiry shall be held by an Assistant Records Officer authorised in this behalf for the purpose of determining such dispute. (2) Such Assistant Records Officer shall cause a notice in writing under his hand to be served on the parties concerned requiring them to appear before him, in person or by an authorised agent, on a specified day and to produce evidence of possession of the land or premises in dispute. (3) On the specified day or on such other day to which the gearing may be adjourned the Assistant Records Officer shall hear the parties, receive the evidence produced by them respectively, consider the effect of such evidence take such further evidence as he may think necessary, and without reference to the merits of the claim of any of such parties to a right to possess the land or premises in dispute, decide which of the parties is in possession of the said land or premises at the time of the survey. (4) For the purposes of the inquiry aforesaid the Assistant Records Officer shall have power to summon and enforce the attendance of witnesses and compel production of documents by the same means and in the same manner as is provided in the case of a court under the Code of Civil Procedure, 1908 (Central Act V of 1908). (5) After the inquiry has been completed, the Assistant Records Officer shall pass an order in writing defining clearly the subject to dispute & recording his decision thereon and the reasons for such decision.

141J. Appeal to the Collector :-

Appeal shall lie from an order passed by an Assistant Records Officer under Section 141 - I to the Collector and may be preferred within thirty days from the date of such order.

141K. Power to refer to arbitration :-

(1) In every cases of disputed boundaries the Assistant Records Officer authorised to hold the inquiry may, on the written

application of the parties, refer the dispute to one or more arbitrators nominated by the parties respectively, and shall fix such time, and allow such extension of time, as may seem reasonable for the delivery of award: Provided that it appears to the Assistant Records Officer that the State Government or local authority is interested in any such dispute, he shall refuse to make such reference. (2) To every reference made under sub-section (1) and to every arbitrator nominated thereunder, the provisions of the Arbitration Act, 1940 (Central Act 10 of 1940) shall, so far as may be, apply.

141L. Documents connected with survey to be sent to officer or authority in charge of survey :-

(1) After the survey of abadi land or part thereof under survey has been completed, the officer conducting the survey shall send all maps, registers, and other documents connected with such survey to the officer or authority in charge thereof. (2) The fact of receipt of such maps, registers and other document shall be notified by such officer or authority in the Official Gazette and any person interested in the survey may, at any time within two months from the date of such notification inspect such maps, registers and other documents free of charge. (3) If during such period any objection to the survey is lodged with the officer or authority in charge of survey, such objection shall be decided by such officer as the State Government or, where a local authority is in charge of the survey, such local authority with the approval of the State Government, may appoint in this behalf. (4) After all objections lodged under sub-section (3) been decided, the officer or authority in charge of the survey shall, if necessary, cause the maps, registers and other documents connected with the survey to be corrected in accordance with such decision and shall submit, with his or its recommendation, all papers to the Government for approval of the survey. (5) If the State Government approves the survey, such approval shall be notified in the Official Gazette.

141M. Maintenance of maps and registers :-

(1) All maps, registers and other documents connected with the survey approved by the State Government under sub-section (5) of Section 141 -L shall be deposited in the office of the officer or authority in charge of the survey. (2) All such maps, registers and other documents shall be maintained by such officer or authority in the prescribed manner. (3) Such officer or authority shall cause such maps to be revised, and the entries in such registers to be

corrected, in the prescribed manner and at prescribed intervals, by such officer as may be appointed in this behalf or with the approval of the State Government: Provided that no person shall be required for the purposes of such revision or correction to give notice to such officer or authority of his acquisition of any interest in any land or premises. (4) The officer appointed under sub-section (3) for the purpose of revising any map or correcting entries in any register shall exercise such power as may be prescribed.

141N. Survey fees :-

(1) The owner of any land or premises which has been surveyed under this Chapter shall be liable to pay to the officer or authority in charge of the survey, a survey fee at such rate, in such manner, within such time after the completion of the survey and to such extent as the State Government may prescribe & any survey fee not so paid shall be recoverable as an arrear of land revenue: Provided that - (a) the aggregate amount of the survey fees leviable from owners of lands and premises in the abadi or part thereof under survey shall not exceed one third of the total cost of the survey, and (b) no survey fee shall be payable- (i) by the State Government or by a local authority, or (ii) in respect of any land or premises in the abadi area or part thereof under survey exceeding in area or value such limits as may be prescribed, or (iii) in respect of lands or premises held exclusively for religious worship or charitable purposes. (2) Every owner of land or premises who has paid the survey fee under this section shall be entitled to receive free of charge, and every owner of land or premises who is not liable to pay survey fee shall be entitled to receive on payment of such charges as may be prescribed, certified extract from the map and a certified extract from the register prepared under this Chapter so far as they relate to such land or premises.

141O. Cost of survey :-

Subject to the provisions contained in Section 141-N, the cost of every survey made under this Chapter shall be met:- (i) in case a local authority is in charge of such survey, by such local authority, and (ii) in other cases, by the State Government: Provided that in the case covered by clause (i) the State Government may agree- (a) to pay a portion of such cost out of the Consolidated Fund of the State, or (b) to advance a loan to a local authority for meeting such cost upon such terms and conditions as to rate of interest, period of repayment, security and the like, as may be mutually agreed upon.

141P. Penalty for failure to comply with requisition in notice :-

Whoever fails to comply with a registration contained in any notice issued under this Chapter and duly served shall be liable to a fine not exceeding one hundred rupees.

141Q. Inspection of, and copies of extracts from maps, registers and other documents :-

(1) All maps, registers and other documents, referred to in subsection (1) of Section 141-M shall be open to public inspection in such manner, within such hours, at such places, subject to such conditions and on payment of such fees as the State Government may prescribe. (2) Certified copies of, or extracts from such maps, registers and documents shall be granted on payment of such copying fees and in such manner as the State, Government may prescribe.

141R. Rules :-

The State Government may, by notification in the Official Gazette, make rules not inconsistent with the provisions of this Chapter- (i) for the preparation of maps and registers, the form thereof, and the collection and record of information in respect of any land or premises within the abadi area under survey, (ii) for the regulation of all proceedings to be taken under this Chapter, (iii) for the manner of all inquiries to be made thereunder, (iv) for the regulation of all matters which are required to be, or may be prescribed under this Chapter, and (v) generally for the proper performance of all things to be done thereunder and the carrying out of the purposes and provisions thereof.

141S. Proceedings not to be affected by informality :-

No proceeding under this Chapter shall be effected by reason of any informality, provide the provisions thereof be in substance and effect complied with and no proceedings under this Chapter shall be affected by reason of the omission to serve and notice required by or under this Chapter to be issued and served.

141T. Presumption as to maps and entries in registers :-

All maps and all entries made in the registers, prepared under this Chapter, shall be presumed to be correct unless the contrary is proved: Provided that no such map or entry shall affect the right, title or interest of any person to or in any land or premises or shall preclude him from enforcing such right, title or interest in a competent court in accordance with law.]

142. Settlement or re-settlement :-

(1) The State Government may, by notification in 1[Official Gazette], order any district or other area to be brought under settlement or re-settlement, as the case may be. (2) Every such district or other local area shall be held to be under settlement operations from the date of the notification under sub-section (1) until the issue of another notification declaring such operations to be closed therein. 1. Substituted by Sec. 4 of Raj. Act No. 2 of 1958 Pub. on dt. 13-1-1958.

143. Probable results of resettlement :-

When the period for which the land revenue of a district or other local area has been settled is about to expire, the State Government may cause a forecast of the probable results of re-settlement to be prepared before issuing a notification under sub-section (1) of Section 142.

144. Consideration which shall determine whether re-settlement shall be made :-

In deciding whether a district or any other local area shall be brought under re-settlement, the State Government shall consider- (i) whether a reasonable increase or decrease of revenue is likely to result; (ii) whether, in case there is a prospect of such an increase there are satisfactory reasons for postponing re-settlement. (iii) whether the existing assessment has become uneven or is unduly severe or whether other sufficient reasons exist for entering without the prospect of a reasonable increase of revenue upon the work of re-settlement: Provided that an increase of revenue which will recoup the expenditure on resettlement in ten years shall ordinarily be deemed to be reasonable.

145. Settlement Officers :-

The State Government, upon the issue of a notification under sub-section (1) of Sec. 142,- (i) shall appoint a Settlement Officer to be incharge of the operations referred to in sub-section (2) of Section 142 unless a permanent settlement Officer shall have been appointed to the district or other local area under such operations, and (ii) may appoint as many Assistant Settlement Officers as it may deem necessary.

146. Transfer of duties of Land Records Officers to

Settlement Officer :-

When any district or other local area is under settlement operations, the duty of maintaining the maps and field books and preparing the annual registers may be transferred under the orders of the State Government from the Land Records Officer, to the Settlement Officer, who shall thereupon exercise all the powers conferred on the Land Records Officer by Chapter VI.

147. Rules :-

The State Government may, by notification in the 1[Official Gazette] make rules for the procedure of Settlement Officers in settlement operations. 1. Substituted by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV Ext.-ord. dt. 13-1-1958.

148. Economic survey :-

When any district or other local area has been brought under settlement operations, the Settlement Officer shall carry out an economic survey of the condition of the tenants in such district or area and in doing so shall have regard particularly to the following matters, namely - (a) extent to which the district or area is protected by irrigation and increase, if any irrigation facilities since the last settlement, if any; (b) standard of cultivation; and increase or decrease in cultivated area since the last settlement, if any; (c) expenses of cultivation and the cost to the cultivator of maintaining himself and his family; (d) existence of markets in, or in the vicinity of, the district or area under settlement; (e) means of communication and improvements, since the last settlement, if any; (f) size of the holding; (g) extent of indebtedness among tenants and credit facilities.

149. Formation of assessment circles or groups :-

(1) Simultaneously with, ' or soon after the completion of, the economic survey referred to in Section 148, the Settlement Officer shall form assessment circles or assessment groups in the district or area under settlement operations. (2) In forming assessment circles or assessment groups, the Settlement Officer shall have regard to homogeneity in respect of the matters specified in Section 148 and of the following further matters namely:- (a) physical configuration; (b) climate and rainfall; (c) population and availability of labour; (d) agricultural resources; (e) nature of the principal crops grown, alongwith the quantity of produce thereof as well as the prices thereof prevailing in the market; (f) the rates at which are being paid for holdings; and (g) the assessment circles or assessment

groups formed during the last settlement, if any.

150. Soil Classification :-

The Settlement Officer shall also divide villages in each assessment circle or assessment group formed under Section 149 into various soil classes in accordance with rules made in that behalf.

151. Evolution of rent-rates :-

The Settlement Officer shall then involve suitable rent-rates for each class of soil in each assessment circles or assessment group, as the case may be.

152. Basic of rent- rates :-

(1) With a view to arriving at fair and equitable rent-rates under Sec. 151, the Settlement Officer shall have regard to- (a) the collections from rent and cesses in the nature of rent during the twenty years preceding the settlement, excluding such years as the State Government may, by notification in the 1[Official Gazette] declare to be abnormal; (b) the average of the prices of agricultural produce prevailing during the twenty years preceding the settlement, excluding such years as the State Government may, by notification in the 1[Official Gazette], declare to be abnormal; (c) the nature of crops grown and the average quantity of the produce; (d) the value of such produce at the average price referred to in cl. (b); (e) the expenses of cultivation and the cost to the cultivator of maintaining himself and his family; (f) the area of land kept fallow each year out of each holding, rotation followed and periods of rest; (g) the frequency of remissions, suspensions and short collections; (h) the rent-rates of the settlement, if any; and the share of procedure and commutation prices at which such rates were evolved; and (i) the rent-rates, if any sanctioned for similar classes of soil in the adjoining areas. (2) The rent-rates to be evolved by the Settlement Officer shall represent such share not exceeding one-sixth of the value of produce referred to in clause d) of sub-section (1), as may be in vague in the areas to which such rent-rates shall relate. 1. Substituted by Sec. 4 of Raj. Act No. 2 of 1958 Pub. in Raj. Gaz. Part IV-A Ext.-ord., dt. 13-1-1958.

153. Modifications of rates :-

The Settlement Officer shall also record for each village whether the rent rates evolved by him therefore are applicable without modification or the extent to which they require modification either for the village as a whole or for a specified soil class therein.

154. Matters to be determined and recorded :-

The Settlement Officer shall, subject to any rules made in this behalf by the State Government under this Act, determine and record - (a) Whether rent shall be payable in one instalment or more. (b) in case rent is payable in more than one instalment:- (i) the number of such instalments, and (ii) the proportion thereof payable in each instalment,- (c) the date for payment of rent or each instalment of rent, as the case may be, and (d) any other matter which he may be directed by such rules to determine and record.

155. Publication and submission of proposals :-

(1) When rent-rates have been evolved in accordance with sec. 152 and 153, the Settlement Officer shall publish his proposals in respect thereof, alongwith the basis of the rent-rates evolved by him, in such manner as may be prescribed. (2) The Settlement Officer shall then give a public notice in the prescribed manner inviting objections to the proposals published under sub-section (1) within the time specified in such notice. (3) If within the time prescribed in sub-section (2), any objections are received, the Settlement Officer shall consider them and may amend his proposals in such manner as he thinks fit. (4) The Settlement Officer shall then submit the proposals alongwith the objections received and the orders passed by him thereon, to the Settlement Commissioner.

156. Sanction of proposals :-

(1) The Settlement Commissioner shall scrutinise the proposals received under Section 155 and make such inquiry into any of the matters contained therein as he may think necessary. (2) He shall then submit the proposals to the Board along with his remarks and recommendations in respect thereof. (3) On receipt of the proposals submitted under sub-section (3), has been made or held, the Board shall submit the proposals for the sanction of the State Government either without any modification or with such modifications in the proposed assessment circles or assessment groups, soil classes and rent-rates as it may, for reasons to be recorded in writing, think necessary. (4) The State Government may- (i) sanction the proposals as recommended by the Board, or (ii) direct such further enquiry to be made as it may deem necessary, or (iii) return the proposals for the reconsideration of the Board, or (iv) sanction the proposals with such modifications as it may deem fit; and the rent-rates so sanctioned shall be the sanctioned rent-rates.

157. Assessment of rents :-

On the basis of the sanctioned rent-rates, the Settlement Officer shall proceed to assess rent payable, whether by way of abatement, enhancement, communication or otherwise of the existing rent, for each holding in the district or area under settlement operations.

158. Land to be excluded from assessment :-

The Settlement Officer shall exclude from assessment all land of the following descriptions, namely- (i) land Occupied by the buildings with their appurtenances; (ii) permanent threshing floors; (iii) grave-yards, cremation grounds and play-grounds; (iv) permanent roads and pathways; and (v) unculturable land.

159. Allowance for improvements :-

Where an improvement has been lawfully made in relation to, a holding by or at the cost of a tenant, the Settlement Officer shall assess the rent therefore under Section 157 in a manner so as to ensure to such tenant the enjoyment of the full benefits arising from such improvement for the period of twenty years in the aggregate, commencing from the date on which the improvement was completed, and the tenant shall not be liable during such period to any enhancement of rent for increased produce or otherwise arising from such improvement.

160. Existing rent to be taken into consideration while assessing rents :-

In assessing the rent for the assessable area of a holding under Section 157, the Settlement Officer shall also have regard to the rent actually being paid and also to the difference between such existing rent and the valuation of the holding at the appropriate sanctioned rent-rates.

161. Limits of enhancement :-

Where the rent for a holding assessed under Section 157 existing rent thereof, such existing rent shall not be enhanced by more than one fourth thereof subject to the condition that the rent so assessed shall in no case be less than three quarters of the valuation of the holding at the appropriate sanctioned rent-rates.

162. Progressive enhancement :-

Where the rent for a holding assessed under section 157 read with Section 161 exceeds one fourth of its existing rent and three-quarters of its valuation at the appropriate sanctioned rent-rates such excess shall be ordered to take effect by annual increments

extending over a number of years not exceeding three, and the full rent so assessed shall become payable on the expiry of such number of years.

163. Additional provision for assessment of Chahi holdings

:-

(1) When assessing rent under Section 157 for the assessable area of a Chahi (well irrigated) holding in the manner specified in Sections 159 to 162, regard shall also be had to the areas thereof cultivated as Chahi, cultivated as dry and kept fallow each year and such rent shall be the aggregate of the rents calculated in respect of the average of the areas of the holding cultivated in respect of the average of the areas of the holding cultivated as Chahi, cultivated as dry and kept fallow during the last five years at the appropriate sanctioned rent-rates respectively for Chahi, dry and fallow lands. (2) Nothing in sub-section (1) shall apply to cases in which the area of any holding is found to have been intentionally kept fallow or cultivated as dry with a view to avoid the proper assessment thereof and such area shall for the purpose of assessment be deemed to have been cultivated as Chahi.

164. Preparation and distribution of parchas :-

(1) When rents have been assessed as hereinafter provided, the Settlement Officer shall cause assessment parchas to be prepared for all holdings in the district or other area under settlement operations. (2) An assessment parcha for a holding shall show separately- (a) the tenure of such holdings, (b) the khasra number of each field therein and its area, (c) the soil class of each field comprised in the holding, (d) the sanctioned rent-rate for each such soil class, (e) the rent assessed by the Settlement Officer under Section 157, in respect of each soil class in such holding, (f) the improvements, if any, for which allowance has been made under Section 159, and (g) the total amount of rent assessed shall be made over to the tenant concerned and a copy thereof shall be supplied to the land-holder concerned, if any in the prescribed manner. (3) Every parcha so prepared shall be made over to the tenant concerned and a copy thereof shall be supplied to the land-holder concerned, if any in the prescribed manner. (4) When all the assessment parchas have been distributed in the manner laid down in and under sub-section (3), the Settlement Officer shall issue a proclamation inviting objections thereto, if any.

165. Interim stoppage of recovery of kind rents :-

(1) If, at any time after the commencement of the agricultural year during which assessment Parchas are likely to be distributed under sub-section (3) of Section 164 in any district or local area, the Settlement Officer is satisfied that on account of strained relations between landholders and tenants in such district or area or for any other sufficient reason, it is expedient to stop the recovery of rents in kind therein, he may make a recommendation in that behalf to the State Government. (2) The Settlement Commissioner shall submit the recommendation of the Settlement Officer to the State Government with such remarks as he may deem fit. (3) The State Government may accept the recommendation or pass such order thereon as it may deem fit. (4) The order of the State Government under sub-section (3) stopping the recovery of rents in kind in any district or local area shall be published in the prescribed manner and shall direct- (a) that no land holder in such district or area shall recover rent in kind for the commencement of the agricultural year during which the order is made, and (b) that, pending the determination of cash rents under Section 166, a land holder in such district or local area may, in lieu of the rents in kind recover such cash rent for each holding as may be stated in the assessment parcha to be the total amount of rent assessed therefor: Provided that the Cash rent so recovered shall be liable to adjustment in accordance with the rent finally determined under Section 166. (5) An order stopping the recovery of rents in kind under this section shall be passed only if such rents for the Kharif harvest of the year in which it is passed have not been realised.

166. Hearing of objections and determination of rent :-

If the tenant or the land-holder presents an objection within thirty days of the issue of proclamation under sub-section (4) of Section 164, the Settlement Officer shall hear it, dispose of it in accordance with law, and, after recording his order, determine the rent of the holding.

167. Rent from what date payable :-

Subject to the provisions of Section 165, the rent determined by order of the Settlement Officer under Section 166 shall be payable from the date of commencement of the term of the settlement unless the Settlement Officer thinks fit, for any reasons, to direct that the rent shall be payable from some earlier date.

168. Option to tenant to refuse rent determined :-

Any tenant for whose holding rent has been determined by order of the Settlement Officer under Section 167 may, within thirty days

from the date of such order, refuse in writing to accept the rent determined.

169. Effect of refusal :-

(1) Upon such refusal the tenant shall forthwith vacate the holding.
(2) If he does not so vacate the holding, he shall be deemed to be a trespasser and shall be liable to ejectment therefrom in accordance with the provisions of Section 183 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

170. Offer of holding to other persons :-

Upon the vacation of or ejectment from a holding under Section 169; the same shall be available for and may be offered to another person for being admitted as the tenant thereof in accordance with law.

171. Procedure upon non-refusal :-

If the tenant does not refuse to accept the rent in accordance with the provisions of Section 168, he shall be deemed to have accepted the rent determined under Section 166 and shall be liable to pay the same in accordance with Section 167.

172. Rent not liable to variation during currency of settlement :-

The rent of a holding fixed by order of the Settlement Officer under Section 166 shall not be liable to variation during the term of the settlement laid down in or fixed under Section 175, otherwise than in accordance with the provisions of this Act or of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

173. Preparation of Dastoor Ganwai :-

(1) The Settlement Officer shall prepare a Wajib-ul-arz or Dastoor Ganwai for each village in the district or other local area under settlement operations. (2) The Settlement Officer shall, subject to rules made under this Act, ascertain and record in each such Wajib-ul-arz or Dastoor Ganwai- (a) all cesses which are still payable by tenants of the village concerned on account of the occupation of land in addition to rent under the appellations by which they are known; (b) the customs in the village concerned in regard to- (i) rights of persons resident therein or holding lands comprised therein in the common land thereof and its produce and in the village site, and (ii) rights to irrigation, rights of way and other easement, (c) any rights, customs or other matters concerned with the administration of the village which may be required by rules

made under the this Act or otherwise by the State Government to be ascertained and recorded in the Wajib-ul-arz or Dastoor Ganwai. (3) When the Wajib-ul-arz or Dastoor Ganwai is ready, the Settlement Officer shall fix a date and time for reading it out to the inhabitants of the village concerned and shall notify such date and time at least seven days before the date so fixed in the prescribed manner. (4) On the date and at the time fixed under sub-section (3), the Settlement Officer shall read out or cause to be read out to the village assembled for the purpose the Wajib-ul-arz or Dastoor Ganwai prepared under sub-section (1). (5) If any person raises an objection to anything contained in the Wajib-ul-arz or Dastoor Ganwai while it is being read out under sub-section (4), the Settlement Officer shall record and decide such objection and his decision shall be final.

174. Presumption of settlement entries :-

All entries in the Wajib-ul-arz or Dastoor Ganwai prepared under Section 173 shall be presumed to be true until the contrary is proved.

175. Term of Settlement :-

The term of every settlement made under this Act shall be twenty years: Provided that the State Government may extend the term beyond twenty years, having regard to the pressure of the population on the land, the extent to which culturable area is cultivated and the fullness of the rentals: Provided also that for special reasons to be recorded, such as a serious deterioration, considerable concealment of assets or the deliberate and extensive throwing of land out of cultivation, or for any other sufficient reasons the State Government may sanction shorter term of settlement for any local area: Provided further that in the case of a first settlement as well as settlement for precarious tracts and alluvial areas the State Government may sanction shorter terms and make rules for immediate revision of settlement.

175A. Commencement of term of settlement :-

1[The term of every settlement made under this Act shall commence from such date as the State Government may by notification in the Official Gazette, direct.] 1. Inserted by Part B of the First Schedule of Rajasthan Act No. 2 of 1958, Published in Raj. Gaz. Part IV-A, Ex-ord., dated 13-1-1958.

176. Earlier termination of settlement :-

(1) Notwithstanding anything contained in Section 175 when the

State Government is satisfied that it is necessary to terminate before its expiry term of any settlement laid down in or fixed under that section on account of a considerable and material fall in prices or on account of a considerable and material difference between the sanctioned rent-rates of any area & of its neighbouring areas or where the sanctioned rent-rates of any area and of its neighbouring areas or where the sanctioned rent-rates are found on further examination to be inequitably high, or for any other sufficient reason, the State Government may, by notification in 1[Official Gazette] declare its intention of terminating the term of such settlement forthwith and bringing the area concerned under re-settlement. (2) Simultaneously with or soon after such declaration, the State Government shall by a like notification, declare such term to be terminated and order the district or area concerned to be brought under resettlement; and thereupon the provisions of this Chapter shall apply as if such district or area were under settlement operations. 2[(3) & (4) XXX] 1. Substituted by Section 4 of the Raj. Act No. 2 of 1958, Published in Raj. Gaz. Part IV-A, Ex.-ord., dated 13-1-1958. 2. Omitted by Section 2 of Rajasthan Act No.44 of 1956, Published in Raj. Gaz. Part IV, Extra-ord., dated 31-12-1956.

176A. Interim relief during settlement operations :-

1[(1) When any district or other local area is ordered to be brought under resettlement under sub-section (1) of Section 142 or under sub-section (2) of Section 176, the State Government may order interim relief to be given to the tenants thereof on such conditions as it may deem fit. (2) When any district or other local area is ordered to be brought under resettlement under sub-section (2) of Section 176, the State Government may, in its discretion, also order that it shall not be necessary for the Settlement Officer to carry out the economic survey required by Section 148.] 1. Ins. by Sec. 3-Ibid.

177. Tenure of land under expired settlement until new settlement :-

All persons continuing to hold land after the expiry or termination of the term of a settlement shall 1[subject to the provisions of sub-section (1) of Section 176-A] hold the same upon the conditions of such settlement until a new settlement is made. 1. Ins. by Sec. 4-Ibid.

177A. Increase in assessment of irrigated land assessed at un-irrigated rates :-

1[(1) if any land held by a tenant is irrigated by canal constructed at the expense of State Government and if such land is assessed at unirrigated rates, the tenant shall, as from the date of commencement of the Rajasthan Finance Act, 1979 or from the date from which the land first gets irrigated from the canal, whichever is later, be liable to pay rent enhanced Rs. 1.50 per bigha, until a new settlement takes place: Provided that if such irrigated land falls in the command of an irrigation project and nehri rates have been sanctioned for other lands in the command of that project, the lowest of the nehri rates applicable in the command of that project shall be charged instead of the unirrigated rate enhanced by Rs. 1.50 per bigha as aforesaid. Explanation- For purposes of this sub-section 'bigha' shall mean an area equivalent to 5/8th of an acre. (2) The tenant liable to pay enhanced rent under sub-section (1) may, within 30 days from the date from which he becomes liable to pay enhanced rent, refuse in writing to accept the rent enhanced by this section and, upon such refusal, the provisions of Section 169 shall apply as if the rent so enhanced were the rent determined by an order of the Settlement Officer under Section 167. (3) The provisions of this section shall be notwithstanding anything in Section 167 or 172 or any order of the Settlement Officer under Section 166 or anything in any assessment parcha or any law, rule, custom, usage or practice to the contrary. 1. Inserted vide S. 15 of the Rajasthan Finance Act, 1979 (5 of 1979), Part VI, Pub. in Raj. Gaz. E.O., Part 4(Ka), dt. 7-4-1979 on Page 3 to 24.

179. Settlement of land added by alluvion and revision of assessment when culturable area reduced by fluvial action

:-

(1) Land added by alluvion to a holding may be assessed to rent by the Collector or by a permanent Settlement Officer in accordance with rules made under this Act. (2) When the culturable area of any holding has been diminished by fluvial action or otherwise, the Collector or a permanent Settlement Officer may revise the assessment. (3) If in the opinion of the Collector or the permanent Settlement Officer, as the case may be, the value of any land in any holding is altered in consequence of its diversion from an agricultural purpose to a non-agricultural purpose or from non-agricultural purpose to an agricultural purpose since it was last assessed the assessment shall be liable to be revised and the rent thereof shall be liable to be fixed by the Collector or the Permanent

Settlement Officer with reference to the altered value of such land in accordance with rules made under this Act. (4) No revision of assessment made under the foregoing sub-sections shall be final until it has been sanctioned by the Settlement Commissioner.

180. Power of Government to levy additional urban rates :-

Notwithstanding anything contained in this Act, the State Government may at any time by the notification in the 1[Official Gazette], direct that any urban area that may have developed in any part of the State shall be subject to the levy, in accordance with rules made under this Act, of a special urban rate in addition to rent. 1. Substituted by Sec. 4 of Raj. Act No. 2 of 1958 Pub. in Raj. Gaz. Part IV-A Ext.-ord., dt. 13-1-1958.

181. Applications and proceedings pending before Settlement Officer when operations are closed :-

When the settlement operations in any area are closed by notification under Sec. 142, all applications and proceedings then pending before the Settlement Officer shall, unless a permanent Settlement Officer shall have been appointed to such area, be transferred to the Collector who shall have the Powers of a Settlement Officer for the disposal thereof.

182. Corrections of errors and omissions :-

The Settlement Officer may of his own motion or otherwise correct any error or omission that may be discovered- (a) in the formation of assessment circles or assessment groups, classification of soils and evolution of rent-rates at any stage before his proposals in respect thereof are sanctioned under sub-section (5) of Section 156, and (b) in the assessment of rents of holdings at any stage before such rents and determined under Section 166.

183. Review of sanctioned rent-rates :-

(1) Notwithstanding anything contained in the foregoing provisions of Chapter or in any enactment, rule, order or instrument for the time being in force and notwithstanding any custom, usage or practice to the contrary, the State Government may, if satisfied before the closing of settlement operations by a notification under sub-section (2) of section 142 that the rent rates sanctioned under sub-section (5) of Section 156 by the State Government need modification of account of the discovery of any error or omission:- (a) in the formation of assessment circles or assessment groups, or (b) In the classification of soil, or (c) in the evolution of rent-rates for any class of soil order that such sanctioned rent-rates reviewed

by the Settlement Officer. (2) The Settlement Officer shall thereupon proceed to frame his modified proposals in the prescribed manner and the provisions of Sees. 155 and 156 shall apply thereto.

CHAPTER 9

PARTITION OF ESTATES

184. Partition :-

'Partition' means the division of a partible estate in to two or more portions, each consisting of one or more shares.

185. Partible estates :-

All estates shall be presumed to be impartible unless proved by custom or otherwise to be partible.

186. Persons entitled to claim partition :-

(1) Every co-sharer of a partible estate may claim partition of his share in such estate. (2) Any number of co-shares may join in such claim.

187. Application for partition :-

An application for partition shall contain the prescribed particulars and shall be accompanied by a certified copy of the annual register of estate holders and by any other documents on which the claim for partition is based and may be presented by one or jointly by two or more of the recorded co-shares of an estate: Provided that, when any share is in possession of a mortgage no application of partition by either Mortgagor or mortgagee shall be entertained unless both have joined in such application or unless either of them has been made the opposite party thereto.

188. To whom application lies :-

Subject to the provisions of Section 189, an application for partition shall lie and be presented to the Collector of the district in which the estate sought to be partitioned is situated: Provided that the Collector may make over any such application for hearing and disposal to a Sub-Divisional-Officer or an Assistant Collector subordinate to him, who is for the time being empowered to hear and dispose of such applications.

189. Partition of an estate falling under several districts :-

When an estate is situated in two or more districts, the partition shall be made 1[if such districts are in the same division as the Commissioner may direct, or, if such districts are in different

divisions as the Board may direct.] 1. Substituted by Act No. 10 of 1987, Pub. in Raj. Gaz. Ex-ord. Part 4(A), dt. 9-4-1987 w.e.f. 31-1-1987.

190. Consolidation of claims :-

Where several claimants have brought separate claims for partition of the same estate, all such claims shall be consolidated for purpose of being tried together as a single claim and shall be disposed of by one judgment.

191. Power to stay partition of an estate :-

(1) If on receipt of the application or any other state of partition, there appears to be any sufficient reason, for staying or refusing the partition of an estate, the Collector, Sub-Divisional-Officer or Assistant Collector to whom the application is presented or before whom the application is pending, may stay the partition and order the proceedings, to be quashed. (2) No estate shall be so partitioned as to result in one or more estates of less than such area, as may be prescribed.

192. Proclamation of application for partition :-

The Collector on receiving an application for partition shall, if it is in order & not open to objection on the face of it, or is not refused or disallowed under Section 191, issue a proclamation calling upon such of the recorded co-sharers in the estate sought to be partitioned as have not joined in the application to appear before him in person or by a duly authorised agent on a day, not less than thirty or more than sixty days from the date of issue thereof, and to state their objections, if any, to the partition. A copy of the proclamation shall be served on each co-sharer.

193. Objection raising question of title :-

(1) If, on or before the day so fixed, any objection is made by a recorded co-share, involving a question of proprietary title, which has not been already determined by a court of competent jurisdiction, the Collector may either - (a) Decline to grant the application the question in dispute has been determined by a competent court, or (b) require any party to the case to institute within three months a suit in the civil court for the determination of such question, or (c) proceed to enquire summarily into the merits of such question. (2) When proceedings have been postponed under sub-clause (b) of sub-section (1), if such party fails to comply with the requisition, the Collector shall decide the question against him. If the institutes the suit, the Collector shall deal with

the case in accordance with the decision of the civil court. (3) If the Collector decides to inquire into the merits of the objection, he shall follow the procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908) for the trial of original suits. (4) All decrees passed under sub-section (3) shall be held to the decrees of a civil court and shall be open to appeal to the district judge or the High Court, as the case may be, under the rules applicable to appeals to those courts.

194. Stay of partition pending decision of appeal :-

The appellate court may issue a precept to the Collector, acting him to stay the partition pending the decision of the appeal, whether the appeal is pending from a civil court under Section 193(1)(b) or from the court of the Collector under Section 193(3).

195. Attachment of estate pending completion of partition :-

(1) At any stage of the application, the Collector may, with the sanction of the Board, attach the entire estate and hold it under direct management pending the completion of the partition. (2) The collections from the estate, while under such attachment, shall be applied first to the payment of the revenue and to the expenses of management and collection at the rate of ten percent of the amount collected and then to the satisfaction of other charges with which the estate or any part thereof shall have been encumbered for the time being and the surplus, if any, will be divided amongst the co-shares in proportion to the respective shares at such times as the profits are ordinarily divisible.

196. Method of trial :-

(1) The Collector shall direct the Patwari- (a) to mark on the map of the estate in some distinctive colour the actual area sought to be partitioned, (b) to show thereon the actual soil-classification, (c) to prepare necessary abstracts from his khasra (field-book) and Khatauni (record of cultivators) and other statements required for completing the partition, (d) to prepare a list of plots, if any, held as khudkasht, (e) to prepare a list of sub-holders, if any, (f) to suggest a method of valuation of the plots of land sought to be partitioned, (g) to prepare a list of trees, showing complete details as to ownership and value, (h) to give full details of income from jungle land and other sources of income, and (i) to prepare a list of pucca wells, showing where they are situated, whose fields they irrigate, and at whose expense they were constructed. (2) If the

Collector thinks it desirable, he may appoint a temporary assistant to the patwari to enable the latter to complete the work expeditiously. The cost of the temporary assistant will be paid by the plaintiff in the first instance and will be included in the costs of the suit.

197. Determination of principles and conditions of valuations :-

(1) The Collector shall then proceed to determine, in accordance with rules made by the State Government in that behalf, the general principles and conditions of valuation of all classes of lands comprising the estate sought to be partitioned, with a view to making a just estimate to the value of the various plots therein, relatively to one another. Such value may vary not only with the area of each plot but also with the class of its soil, the facilities for irrigation, the nature of its tenure, the personal qualities of its tenants and other matters affecting the value. (2) The general principles and conditions of valuation having been settled, the patwari shall work out the value each plot accordingly.

198. Preliminary decree for partition :-

(1) Upon completion of the inquiry prescribed by Section 196 the Collector shall, if he does not dismiss application at this or any earlier stage, make a preliminary order in the prescribed form, declaring the nature and extent of the share of each claimant for partition, specifying the number of portions into which the estate shall be divided and the extent of each portion, deciding all disputed questions that may have arisen in connection with such division and detailing the mode in which the partition is to be made. (2) In any such order the Collector may direct the shares of any two or more claimants may, if they agree thereto, be combined for the purposes of partition and a portion proportionate in value to the extent of their joint shares may be separated from the entire estate, in which case the respective rights of each of such co-sharers in the newly formed estate shall also be declared at the same time.

199. Partition by whom to be made :-

When the preliminary order for partition has been made the Collector shall allow the parties to make the partition themselves or appoint arbitrators for the purpose.

200. Partition by agreement :-

If the parties agree to make the partition themselves, then- (a) a

date shall be fixed to which the partition is to be completed, (b) such copies of the relevant records as they require shall be given to them free of charge, (c) the patwari shall be directed to give them all necessary assistance in carrying out the partition in accordance with the terms of the preliminary order and preparing records of lots of production before the Collector, (d) they shall appear on the date fixed and produce the records of lots prepared as aforesaid, together with a map of the estate showing in different colours the various lots agreed to by them for allotment of each of the portions into which the estate is divided, (e) the Collector shall get the lots signed in his presence by all the parties or their recognised agents duly authorised in that behalf, and (f) when action has been taken under clause (e), the lots shall be accepted if they comply with the terms of the preliminary order and the provisions of law.

201. Partition by arbitration :-

(1) If the parties agree to appoint and do appoint arbitrators for the purpose of making the partition, the Collector shall refer the partition to their arbitration. (2) The provision of the Arbitration Act, 1940 (Central Act X of 1940), shall apply mutatis mutandis to such agreement and reference to such arbitrators and their appointment and proceedings and to the award made by them. (3) The provisions of Sec. 201 shall be applicable as if for the word 'parties', the word 'arbitrators' were substituted. (4) If shall not be necessary for the arbitrators to appear and produce personally before the Collector their award or to sign it or the lots in the presence of the Collector, but they shall sign the award and the lots personally and not by any recognized agent before the same produced before the Collector.

202. Court when to make partition itself :-

In case of disagreement among the parties to make the partition themselves or to appoint arbitrators for the purpose or when arbitration has been superseded or the award has been set aside, the Collector shall decide to make the partition himself.

203. Estimate and levy of partition costs :-

(1) When the Collector has decided under Section 202 to make the partition himself, he shall immediately cause the cost thereof to be estimated and shall direct that such cost be levied in the first instance from the applicant for partition or all co-shares in such instalments and at such time during the progress of the partition as may be prescribed by the State Government. (2) If the amount

first estimated is found insufficient supplementary estimates may be made from time to time and additional amount may be levied as above provided. (3) The State Government shall make rules specifying the items which shall be included in and for determining, the costs of such partitions and the Board shall make rules for determining the mode in which such costs are to be apportioned.

204. Appointment of amins etc. and issue of warrant :-

When the estimates costs of partition are paid an amin or other suitable person shall be appointed to carry out the partition and the Collector shall issue a warrant of commission in his name for the purpose and supply him with all the necessary papers and information.

205. Manner of executing warrant :-

(1) The amin or other person appointed as aforesaid to make the partition shall, upon the receipt of the warrant of commission- (i) open and maintain a diary in which shall be recorded the date of the receipt of the warrant, the day-to-day proceedings taken by him in the execution thereof the places inspected by him for the purpose, the gist of the claims and objections made before him, the person making the same and the manner of, and reasons for, his decision thereon. (ii) prepare a programme for personal inspection and give fortnight's notice thereof to the parties. (iii) prepare and place on record a tentative list, in accordance with the terms of the preliminary order of the lots for each of the portions into which the estate is to be divided, and (iv) proceed to the spot in accordance with the aforesaid programme, inspect the lands, near the parties if present and meet their objections, assemble all persons interested therein with a view to giving them an opportunity to make orally or in writing any claim or objection which they may have to any of such lands being included in the portion sought to be separated, and dispose of all such claims and objections on the spot in the presence of lambardars. (2) Such amin or person shall then return the warrant along with his report stating the manner in which he has executed it, recording the lost proposed by him and specifying the person or persons holding the same together with the nature of the tenure, engagement, lease or licence under which they are so held. Along with the respect shall be submitted - (a) the original diary maintained under clause (i) of sub-section (1), (b) a coloured map such as is referred to in clause (d) of Section 200, and (c) such other statements and returns containing such particulars as may be prescribed by the Board.

206. Issue of proclamation :-

On receiving such report the Collector shall issue a proclamation calling upon all papers concerned to appear on a date to be fixed therein and state their claims or objections, if any, against the proposals made under sub-section (2) of Section 205 and cause a copy of such proclamation to be served on the parties requiring them to file their objections, if any, within fifteen days from the service thereof.

207. Consideration of proposals and determination of claims and objections :-

On the date fixed, the Collector shall - (a) hear and dispose of, one by one- (i) the objections made by the parties, and (ii) the claims and objections lodged by other persons, and (b) then examine the proposals to see if they are in accordance with the terms of the preliminary order and comply with the provisions of law.

208. Division of tenant's holding :-

In making partition the division of tenant's holdings shall, as far as possible, be avoided and where such division is unavoidable, the rent of each holding shall be distributed over the parts divided off.

209. Division of Khudkasht :-

Lands in which khudkasht rights have accrued and subsist for the time being shall be separately divided so that each portion made is allotted such part thereof as is proportionate in value to the extent of the share or shares constituting such portion.

210. Allotment of lands held in common :-

(1) Lands held in common other than lands referred to in Sec. 209, shall be allotted in a manner so as to ensure that each portion gets such part thereof as is proportionate in value to the share or shares constituting it. (2) Lands held severally, other than lands referred to in Section 209 shall as far as possible, be allotted to the portion of the co-sharer or co-sharers holding them.

211. Buildings, gardens etc. of one co-sharer on land allotted to another :-

If in making a partition it is necessary to include in the portion allotted to a co-sharer the lands occupied by a dwelling house or other building or by gardens or orchards in the possession of any other co-sharer or which are of special value such other co-sharer in consequence of improvements made by him thereon at his own expense, the latter shall be allowed to retain such lands with the

buildings, orchards and improvements thereon, on condition of his paying therefore a reasonable ground-rent. The limits of such lands and the rent therefore shall be fixed by the Collector in all such cases, a defined pathway shall, as far as possible, be secured to the owner of the houses, gardens, orchards or improvements as the case may be leading therefrom to some public highway or some portion of the separate estate allotted to him.

212. Tanks, wells, water courses and embankments :-

(1) Tanks, wells, watercourses and embankments shall be considered as attached to the land for the benefit of which they were originally made. (2) When, from the extent, situation or construction of such works, it is necessary that they should continue the joint property of the proprietors of two or more of the portions into which the estate may be divided, the Collector shall determine the extent to which the proprietor of each portion may use the said works and the proportion in which the charge for repairs thereof shall be borne by such proprietor and the manner in which the profits (if any), derived therefrom shall be divided.

213. Places of worship and cremation or burial grounds :-

Places of worship and cremation or burial grounds held in common before the partition shall continue to be so held, unless the persons holding them otherwise decide by an agreement, which shall be filed with the record.

214. Incompactness a reason for disallowing partition :-

In making a partition the several portions into which the estate is divided shall be made as compact as possible, provided that, except with the sanction of the Board, no partition shall be disallowed solely on the ground of incompactness.

215. Distribution of revenue on partition :-

In all cases, whether partition has been made by agreement or by arbitration or by Collector, the Collector shall immediately after accepting the lots under section 200 or accepting the award under Section 201, or disposing of the claims and objections and examining, under Section 207, the proposals made by the amin or other person entrusted with the execution of the warrant issued under Sec. 204, distribute the revenue of the estate over the several portions into which the estate is divided and where any such portion consist of more than one share, the extent of the liability of each holder of such share therein shall also be determined.

216. Final order for partition :-

(1) When the revenue has been distributed as aforesaid, the Collector shall draw up a final order specifying the following particulars, namely:- (a) the lands of various classes allotted to each portion; (b) the revenue assessed on distribution under Section 215 as payable therefore; (c) where any portion represents the shares of more than one co-sharer, the particular of such co-sharers together with the nature and extent of the share of each therein; and (d) the rights and obligations of each co-sharer or of the several co-sharers, as the case may be, to get separate possession over the portion marked-out as aforesaid for him or for them jointly. (2) When the final order has been drawn up by a subordinate officer to whom the case was made over under the proviso to Section 188 such order shall be submitted to the Collector who may confirm, vary or set aside the order or direct further inquiry to be made or additional evidence to be taken in the case or may himself make such inquiry or take such evidence or may frame fresh issues and refer them for trial: Provided that no order of confirmation shall be made until the period allowed for preferring an appeal has expired or, if an appeal is presented within such period, until it has been disposed of: Provided further that no order varying or setting aside the order shall be passed nor shall any further inquiry be made or additional evidence taken, unless the parties have had an opportunity of being heard in support of such order or of being represented while such inquiry is made or evidence taken.

217. Instrument of partition :-

(1) The Collector shall cause in respect of each portion divided off from the estate an instrument of partition to be prepared in accordance with the terms of the final order in favour of the applicant or the applicants as the case may be, whose share or shares each such portion represents and the date on which the partition is to take effect, shall be recorded therein and each such instrument shall bear stamp duty in accordance with the Indian Stamp Act, 1899 (Act 2 of 1899) of the Central Legislature as adopted to 1[the State]. (2) Such date shall, unless otherwise directed, be the first day of July next following the date of confirmation of the final order, or from the date of confirmation thereof, by the Collector. (3) From the date on which the partition takes effect, each portion so divided off shall be deemed and treated for all purposes to be a separate estate as if it had been

originally made or created in favour of the person or persons whose share or shares it represents. (4) When the instrument of partition has been prepared, the Collector shall get the annual registers corrected accordingly and move the Board to get the necessary entries made in the land records. 1. Subs, by Sec. 4 of Raj. Act No. 2 of 1958, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dl. 13-1-1958.

218. Delivery of possession of property allotted on partition :-

Any person or persons to whom any land is allotted in the instrument of partition shall be entitled separate possession thereof as against the other parties to the partition and their legal representative, and the Collector shall, on application made to him for the purpose by such person or persons at any time within three years from the date recorded in the instrument of partition under sub-section (1) of Section 217, give effect to that instrument as if it were a decree passed by a civil court for recovery of possession over immovable property.

219. Division of complex estates :-

When an estate consists of two or more village or portions of villages, the State Government may direct its division into as many estates as may be necessary for administrative convenience. On receipt of such direction the Collector shall after considering any representations made by the estate-holders concerned, distribute the revenue of the whole estate over the several estates into which it is divided, in accordance with rules made under this Act, and shall correct the annual registers accordingly. The estates so formed shall be severally responsible for the revenue distributed thereon.

220. Fraudulent or erroneous distribution of revenue :-

When in making a partition under this Chapter, the revenue has owing to fraud or error been wrongly distributed, the Board may, at the time order such a distribution of the revenue of the original estate over the several estates into which it is divided as, but for the error or fraud, would have been made at the time of partition.

221. Under-assessed estates to refund to over-assessed estates :-

(1) The Board may in any case under Section 220 direct that any proprietor whose estate has been found to have been under-assessed shall for each year, not exceeding three years in all, in which he has held possession, of his separate estate, be required to

pay to the recorded proprietor of any estate which has been over-assessed a sum equal to the annual amount by which the first mentioned estate shall be found to have been under-assessed, and in default of payment the amount shall be recovered as an arrear of revenue and paid to the proprietor to whom it is due. (2) No order passed under this section shall be questioned in any civil or revenue court.

222. Consolidation of estates forming part of the same village :-

If two or more revenue paying estates from portions of the same village, the estate holders may apply to the Collector for the consolidation of the same into a single estate, and the Collector may, at his discretion, grant such application, and in such case shall correct the annual registers accordingly.

223. Chapter not to apply to division between Government and estate holder :-

(1) The provisions of this Chapter shall not apply to the division of an estate between its holder and the State Government and whenever such division becomes necessary it shall be made by the Collector. Provided that the Collector's proposals shall be submitted to the State Government through the Board for approval. (2) Every such division shall be made in accordance with rules made by the State Government in that behalf.

CHAPTER 10

COLLECTION OF REVENUE

224. Revenue, a first charge on land and its produce :-

(1) The revenue or rent assessed on every estate or holding shall be first charge thereon and on the rents, profits or produce thereof. (2) The rent profits and produce of such estate or holding shall not be applied in satisfaction of a decree or order of any civil or revenue court, until all arrears of the revenue or rent due in respect thereof have been paid.

225. Responsibility for revenue :-

(1) All the holders and co-sharers of an estate are jointly and severally responsible to the State Government for the rent for the time being payable therefor. (2) All tenants and co-tenants of a holding situated beyond an estate are jointly and severally responsible to the State Government for the rent for the time being payable therefor. (3) All persons coming into possession of an estate or a holding, shall be responsible for the arrears of revenue

or rent due at the time of their coming into possession. (4) The expression "holder" in this Chapter means a person in possession for his own benefit and includes a mortgagee and a lessee of the holder's rights.

226. Rules as to payment of arrears and defaulters :-

The revenue or rent shall be paid in such instalments, to such persons and such times and places and in such manner, as may be prescribed, and any sum not so paid becomes an arrear of revenue or rent, and the persons, responsible for its become defaulters: 1[Provided that until the State Government directs otherwise, the revenue or rent for the time being payable to the State Government shall be paid through the Patwari of the Circle.] 1. ins.vide sec. 32(b) of Rajasthan Act No. 11 of 1964, pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 13.4.1964.

227. Certified account to be evidence as to arrears :-

A statement of account, certified by the Tehsildar Shall for the purpose of the Chapter, be conclusive evidence of the existence of the arrear, of its amount and of person who is the defaulter: Provided that nothing in this section shall prejudice the right of such person to make payment under protest and to question the correctness of the account in separate independent proceeding before the Collector.

228. Processes for recovery of arrears :-

An arrear of revenue or rent may be recovered by one or more of the following processes:- (a) By serving a writ of demand or a citation to appear On any of the defaulters. (b) By attachment and sale of his movable property; (c) By attachment of the specific area, share, patti or estate, in respect of which the arrears is due; (d) By transfer of such share or patti to a solvent co-sharer; (e) By sale of other immovable property of the defaulter: Provided that the provisions of clause (e) shall not be applicable to Jagir land 1[or the estate of a landowner]. 1. Ins. vide Sec. 11 of Raj. Act No. 18 of 1963 Pub. in Raj. Gaz. Part IV-A, Ex-ord,, dt. 13.10.1963.

229. Writ of demand and citation to appear :-

When an arrear of revenue or rent becomes due, a writ of demand calling on the defaulter to pay the amount within a time therein stated or a citation to appear on a date therein mentioned may issue.

229A. Power to grant Instalments :-

1[(1) The Collector may, in cases of genuine hardship, order that the payment of arrear of revenue or rent chargeable under this Act or under the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) for which a writ of demand or a citation has been issued under Section 229, shall be paid in such number of instalments not extending beyond a period of three years and on such terms as to payment of interest as may be prescribed subject, however, to the condition that if default is made in the payment of any instalment, the entire amount of arrear and interest due thereon shall be payable in lump sum. (2) When any immovable property has been attached by Collector under this Chapter for the recovery of such arrear, the attachment shall, notwithstanding any order fixing instalments made under sub-section (1), continue until the full amount of the arrear, interest due, if any, and the cost of attachment are paid by the defaulter.] 1. Ins. by S. 2 of Raj. Act No. 5 of 1981, Pub. in Raj. Gaz., E.O. Part 4(ka), dt. 2.4.1981 on Page 182.

230. Attachment and sale of movable property :-

The Collector may attach and sell the movable property of the defaulter. Every attachment and sale ordered under this section shall be made according to the law in force for the time being for the attachment and sale of movable property under the decree of Civil Court in addition to the particulars mentioned in the proviso to Section 60 of the Code of Civil Procedure, 1908 (Central Act V of 1908), articles set aside exclusively for religious use shall be exempted from attachment and sale under this section. The cost of attachment and sale shall be added to the arrear of revenue or rent and shall be recoverable by the same procedure.

231. Attachment of the Land :-

(1) The Collector may, in addition to or instead of any of the other processes here in before specified, attach and take under his own management any specific area, share, patti or estate in respect of which an arrear is due, and such attachment, shall last till the arrear is liquidated. (2) On the liquidation of the arrear, the land shall be released and the surplus received, if any, shall be made over to the defaulter or his legal representative.

232. Powers and obligations of manager :-

When any land is so held under direct management, the Collector shall be bound by any engagement which at the time of attachment existed between the defaulter and the tenants and

shall be entitled to manage the property so attached and to receive all rents and profits accruing therefrom. The collections of the property so attached shall be applied to the payment of any instalment of revenue and rent which may become due after attachment and of the cost of attachment and management, and any surplus shall be applied to discharging the arrear on account of which the attachment was made.

233. Proclamation of attachment :-

When the Collector attaches any land under Section 231, he shall issue a proclamation thereof. (2) Payment on account of rent or any other asset of the land, made after the date of such proclamation or in anticipation of due date, to any person other than the Collector shall relieve the person liable to pay from liability for payment to the Collector.

234. Transfer of defaulter s share :-

(1) When the arrear is due in respect of a share or patti or an estate, the Collector may, in addition to, or instead of, any of the processes hereinafter specified with the previous sanction of the Board, transfer such share or patti for a term not exceeding ten years from the first day of July next after the date of the sanction to all or any of the co-sharers of the estate other than the estate-holder on condition of their paying the arrear, and on such terms as the Board in each case may prescribe. Such transfer shall not affect the joint and several liability of the co-sharers of the estate in which it is enforced. (2) When the term of transfer has expired, the share or patti shall be restored to the estate-holder thereof free of any claim on the part of Government or the transferee for any arrear in respect of such share or patti.

235. Sale of defaulter s specific area, patti or estate :-

When the Collector is of opinion that the other processes 1[hereinafter] specified are not sufficient for the recovery of an arrear, the may, in addition to or instead of all or any of such other processes 2[XXX] sell by auction the specific area, patti or estate in respect of which such arrear is due: Provided that no specific area, patti or estate shall be sold for any arrear which may have accrued while it was - (a) under the management of the Court of wards, or (b) under direct management by the Collector. 1. Subs. vide Section 3 of the Raj. Act No. 16 of 1961, Pub. in Raj. Gaz. Part IV-A, Ex-ord, dt. 22-5-1961. 2. Deleted by Section 4 of the Raj. Act No. 5 of 1964, Pub. in Raj. Gaz. Part IV-A, Ex-ord., dt. 26-3-1964.

236. Land to be sold free of encumbrances :-

(1) Land sold under the last preceding section shall be sold free of all encumbrances, and all contracts previously made by any person other than the purchaser in respect of such land, shall become voidable at the option of the purchaser at the auction sale. (2) Nothing in sub-section (1) applied to lands held under bonafide leases, temporary or perpetual, for the erection of dwelling-houses or manufacturies, or for gardens, tanks, canals, places of worship or cremation or burial grounds, such land continuing to be used for the purpose specified in such leases. (3) Notwithstanding anything contained in sub-section (1), the State Government may, at any time before the sale has been made, direct that it be made subject to such interests or rights in land created by the holder thereof, or any person through whom he claims, as it thinks fit.

237. Powers to proceed against interest of defaulter in property other than that in respect of which default is made :-

(1) If an arrear cannot be recovered by any of the above process and the defaulter owns, or has any interest in any other estate or any share in any other immovable property, the Collector may proceed against such estate or share or other immovable property as if it were the land on account of which the revenue or rent is due under the provisions of this Act: Provided that no interest save those of the defaulter alone shall be affected by such process. (2) Sums of money recoverable as arrears of revenue and rent but not due in respect of any specific land, may be recovered by process under this section against any immovable property of the defaulter.

238. Proclamation of sale :-

(1) When the sale of any land or other immovable property has been sanctioned under Section 235 or Section 237, the Collector shall issue a proclamation of the intended sale, specifying the land to be sold the time and place of sales, whether or not the land is to be sold free of encumbrances and any other particulars, the Collector may think necessary. (2) A copy of the proclamation issued under sub-section (1) shall be served on the defaulter.

239. Sale when and by whom to be made :-

(1) Every sale under this Chapter shall be made either by the Collector in person or by an Assistant Collector 1[or Tehsildar] specially appointed by him in this behalf. (2) No such sale shall take place on a Sunday or other authorised holiday or until after

the expiration of at least thirty days from the date on which the proclamation thereof was issued. (3) The Collector, may from time to time, postpone the sale. 1. Ins. vide Sec. 7 of Raj. Revenue Laws (Amendment) Ordinance, 1977, Pub. in Raj. Gaz. Ex-ord. Part 4(Kh) dt. 24-1-1977, Page 52 and replaced by S. 2 of Raj. Act No. 6 of 1981, Pub. in Raj. Gaz. E.O. Part 4(Kh) dt. 22-4-1981 on Pages 1-2

240. Prohibition to bid for or acquire the property sold :-

No officer having any duty to perform in connection with any such sale, and no person employed by or subordinate to such officer, shall either directly or indirectly bid for acquire or attempt to acquire, except on behalf of the State Government or the Court of Wards, the property sold or any indirect therein.

241. When sale may be stayed :-

If the defaulter pays the arrear in respect of which the land or other immovable property is to be sold, any time before the day fixed for the sale, to the person appointed to receive payment of the revenue or rent or to the Collector, or to the Assistant Collector in charge of the sub-division in which the land or other immovable property is situated, the sale shall be stayed.

242. Deposit by purchaser, re-sale in default of deposit :-

The person, declared to be the purchaser, shall be required to deposit immediately twenty five percent of the amount of his bid, and in default of such deposit, the land or other immovable property shall forthwith be again put up and sold; and such person shall be liable for the expenses attending the first sale and any deficiency of price which may occur on the re-sale, which may be recovered from him by the Collector, as if the same were an arrear of revenue.

243. Purchase money when to be paid :-

The full amount of purchase money shall be paid by the purchaser at the Collector's office on or before the fifteenth day from the date of the sale. (2) If the purchase money is not so paid, the deposit, after the expenses of the sale have been defrayed therefrom, may be forfeited to Government, and the property shall be resold, and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may be subsequently sold.

244. Liability of purchaser for loss by re-sale :-

If the proceeds of sale which is eventually made, are less than the

price bid by such defaulting purchaser, the difference shall be recoverable from him, as if it were an arrear of revenue.

245. Proclamation before re-sale :-

No sale after postponement under Section 239 and no re-sale under Section 242 in default of payment of the purchase money shall be made until a fresh proclamation has been issued as prescribed for the original sale.

246. Application to set aside sale on deposit of arrear :-

Any person whose land or other immovable property has been sold under this Act may, at any time within thirty days from the date of sale, apply to have the sale set aside on his depositing in the Collector's office- (a) for payment to the purchaser a sum equal to five per cent of the purchase money; and (b) for payment, on account of the arrear, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, less any amount which may, since the date of such proclamation of sale, have been paid on that account; and (c) the cost of the sale. If such deposit is made within the thirty days, the Collector shall pass an order setting aside the sale: Provided that, if a person applies under Section 247 to set aside such sale, he shall not be entitled to make an application under this section: Provided also that if the land has been sold free of encumbrances under Section 236, the encumbrances shall be revived as soon as the sale is set aside under this section.

247. Application to set aside the sale for irregularity etc. :-

At any time within thirty days from the date of the sale, an application may be made to the Collector to set aside the sale on the ground of some material irregularity or mistake in publishing or conducting it. But no sale shall be set aside on such ground unless the applicant proves the satisfaction of the Collector that he has substantial injury by reason of such irregularity or mistake.

248. Order confirming or setting aside sale :-

On the expiration of thirty days from the date of the sale if no such application as is mentioned in Section 246 or Section 247 has been made, or if such application has been made and rejected, the Collector shall pass an order confirming the sale and, if such application under Section 247 is made and allowed, the Collector shall pass an order setting aside the sale.

249. Bar of claims founded on irregularity or mistake :-

If no application under Section 247 is made within the time allowed therefore, all claims on the ground of irregularity or mistake in publishing or conducting the sale shall be barred: Provided that nothing herein contained shall bar the institution of a suit in the civil court for the purpose of setting aside a sale on the ground of fraud.

250. Refund of purchase-money when sale set aside :-

Whenever the sale of any land other immovable property is set aside under Section 248 the purchaser shall be entitled to receive back purchase money with interest, at such rate not exceeding six per cent per annum or without interest, as the Collector thinks fits.

251. Purchaser to be put In possession - Certificate of Purchase :-

(1) After a sale of land or other immovable property under this Act has been confirmed in the manner aforesaid, the Collector shall put the person declared to the purchaser into possession of such property, and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers, and such certificate shall be deemed to be a valid transfer of such property but need not be registered as a conveyance except as provided by Section 89 of the Indian Registration Act, 1908 (Central Act XV of 1908). (2) If land has been sold under Section 235 on account of an arrear of revenue or rent due in respect thereof, the certificate shall also state that the purchaser has purchased the land to which the certificate refers free of every encumbrance.

252. Application of proceeds of sale :-

When a sale of land or other immovable property under this Act has been confirmed, the proceeds of sale shall be applied in the first place to the payment of any arrears, including costs incurred for the recovery thereof, due to the State Government from the defaulter at the date of the confirmation of the sale whether the arrears are of revenue or rent, or of sums recoverable as an arrear of revenue or rent and in the second place, if the sale took place for the recovery of an amount recoverable as an arrear of revenue or rent but not due to the State Government to the payment of that amount including costs as aforesaid and the surplus (if any) shall be paid to the person whose land has been sold; or if the land sold was held in shares, then to the co-sharers collectively, or according to the amount of their recorded interests at the discretion of the Collector.

253. Liability of purchaser for revenue or rent :-

The person named in the certificate of sale as purchaser of any land shall be liable for all instalments of revenue or rent becoming due in respect of such land after the date of the confirmation of the sale.

254. Pre-emption by co-sharers :-

When any land sold under Section 235 or Section 237 is a portion of an estate any recorded co-sharer in the estate, other than the person whose land has been sold, may if the lot has been knocked down to a stranger, claim to take the said land at the sum last bid; Provided that the said demand of pre-emption be made within seven days of sale & provided that the claimant fulfils all other conditions of the sale.

255. [Omitted] :-

1[XXX] 1. Omitted by Section 2(i) of Rajasthan Act No. 42 of 1960, Pub. in Raj. Gaz. Ex-ord., Part IV-A, dt. 2-12-1960. This Act No. 42 of 1960 came into force with effect from 1-1-1961 vide Finance Department Notification No. F. 10(37)F(AA)54, dt. 22-12-1960, Pub. in Raj. Gaz., Ex-ord., Part IV-C, dt. 29-12-1969.

256. Recovery of miscellaneous revenue and other moneys :-

The following moneys may be recovered under this Act in the same manner as an arrear of revenue- 1[(a) all sums of money declared by this Act or by any law for the time being in force, other than the Rajasthan Public Demands Recovery Act, 1952 (Rajasthan Act 5 of 1952) (i) to be recoverable as an arrear of revenue and revenue or rent, or (ii) to be a demand or public demand or to be recoverable or realisable as a demand or a public demand or as an arrear of a demand or a public demand; (b) all sums of money payable to the State Government or to a department or an officer of the State Government or to a local authority on account of rates, duties, taxes, charges or other dues under any law or rule having the force of law, notwithstanding that such law or rule does not declare the same to be recoverable or realisable as an arrear of revenue or land revenue or rent or to be a demand or a public demand or to be recoverable as an arrear of a demand or a public demand; (c) all sums of money payable to the State Government or to a department or an officer of the State Government or to a local authority - (i) by way of fees, fines, penalties, compensation of costs imposed or awarded' by any authority, not being a civil or

criminal court, under this Act or under any other law for the time being in force, or (ii) on account of pasturage, forests rights, fisheries mills natural products of land, water-rates, irrigation charge, maintenance and management of irrigation works and the like; (d) all rents, premia, cesses, rates, fees and royalties due to the State Government on account of the use or occupation of land or water or other immovable property, whether belonging to the State Government or not, or on account of any products thereof or proceeds therefrom or on any other account; (e) all sums of money due to the State Government under any grant, lease or contract which provides that they shall be recoverable as arrears of revenue or land revenue.] 1. Subs, by Sec. 2(ii)-ibid.

257. Recovery of moneys from sureties :-

Every person who may have become a surety under any of the provisions of this Act or under any other enactment or any grant, lease or contract whereunder the sum secured, is recoverable from the principal as an arrear of revenue, shall, on failure to pay the amount or any portion thereof which he may have become liable to pay under the terms of his security bond, be liable to be proceeded against as if such amount of portion thereof were an arrear of revenue.

257A. Application for Recovery of Moneys referred to in Sections 256 and 257 :-

1[(1) Any officer or authority, to whom any sum of money referred to in Section 256 or Section 257 is due and payable, shall make to the Collector an application in writing in the prescribed form, containing the following particulars, namely:- (a) the officer authority to whom the sum is due and payable. (b) the name and description of the person from whom the, sum is due, (c) the sum due and the nature thereof. (d) the period, if any, for which it is due and the date on which it first became payable. (e) the process by which the sum may be recovered. (f) where possible, the property against which the process may be executed, and (g) such other particulars as may be prescribed by the State Government: Provided that no such application shall be necessary in cases in which according to the law under which such sum of money is due and payable a certificate or certified statement of account or other document, specifying, as nearly as may be aforesaid particulars, is required to be sent and has been sent to the Collector. (2) The application certificate, statement of account or other document referred to in sub-section (1) shall for the purpose of recovery in

accordance with the provisions of this Chapter be conclusive evidence of the existence of the arrear payable to the officer or authority signing the same, of the amount of such arrear and of the person who is the defaulter. 1. Ins. by Sec. 2(ii) of aj. Act No. 42 of 1960 Pub. in Raj. Gaz., Part IV-A, Ex-ord., dt. 2.12.1960. This Act No. 42 of 1960 came into force with effect from 1-1-1960 vide Finance Department Notification No. 14(3)/F/AA/54, dt. 22-12-1960, Published in Rajasthan Gazette Ex-ord. Part IV-C, dated 29-12-1960.

257B. Payment under protest and further remedy :-

(1) If proceedings are taken under this Chapter against any person for the recovery of any sum of money referred to in Section 256 or Section 257, such person may at any time, before any property attached in such proceedings is knocked down at a sale thereof, pay the amount claimed and at the same time deliver a protest signed by himself, or by his authorised agent to the revenue officer taking such proceedings. (2) When any amount is paid under protest under sub-section (1), such amount along with the protest shall be forwarded to the officer or authority at whose instance proceedings were so started. (3) Subject to the provision contained in sub-section (4), the person making a payment under protest in accordance with sub-section (1), shall have the right to institute a suit for the recovery of the whole or part of the sum so paid under protest. (4) No suit under sub-section (3) shall lie or be instituted, if any law under which the sum of money paid under protest is due, provides a remedy, whether by way of suit, appeal, application or other proceedings, to the person from whom such sum was recovered. (5) No appeal or reference shall lie from an order of a revenue officer passed in proceedings taken under this Chapter for the recovery of sums of money referred to in Sees. 256 and 257.

257C. "Person from whom sum is due" defined :-

For the purposes of Sections 257-A and 257-B, the expression "person from whom sum is due" or any other expression to the like effect shall mean the person so named in the application under sub-section (1) of Section 257-A whether such sum is due from him personally or as a legal representative of any other person whom the sum was so due and shall include a person- (i) Who is liable under Sec. 257 as a surety of the person from whom the sum is or was so due, or (ii) Whose name is subsequently substituted for or added as, the person from whom the sum is or was so due.

257D. Provisions of Chapter to apply to sum due at commencement of Act :-

The provisions of this Chapter with regard to the recover of revenue or rent shall apply to all arrears of revenue or rent as well as sums of money recoverable under Sees. 256 and 257 as arrears of revenue due at the commencement of this Act.]

CHAPTER 11

MISCELLANEOUS

259. Jurisdiction of civil courts excluded :-

No suit or other proceedings shall, unless otherwise excepted by any express provision made in this Act or in any other enactment or law for the time being in force, lie or be instituted in any civil court with respect to any matter arising under, and provided for, by this Act: Provided that, if, in a boundary dispute or any other dispute between estate holders a question of title is involved, a civil suit may be brought for the adjudication of such question.

260. Delegation :-

1[(1) The State Government may, by notification in the Official Gazette- (a) delegate all or any of its powers under this Act, except the power to make rules, to the Board or 2[The Commissioner] or the Settlement Commissioner or the Director of Land Records or a Collector, or (b) direct that any duties imposed and powers conferred by this Act or the rules made thereunder or by any other law for the time being in force or the rules made under such other law or any officer or authority appointed or constituted under this Act or the rules made thereunder 2[shall, to the exclusion of such officer or authority, be performed] and exercised by any other lawfully appointed or constituted officer or authority specified in the notification, whether such other officer or authority specified in the notification, whether such other officer or authority shall have been appointed or constituted under this Act or the rules made thereunder or under any other law for the time being in force or the rules made under such other law, or (c) require the Board or any other officer to perform the duties and exercise the powers imposed and conferred by this Act or the rules made thereunder on 2[the Commissioner] the Settlement Commissioner or the Director of Land Records, or (d) authorise any authority or officer lawfully constituted or appointed to delegate its or his powers under this Act or under any other law for the time being in force, except the power to make rules under this Act or under such other law to any other authority of officer constituted or appointed under this Act or

the rules made thereunder or under any other law for the time being in force or the rules made under such other law. (2) Doubts having been expressed as the scope of the power of delegations, provided for in this section as it stood before the 16th day of November, 1961, it is hereby enacted for the removal and clarification of such doubt that, notwithstanding anything contained in any judgment, order or decision of any court (Civil and Revenue) tribunal or other competent authority and notwithstanding any defect or omission of form, language or reference in any notifications issued by the State Government under this section previously to the said day or any rule of law or interpretation. (a) all delegations of powers and duties made by the State Government under this section before the sixteenth day of November, 1961, shall be deemed to have been lawfully and validly made in terms of sub-section (1) as hereby amended as if such amendments had then been made, and (b) all notifications delegating such powers and duties, shall, until superseded, continue to be operative and to have effect according to their tenor.} 1. Ins. by Act No. 10 of 1987 w.e.f. 31-1-1987, Pub. in Raj. Gaz. E.O. (4-A) dt. 9-4-1987, Pages 43-50. 2. Subs, vide Ord. No. 8 of 1988 dt. 1-9-1988, Pub. in Raj. Gaz. E.O. dt. 1-9-1988, Pages 31-33.

262. Patwaris, etc. to be public servants :-

Every Patwari, Girdawar, Qanungo or Land Records Inspector 1[and Sadar Qanungo] appointed under Chapter III and every person appointed temporarily to discharge the duties of any of them shall be deemed to be a public servant within the meaning of S. 21 of the Indian Penal Code (Central Act XLV of 1960) and all official records and documents kept by all or any of them shall be held to be public records and the property of the State. 1. Subs, for "Sadar Qanungo and village watchman" by Rajasthan Act No. 34 of 1992, Pub. in Raj. Gaz., E.O.4(ka), dt. 3-12-1992, Page 195.

263. Repeal and Savings :-

(1) On and from the coming into force of this Act, the following shall stand repealed in so far as the matters therein contained are covered by, or are consistent with, the provisions of this Act, namely:- (a) the enactments mentioned in the Second Schedule; (b) any laws of the covenanting state, other than the enactments mentioned in the Second Schedule, relating to matters covered by the provisions of this Act; and (c) any law amending the enactments or laws referred to in clauses (a) & (b). (2) The repeal

of any enactment or law by this Act shall not legalize any practice which immediately before the passing of this Act was illegal. (3) Any custom or usage prevailing at the commencement of this Act in any part of the State and having the force of law therein shall, if such custom or usage is repugnant to or inconsistent with the provisions of this Act, cease to be operative to the extent of such repugnance or inconsistency.

SCHEDULE 1

THE FIRST SCHEDULE

(See Section 23)	
List of Judicial Matters	
1.	Claims under sub-section (2) of Section [88].
2.	Disputes with respect of the right of grazing cattle on pasturage land.
3.	Disputes as to the right of user over forest growth and exclusion from forest tend.
4.	Settlement of boundary disputes.
5.	Disputes as to entries in the record-of-rights and annual registers.
6.	Disputes respecting the class or tenure of tenants.
7.	Mutation upon succession, transfer or otherwise.
8.	Disputes regarding the rent or otherwise.
9.	Disputes concerning Wajib-ul-arz or Dastoor Ganwai.
10.	Inquiry into and assessment of lands held free of revenue or rent.
11.	Partition and consideration of estates.
12.	Imposition of fines, penalties, forfeitures and confiscations under this Act.
13.	Determination of compensation.
14.	Sales and auctions under this Act.
15.	Such other matters as may be prescribed by the State Government.

SCHEDULE 2

THE SECOND SCHEDULE

(See Section 263)	
List of Enactments Repealed	
1.	The Rajasthan Territorial Divisions Ordinance, 1949
2.	The Rajasthan Board of Revenue Ordinance, 1949
3.	The Rajasthan Revenue Courts (Designation) Ordinance, 1949
4.	The Rajasthan Revenue Courts (Procedure & Jurisdiction) Act, 1951
5.	The Alwar State Land Revenue Code
6.	The Bharatpur Revenue Code
7.	The Bharatpur Land Revenue Mannual
8.	The Bikaner Land Revenue Act, 1945
9.	The Bundi State Land Revenue Act, 1942
10.	The Banswara Quwaid Mal

11.	The Dungarpur Revenue Rules
12.	The Jaipur State Grants Land Tenures Act, 1947
13.	The Jaipur Land Revenue Act, 1947
14.	The Jaipur Village Services Act, 1948
15.	The Karauli State Land Revenue Code
16.	The Kotah Revenue Circulars
17.	The Marwar Land Revenue Act, 1949
18.	The Marwar Jagir Settlement Regulations, 1949
19.	The Kanoon Mai Mewar Revenue Courts Act, 1949
20.	The Mewar Revenue Code Act, 1947
21.	The Shahpura Quwaid Dakhil Kharij, 1923
22.	The Sirohi Land Revenue Act, 1947