

## **Rajasthan Lands Summary Settlement Act, 1953**

**19 of 1953**

**[17 September 1953]**

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## **Rajasthan Lands Summary Settlement Act, 1953**

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### PREAMBLE

An Act to provide for the summary settlement of unsettled lands in<sup>2</sup>[the State of Rajasthan]

Whereas it is expedient to make provision enabling the State Government to order, wherever necessary, the evolution on a temporary basis of cash rents in respect of lands and holdings in the unsettled areas of<sup>2</sup>[the State of Rajasthan] by means of summary settlement;

It is hereby enacted as follows: -

1. Pub. in the Raj. Govt. Gaz., (Raj-patra), Part IV-A, dated 10.10.1953.

2. Substituted by Act No. 27 of 1957, Pub.in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.

**1. Short title, extent and commencement :-**

(1) This Act may be called the Rajasthan Lands Summary Settlement Act, 1953.

<sup>1</sup>[(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 1[Official Gazette] appoint in this behalf.

1. Substituted by Act No. 27 of 1957, Pub.in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.

**2. Definitions :-**

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

(i) "holding means a parcel or parcels of land under one lease or engagement or, in the absence of such lease or engagement, under one tenure;

(ii) "land" means land which is let or held for agricultural purposes or for purposes subservient thereto and includes land occupied by houses or enclosures situated on a holding as well as tank or other land covered with water which may be used for the purpose of irrigation or growing singhara or other similar produce but does not include abadi land;

(iii) "landholder" means the person to whom rent is, or, but for a contract, express or implied, would be, payable and includes a thekadar or an ijaredar;

(iv) "prescribed" means prescribed by this Act or by rules made thereunder;

(v) "rent" means whatever is, in cash or in kind or partly in cash and partly in kind, payable on account of the use or occupation of land but does not include sayar;

(vi) "Sayar" means whatever is to be paid or delivered by a lessee or licensee on account of the right of gathering produce forest

rights, fisheries and the like and includes irrigation charges;

(vii) "Settlement Officer" means the Officer appointed under Sec. 4 to be in charge of the summary settlement of any area of land notified under Sec. 3;

(viii) <sup>1</sup>[XXX];

(ix) <sup>1</sup>[XXX];

(x) "tenant" means the person by whom rent is, or but for a contract, express or implied, would be, payable and includes a sub-tenant but does not include a thekadar or an ijaredar; and

(xi) "unsettled" used with reference to any land, holding or area in <sup>2</sup>[the State of Rajasthan] wherever situated, means that regular survey, record and settlement operations or any of them have not been started or completed in respect of such land, holding or area.

1. Omitted by Act No. 27 of 1957, Pub. in Raj. Govt. Gaz., Exry., Part 4(A), dated 13.8.1957.

2. Substituted by Raj. Act No. 27 of 1957, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.

### **3. Power to order summary settlement :-**

(1) The State Government may by notification direct in respect of any area of land that, pending the wrlertaking or completion of regular settlement therein, a summary settlement of unsettled lands and holdings thereof shall be made forthwith in the prescribed manner.

(2) Such area shall be deemed to be under summary settlement from the date of the publication of the notification under sub-sec.

(1) in the <sup>1</sup>[Official Gazette] until the like publication of another notification declaring summary settlement therein to be closed.

1. Substituted by Raj. Act No. 27 of 1957, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.

### **4. Appointment of Settlement Officer :-**

Upon the issue of a notification under sub-sec. (1) of Sec. 3, the State Government shall appoint, by name or by virtue of office, a Settlement Officer to be in charge of the summary settlement of the area so notified.

### **5. Survey :-**

(1) For the purpose of the summary settlement under this Act of unsettled lands and holdings in the area in respect of which a notification under sub-sec. (1) of Sec. 3 has been published, the Settlement Officer shall determine the extent of such lands and holdings-

(i) on the basis of the existing maps, field books and other records, in any, or

(ii) on the basis of the quantity of seed sown therein, or

(iii) on the basis of the number of ploughs actually used therein, or

(iv) on any other basis which may be agreed upon by the land holder and the tenant thereof, or

(v) partly on one and partly on the other or others of the above basis.

(2) Where it is not possible to ascertain the extent of any land or holding by employing any of the modes specified in sub-sec. (1) the Settlement Officer shall cause the same to be surveyed by chain.

(3) Any disputes concerning lands or holdings surveyed under sub-sec. (2), shall be decided by the Settlement Officer on the basis of possession.

(4) If the Settlement Officer is unable to satisfy himself as to which party to a dispute is in possession or if it is shown that possession of the disputed land or holding has been obtained by wrongful dispossession of the lawful occupant thereof, he shall after ascertaining by summary enquiry or otherwise make an entry in the Record of Rights in favour of the person best entitled to possession or the person so dispossessed, as the case may be.

(5) Any person aggrieved by the decision of the Settlement Officer under sub-sec. (3) or sub-sec. (4) may bring in a competent Court, a suit for the determination of his claim on the basis of title.

## **6. Soil classification and assessment circles :-**

(1) The Settlement Officer shall divide the unsettled lands and holdings in the area under summary settlement into soil classes and assessment circles.

(2) Assessment circles shall be formed on the basis of similarity of soil classes, uniformity of geographical conditions and other easily distinguishable features of the area under summary settlement.

## **7. Rent-rates :-**

(1) The Settlement Officer shall select and after publishing in the

manner prescribed and after considering objections, if any, propose to the State Government through the Revenue Board, rent-rates for each separate class of soil in respect of both dry land wet areas either in terms of bighas or with reference to the number of ploughs actually used.

(2) Such rates may be sanctioned by the State Government with or without modifications and shall, when so sanctioned, remain in force until the completion of the regular settlement of the area under summary settlement or until they are revised earlier by the State Government in the prescribed manner:

Provided that the rent-rates shall not exceed the rent-rates of cash rents or the land revenue rates prevailing in the area under summary settlement or in the neighbourhood thereof within a radius of fifteen miles.

### **8. Basis of rent-rates :-**

(1) With a view to arriving at fair and equitable rent-rates, the Settlement Officer shall take into consideration, the following matters or such of them as may be readily ascertained, namely: -

(a) the rent-rates of cash rents or the land revenue rates, if any, prevailing in the area under summary settlement or in the neighbourhood thereof within a radius of fifteen miles;

(b) the expenses of cultivation and the cost to the cultivator of maintaining himself and his family;

(c) the number and nature of crops grown and the quantity of the produce raised, during the period specified in cl. (d);

(d) the value of the such produce, at the average of the prices thereof during the twenty years preceding the date of the publication of the notification under sub-sec. (1) of Sec. 3, excluding such years as the State Government may, by notification in the 1[Official Gazette], declare to be abnormal;

(e) allowance for the land kept fallow each year out of each holding.

(2) The rent-rates so proposed shall represent such share, not exceeding one-sixth of the value of the produce arrived at in accordance with cl. (e) of sub-sec. (1), as may be in vogue in the particular area to which such rent-rates are proposed to apply.

1. Substituted by Act No. 27 of 1957, Pub.in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.

### **8A. Interim stoppage of recovery of kind rents :-**

<sup>1</sup>[(1) If at any time after the issue of a notification under sub-sec. (1) of Sec. 3, the Settlement Officer is satisfied that on account of strained relations between land holders and tenants in any area under summary settlement 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 to make.

(3) The State Government may accept the recommendation or pass such orders thereon, as it may deem fit.

(4) The order of the State Government under sub-sec. (3), stopping the recovery of rents in kind in any area under summary settlement shall be published in the manner prescribed for the publication of the order of the State Government under sub-sec. (3) of Sec. 165 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) and shall direct -

(a) that no landholder in such area shall recover rent in kind from the commencement of the agricultural year during which the order is made; and

(b) that pending the determination of cash rents under Sec. 9, a land holder in such area may, in lieu of the rent in kind, recover such cash rent for each holding, as may be provisionally fixed: Provided that the cash rent so recovered shall be liable to adjustment in accordance with the rent finally determined under Sec. 9.

(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.]

1. Inserted by Act No. 4 of 1958, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 17.3.1958.

## **9. Determination of rent :-**

(1) On the basis of the sanctioned rent-rates, and after considering the average irrigated and average cultivated area per year per holding, the Settlement Officer shall determine and fix the amount of cash rents as each holding in the area under summary settlement. <sup>1</sup>[X X X]

(2) The Settlement Officer shall also determine and record such

other matters, including the levy of any cesses not being in the nature of rent, as may be prescribed.

1. Omitted by Act No. 4 of 1958, Pub. in Raj. Govt. Gat., Exty., Part IV-A, dated 17.3.1958.

### **9A. Rent from what date payable :-**

<sup>1</sup>[Subject to the provisions of Sec. 8-A, the cash rent determined, by order of the Settlement Officer under Sec. 9, shall be payable from the date of the commencement of the settlement under this Act unless the Settlement Officer thinks fit, for any reasons, to direct that it shall be payable from some earlier date.]

1. Inserted by Raj. Act No. 4 of 1958, Pub. in Raj. Govt. Gaz., Exty., Part IV-A, dated 17.3.1958.

### **10. Modification of rent :-**

The rent fixed under Sec. 9 shall be liable to abatement or enhancement in the same manner, on the same grounds, to the same extent and subject to the same conditions and restrictions, as are provided in the law relating to agricultural tenancies for the time being in force.

### **11. Preparation of records :-**

(1) Without prejudice to the rights of the tenants and landholders that may be determined during the course of proceedings for the regular settlement of the area under summary settlement, the Settlement Officer shall cause such records as may be prescribed, to be prepared and maintained in the prescribed manner.

(2) In particular and without prejudice to the generality of the provision contained in sub-sec. (1), the Settlement Officer shall cause to be prepared and maintained in the prescribed manner, records and other available materials, a register of all persons cultivating or otherwise holding or occupying land in the area under summary settlement, specifying the following particulars, namely: -

(i) the name of each tenant or other person holding or occupying land together with the area of land in his occupation or within his holding,

(ii) the nature and class of his tenure,

(iii) the annual rent payable by him,

- (iv) any condition of the tenure whether contained in a lease or not, and
- (v) such other particulars, as may be prescribed.

**12. Liability for expenditure incurred in summary settlement of land forming a State-grant :-**

(1) Where any area of land included in or forming part of a State-grant is brought under summary settlement under this Act, the person holding such area shall be liable for expenses incurred in the completion of summary settlement therein:

Provided that the State Government may remit all such expenses or a portion thereof in deserving cases.

(2) All such expenses not remitted as aforesaid, shall be a first charge on such area and shall be recoverable as arrears of land revenue.

**13. Appointment of Patwaries :-**

(1) The State Government may appoint Patwaries and other land records staff for the preparation and maintenance of records under Sec. 12 and for other purposes connected with the carrying into effect of the provisions of this Act.

(2) Where any such Patwari or other person is appointed for any area within a State-grant, the expenditure incurred on such appointment shall be a charge against the holder of such grant and may be recovered from him, as an arrear of land revenue.

**14. Appeals :-**

An appeal shall lie from the order of the Settlement Officer under Sec. 5 or under Sec. 6 or Sec. 9 or Sec. 10 to the Settlement Commissioner and may be preferred in the prescribed manner within sixty days of the orders appealed from, exclusive of the time requisite for obtaining a certified copy thereof.

**14A. Commencement of settlement under this Act :-**

<sup>1</sup>[ A 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 Act No. 4 of 1958, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 17.3.1958.



## **15. Power to make rules :-**

(1) The State Government may, by notification in the <sup>1</sup>[Official Gazette] make rules, not inconsistent with this Act, for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules for all matters which by this Act are to be, or may be, prescribed.

1. Substituted by Act No. 27 of 1957, Pub.in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.

## **16. Saving :-**

Nothing in this Act shall apply to, or in any way prejudice or effect the continuation of, any regular survey, record of settlement operations that are being taken in the area brought under summary settlement in accordance with the provisions of this Act.

## **17. Section :-**

<sup>1</sup>[Omitted].

1. Omitted by Act No. 27 of 1957, Pub. in Raj. Govt. Gaz., Exty., Part 4(A), dated 13.8.1957.