Rajasthan Land Revenue (Partition) Rules, 1957

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Preliminary

Rule 1. (1) These rules may be called the Rajasthan Land Revenue (Partition) Rules, 1957.

(2) They shall extend to the pre-reorganisation State of Rajasthan excluding the sub-division of Sirsi.

(3) They shall come into force on the date of their publication in the Rajasthan Gazette.

Rule 2. In these rules unless the subject or context otherwise requires, "the Act" means the Rajasthan Land Revenue Act, 1956 (Raj. Act No. 15 of 1956).

Rules to give effect to the provisions of Sec. 197.

Determination of principles and conditions of valuation.

Rule 3. In making a partition, the Collector shall, subject to the provisions of Secs. 209 and 210 of the Act, first allot to the applicant such lands (if any) as are held by him as his Sir, Khudkaish or Hawala within the meaning of cl. (23) of Sec. 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), or in severalty and then so much of the lands held in common (if any) as shall give him, as far as may be, a portion of the estate proportionate in value to his share therein, unless there is any recognised village custom to the contrary or the parties agree otherwise.

Rule 4. (1) In making an estimate of the value, the Collector shall bear in mind that the object of valuation is not to arrive at the Sale value of the land, but to make a just estimate of the value of plots relatively to one another.

(2) If the village is a settled village the assessment statement of the village and of the estate to be partitioned shall be studied and the valuation shall as far as possible, be based in the general principles followed in calculating the assets at settlement. When the settlement is fairly recent and conditions have not changed, the settlement rent-rates may be adopted as the basis of valuation with modifications for such minor changes as may have occurred, such as in tenant is rights.

(3) If there have been important changes since settlement, such as introduction of canal irrigation, the settlement soil classification may be revised and new rates worked out.

The parties may, however, be asked to suggest their own soil classification and rates on the basis of the principle crops grown in each field.

Rule 5. If the parties have accepted the recorded rental as the basis of valuation under sub-rule (4) of Rule 4, the valuation of the area to be partitioned shall be worked out on the basis of new rates evolved from the present rent, but if they have accepted the settlement rates with or without modifications under sub-rule (2) of Rule 4 such rates shall be applied on the lines indicated below—

(a) Sir, Khudkas or Hawala should ordinarily be valued as Khatedari tenancy. In exceptional cases the valuation of Sir, Khudkas or Hawala against which rent is entered in the Patwari's papers may be based on such rent, if the latter be admitted by the party to be genuine.

(b) Grain-rented land, if not situated in a precarious tract (cl. 3rd proviso to Sec. 175 of the Act), should be valued like Khatedari tenancy, but if situated in a precarious tract, the rate should be suitably reduced with reference to the special grain rates, if any, framed by the Settlement Officer for such tract.

(c) Rent-free land if no service tenure (Khudmati) should be valued like Khatedari tenancy, but if given in charity (Khairati) it should be valued at a nominal rate to be agreed upon by the parties.

(d) As between the superior proprietor and under-proprietor land may be valued on the basis of the actual rent payable by the under-proprietor to the superior proprietor minus the revenue, or in such manner as the parties may agree to be fair.

Rule 6. Un-cultivated land (with the exception of new fallow or Parat Jaddi which unless situated in a precarious tract should be valued like Khatedari tenancy) should ordinarily be divided on the basis of area in proportion to shares, but if such division impairs the fairness of the partition or is considered undesirable for any other reason, it may be divided on the basis of the valuation on the lines indicated below—

(a) Old fallow (Parat Qadeem), culturable waste (Banjar), tanks, barren lands, village track etc. should ordinarily be valued at the rate of the soil class next lower to that in which it has been placed, but to suit particular cases, the rates may be modified according to the average annual income or other advantages derived from it, and to the possibility of its being brought under cultivation. If such land has been placed in the lowest soil class, the rate may be suitably reduced.

(b) Croplands as defined in cl. (15) of Sec. 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) should be valued according to the average annual income or other advantages derived therefrom.

Rules to give effect to the provisions of Sec. 203, Estimate and levy of partition costs.

Rule 7. The cost of partition includes—

(1) The Court-fee stamp required for the application for partition.