

RULES & NOTIFICATIONS**Rajasthan Tenancy (Government) Rules, 1955**

(Published in Rajasthan Rajpatra Pt. IV-C dated 17.12.55)

Notification No. 1 (37) Rev. B-55 Jaipur. November, 1955. -In exercise of the powers conferred by Section 257 of the Raj. Tenancy Act. 1955 (Raj. Act 3 of 1955), the State Government has made the following rules, the same having been previously published as required by Sec.259 of the said Act.

CHAPTER 1**Preliminary**

1. Short title and Commencement - (1) These Rules may be called the Rajasthan Tenancy (Government) Rules, 1955.

2. They shall come into force at once.

2. Interpretation - (1) In these Rules, unless there is something repugnant in the subject or context. 'the Act' means the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955)

(2) The provisions of the Rajasthan General Clause Act, 1955 (Rajasthan Act VIII of shall, mutatis mutandis, apply to the interpretation of these rules as they apply to the interpretation of an Act of the Rajasthan Legislature.

CHAPTER II**Rules to give effect to the provisions of clause (28) of Section 5.**

¹[3-x-Omitted-x]

4. (1) In villages where Settlement operations are in progress, the Settlement Officer shall take action for the demarcation of pasture Land after making a summary enquiry from the villagers with regard to the area in which the cattle of the village are usually grazed, and after consultation with the village Panchayat.

(2) In cases where ¹[the village Birs] are used exclusively for the grazing of village cattle ¹[Free of charge] and no grass is cut out of it. it shall be recorded as "Gair Mumkin Charagah" and excluded from assessment.

(3) In case where a Bir is used by the Jagirdar as a grass preserve and let out for grazing only after it is cut and removed with or without any grazing fee, such area shall be recorded as 'Bir Maqbooza'[XXX]

¹[(4)-X-Omitted-X-]

(5) In cases where there is dearth of common grazing area, parts or whole of the above noted 'Maqbooza ¹[XXX] Birs' can also be turned into 'Charagah'.

6. In [All] villages, which have been surveyed and in which no pasture lands have earmarked the ²[Tehsildar] shall proceed to earmark such land from ³[the unoccupied area of Maqbooza Birs of the village] in consultation with the village

¹ Amended by Noti. No. F5 (7) Rev /Gr 4/76/13 GSR 8 dated 2.5.1981.

² Substituted vide No. F7(6)Rev.B/67 dated 24.7.1967. pub. in R.G.-IVC dated 5.10.1967.page 757

³ Substituted & Added vide No. 5(12) Rev/Gr.IV/78/98 dated 28.9.1983 w.e.f. 13.10.1983

Panchayat. In doing so he shall have regard to the total number of the cattle in the village and adopt roughly a scale of one half bigha per head of cattle and also take into consideration not only the cattle population of the village but also its total unoccupied area, the area under cultivation and the demand for cultivation. The ⁴[Tehsildar] shall announce the villagers the proposal that he intend to make, and the S.D.O. shall give an opportunity to the villagers to advice any objections to the proposal that they may wish to make before he finally sanctions the ⁴[Tehsildar's] proposal.

⁵[6A. in any areawhich is included in any irrigation project pasture land shall be earmarked only out of unirrigated waste land or uncommanded land of the village.]

⁶[7. **Allotment or setting apart of Pasture Land** – (1) the Collecor may, in consultation with the Panchayat, change the classification of any pasture land, as defined in sub-section (28) of Section 5 of the Act or any pasture land set apart under section 92 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act of 1956) as unoccupied culturable Government land (Sawai Chak), for allotment for agricultural or any non- agricultural purposes.

Provided that in case where the area of the land sought to be so allotted or sei-apare exceeds 4 hectares, the Collector shall obtain prior pennission of the State Government:

⁷[XXX - Second proviso - deleted - XXX]

Provided also that any such land, falling within the boundary limits of the Jaipur Region as defined in the Jaipur Development Authority Act. 1982 (Act No. 25 of 1982 within the periphery of 2 km. of a municipality, shall not be allotted except for the purpose of a public utility institution or for expansion of abadi.

(2) Where classification of any pasture land is changed under sub-rule (1). the Collector may set -apart an equal area of unoccupied culturable Government land, if available as pasture land in the same village.]

⁸CHAPTER II - A

Rules to give effect to the provisions of Section 15, AAA.

7A. **Application under section 15-AAA** - (1) The application under sub-section ⁹[(3)] of section 15-AAA of the Act shall be in form A. It shall be verified as a plaint.

⁴ The expressions S.D.O. and tehsildar substituted respectively for the expressions Collector and S.D.O. vide notification No. F7(6) Rev.B.67 dated 24.7.1967. pub in Raj. Gaz. Part IV-C, dated 5.10.1967, dated 15.10.1967 at page 757.

⁵ Inserted by Notification No. F6[63] Rev. (B)59 dated 5.11 1959 pub. in Raj. Gaz. Part IV-C, dated 31.12.1959.

⁶ Substituted vide No. F 6(13) Rev. lb/92 dale l")th Ma> IW_ published in Raj. Gaz -E.O. - dated 29ih May W3 - page JO

⁷ Second Proviso daleted vide No R. 6(131 Rev/Gt VU19 dated 3.12 IW3.pub.rn Raj part 4(Ga) l dated 10 12.IW3.page 149.150.8.

⁸ Inserted vide GSR 24 Dt. 24 7 1984, pub in Raj. Gaz. 4(Ga), 1 dated 26.7.8-1 .page 75-78.

⁹ Corrected vide Corrigendum No F5 (8) Rev/Gr.IV/84 dated 20.9.84. published in Raj.Gaz. 4(Ga)1 dated 27.9.84. page 312

(2) The application shall be supported by an affidavit which shall contain the names of the family members of the applicant, their age, as on the date of application and relationship to the applicant. The affidavit shall also contain the details of the land held by the applicant and his family members anywhere in India. The applicant shall himself calculate the area of land and its reserve price payable by him for which he has applied declaring him as a Khatedar.

(3) The applicant shall deposit 1/16th of the amount of reserve price in the Government Treasury under the Head "068-Miscellaneous General Service (II) Sale of Land Property (III) Sale of land in Rajasthan Canal Project Area" and shall enclose a copy of Challan alongwith the application.

(4) If the tenant fails to deposit the requisite instalment on the due date, he shall be liable to pay interest @9% per annum on the amount of such instalment from the due date until its payment.

CHAPTER III

Rules to give effect to the provisions of section 31

8. **Application for allotment of house sites to tenants** - Application for house sites should be made in writing to the Tehsildar of the Tehsil concerned if the house sites applied for situated in a village which has not got a village Panchayat and in other cases, to the village Panchayat and should clearly specify the land required, the purpose for which it is required i.e. Whether for constructing a Pucca house, Kucha house, Patore. Ekdhalia, Nohra or Bara. The applicant must also give full details of his holding in the village in which he wants a house site and if he holds land in more than one village he should give particulars of all his holding and should indicate the village in which he wishes to enjoy the concession allowed by section (1) of the Act. The applicant should also state clearly in the application that he does not possess a house in the abadi of the village in which he wants the house site.

¹⁰[8A. **Application for residential house by agricultural worker or artisan** - An application for house site by an agricultural worker or artisan under sub-sec.(2) of Sec. 31 of the Act shall be in form 4A.

9. Each application received should be registered as a separate case and a report should be called for from the Patwari of the Halka, as to the correctness of the statements made in the application and the availability or otherwise of the site, applied for.

10. The fact that an application has been made for a particular site shall be published in the village by beat of drum (at the expense of the applicant) or public announcement, and a notice in form [AAA]7 should be pasted up at the village Chopal and at the site applied for, a period of 15 days ¹¹[XXX].

11. Before the end of the period specified in the foregoing rule, the Patwari shall submit a report in Form B in respect of an application under rule I and in Form

¹⁰ Inserted by Notification No F6(12) Rev B 61 dated 15.12.75 pub. in Raj Gaz. Part IV-C dated 9.11.1961.

¹¹ Omitted by Ibid.

BB in respect in application under rule 8A together with the notice, as published and a certificate of its publication, duly signed by himself and the Patel or Lamberdar of the village, and a regular map and Khasra of the site.

12. The patwari should prepare a map of site to be granted showing the directions, the adjoining buildings and measurements connecting the site with any permanent or semi-permanent marks in the neighbourhood. All these measurements must be entered in the entered in plotted sketch which must clearly show the scale on which the plot has been made. Rough pencil sketches which are not on scale should not be accepted.

13.(1) If any objections are received, the Tehsildar, or the Village Panchayat, as the case may should hear and dispose of these objections first and if no objections are received the Tehsildar, or the village Panchayat as the case may be, should dispose of the case by a written order.

(2) In the case of applications under sub-section (2) of Section 31 of the Act and rule 8A, an enquiry shall be made as to whether the applicant is an agricultural worker or an artisan within the meaning of that sub-section and has been permanently residing in the abadi of the village for ten years or more.

¹²[13A. Notwithstanding anything contained in rule 9 to 13 and rule 16, the Tehsildar or the village Panchayat, as the case may be, may after obtaining the report of the Patwari and after holding enquiry in such manner as he or it may deem fit regarding the eligibility of the applicant for getting free of charge, a site for residence and availability thereof dispose of the case by a written order. The trees standing on the site shall be removed before the possession of the land is delivered, unless the allottee is prepared to pay the value thereof as fixed by the Tehsildar or the village panchayat, as the case may be.

This rule shall be effective upto"the. ¹³[15th day of February, 1975]

14.Land within one hundred yards of railway fencing, or within fifty yards of roads maintained by the Government shall not be allotted for house sites to tenants. Land within a radius of 12 miles from the fMunicipal limits of Jaipur City, and land situated within a radius of five miles of a town, should not be allotted without the sanction of the Commissioner.

15.House sites free of premium (nazrana) shall be granted at the following scale :-

- (a) to a tenant paying rent of Rs. 100 p.a. or.....not exceeding 250 sq.yards.
- (b) to a tenant paying rent between Rs. 50.....not exceeding 200 sq. yards.
and Rs. 100 p.a.
- (c) to a tenant paying rent below Rs. 50 p.a.....not exceeding 150 sq.yards.
- (d) to an agricultural worker or artisan.....-do-

16.Where there are trees on the site applied for, their value as fixed by the Tehsildar, or the village Panchayat as the case may be should be, recovered from the

¹² Inserted vide Notification No. F.7 (48) Rev./Gr. 4/74 dated 15 12.75 pub. in Raj. Gaz. Part IVC-(I) dated 16.12.1974 al page 475 to 477.

¹³ The expression was substituted for 26.1.1975. Vide notification no. F6 (113) Rev. Gr. 4/14 dated 30.1.1975 pub. in Raj. Gaz., Extra – ordi. Part IV-C dated 30.1.1975 at page 600 to 602.

applicant before he is put in possession of the site.

17. The value of any building, wells, etc. on the land should also be similarly collected.

CHAPTER IV

Rules to give effect to the provisions of section 32 of the Act.

18. Form of leases and their counterparts - All leases and their counterparts shall be in Form C and shall contain all the particulars mentioned therein.

Rules to give effect to the provisions of section 33 of the Act.

19. Attestation of leases in lieu of Registration - The following procedure shall be observed for the attestation under section 33 of the Act, of leases, or counterparts required to be made by registered instrument.

20. In exercise of the power conferred by sub-section (1) of section 33 of the Act, the State Government hereby appoints every revenue court and every revenue officer, not inferior in rank to an Inspector of land records, within the local limits of whose jurisdiction the whole or some portion of the land to which a lease of counterpart relates is situated, to be the authority competent to attest such documents.

21. Form of Attestation - The endorsement required by Sub-section (2) of section 33 of the Act shall be, as nearly as may be, in the following form:

This document was presented before me on theday of..... in the year..... by the person / persons specified below I have satisfied myself as to his/ her identity and his/ their acquaintance with, and assent to the terms of the document.

Execution is admitted by (name).....

Son of.....

Caste.....

Profession.....

Resident of

And (name).....

Son of,.....

Caste.....

Profession.....

Resident of.....

who is/are personally known to me.....

OR

who is/are identified by (name).....

Son of.....

Caste.....

Profession.....

Resident of.....

and (name).....

son of.....
 Caste.....
 Profession.....
 Resident of.....
 who is/are personally known to me.....

or

who is/are identified by (name).....
 Sonof.....
 Caste.....
 Profession.....
 Resident of.....
 who is/are personally known to me.....

	Signature of the	Signature or thumb	Signature of the
Date of attestation	executant or	impression of	attesting Officer
	Excutants	the withnes	or Court

22. Persons who may present document - Every document to be attested shall be presented in person by the executant himself or by his agent, representative or ¹⁴[assignee] fully authorised by power of attorney executed before and authenticated by a Registrar or sub-Registrar in India.

23. Entries to be made by Inspector of Land Records- If the attestations is done by an inspector of Land Records, he shall note in his register of attested documents (in the form given below) the date of presentation of the document, the nature of the document, and the name and address of the executant of the document and shall also note the fact of attestation in his diary. If he is not satisfied as to the identity of the executant of his acquaintance with, and assent to. the terms of the document, or if execution is not admitted by him, he shall refuse to attest it, and shall enter in his diary the date of presentation, the nature of the document, the name and address of the executant, and the reason for his refusal.

REGISTER OF ATTESTED DOCUMENTS

[See Rule 23of the Rajasthan Tenancy (Government Rules)]

S.No.	Date of Presentation of document	Nature of document	Name and address of executants	Name of attesting Inspector Land Records	Signature of attesting Inspector Land Records
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24. Where a document has been executed by more than one person on different dates, it shall be deemed, for the purpose of presentation for attestation within the time prescribed by the first proviso to sub-section (2) of section 33 of the Act, to have been executed when the last executants signed it.

¹⁴ Substituted vide GSR - B dated 2.5.81

¹⁵[CHAPTER IV-A]

24-A. Digging up to a depth of one yard of holding - For digging up to a depth of one yard from the surface of the holding no permission shall be required even in the case of holding situated within the radii mentioned in rule 24 - B.

24-B. Application to Tehsildar in other cases - In the case of holding, situated within the following radii the previous permission will be necessary if a field is to be dug up for a depth exceeding one yard:-

- (i) twelve miles of a municipal limits of the city of Jaipur, or
- (ii) six miles of any other city as defined in the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959), or
- (iii) three miles of any other Municipality, or
- (iv) ten miles of any area for which the State Government has by an order issued under section 3 of the Rajasthan Urban Improvement Act, 1959, (Rajasthan Act 36 of 1959), directed carrying out or a civil survey and the presentation of a master plan, or
- (v) ten miles of any city, town, village or other area in which an industry an investment capital of over one crore of rupees has been, or is proposed to be set up.

24-C. Contents of application - The application shall be addressed to the Tehsildar of the Tehsil in which the holding is situated and shall contain the following particulars, namely:-

- (i) name of tenant with parentage and address;
- (ii) particulars of his holding, with name of village, khasra number, area, soil-class and rent;
- (iii) khasra number, area and soil class of the particular field from which excavation is to be made and its distance from the nearest city or town;
- (iv) purpose for which excavation is to be made with particulars of work of improvement to be constructed and how the material to be obtained is proposed to be used.
- (v) nature of material expected to become available.
- (vi) depth upto which excavation is to be made; and
- (vii) total area to be executed.

24-D. Enquiry and disposal of application - (1) On receipt of an application under rule I-B the Tehsildar shall either himself inspect the site or get it inspected by a Naib Tehsildar a Girdawar Quanungo and obtain a report on the following points, namely:-

- (a) the necessity for the excavation,
- (b) the advisability of otherwise of granting permission;
- (c) the area for which permission should be granted;

¹⁵ Notification No. F.6 (38) Rev. B/Gr. 1/64 dated 17.8.65 published in Rajasthan Gazette Part IV-C Extraordinary dated 17.8.65.0

- (d) the depth upto which excavation should be permitted; and
- (e) the conditions, if any to be imposed on the grant of the permission.

(2) On receipt of a report on the foregoing points the Tehsildar may grant or refuse the permission, for reasons to be recorded, if the depth upto which excavation is to be made does not exceed six yards.

(3) If the depth which excavation is to be permitted exceeds six yards, the Tehsildar all forward the case to the Collector with his recommendation., and the Collector may either grant the required permission or refuse it, for reasons to be recorded.

¹⁶[**"CHAPTER" IVA-I]**

¹⁷[**24 DDDD. Procedure for regularisation of sale, gift or bequest under section 42-** The sale, gift or bequest by a khatedar tenant of his interest in the whole or part of his holding which has been made before the commencement of the Rajasthan Tenancy (Amendment) Act 1992 (Act No. 22 of 1992) was void on account of contravention any of the provisions of clause (a) of section 42, as it stood before the said amendment Act of 1992, such sale, gift or bequest may be declared to be valid by the Collector or any officer or authority empowered by the State Government in this behalf on payment of such fee and or penalty prescribed in the relevant rules by the Government in this behalf in the manner indicated below;-

(1) The application for declaration as valid of any sale, gift or bequest under section 42-B shall be made by the tenant in form CC along with a fee of Rs.10/-: ¹⁸[Provided that such application shall be made upto 31st March, 2006.]

(2) In case where the land is converted into non-agricultural purpose such application for declaration under clause (1) above shall be accompanied by another application requesting for conversion of the land in accordance with provisions of the relevant rules providing for the conversion of agricultural purpose.

(2B) ¹⁹[2A] In case where such sale, gift or bequest is for agricultural purpose the penalty shall be equal to ten times of revenue payable for the holding

(3) On receipt of the application, the Collector or Officer or authority authorised by the State Government under section 42-B of the Act, shall scrutinise the application and in doing so shall ensure that the land involved in such sale, gift or bequest is otherwise fit to be converted for the purpose for which it has been utilised in accordance with the provisions of the relevant rules framed under the Rajasthan Land Revenue Act, 1956 for the conversion of

¹⁶ Vide Notification No. F. 5(3) Rev Gr 4-79 G.S R. 5 dated 24th April. IQ81 published in Raj. Gaz. (E-O). part 4 (Ga). dated 24.4.1981, page 9-13

¹⁷ Inserted vide notification No. F.5 (3) Rev/b/86/2L G S.R.5S dated 24th Aug., 1995. (RLT 96-1-65)

¹⁸ Substituted vide Notification No. F.11 Rev.6/20(11)/9 dated 19.3.2005 & Published in Raj. Raj Patra Extra ordinary Part IV(CHU dated April 2. 2005

¹⁹ Added vide Notification No F.5 (3) Rev/6/86/Rev 6\24 G.S.R.31, dated 27.6.1996. Pub. in Raj Gaz. EO. (Ga) IV dated 6.7.98. page 128.

agricultural land for industrial, residential or commercial purposes and thereafter shall pass appropriate orders thereon.

Text of Deleted Rules reproduced hereunder for reference:-

24. DD Conditions for exemption from General restriction ²⁰[and **Procedure-** The sale, gift or bequest by a khatedar tenant of his interest in the whole or part of his holding for industrial, residential or commercial purposes may be exempted by the State Government or authority or officer empowered under third proviso to section 42(a) of the Act from the restrictions imposed by section 42(a) of the Act, subject to following conditions:-

(1) The Land involved in such sale, gift or bequest is otherwise fit to be converted for the purpose for which, it is to be utilised in accordance with the provisions of the relevant rules framed under the Rajasthan Land Revenue Act, 1956 for the conversion of agricultural lands for industrial, residential or commercial purposes.

(2) ~~xx~~ deleted xx²¹

(3) The application for conversion of land shall be accompanied by another application for seeking exemption under section 42(a) of the Act. Both these applications shall be considered and disposed of simultaneously by the competent authority.

(4) If the holding of the applicant comprises both irrigated and un-irrigated lands the applicant shall apply for permission under this rule in respect of un-irrigated land. In case he applies for permission in respect of irrigated land he shall explain the reasons for not having applied for un-irrigated land in his application and if, after necessary enquiries, the competent authority is of the view that the un-irrigated land held by the applicant will not serve the purpose in view, it may consider the grant of permission of irrigated land.

(5) The application for the purpose of obtaining exemption for sale, gift or bequest shall be in form "CA".]

²²[(6) The Competent Authority for the cases falling in the areas, for which Master Plan or Draft Master Plan is prepared, shall consult the Master Plan or Draft Master Plan and shall be guided according to the land use shown in such plan. If no Master Plan or Draft Master Plan of the area exists, the Competent Authority shall seek the opinion of the Local Authority which the latter shall tender within 30 days of the receipt of such reference. If no opinion of the Local Authority is received within stipulated period or if received, the Competent Authority shall pass appropriate order.

²³[**24DDD. (1) Procedure for regularisation of sale, gift or bequest under section 42-A-** The sale, gift, or bequest by a Khatedar tenant of his interest in the Rajasthan Tenancy (Amendment) Act, 1978 (Rajasthan Act 11 of 1978) and is in

²⁰ Inserted vide G.S.R 54 dated 4.8.88.

²¹ Deleted vide G.S.R. 54 dated 4.8.88.

²² Added vide No. F. 5(15) Rev./Gr.4/88/26/GSR 54, Dated 4.8.1988, Pub. in Raj. Gaz. Part 4 (Ga) (1), dated 1.9.1988, page 213.

²³ Inserted vide No. F5(27) Rev./Gr.4/81 GSR dt. 26.12.1981.

Notification No. F. 5(3) Rev. /6/86/21, GSR 58, dated 24th August 1995, Published in Raj. Gaz. EO-4(Ga) I- dated 6.9.95, page 107(3).

contravention of any of the provisions of clause (a) of section 42, may be decreed to be valid by the Collector, or any officer or authority authorised under Section 42-A of the Act, on payment of such premium and/or penalty prescribed in relevant rules by the Government in this behalf, in the manner indicated below:-

(i) The application for the declaration as valid of any sale, gift or bequest under section 42-A shall be made by the tenant in Form "CB" alongwith the fee of Rs.10/-

(ii) Each application for declaration under clause (1) above shall be accompanied by another application requesting for the conversion of the land in accordance with the provisions of the relevant rules providing for the conversion of agricultural land for the industrial, residential or commercial purpose

(iii) deleted xx²⁴

(iv) On receipt of the application, the Collector, or Officer, or authority authored by the State Government under section 42A of the Act, shall scrutinise the application and in so doing shall ensure that the land involved in such sale, gift or bequest is otherwise fit to be converted for the purpose for which it has been utilised or purpose to be utilised, in accordance with the provisions of the relevant rules framed under the Rajasthan Land Revenue Act, 1956 for the conversion of agricultural land for industrial, residential or commercial purposes and, thereafter, shall pass appropriate orders thereon]

²⁵[(2) The application for regularisation of transfer of land in contravention of clause (a) of Section 42 made before the 1st April, 1989 for agricultural purposes only shall be submitted by the tenant to the Sub-Divisional Officer in form C-B-I. The Sub-divisional Officer shall scrutinise the particulars of the application and on being satisfied pass the orders of regularisation on payment of penalty of a sum equal to ten times of the land revenue payable for the holding ;

Provided that such application shall be made within one year of the date of commencement of The Rajasthan Tenancy (Government) (Amendment) Rules 1989.]

CHAPTER IV AA

²⁶**(24AA. (I)** Exchange of lands by the tenants of the same class holding lands directly from the State Government may, with the mutual consent of such tenants in writing, allowed by the Tehsildar of the Tehsil in which such lands are situated or by the district].

(2) Where land is held by any tenant directly from the State Government, or an officer authorised by it in this behalf may with the consent of such tenant, give him any other land in exchange for the land let out to him.

²⁴ Deleted vide GSR.54 dated 4.8.1988.

²⁵ The existing rule 24 ODD shall be renumbered as sub-rule (1) thereof & sub-rules (1)(2) (3) & (4) shall be renumbered as clauses (ii) (iii) & (iv) respectively and after sub-rule (1) as so renumbered The new sub-rule (2) inserted. vide Rajasthan Tenancy (Govt. (Amendment) Rules. 1989 No. F 5(3) RevJGr 4/86/20 dt. 5.10.89

²⁶ Substituted vide No. FS(17) Rev/Gr.IV/81/2 G.S.R. 105 dated 20.1.1982

27 CHAPTER IV B

28 ²⁹**Minimum Area** - The minimum area for the purpose of sub-section (1) of section 53 of the Act shall be five acres:
 Provided that where a tenant has class I irrigated land such minimum area shall be 2.5 acres.

Explanation - Class-I irrigated land shall mean land under assured irrigation capable of growing atleast two crops in a year],

CHAPTER V**Rules to give effect to the provisions of Section 84 of the Act**

30[**24EE-Form of application** - (1) An application for permission under the proviso to sub-section (2) of section 84 of the Act shall be in Form "C".]

31[Provided that no such permission shall be necessary in case of removal of Eucaliptus, Su-Babul, Ardu, Vilaitib Babi ³²[Desi Babul] and Israeli Babul standing on applicant's holding is sought.]

(2) It shall be submitted to Tehsildar having jurisdiction through the Patwari of the circle in which the land on which the trees sought to be removed are situated.

24-F.Patwari's Report-The Patwari shall, within one week of the receipt of the application and after seeing the site, submit his report to the Tehsildar in Part II of the Form C-1 on correctness or otherwise of the particulars mentioned in the application.

33[**24G. Enquiry and disposal** ³⁴[**XXX**] - (1) The tehsildar shall in every case inspect the site himself or get it inspected by an officer not below the rank of an Inspector, Land Records. The Tehsildar or such officer, as the case may be, shall clearly indicate in his inspection report (a) total area of holding of the applicant with Khasra numbers, (b) number of trees standing on the holding, (c) number of trees sought to be removed, (d) jurisdiction for the removal of trees that may be permitted to be removed, and (e) specific reasons which necessitate removal of trees. The inspection report shall be submitted in Form C-1 Part III.

(2) Subject to the conditions laid down in these rules, the Tehsildar shall on receipt of such inspection report and after satisfying himself on the merits of the application that the number of trees sought to be removed is not excessive and commensurate with the purpose for which removal is sought, grant the permission

²⁷ Renumbered vide No. F6(88)ReVB/Gr 1/64 dated 17.8.65

²⁸ Substituted vide G.S.R. 63 No. F6(23) Raj./Gr. IV/dated 29.9.1986. published in Raj Gaz. Part IV Ga dated 18.9.1986. page 165 for the following.

²⁹ The minimum areas for the purpose of Sec. 53 of the Act shall be one-fifth of minimum area fixed for each district or part of a district for purpose of cl. (a) of Sec. 180 and given in rule 66 and schedule thereto.

³⁰ Inserted vide G.S.R. II Noti. No. F5(7) Rev. Gr. IV/76 dt. 27.4.1977 published in Raj. Gaz. Part IV C (1) dated 27.4.1977, page 36(1) and renumbered as "24EE" vide G.S.R. 8 dated 2.5.1981.

³¹ No. R.6(23) Rev.Gr.IV/79/12 – G.S.R 99 – dated 29.6.1989. Published in Raj. Gaz. – 4 (Ga) I. dated 4.6.1992, page 240-241.

³² Notification No. F.6(23) Rev./Gr./IV/79/4 S.O.327, dated 22.2.1991. published in Raj. Gaz., E-O, 4 (Ga) (II) Dt. 22.2.91., page 675

³³ Substituted vide Notification No. F.5(7) Rev./Gr.4/76/13 G.S.R. 8 dated 23.5.1981, published Raj. Gaz. (E-O). Part 4(Ga), dated 2.5.1981, page 19-27.

³⁴ Words "by Tehsildar" deleted vide GSR 63 dt. 2.9.86.

within 15 days of receipt of the inspection report, but –

³⁵“(a) The Tehsildar shall permit the removal upto 15 trees subject to the ceiling limit of the aforesaid proviso.

(b) If the application is for the removal of more than 15 trees the Tehsildar shall forward the application to the Sub-Divisional Officer concerned alongwith the report. The Sub-Divisional Officer after satisfying himself and subject to the ceiling limits of aforesaid proviso grant or refuse the permission stating the reason thereof.”]

(3) the permission shall be valid for a period of 30 days from the date of sanction and can be extended for a further period not exceeding 30 days.

³⁶[Provided that khatedar shall not be allowed to cut more than 10% of trees standing on his holding in any calendar year.”]

24-H. Conditions for grant of permission- (1) Removal of any tree or class of trees may be granted in following cases:

(i) If it will help any work of construction by and on behalf of the village community, or

(ii) If such removal is necessary for the extension of cultivation or other agricultural activities of the tenant, or

(iii) If it will mitigate any real existing grievance of the tenant, or

(iv) If the existing trees are so dense that they affect the fertility of the soil or otherwise cause damage to the soil or standing crops, if there be any.

(2) Before grant of permission under these rules, the applicant shall give an understanding in writing that he shall plant and stabilise two trees in lieu of the one permitted to be cut. The trees shall be planted at the place indicated in the undertaking and if no such place indicated therein, at the place directed by Tehsildar. If it is not possible to plant the new trees on the land from where the trees are removed, without causing damage to the land, standing crops, grass or trees or building of neighbours, the same shall be planted and stabilised at a place directed by the Tehsildar:

Provided that the condition of planting two trees shall not apply if the permission is sought under clause (iv) of Sub-section (I) and there is no other Part of the holding where such trees could be conveniently planted.

(3) If the permission is refused reasons of refusal shall be recorded in writing and communicated to the applicant.

24-I. Inspection- All permissions issued under these rules shall be liable to inspection by any Revenue Officer, any Forest Officer, or by a Police Officer not below the rank of sub-Inspector of Police and any breach of the terms of the permission or irregularity in the issue of the same shall be reported by the Officer detecting it to the authority which has issued the permission. ³⁷[The Inspection made by Inspector, Land Records shall be recorded register prescribed in Form C-I, Part VI).

³⁵ Substituted for clause (a) (b) and (c) G.S.R. 63 dated 2.9.86.

³⁶ Added vide G.S.R 63 dated 2.9.86.

³⁷ Added vide No. F5(7) Rev./Gr.4/76/13 GSR 8 dt. 2.5.1981

24-J. Cancellation of permission - The authority competent to issue the permission under these rules may at any time, before the trees are cut, cancel the same where it is subsequently discovered that the applicant had misrepresented facts to secure the permission.

24 - K. Form & Register of Permission -(1) Permission should be in the "Form -C II" and a register of permissions in the same form shall be maintained and kept upto date at each Tehsil Office.

³⁸["(2) In all cases in which permission has been granted for removal of [upto fifteen trees] 23 a copy of such order of permission shall be sent to the Sub-Divisional Officer and other cases where permission has been granted for removal of more than 15 trees, a copy of such order of permission shall be sent to the Collector. Copy of each such order of permission shall also be endorsed to the Inspector. Land Records and Patwari who shall check that the conditions of permission are not violated, and report infringements if any."]

25. The fee for the issue of licences under sub-section (S) of the section 84 of the Act shall be as follows:

- (i) Special licence -Nil
- (ii) General licence - Anna one per tree or Rs. 5/- per acre, whichever is less.

³⁹[CHAPTER V-A

Rules to give effect to the provisions of Sections 98, 99, 100 and 104

25A. Maximum rent where the land revenue is settled - Subject to the provisions of rule 25C, whenever land revenue has been assessed in cash by settlement upon estate-holders and such rent has not ready been assessed in cash by the Settlement Department or fixed by a decree or order of a competent court the rent to be charged by such tenants shall not exceed two times the amount of such land revenue.

25B. Maximum rent in areas where rent has been settled - Subject to the provisions of rule 25-C wherever rent is payable by tenants has been determined in cash by subtenants but the cash rent payable by such sub-tenants to the tenants in chief have not been determined by the Settlement Department or fixed by or under a decree or order of a competent court, the rent to be charged by the tenants in-chief from their sub-tenants shall not exceed two times the amount of rent so assessed or fixed.

25C. Higher maximum in certain cases - Where the estate holders or the tenants who sub-lets is a widow or a minor or a disabled person or a student who is below 25 years of age and is studying in a recognised institution, the rent to be charged from the tenants by such estate holder or from the sub-tenants by such

³⁸ Substituted for "of more than five trees, but less than 16" vide No. F 6(231 Rev./Gr.IV/79/4. G.S R. 82, dated 29.12.1989 Pub. in Raj. Gaz 4(Ga) I dated 14.12.1989, page 253.

³⁹ Added by Notification No. F. 7(94) Rev. (b) dated 6.5.1958 Pub. in Raj. Gaz. Extra-ordi. Part IV - C dated 12.6.1958.

tenants in chief may extent, in the case of the estate-holder to ⁴⁰[three] times the assessed Land Revenue, and in the case of tenant who sublets 36A[three] times the assessed rent.

25D. Maximum of rate of rent in kind - Where rents are payable in kind the maximum rent in kind payable by a sub-tenant to minor or a lunatic, or an idiot or a woman who is unmarried or divorced or separated from her husband or is a widow, or a person incapable of cultivating his holding by reason of blindness or order physical disability or infirmity; or a person not exceeding 25 years of age who is a student prosecuting his studies in a recognised institution may extent to one forth of the gross produce.]

CHAPTER VI

Rules to give effect to the provisions of Section 126 of the Act.

26. Agricultural calamities are of two kinds (i) wide - spread, and (2) local. Famine and drought are considered wide spread, while frost, rust, hail, locusts and flood are generally local, affecting a limited area. On the occurrence of an agricultural calamity, relief is given either by suspension or by remission of rent.

27. Principles for deciding whether suspension or remission should be recommended- Suspension will ordinarily be sufficient in the case of a calamity affecting the Kharif. But when the calamity is exceptionally severe, or when the economic condition of the people has been reduced by previous crop failures, or when the Kharif is the main or exceptionally important crop remission of rent be recommended.

When calamities affect the Rabi, remissions should ordinarily be proposed. The reason, why suspension and not remission is ordinarily granted on the occurrence of an agricultural calamity affecting the Kharif, is that Kharif (save cotton) is generally composed of the flood crops of the people, while the Rabi consist of the cash or rent paying crops. It is therefore necessary to consider the relative importance of the Kharif and Rabi harvests, in determining the extent of relief by way of suspension or remission of rent;

⁴¹["Provided that where there has been continuous famine for three years in succes-on in any village and the damage caused was more than 8 annas in all the crops, the tollector shall give automatic remission of rent for the first year"];]

28. Promptitude essential- Relief ⁴¹[shall] be related ⁴²[XXX] to the loss suffered by individual, but promptitude in the issue of orders is of far greater importance than meticulous accuracy in the estimation of loss. Particularly when the area which has suffered loss is large, small differences in the loss suffered by different crops [shall] be ignored and an average rate of loss assumed.

⁴⁰ See Foot Note 36, infra.

⁴¹ Added by Nontification GSR No 86 dated 17 1.1970 Pub. in Raj Gaz. Gxtraordi Cart IV-C(1) dated 19.1.1970 page 301

⁴² Substituted and shall be deemed always to have been substituted by Notification No. 7(94) Rev. (B)/57, dated 15.1.1960 First Pub in Raj Gaz. Extraordi. part IV C dated 16.1 1960.

⁴³[29. **Scale of relief-** The relation between the relief to be given in rent and the loss on fee holding calculated, is given in the following table:-

Loss Measured in paisa per rupee of normal produce	Relief in rent
1. Less than 37 paisa	Nil
2. Amounting to 37 paisa but not amounting to 50 paisa	25 paisa
3. Amounting to 50 paisa but not amounting to 62 paisa	37 paisa
4. Amounting to 62 paisa but not amounting to 75 paisa	50 paisa
5. Amounting to 75 paisa	62 paisa
6. More than 75 paisa	75 paisa

In the case of holdings the rent of which is payable by division of the produce or is based on appraisalment of the standing crops, relief generally is not given.

30. Principles for deciding whether suspended amount should not be collected-The following principles should guide the Collector in deciding whether a suspended amount of rent failing due for collection should be collected or not -

(a) Suspended rent should be recovered as soon the circumstances of the people and the out turn of the harvest permit.

(b) As soon as the prospects of the harvest at which the collection of suspensions has been provisionally proposed are sufficiently clear, the Collector should determine the amount of arrears which he can collect with the harvest and should report his proposals to the Commissioner.

(c) In making this report the Collector should be guided by the nature and the extent of the calamity; on account of which relief was given, the character of the harvest about to be reaped, and the condition of the people.

(d) When the crops of the harvest to which the suspended rent have been carried forward are themselves below normal, remission of the suspended amount may be recommended in whole or in part.

(e)(xxx]

Inspection and estimates of damage.

31. Necessity of constant watch over crop conditions- it is the business of revenue officers and in particular of Collectors and Sub-Divisional Officers to closely watch the state of the crops in the areas committed to their charge. It is only by paying continuous attention to the weather and other conditions which affect the crops from the time of sowing to the time of harvest, that if possible to take action to give relief with the necessary promptness. Inspections of crops must therefore not be confined to harvest time, or delayed until it is rumoured that the crops have failed. During their Rainy season and cold weather tours, revenue officer must make constant inquiries as to the crop prospects and must make a point of visiting those areas in which there is a possibility of crop failure.

It is the duty of all subordinate revenue officials to report cases of crop failure promptly to their superiors and it is the duty of the Collectors and Sub-Divisional Officers and Tehsildars in cases in which they cannot make sufficiently detailed

⁴³ Substituted vide No F.5(7)Rev/Gr.4/7W13 GSR-8 dated 2 5.1981.

inquiries themselves to call for detailed reports from their subordinates. Government and Commissioners must be kept in touch with the agricultural situation through Collector's fortnightly demi official letters. Commissioners themselves should, if there is expectation of an extensive calamity, arrange to visit the area affected.

32. Special inquiries- When it appears that relief to the cultivators will probably be necessary, the Collector should arrange for a special inspection of the area affected and should, unless the area damaged is very small, himself inspect the area. If the area is large it will generally be impossible for the Collector to make detailed inspection himself. In such a case it will generally be expedient to have detailed village inspections done by inspectors of Land Records and Naib -Tehsildars and to have their work checked by Tehsildars and Sub-Divisional Officers. Reports should at this stage not be called for from Patwaris. The Collector should himself carry out sufficient check of the work of his subordinates to enable him with the knowledge he has obtained from the watching the crops since they were jown to satisfy himself of the accuracy of the reports which he has received or to correct the reports. The Collector should be able, when issuing instructions for detailed inspection of an affected area to indicate the general lines on which he wishes that enquiry to proceed and the points on which he wishes for detailed information. It is useful especially in the case of extensive damage, for the Collector to hold a conference of the Sub-Divisional Officers and Tehsildars concerned at which final conclusions can be reached as to the extent and nature of the damage. The preparation of maps showing the villages affected and the comparison of the maps of one Tehsil with the maps of neighbouring Tehsil is a valuable check to ensure that no area, where relief is necessary has been left out and that relief will be given on the same principles throughout the district.

33. Classification of fields and estimate of loss - (1) It is impossible to base the relief given to cultivators on estimates of the damage caused to individual fields and no attempt should be made to do so. Estimates of damage must be made for classes of fields and not for individual fields as a whole. The classification of fields for the purpose must depend on the nature of calamity. It may be that the loss is uniform over the unirrigated fields and that the loss, if any, in the irrigated fields is also uniform; in which case it will be necessary only to make for each village an estimate of the loss on the irrigated fields as a whole and on the unirrigated fields as a whole. In other cases the loss may vary according to the crop. If so, it will be necessary to make for each village an estimate of the loss on each crop. It may also be necessary to distinguish not only between crops but also between irrigated and unirrigated fields of the same crop. In other cases such as hill or flood, a part of a village may be damaged or different parts may be damaged to different extents. In such a case it will be necessary to mark off the damaged portion, or the portion damaged to varying extents, on village map and to estimate the damage done in such portion or in each of such portions. It may be necessary in this case also to distinguish between the different crops in each of such portions. Definite orders must be passed by the

Collector in the case of each village affected by the calamity as to the damage suffered by each class into which he has ordered that the fields be divided. For this purpose if the area damaged is extensive, it will generally be advisable to group villages. It is essential that the system on which fields are to be classified for the purpose of determining the loss be laid down before any attempt is made to work out detailed calculations. Once the classes have been decided on by any authority, no lower authority, has any power to vary the estimate of loss as between field of the same class.

(2) In deciding on the classification to be adopted the Collector must remember that the estimates, of loss can only be approximate and that too meticulous a classification defeats its own purpose as it delays the preparation of relief statements and causes harassment to the cultivators.

(3) In framing his estimates of loss, the Collector should remember that the normal crop, that is to say the crop which has suffered the normal amount of damage in a season which is not exceptionally good is generally reported as being a 12 or 18 annas crop. It is only in years in which the crops has escaped any damaged that (he crop is reported as 16 annas. Such years are exceptional and not normal. The instructions however, assume that; normal crop is a 16 annas crop, i.e. in the instructions loss means loss in excess of normal loss. Unless care is taken, this may lead to an overestimate of the loss particularly in the case in which the damage is not very great.

(4) Collectors cannot be too careful to guard against a general tendency that exists in subordinate staff to overestimate losses as a precaution against possible objection by cultivators. Government desire to impress upon Collectors the imperative need for a thorough and careful checking by the superior staff of estimates of losses with a view to prevent exaggerated estimates and consequent loss of Government revenue.

34. The "normal area"- If the nature of the calamity is such that it has reduced the sown area, as happens in the case of a shortage in late monsoon rainfall, allowance must be made for this reduction in area in calculating the loss suffered by the cultivator. The general principle is that (the area which has not sown, but which would have been sown but for the calamity, is treated as if it had suffered a loss of 16 annas. It is obviously extremely difficult to decide which of the field that have not been sown in a particular year would have not been sown if the circumstances had been different. The most direct method of approach would be to compare the sown area of each holding with the sown area of the holding in a normal year. This necessitates a detailed comparison of the khatauni of the year in which the calamity occurs with the khatauni of a normal year which is a laborious process and takes time. Difficulties too arise in areas of shifting cultivation. A less laborious and quicker method is to determine with a normal year the percentage of the holdings area which is normally sown and to assume that this percentage of each holding would have been sown in the year of the calamity, if the season had been normal.

(2) It is the business of the Collector to determine whether allowance should be made for shortage of sown area and, if such allowance is to be made to determine which year would be taken as normal. If the nature of the calamity was such as not to affect the sown area or if the effect was small, say less than 10, or 15 percent, no allowance will be made.

35- Preliminary report to the Commissioner - (I) As soon as the Collector has decided on (the nature and extent of the calamity and the steps which he proposes to take to deal with it he shall send a preliminary report to the Commissioner explaining the situation both as regards the area affected and the classification of fields which he proposes to adopt for the purposes of calculating the relief, with an estimate of the damage suffered by each class, and, in cases in which it is necessary to allow for the shortage. He should discuss condition of the cultivators. To enable the Collector to follow the progress of the season and to know how far the rainfall in any season departed from the normal as regards either distribution or amount, a statement of normal rainfall by rain gauge stations will be published separately and applied to all Collectors. When relief is proposed on account of excessive rainfall or failure of rains, the Collector should refer to this statement in making his proposals and compare the figures for the normal and the actual rainfalls in his report.

(2).The Collector's report shall also give (a) the areas under the Kharif and Rabi crops grown in a normal year in each tehsil affected, with details of irrigated and dry areas (b) the total rental demand of the village affected; and (c) a rough estimate, as far as one can be made at this stage, of the relief which it will be necessary to give in the rental demand. It is necessary at this stage for the Collector to make any recommendations whether the proposed relief should be given by way of remission or suspension.

(3).The report should not be delayed by the inclusion in it of detailed calculations. It should be despatched within a fortnight of the occurrence of the calamity, and in no circumstances (except in a case of damage by fire) should it reach the Commissioner later than Dec.15 in the case of a calamity affecting the Kharif and May, 15, if the Rabi is affected.

(4) Before finalising his report under this rule the Collector shall issue a public notice of the extent of the loss or damage which he estimates to have been caused in the area affected by the agricultural calamity, calling upon all persons concerned to lodge their objections if any, before the Tehsildar within the local limits of whose jurisdiction their holdings are situated within three days of the publication of the notice by beat of drum in accordance with clause (b) of sub-rule (5).

(5) Such public notice shall be in Form CC and shall be published-

(a) by pasting a copy thereof

(i) on the notice board of the Collector issuing it,

(ii) on the notice board of each Tehsil within which the area affected by the agricultural calamity or any part thereof is situated, and

(iii) at some place of public resort in each village the whole or a part of

which is affected by the calamity, and

(b) by beat of drum in each village.

(6) If any objections are received by the Tehsildar that shall be disposed of by him summarily on the very day of their receipt and shall be submitted to the Collector, alongwith a report showing the details of the disposal thereof and of the publication of the notice issued under sub-rule (4), as promptly as may be possible but not later than a week after the publication of the said notice by beat of drum.

(7) The report under sub-rule (1) should, in addition to the other particulars mentioned in that sub-rule and in sub-rule (2) also refer to the fact of the issue of the public notice under sub-rule (4), the objections, if any lodged under sub-rule (6) and the manner of their disposal.

36. Commissioner's orders on Collector's preliminary report - As soon as the Commissioner receives the Collector's report submitted under the previous paragraph, he should forward a copy of the Collector's report and of his recommendations thereon the Government for information. It is essential that the Commissioner should make explicit report approving or modifying the estimates of the loss of the classes of fields submitted by the Collector. It is the Commissioner's duty to see that adequate, but not excessive, relief is given Commissioner should see that proposals are not detained for more than a week in their office before being submitted to Government.

Preparation of Relief Statements.

37. Entry of loss in Khasra and Relief Khatauni - As soon as the Collector has decided on the nature and extent of the calamity and the measures necessary to deal with it, he shall, on receiving the orders of the Government issue orders for the preparation of the relief statements. The Patwaris of the villages affected by the calamity should be called to the Tehsil and, except in very special case, should remain at the tehsil until their statements are prepared. The first step in the preparation of these statements is to enter in the remarks column of the Khasra opposite each fields the estimated damage in anna per rupee caused to the crop in that field in accordance with order passed under rule 33. At the same time the area of "equivalent total loss" will also be calculated and entered in the remarks column. This is a measure of the loss on the sown area expressed as an area. Thus if the sown area of two acres has suffered a loss of 10 annas in the rupee this is taken as the equivalent of $\frac{3}{4}$ acre of undamaged crops and $1\frac{1}{4}$ acres of total loss. This area of $1\frac{1}{4}$ acres is the area of equivalent loss. A sufficient number of these entries must be checked by the Inspector Land Records to ensure that the khasra will generally enable this to be done, but in cases in which only certain portions of the village have been damaged by hail, flood, etc., a reference the map will be necessary.

38. Calculation of relief in tenants holdings paying a fixed cash rent-

(1) The next step is the preparation of the relief khatauni in the form given below. The object of the relief khatauni is to enable the calculations of relief in rent to

be carried out. The first step in this calculation is to transfer to column 5 of the relief khatauni the area of equivalent total loss in each field and total this column for each holding to get the area of equivalent total loss in the holding.

Column 4 is also totalled to obtain the total shown area of the holding. If there has been loss due to shortage of area, the loss suffered by the holding as a whole is expressed in annas per rupee by comparing this area of equivalent total loss with the area of holding which is cultivated in the season in which the calamity occurred. This is taken as the loss measured annas per rupee of the normal produce. In the case of fixed cash rent the full rent demand of the season is entered in column 10 and the actual rent payable in the season is then worked out by applying the scale given in paragraph 3 and entered in column 11.

RELIEF KHATAUNI

Serial No. in ordinary Khatauni. 1	Name and parentage of cultivator. 2	Khasra No. of field. 3	Area sown. 4
			Total of shortage of area and area of equivalent total loss. 8
Area of equivalent total loss 5	Normal area of season 6	Shortage of area 7	
Loss in anna per rupee 9	Rent demand of the season. 10	Rent payable in the season. 11	Remarks. 12

39. Checking of entries by Superior Officers - It is of the utmost importance that entries of equivalent total loss in the khasra and entries and calculations made in the khatauni should be subjected to a thorough and complete check, as they form the basis of the actual amount of relief in money. While the Inspector Land Records shall be immediately responsible for the accuracy of the entries and calculations, the Collector must also prescribe a suitable percentage of check by the Tehsildar and Naib Tehsildar. The Sub-divisional Officer should see that the check done by the Tehsildar and other subordinates is real and effective.

40. Relief khatauni may be dispensed with in certain cases of uniform damage – If uniform damage is caused to the all the crops of a village, it is, of course unnecessary to prepare the relief khatauni as the relief to be given, can be calculated directly from the table given in rule 29. But, except in unirrigated areas, such cases seldom arise unless the damage is due to floods.

⁴⁴[Provided that no relief khatauni shall be prepared in cases where automatic

⁴⁴ Proviso added vide G.S.R. No. 86 dated 17.1.1970 pub. in Raj. Gaz. Extraordinary, part IV-C, dated

remis-sion is to be given under rule 27”]

41. Relief to sub-tenants- If the sub-tenant's area is large, the sub-tenant may also be given relief in the same proportions as is granted to the tenants in-chief.

[⁴⁵41-A. Rent suspended due to failure of crop shall not be realised for more than two years at a time in a good year following the period of calamity including the Land Revenue for the good year].

CHAPTER VII

Rules to give effect to the provisions of section 137 of the Act

42. Receipt Book and Tehsildar's responsibility- The Tehsildar shall be responsible for the safe custody and sale to landholders of books of receipt with counterfoils (Form 'D'⁴⁶ (as appended to these Rules) (supplied by the Government Press and for maintaining accounts of receipts and sales in prescribed form. He shall also see that the books in hand is at all times sufficient to meet the normal requirements of his Tehsil, that indents for all receipts from the Press and sales to landholders are promptly recorded in the register maintained for this purpose, and that all the entries of receipt and sales are signed by him before the close of the day on which they are recorded.

43. Form of account - The account of receipt and sale of books shall be maintained in a register in the following form:-

FORM

Register of Account of Receipt of Book prescribed by Section 137 of the Rajasthan Tenancy Act, 1955

Date of receipt	No. of Books Received with Book numbers	Value of books received at two annas per book	Signature of Tehsildar	Date of Sale
1	2	3	4	5
Name and address of the person To whom said or of the person on Whose behalf the purchase us Made		No. of Books sold with book number	Price	Signature of the purchaser
6		7	8	9
Date of deposit in the treasury of the sale proceeds with challan Number	Balance of receipt books in hands		Signature of the Tehsildar	
10	11		12	

⁴⁷[44- Omitted]

19.1.1970. P.301.

⁴⁵ Rule 4 A added by G.S.R No. 86 dated 17.1.1970 ibid.

⁴⁶ Added vide G.S.R.8 dated 2.5.1981.

⁴⁷ Amended vide No. F.5 (7) Rev./Gr.4/76/13 GSR 8 dated 2.5.1981.

CHAPTER VIII

Rules to give effect to the provisions of section 138 of the Act.

45. When tenants may 39[receive] a statement of account-A tenant shall be entitled to 41 [receive] a statement of account of the rent and sayar of his holding or holdings only between the first day of June and the first day of September of any year.

NOTES

Procedure of Enquiry in contested cases - Rule 45 lays down that in contested cases the enquiry shall be made in the manner provided by law for the trial of a suit in Revenue Courts and in uncontested cases in manner provided by law for the trial of an application by a Revenue Court. The procedure of the trial of cases by a Revenue Court is laid down in the Raj. Tenancy Act. The Act does not provide any special procedure for the trial of cases by the Revenue Courts. But section 208 of this Act makes the provisions of the Code of Civil Procedure applicable there to except when found to be inconsistent with the provisions of the Act. This means that the same procedure as has been provided by the Code of Civil Procedure will have to be followed, if not in letter, at least in spirit, by the officer trying the cases under the Raj. Tenancy Act.] Rajendra Singh vs. State- 1973 RRD 55.]

⁴⁸**[46. Fee to accompany demand** - Such demand may be made by the tenant in a written or verbal request and alongwith such request a fee of 25 paise and, if the tenant wished the statement of account to be sent by post a further sum sufficient to cover the cost of postal charges and certificate of posting shall be paid by him either personally by delivering to the land holder or by remitting the amount by Money Order. The land holder shall give a receipt to the tenant for the amount received."]

47. Land holder to furnish a statement of account - Within one month of the receipt of the Fee the land holder shall furnish a statement of account to the tenant in Form E and obtain a receipt therefore signed by the tenant or if the tenant has paid the cost of postage and the certificate of posting, send the account by post and obtain a certificate of posting, send the account by post and obtain a certificate of posting.

CHAPTER IX

Rules to give effect to the provisions of Section 148,149 of the Act.

48. Officer to be deputed to make division, estimate for appraisement of crops - The

officer so be deputed under section 149 of the Act to make the division, estimate or appraisement shall ordinarily be the Inspector of Land records.

49. Fee- With every application a fee of Rupee one shall be deposited by the applicant.

⁴⁸ Amended vide no F.5(7)Rev./Gr.4/76/13 GSR 8 dated 2.5.1981

CHAPTER X

Rules to give effect to the provisions of Section 160 of the Act

⁴⁹[50. Omitted]

51. Area to which application shall relate- An application to the Collector, for realisation of arrears of rent as arrears of land revenue under section 160 of the Act shall not relate to an area longer than a village.

52. List to accompany application - Lists to accompany application - Each application shall be accompanied by lists in duplicate showing in Form F appended to these rules the details specified in columns 1 to 6 that form of every defaulter in the village against whom the application desires proceeding to be taken. If a defaulter is in arrears in respect of more than one holding shall be shown separately.

53. Receipt book to be produced with application - The applicant shall produce alongwith application one or more receipt books printed under the provisions of section 137 of the Act, and containing a sufficient number of receipt forms and counterfoils for the use of the officer realising the arrears.

54. Verification of application - The application shall be verified as a pleading in accordance with rule 15 Order VI of the Code of Civil Procedure (Act V of 1908).

55. Application how treated - The application, after presentation shall be at once formed into a file with an index and ordersheet attached.

56. Checking of list by Collector - The Collector shall check the lists by examining the record relating to the realisation of rents maintained by the landholder or the patwari, or by any other suitable method and shall satisfy himself that the amount claimed is due and may make such modifications in the lists as appear to be necessary. The Collector shall also see that the claim on account of interest in column 5 has been correctly calculated at the rate prescribed by the Act (one anna per rupee per annum simple interest). After checking the entries in Column 36 and making such alterations in them as may be necessary, the Collector shall enter in column 7 the amount passed by him for realisation.

57. Agency of collection - The Collector shall then send the lists-together with the receipt books, to the Tehsildar, who shall either proceed to realise the arrears himself or shall entrust the duty to another officer who shall be ordinarily a Naib Tehsildar or an Inspector of Land records. The arrears shall be recovered as arrears of land revenue.

58. Extra staff- The Collector may appoint extra staff to make the collection.

59. Limits of the cost of extra staff- The cost of the extra staff employed should not ordinarily exceed 4 percent of the demand in no case should it exceed 5 per cent of the demand.

60. Receipt to be issued- The officer charged with the realisation of the arrears

⁴⁹ Omitted the following vide G.s.R. 8 dt 2.5.1981

50. Court fee on application-In accordance with serial number 58 of part II of the third schedule to the act, and application under section 160 of the act for the recovery of arrears of rent must bear a court fee of eight annas.

shall give a receipt to each defaulter for the amount realised from him from the printed book or books supplied by the applicant under rule 53.

61. Arrears collected, how disposed of- The Tehsildar or the Naib Tehsildar who has made collection, may, if the applicant or his authorised agent is present, handover to him on his written receipt any sum realised by him under these rules. If the applicant or his authorised agent is not present or does not agree to take the amount realised or if the collections are made by an officer other than the Tehsildar or Naib-Tehsildar, the amount collected shall be deposited in the treasury as a revenue court deposit of the Tehsildar's court payable to the applicant and the requisite challan shall be attached to the file. [Before the final payment to the applicant is made the cost of collection fixed by the Collector in accordance with the provisions of sub-sec. (5) of sec. 160 shall be deducted and one of the duplicate lists in Form F under rule 52 will be given to the applicant with all the columns filled in J.

62. Payments to be entered in cash books- Whenever any sum is paid either to applicant or his authorised agent or deposited in court, an entry to this effect with the name of the payee and the amount shall be entered in the cash book (Form G) and initiated by the Tehsildar.

63. ⁵⁰**(Intimation of realisation** - The Accountant shall maintain a register in Form H, in which all sums realised from time to time shall be entered. All such realisations shall be intimated to Tehsildar,

64. ⁵¹**[Comparison of Accounts** - The officer making the collections shall, on his next visit to the Tehsil, or as soon afterwards, as possible, compare the entries in his cash book with those in the register kept by the Accountant.

CHAPTER XI

Rules to give effect to the provisions of Section 180 of the Act.

65. Procedure for ejectment of Khudkasht and Gair Khatedar tenants of sub-tenants 46[under section 180 (2) of the Act]- In the proceedings under section 180(2) of the Act, where there are more tenants or sub-tenants than one, whose ejectment is applied for by the land holder or where the area held by the tenant or sub-tenant is in excess, of the area from which ejectment can be sought under clause (b) of section 180, the court shall, in ordering ejectment, be guided by the following principles :

- (a) If the requirements of the landholder can be satisfied from the area held by tenants or sub-tenants holding more area than the minimum prescribed by the Government, the tenants or sub-tenants holding area less than the prescribed minimum shall be exempted and proceedings shall be taken against the rest.
- (b) Other things being equal, the tenant who has sub-let his holding in

⁵⁰ Vide No.F 5(7) Rev./Gr 4/76/13 G.S.R. 8 dt. 2.5.1981

⁵¹ Vide No.F 5(7) Rev./Gr 4/76/13 G.S.R. 8 dt. 2.5.1981

contravention of the provisions of the Act, in whole or in part as the case may be, shall be ejected.

(c) If the requirements of the land-holder cannot be satisfied as provided in sub-clauses (a) and (b) above, the land which forms the Jav of a masonry well con-structed by the land holder at his own expense, whether held by a tenant of Khudkasht or Gair Khatedar tenant, shall be proceeded against.

(d) the incidence of ejectment which has been determined in accordance with The above principles shall be disiributed evenly and fairly, as far as possible, upon the tenants or sub-tenants concerned, regard being had lo the size and value of each holding and the different categories of land included therein.

(e) The area from which a tenant or sub-tenant is to be ejected shall so far as possible, be selected in such manner as to leave the remaining land, if any, in a compact block.

66. Prescription of minimum area for the purposes of clause (a) of Section 180 of the Act - The minimum area for the purposes of clause (a) of section 180 of the Act shall be such as are shown in the schedule annexed to these rules, three acres of unirrigated land, shall for calculating the minimum area, be deemed to be equivalent to one acre of irrigated land.]

⁵²[**67. **Enquiry for summary ejectment of trespasser under Section 183B** - The enquiry on an application under Section 183B shall be concluded as far as possible within 90 days of the receipt of the application. The application under Sub-section (1) of Section 183B shall be in Form -H".

SCHEDULE

S.No.	Name of District & Tehsil	Minimum area of Barani Land
1	2	3
	Bikaner [Bikaner, Lunkaransar, Magra, Nokha]	75
	Churu [Churu, Rajgarh, Ratangarh, Sujangarh, Taranagar, Dungargarh, Sardarshahar]	75
	Ganganagar [Ganganagar, Karanpur, padampur, Raisinghnagar, Anoopgarh]	(1)15.6 acres one Murabba in commanded area (2) 62.5 acres in

⁵² Added vide Raj. Tenancy (Govt.) (Amendment) Rules. 1989 [No. F(3) Rev./Gr. 4/86(20) dated 5.10.89.

		uncommanded area
⁵³ [Hanumangarh, Nohar, Bhadra, Suratgarh]		50
Alwar		
[Alwar, Lachmangarh, Rajgarh]		25
[Thana Ghazi, Bahrur, Kishangarh, Mandawar, Tijara, Bansur]		30
Bharatpur		
[Kama, Deeg, Nagar, Bayana, Roopwas, Weir]		30
[Bharatpur, Nadbai]		40
Dholpur		
[Bari, Gird (Dholpur), Rajakhera]		30
Basedi		40
Jaipur		
[Jamwaramgarh, Chaksu, Arain, Phagi, Dudu, Bairath, Kotputli]		40
Kishangarh		45
Sarwar, Amber, Jaipur, Bassi, Sanganer, Roopnagar		35
Phulera		50
Dausa		
Dausa, Baswa, Bankikui		40
Lalsot, Sikrai		45
Ajmer		
[Ajmer, Kekri, Beawar]		35
Jhunjhunu		
[Khetri, Udaipurwati]		50
Chirawa, Jhunjhunu		60
Sawaimadhopur		
[Gangapur, Hindon, Mahuwa, Todabhim, Bamanvas, Nadoti, Bonli (Malanachour)]		35
Sawaimadhopur		35
[Karauli, Sapotra, Khandar]		40
Sikar		
[Neem-Ka-Thana. Srimadhopur]		50
[Dalaramgarh, Sikar, Fatehpur, Lachmangarh]		100
Tonk		
[Tonk, Maipura, Todaraisingh, Duni, Uniara]		35
Niwai		40
Barmer		
Siwana, Pachpadra		75
[Barmer, Chohtan. Sheo]		100

⁵³ Now Hanumangarh is also a District

Jaisalmer	
Pokaran	75
[Jaisalmer. Fatehgarh, Nachana]	100
[Ramgarh, Sam]	125
Jalore	
[Jalore, Ahor. Jaswampura. Sanchore]	50
Jodhpur	
Bilara	45
Jodhpur	60
[Shergarh, Osian, Phatodi]	75
Nagaur	
[Degana, Parbatsar, Nawa]	50
Merta	40
Didwana	60
[Ladnu. Jayal]	60
Nagaur	65
Pali	
[Bali, Desuri]	35
Jaitaran	45
[Rajpur. Kharchi (Manvar), Sojat, Pali]	40
Sirohi	
Sirohi, Pindwara, Reodar, Sheoganj, Aburoad	45
Bundi	
Bundi, Patan. Talera, Hindoli, Nainwa	35
Jhalawar	
[Aklera, Bakani, Manohar, Thana, Pirawa, Including Sunel area]	35
[Khanpur. Gangdhar. Pachpahar. Jhalra Paian. Dag]	30
Baran	
Baran, Mangrol, Chhabra. Atru, Chhipabarod Shahbad, Kishangarh	30
Kota	
Ladpura, Digod	35
Pipalda. Ramganjmandi, Sangod	30
Bhilwara	
[Mandal, Raipur, Sahada]	30
Asind	30
[Banera, Bhilwara, Hurda, Kotri, Shahpura, Mandalgarh, Jahazpur]	35
Chittor	
[Begun, Chittorgarh, Gangrar, Kapasin, Rashmi, Badi Sadri, Chhoti Sadri, Bhadesar, Doongl,	

Kanera, Neemaheda, Pratapgarh, Achhanera]	30
⁵ [Bhopal Sagar	30
Bhensrorgarh	35
Banswara	
Banswara	30
[Gadhi, Ghatol, Bagidora, Kushalgarh]	30
Rajsasmand	
Nathdwara, Railmagra, Rajsamand	30
Kumbhalgarh	25
Amet, Bheem, Devgarh	33 (sic) 35 as per Hindi
Udaipur	
Salumber, Kherwara, Sarada	40
Vallabhnagar	30
Dhariavad	40
Mavli, Girwa	36
Gogunda	25
Jhadol Kotra	40
Dungarpur	
[Aspur, Dungarpur, Sagwan]	30

FORM A

(SeeRule7-A)

Application under sub-section (3) of Section 15AAA of the Rajasthan Tenancy Act, 1955.

Sir,

I.....S/o.....Aged.....

Resident of village.....Tehsil..... District.....

beg to state as under:-

1. That I have been recorded as a gair-khatedar tenant of Khasra Numbersituated in the village..... Tehsil:..... District..... since Sanwat detaining to the year.....The copy of the Jamabandi for the year Sanwat 2011 to 2014 or 2012 to 2015 is enclosed.

2. That the above mentioned land has been in my continuous possession as a tenant till today.

3. That I have been paying rent/revenue for the above mentioned land regularly and have been cultivating it personally.

4. That I have not transferred any part of above mentioned land to any person at any time since it was allotted to me.

⁵⁴[5. That I am enclosing a copy of the Challan Number.....dated.....vide which

I have paid the first instalment of the reserve price which is required to be paid by me under sub-section (3) of section 15-AAA of the Rajasthan Colonisation Act, 1954 (Rajasthan Act of 1954) which is in force on the date of the commencement of the Rajasthan Tenancy (Amendment) Act, 1983.

⁵⁸[6. That I am prepared to pay the remaining amount of the reserve price in equal instalments as applicable to me on 1st day of January and 1st day of July of each succeeding year until the entire reserve price is paid by me.

7. That following are the members of my family:-

Name	Age on the date of application	Relation
1	2	3

8. That the following lands at the following places stand in my name and in the names of members of my family:-

1	2	3	4	5	6
S.No.	Name of the person holding the land	Village, Tehsil, Distt.and State where land is situated	Khasra Number	Area	Status whether Khatedar/ Gair Khatedar

9. That I am presenting this application within the period prescribed under

⁵⁴ Strike out if not applicable

sub-in (3) of section 15 AAA of the Act.

10. That this court has jurisdiction to entertain this application.

11. That application is being presented on the court fee of fifty paise.

I, therefore, hereby request that I may be granted Khatedari rights in respect of the¹ mentioned land.

Dated:

Yours Faithfully,
Signature of the Applicant.

Verification

ISon of....resident of...
..... do hereby verify that paras of the
application are to my knowledge and I have not suppressed or concealed any relevant fact.

Signature of the Applicant]

*Strike out if not applicable

FORM AA

(See rule 8A)

Application under sub-section (2) of section 31 of Rajasthan Tenancy Act, 1955, and rule 8A of
the Rajasthan Tenancy (Government) Rules, 1955.

To

The Tehsildar
Tehsil

Village Panchayat
Village.....

Tehsil.....

Sir(s)

I,..... s/oyears, resident of.

Village..... Tehsil..... beg to state:-

(i) That I am an agricultural worker/artisan within the meaning of the Explanation to sub-section (2) of section 31 of the Rajasthan Tenancy Act, 1955, and have been working as such agricultural worker/artisan viz., blacksmith/carpenter/potter/weaver invillage;

(ii) that I have been permanently residing in the abadi ofvillage (Tehsil.....) foryear; and

(iii) That I do not possess a house in the abadi of the village.

2.1, therefore, hereby apply for a site for a residential house under sub-section (2) of section 31 of the Rajasthan Tenancy Act, 1955, and rule 8A of the Rajasthan Tenancy (Government) Rules, 1956.

3. The required particulars are given below:-

(i) In the case of an agricultural /worker, name(s) of the person(s) on whose field(s) the applicant has been working as agricultural worker during the past ten years.

(ii) In the case of an artisan, the exact nature of the profession viz, to be specified and the cobbler, weaver etc. to be specified and the name of the village where the applicant has been working as such during the past ten years to be mentioned,

(iii) Name of the village (with name of Tehsil) in which the applicant has been permanently residing for the past ten years or more.

(iv) Names, parentage and full addresses of persons who will testify to the applicant having been so permanently residing,

(v) Nature of the construction viz. Pucca house, Kacha house, Patore, Ekdhalia etc.

(vi) Name of locality, measurements of the land applied for and its boundaries

Yours faithfully,

Signature

I solemnly declare that the particulars given above are correct to the best of my knowledge and belief, and I have stated the truth and have not suppressed or concealed any relevant fact.

Witness 1.

Signature.....

Witness 2.

Date.....

FORM-AAA⁵⁵*(See Rule 10)***NOTICE ON APPLICATION FOR RESIDENTIAL SITE**

It is hereby notified that.....s/o..... caste..... resident of.....

who claims to be an agricultural/ worker/ artisan and to have been permanently residing invillage for.....years/ a tenant has applied for.....sq. yards of land bounded on the north by..... on the east by.....on the south by.....and on the west byfor allotment as a site for constructing a pucca house/ kachcha house/Patore, Ekdhalia/Nohra / Bara⁵⁶. Persons having any objection to the grant of the land applied for should intimate the same to the Patwari of the village, or to the undersigned direct, within fifteen days of the publication of this notice, whereafter no objection will be entertained.

.....

(Tehsildar)

Dated.....201

FORM B*(See Rule 11)***PATWARI'S REPORT**

Code No.....of 201

Application for allotment of a house site.

Name of Applicant.....

The notice datedwas duly published in the village by beat of drum and pasted at the village Chopal and on the land applied for.

Signature of Patel or Lumberdar
witness

Signature of Patwari
Date.....199

Report on the prescribed Form is submitted herewith.

⁵⁷No objections have been received by the undersigned.

The objections received by the undersigned are also submitted herewith and are as follows:-

1. Name of village and Tehsil.
2. Name of tenant (applicant) with parentage, caste, age and residence.
3. Particulars of holdings.
4. Whether the applicant has already got a house in the village abadi or not.
5. Name of locality.

⁵⁵ Renumbered as AAA instead of A vide GSR 24 dated 24.7.84.⁵⁶ Strike out whichever is inapplicable⁵⁷ Strike out whichever is inapplicable

6. Khasra No. and name/names of field/fields.
7. Measurements of land showing length, and breadth dimension in feel and inches.
 - North
 - East
 - South
 - West
8. Total area in sq. yards and feet.
9. Boundary marks –
 - Permanent marks
 - Semi permanent marks
10. Purpose for which land is required viz. Pucca house/Kachcha house/ Patore/ Ekdhalia/Nohra/Bara.
11. Particular of objections, if any, received.
 - or
12. Patwari's report and recommendation

FORM BB*(See Rule 11)***PATWARI'S REPORT**

Case No. of 199

Application for a house site by an agricultural worker or village artisan,

Name of applicant.

The notice dated _____ was duly published in the village by beat of drum and pasted at the village Chopal and on the land applied for,

Signature of Patwari

Signature of Lumberdar

Date.....

Report on the prescribed form is submitted herewith.

No objections have been received by the undersigned.

The objection received by the undersigned are also submitted herewith.

(Patwari)

Date

1. Name of village and Tehsil
2. Name of applicant with parentage, age and residence.
3. Whether the applicant has already got a house in the village abadi or not.
4. Whether the applicant has been working as agricultural worker/artisan viz. blacksmith, carpenter, cobbler, potter, weaver etc. in the village
5. Whether the applicant has been permanently residing in the abadi of the village (name of the village to be mentioned) for ten years or more.
6. Name of Locality.

7. Measurement of land showing length and breadth dimensions in feet and inches.
 North East South West
8. Total area in sq. yards and feet.
9. Boundary marks. Permanent marks, Semi-permanent marks
10. Purpose for which land is required viz. Pucca house/Kachcha house/Ekdhaia.
11. Particulars of objections, if any received.
12. Any other particulars.
13. Patwari's report and recommendation.

Strike out whichever is inapplicable.

FORM C

(See Rule 18)

FORM OF LEASE OR COUNTER-PART

(See Section 32)

I, AB S/o CD , caste , aged , r/o
 Tehsil... EF ...District GH leased/taken on lease the
 under mentioned land to...IJ/ From LL.....S/o...MN/QP.....
 caste.....aged.....S/o.....Tehsil.....District.....

Particulars of lands

Name of village, with name of Thok of Patti (Name of Tehsil and District), Khasra Nos. and name/ names of field/fields or boundaries, area of each Khasra No. or field, category and class of each Khasra No. or field, (See section 21) at Settlement or as classified by the Collectors - If known of the lesser or lessee as a tenant of.....class of an annual rent of.....payable in the following instalments and on the following dates -

()Rs. On the day of.....

()Rs. On the day of.....

()Rs. On the day of.....

the period of the lease being for ()that is to say from.....(date)
 to.....(date) dated the date of.....199

AB landholder

Signed or marked _____

EF tenant,

Witness (if marked)

Notes: If rent is payable in kind, full particulars of share of the produce, mode of payment i.e., Whether payable by division of the produce or based on estimate or appraisal of the crop or on rates varying with the crop sown or with harvest or harvest prices or partly in one of such way or partly in another or others of such ways, should be given.

⁵⁸FORM CA.

(See Rule 24 DD)

(Part I)**(To be submitted alongwith Part II)**

To

The.

(Competent authority)

I, hereby apply, under the Third Proviso to clause (a) of section 42 of the Rajasthan Tenancy Act, 1955, read with rule 24DD of the Rajasthan Tenancy (Government) Rules 1955, with the request that examination may please be granted to me for the sale/gift/bequest of land measuringSq. yards to _____ by sale/gift/bequest for the purpose of _____ (specify the proposed use with full particulars)

2. The required particular are given below:

(i) Name of the Applicant with parentage and address.

(ii) Particulars of land in respect of which permission is sought.

(a) Name of village/town, with name of Tehsil.

(b) Khasra/Khatauni Number.

(c) Khasra Number(s)

¹(d) Total area of my holding

(1) Irrigated

(2) Un-irrigated.

(3) Total

(e) Annual land revenue

(f) Use to which the land was put during the last three years,

(iii) The form of transfer (sale, gift etc.) _____ I

3. That the land is situated in the city/town/periphery village/village of Tehsil of district.

4. I hereby certify that the information given above is correct and I hereby undertake to abide by the conditions on which the requested examination is granted to me.

Signature of applicant.

Witness

Dated

[Certified copies of the current Jamabandi and Khasra for the three preceding years to be attached.]

(PART II)

(To be submitted alongwith Part-I)

To

The..

(Prescribed Authority)

District.. _____ |

I,..... S/o ShriR/o..... hereby affimi willingness to

⁵⁸ Inserted vide Noti. No. F. (30) Rev./Gr.4/79, GSR 5 dated 24th April, 1981, published in Raj. Gaz. (EO) Part 4 (Ga) dated 21.4.1981, Page 913.

purchase the piece of agricultural land (Fragmen) from the seller Shri S/o Shriand on that basis hereby apply under section 90A of the Rajasthan Land Revnue Act, 1956 (Rajasthan Act 16 of 1956) read with rule.....of.....rules..... for permission to use the agricultural land, the particulars of which are given below, for the residential/industrial/commercial purpose as indicated below:

- (i) Name of the applicant, with parentage and address.
- (ii) Particular of land in respect of which permission is sought:
 - (a) Name of village/town with name of Tehsil.
 - (b) Khewat/Khatauni Number.
 - (c) Khasra Number(s).
 - (d) Area.
 - (e) Classification of the land (as per revenue records),
 - (iii) Actual area of the land, in square yards.
 - (iv) The form of transfer (sale, gift etc.)
 - (v) The purpose for which the land is to be used i.e. industrial, residential or commercial purpose, with full details.

2. That the land is situated in city/town/periphery village/village of Tehsil..... of District.....

3. I hereby certify that the information given above is correct according to my knowl- and belief and I hereby undertake to abide by all the conditions on the basis of which aforementioned person is granted.

Witness

Signature of applicant.

Date

Full permanent address.

FORM CC

(See Rule 24 DDDD)

The.....

.....

I/We hereby apply, under section 42B of the Rajasthan Tenancy Act, 1955, read with rule 24 DDDD of the Rajasthan Tenancy (Government) Rules, 1955, for declaration as valid, the sale/gift/bequest in respect of the land measuring.....sq. yards already gifted/purchased/bequeathed to me/us, by (Name and full address) and I have used/propose to use the land for a residential/commercial/industrial purpose.

2. The required particulars are given below:

- (i) Full name of the applicant, with parentage :
- (ii) Partculars of the land in respect of which the declaration is sought.
 - (a) Name of Village or Town with name of Tehsil,
 - (b) Survey (Khasra) Number(s) of which the land applied for is a part.
 - (c) Area of the Khasra Number(s)
 - (1) Irrigated
 - (2) Un-irrigated

- (3) Total
 (d) Area of the land for which declaration is sought (in square yards),
 (e) Annual land revenue of the land applied for.
 (f) Month and year from which the land has been used for a non agricultural purpose.
 (g) Exact purpose for which the land has been/proposed to be used, with details:
 (iii) Mode of transfer (sale, gift or bequest, with particulars)

3. I hereby declare that the information given above is correct, and I hereby undertake to abide by the conditions on which the declaration sought for is made.

Witness (1)..... Signature of the applicant.
 (NAME IN CAPITALS)
 and full address
 Date

Note: (1) Certified copies of the current Jamabandi and Khasra to be attached in support of the above.

(2) Please cancel the alternatives in the above application form which are not applicable in your case.

Attestation of the transferor(s) - I/We hereby declare that the information given above is correct according to the best of my knowledge and belief, and I hereby undertake to abide by all the conditions on the basis of which the permission requested for is granted.

Witness (1) Signature(s) of Transferors)
 (Full Name)
 and postal address
 Date

[Noti. No. F5(27)Rev./Gr.4/81/58,G.S.R.95 dated 26.12.1981, published in Raj. Gaz., E.O.Part4(Ga) dated 26.12.81 on Page 340-342.]

Amendment for Forms C-B and C.B-1 - The existing "Form –CB (see Rule 24 DDD) appended to the said rules shall be renumbered as "Form C-C (see Rule 24 DDDD)" and in Form C-C as so re-numbered for expressions "42-A" and "24 DDD" wherever occurring, the expression "42-B" and "24 DDDD" respectively shall be substituted and the existing form C-B1 shall be deleted./vide GSR 58 dated 24.8.1995]

FORM "C-I"
 (See Rule 24-E)
PART-I

Application for permission under sub-section (2) of section 84 of the
 Rajasthan Tenancy Act, 1955.

To
 The Tehsildar
 Tehsil
 (District)

Sir,

I am a Khatedar tenant holding land in your Tehsil and I desire to remove trees which

vest in me or are my property or are in my possession, and I, therefore, hereby apply for permission under the proviso to sub-section (2) of section 14 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955):-

2. The required particulars are given below:

(i) Name, parentage & age of the applicant.....

(ii) Full address of the applicant.....

(iii) Particulars of applicants holding, viz.....

(a) Name of village, with name of Tehsil in which holding is situated.....

(b) Khasra number with area in acres/bighas.....

(c) Soil class.....

(iv) Particulars and class of trees, age if known, and approximate weight sought to be removed and name of village (Name of Tehsil) and Khasra Numbers in which such trees are growing, together with soil class of the said Khasra Number.

(v) Ground on which permission is applied for, viz, -

(a) For the sake of the work of construction by and on behalf of the village community; or

(b) Clearing of land for extension of cultivation or other agricultural activities; or

(c) To mitigate any real existing grievance; or

(d) The existing trees are dried up and their removal is in the interest of plantation of new trees: or

(e) Removal of fruit trees which have become over-mature, rot and in which deterioration has set in; or

(f) The trees sought to be removed are affecting the fertility of the soil or otherwise causing damage to the soil or standing crops.

(vi) Date of permission last granted and number of trees removed thereunder. If the permission applied for is granted –

(i) I undertake to use the wood for the purpose indicated by me and for no other purpose and I shall abide by the terms and conditions of the permission,

(ii) further undertake to plant and stabilise two trees in lieu of every tree permitted to be cut as per direction of the Tehsildar.

I was granted permission vide order No.....date for the removal oftrees in lieu planted and established.....trees on my holding

Yours Faithfully,

Signature of the applicant.

Date.....

Place.....

[Substituted vide No, F5(7) Rev./Gr.4»76-13 GSR 8 dt. 2.5.1981]

PART II

(See Rule 24F)

Patwari's Report

1. Date of receipt of application.

2. Date of Report

The particulars given in the application are correct/incorrect. Correct particulars are as under: -

The condition of the trees is..... (Full description to be given)

Submitted to the Tehsildar

Circle No.

Signature of the Patwari

PART III

[See Rule 24G(1)]

Report by the Tehsildar/Inspector Land Records

After inspecting site it is found that the cultivator actually required removal of trees permission for which may be given/may not be given. The relevant particulars are as follows:-

- (a) Total area of holding of the applicant with Khasra number.
- (b) Number of trees standing on the holding .
- (c) Number of trees sought to be removed.
- (d) Number of trees recommended for removal.
- (e) Justification for the removal of trees that may be permitted to be removed.
- (f) Specific reasons which necessitate removal of trees.

Signature of Tehsildar/Inspector Land Records.

PART IV

[See Rule 24C(2)(a)]

Verification/Technkal Report

After inspection I recommend that permission to remove trees as stated in the application of the cultivator may be given/may not be given for the following reasons (state clearly)

Signature of Ranger/Deputy Conservator Forest

PART V

[See Rule 24 G (2) (B) & (C)]

Order of Collector

After considering the permission alongwith the recommendation, I approve/disapprove the permission for removal of trees. Numbering (in words) by (Name)

Signature of Collector/Sub-Divisional Officer

PART VI

(See Rule 24-1)

Inspection report of Inspecotr, Land Records about Compliance of Permit

S.	Name of	Date of	Name of	Observation	Signature	Initial
----	---------	---------	---------	-------------	-----------	---------

No.	applicant with full address	inspection	I.L.R.		of Inspector Land Records	of Tehsildar
1	2	3	4	5	6	7

FORM C-II

(See Rule 24-H)

Permission for removal of trees under proviso to sub-section (2) of section 84 of the Rajasthan Tenancy Act, 1955

S.No.	Date of issue	Name of applicant with full address	Period of validity of permission	Particulars of Permission No. and class of the trees with age and weight, if known, allowed to be removed
1	2	3	4	5

Area in acres/bighas prepared to be cleared	Purpose for which removal of trees or clearance of ground allowed	Number of new trees to be planted under Rule 24H(2)	Remarks
6	7	8	9

1. The applicant above named is hereby authorised to fall and remove the trees within the period mentioned above and subject to the provisions of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) and Rule 24-H of the Rajasthan Tenancy (Govt.) Rules, 1955, and to the further condition that the falling and removal of trees shall be without causing damage to the land of standing crops, grass or trees or buildings of neighbours.

2. This permission must be produced for inspection when demanded by a Revenue Officer, Forest Officer or a Police Officer not below the rank of Sub-Inspector of police.

Date.....

Signature of the Tehsildar

Seal..

.....

FORM CC

[See sub-rule (5) of Rule 35]

Public notice of loss or damage by agricultural calamity.

TO ALL WHOM IT MAY CONCERN

Take notice that the loss or damage caused by.....(here state the nature of the agricultural calamity.....in the area affected thereby namely more (here state and describe briefly the area affected by the calamity.....is estimated to be as indicated below :-

Class or fields or group of Extent of loss or damage in villages.

Any person dissatisfied with the above estimate may lodge his objections before the Tehsildar within the local limits of whose jurisdiction his holding is situated within three days of the date of publication of this notice in his village by beat of drum.

FORM D**(Rule 42) (See Section 1370****FORM OF COUNTERFOIL AND RECEIPT FOR RENT**

COUNTERFOIL							RECEIPT						
Book No..... Page No							Book No.....Page No.....						
Receipt No							Receipt No.....						
Name of Landholder.....							Name of Landholder.....						
Received from tenant (Name and father's name).....							Received from tenant (Name and father's name).....						
of village Tonk patti.....							of village Tonk patti						
as follows:							as follows:						
Da	By	Descrip	Qui	Whet	Whet	Amo	Da	By	Descrip	Qui	Whet	Whet	Amo
te	whom	tion of	st	her	her	unt	te	whom	tion of	st	her	her	unt
	paid	tenants	an	on	full or	recei		paid	tenants	an	on	full or	recei
	(descrip	holding	d	a/c of	in	ved		(descrip	holding	d	a/c of	in	ved
	tion)		ye	rent	part	Rs.		tion)		ye	rent	part	Rs.
			ar	or of	paym	P.				ar	or of	paym	P.
			sayer	ent						sayer	ent		
Signature of Landholder or agent							Signature of Landholder or agent						
Note: U/s 135 of Rajasthan Tenancy Act, 1955 separate receipt must be issued for each payment of rent or of sayer.							Note: U/s 135 of Rajasthan Tenancy Act, 1955 separate receipt must be issued for each payment of rent or of sayer.						

FORM E**STATEMENT OF ACCOUNT**

[See Section 138 of the Rajasthan Tenancy Act, 1955 and Rule 47 of the Rajasthan Tenancy (Government) Rules. 1955]

Name and percentage of the tenant	Description of the holding sufficient	Annual rent of sayer	Amount of rent or sayer, if any outstanding for each year and	Interest	Remarks

⁵⁹FORM H
(Rule 62)

To,
The Tehsildar,
Tehsil
District

I, _____ an authorised public servant under Section 183-B of the Act, hereby report that the land belonging to Shri (Name with designation) by caste a member of Scheduled Caste/Scheduled Tribe measuring area/bigha classified in revenue record as is is trespassed upon and occupied/possessed without lawful authority by Shri S/o R/o Caste From the said land is at present used by trespasser for Purpose.

The report is submitted with the request to please take immediate action for summary ejection of the trespasser as per provision of law.

Date

Signature
Designation

FORM H
(Rule 62)

S. No.	District	Name of Village	Name of Thok or Patti	Total amount to be realised	Amount realised	Date	Amount still due
1	2	3	4	5	6	7	8

The Rajasthan Tenancy (Board of Revenue) Rules, 1955

List of Amending Notifications

⁵⁹ Inserted vide GSR 71 No. F5(3)Rev./Gr.4/86/20 dated 5.10.89

Notifications	Date of publication in Raj.Gaz.Part (c)
1. No. 5085/Revenue Board Dated 7.5.1958	dt. 29.5.1958 P.321
2. No.9704/B/RDated6.10.1958	dt 6.II.1958 P.1157
3. No. 11089/Revenue Board dated 2.2.1959	dt. 10.12.1959 P. 1016
4. No. 6286/B'R'Dated 22.5.1961	dt. 15.6.1961 P.121
5. F 6 (71) Revenue B/63 dated 1.5.1964	dt. 1.5.1964
6. B R./F.45 (Misc.) RA/64/30465 Dated 26.7.1964	dt. 27.7.1964
7. F.2(I 85) Revenue B/I/164 dated 6.7.1965	dt. 15.7.1965
8. F. 1 (Misc.) RA/65 dated 29.7.1965	dt. 19.8.1965
9. F6(38)RevenueB/Gr-I/64dated 17.8.1965	dt. 17.8.1965
10. No BR/LR'QO/ P. 140/97-QSR3-	dt. 5.7.97

⁶⁰The Rajasthan Tenancy (Board of Revenue) Rules, 1955

Notification No. 7907 BR Jaipur, November 1, 1955 - In exercise of the power conferred by sec. 258 of the Rajasthan Tenancy Act, 1955 (Raj. Act 3 of 1955), the Board of Revenue has, with the previous sanction of the State Government, made the following rules, the same having been previously published as required by sec. 259 of the said Act.

CHAPTER 1 Preliminary

1. Short title and commencement - (I) These rules may be called the Rajasthan Tenancy (Board of Revenue) Rules, 1955.

(2) They shall come into force at once.

2. Interpretation - (I) In these rules unless there is anything repugnant in the subject or context-

"The Act" means the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

(2) The provisions of the Rajasthan General Clauses Act, 1955 (Rajasthan Act VIII of 1955) shall mutatis mutandis, apply to the interpretation of these rules as they apply to the interpretation of an Act of the Rajasthan Legislature.

⁶¹[CHAPTER I-A]

Rules to give effect to the provisions of clause (14) of Sec.5

2A. Rules for the recording of groves- Every person who has a grove within the meaning of clause (14) of Section 5, over the whole or a part of his holding, shall within three months from the date of publication of this notification in Rajasthan Rajpatra apply to the Tehsildar of the Tehsil in which such grove is situated for the recording of such grove.

2B. Particulars to be furnished - The application for the recording of a grove shall contain the following particulars :-

⁶⁰ Published in Raj. Rajpatra pt. IV-C, dated 11.12.1955.

⁶¹ Inserted by the Boards Notification No. 5085 B.R, dated 7.2.58 as published in Rajasthan Gazette Part IV, dated May 29, 1958, page 321.

1. Name of village.
2. Name of thok or Patti.
3. Khasra No. of grove.
4. Area.
5. Number and kind of trees.
6. Date of acquisition of holding
7. Nature of holding.
8. Whether holding acquired free of rent for the purposes of grove or on Payment of premium in lieu of rent.
9. Amount of premium paid.
10. Date of application, if any, for reduction of land revenue.
11. Amount of land revenue reduced.
12. Year from which reduced.
13. Period for which reduced.

2C. Transfer of Interest to be reported by grove holder - After a grove has been recorded the grove holder shall inform the Patwari and the Tehsildar of all transfers of interest made by him.

2D. Acquisition of grove to be reported - Every person obtaining possession of a grove by succession, transfer or otherwise 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 direct or through the village Patwari or the Land Records, Inspector, within three months from the date on which he obtains such possession.

2E. Report if grove loses its character-If the land loses its character of a grove, this fact shall be reported to the Tehsildar.

CHAPTER II

Rules to give effect to the provisions of Section 19-30

3.⁶²(Omitted)

⁶³4. Statement of claim for compensation under section 20 (I) - The statement of claim for the compensation payable to a land holder for the accrual of khatedari rights and rights in improvement to his tenant of Khudkasht or sub tenant shall be submitted in Form J, and the landholder shall submit as many copies of the statement of claim as there are tenants of Khudkasht or sub-tenants from whom compensation is claimed.

(2) The statement of claim may either be presented to the Sub-Divisional Officer by 1 the landholder in person or it may be submitted through an authorised agent, or it may be sent by registered post, acknowledgement due.

5. Form of notice under section 20(2) - The notice to be issued to the tenant under sub-section (2) of section 20 shall be Form 'K'.

Determination of annual rents, under section 21, or price of lands for the

⁶² Omitted by Notification No. 11089/BR dated 5.9.1959 published in the Rajasthan Gazette, part IV-C, dated 10.2.1959.

⁶³ Substituted by Notification No. 11089/BR, dated 5.9.1959 published in the Rajasthan Gazette, Part IV-C dated 10.12.59.

acquisition of Khatadari rights.

6. Other matters to be considered in determining value of improvement - In addition to the matters, mentioned in section 24 of the Act, the Sub-Divisional Officer shall, in determining the value of any improvement take into consideration any money or manual labour contributed by the tenant for the making of the improvement.

7.⁶⁴(Omitted)

8. Application for acquisition or right to Nalbat-(I) An application for acquisition under section 36A of right to nalbat shall be in form-1, and the applicant shall submit as many copies of the application as there are persons in whom the right to realise Nalbat vests.

(2) The application may either be presented to the Sub-Divisional Officer by the tenant in person or it may be submitted through an authorised agent or it may be sent by registered post, acknowledgement due.

9. Notice under sub-section (2) of Section 36A - The notice under sub-section (2) of section 36A shall be in form M and a copy of notice shall also be served upon the land Holder.

⁶⁵**10. Statement of claim for compensation under section 36A. (2)** - The statement of claim for compensation payable to the person in whom the right to realise nalbat rests shall be submitted in form N and shall be in triplicate. The statement of claim may either be presented to the Sub-Divisional Officer in person or it may be submitted through an authorised agent, or it may be sent by registered post acknowledgement due.

11. The certificate of acquisition or right to Nalbat shall be in Form O.

CHAPTER 01**Rules to give effect to the provisions of section 48-52 to the Act Exchange of tenancies**

12. Documents to accompany the application - An application under section 49 of the Act shall contain the following particulars:

(i) The Khasra Nos. of the plots which the applicants wish to take and of the plots cultivated by him, which be offered in exchange.

(ii) A certified copy of the Khalauni Khatas in which all such plots are included.

(iii) A certified copy of the Khewat Khatas to which all such plots pertain.

(iv) Grounds for exchange.

(v) A statement showing details of any lease, mortgage or other encumbrance with which the land offered in exchange by the applicant may be burdened, together with the name and addresses of the lessee, mortgagee or other encumbrancer.

(vi) if the land holder is not a party to the proposed exchange, his name and address.

⁶⁴ Substituted by *ibid.*

⁶⁵ Substituted by *ibid.*

13. Issue of Notice - On receipt of such application the Assistant Collector shall give to the opposite party and to the land holder and, where the provisions of section 51 of the act apply to the lessee, mortgagee or other encumbrancer, an opportunity to show cause why the exchange should not be ordered. Every such notice shall be accompanied by a copy of the application which shall be filed by the applicant.

14. Disposal of objections and further procedure-(1) The Assistant Collector shall hear and decide the objections, if any, and may after making such further enquiry as he considers necessary, reject the application, if he is not satisfied that reasonable grounds exist for ordering the exchange.

(2) If the Assistant Collector is satisfied that reasonable grounds exist for granting the exchange, he shall value the land to be exchanged by multiplying the area of each plot by the annual rent thereof calculated in accordance with rents of that category of land finally determined under the provisions of section 21. After considering the valuation and where the provisions of section 51 apply, the terms and incidents of the lease, mortgage or any other encumbrance, the Assistant Collector shall grant the application either in whole or in part.

15. Apportionment of rent - If in the course of proceeding under section 19 of the Act, a portion only of a holding is allotted in exchange, the Assistant Collector shall apportion the rent payable in respect of such holding between such portion and the remainder the holding.

16. Principles to be observed in ordering exchange - In ordering an exchange, the Assistant Collector shall observe the following principles:-

- (1) That the land, which the applicant receives, is, as near as may be equal in value to, and of the same quality as, the land which he gives in exchange;
- (2) That an existing field shall not be sub-divided;
- (3) If there is a work of improvement on any land sought to be exchanged, he may refuse to order the exchange unless the parties come to an agreement regarding the amount of compensation to be paid for such improvement and such compensation is actually paid;
- (4) That, as far as possible, the interest of the lessee, mortgage or other encumbrancer if any, in respect of the land to be exchanged are not prejudiced;
- (5) Where the provisions of section 51 of the Act apply, when deciding whether or not reasonable grounds exist for ordering the exchange, he shall consider Whether in the event of the lease, mortgage or other encumbrance from one area to another, it is possible or not to place the part lies and the lessee, mortgagee or other encumbrancer as the case may be, in a position similar to that which each had before such exchange, and he shall, in his order, clearly specify the lands and the interests affected thereby.

17. Preparation of map - The Assistant Collector shall place on the record of the case an extract of the village map showing in different colours the plots given and received in exchange by the applicant.

⁶⁶CHAPTER IV**Rules to give effect to the provisions of section 53 Division of Holdings
DIVISION OF HOLDINGS BY AGREEMENT**

18. Filing of agreement for Division of Holding- The agreement between the co-tenants in respect of the division of holding and distribution of rent over the several portions into which the holding is so divided under clause (I) of sub-section (2) of section 53 of the Act, an agreement by co-tenants shall be filed in the court of Tehsildar, having jurisdiction and the Tehsildar shall pass an order as per terms of the agreement and effect the division of holding accordingly.

19. Division of holding in a suit decreed on the basis of agreement- "if during pendency of a suit for division of holding the co-tenants in the suit come to an agreement the suit shall be decreed as per terms of the agreement"

Division of Holding by decree or order of competent court in a suit

20. Division of Holding by decree- Save as provided in Rule 19 in a division of Holding by the decree or order of a competent Court passed in a suit by one or more of the co-tenants for the purpose of dividing the holding and distributing the rent thereof over the several portions into which it is divided, the following principles shall be observed:-

- (a) the valuation of the portion allotted to each party shall be proportionate to his share in the holding.
- (b) The portion allotted to each party shall be as compact as possible.
- (c) As far as possible, one party shall be given all the inferior or all the superior quality of land.
- (d) As far as possible, existing fields shall not be split up.
- (e) Plots which are in the separate possession of a tenant shall, as far as possible, be alienated to the tenant, if they are not in excess of his share.

Division of holding by agreement or by order of court

21. Preparation of map and demarcation of sub-divided fields:- The Tehsildar shall prepare and place on record map showing in different colours the plots given to each party, and if any field has been sub-divided, he shall demarcate the portion at the expense of the parties.

CHAPTER V**Rules to give effect to the provision of section 60-62
Arrangement for Payments of Rents**

22. Notice under section 60 - The written notice, which a tenant is required to the landholder under sub section (1) of section 60 of the Act, shall be substantive in form as in Form 'F' and such notice shall be given before the tenant ceases to cultivate

⁶⁶ Vide Notification No. BR/LR/G-3/P.140/97-GSR3-July 5, 1997 – Published in Raj-Gaz 4(Ga) I-dated 30.10.97.

his holding and leaves the neighbourhood.

Abandonment

23. Issue of proclamation- With the application mentioned in section 61, the land holder shall file a proclamation in the office of the Tehsildar. Such proclamation shall be in Form 'Q',

24. Mode of service of proclamation - Copy of the proclamation shall be pasted on the notice board to the Tehsil within which the land to which it refers is situated and at some place of public resort or adjustment, to the land to which it refers and it shall further be published by beat of drum on or near such land, if the Tehsildar so directs, it may also be published in some newspaper circulating in the locality.

25. Form of application under section 62 - The Application for reinstatement under section 62 shall be in Form 'R'.

["25A. Form of application under section 66 or section 67: An application by- (i) Khatedar tenant under clause (b) of the proviso to section 66, or, (ii) Land holder under section 67 of Act. for sanction to the construction of a dwelling house for his own occupation, or a cattle-shed, or a store house or any other construction for agricultural purposes to be erected or set up by him on his holding situated in any village other than -

(a) a city, town or village situated within the area notified by the State Government for the purposes of clause (a) of the proviso to sub-section (1) of section 66 of the Act, and

(b) village the population of which, according to the latest census, does not exceed two thousand, shall be submitted to the Tehsildar of the Tehsil through the Patwari of the circle in which the holding is situated in Form RR, and the particulars required by that Form shall be furnished"]

25B. Patwari's Report -The Patwari shall submit the application together with his report in Part II of Form RR to the Tehsildar within one week to the receipt by him of the application.

25C. Consultation with Urban Improvement Trust or Municipal Board - (t) On receipt of the application in Form RR and the Patwari's report the Tehsildar shall forward the application and the report to the Urban Improvement Trust or the Municipal Board, if any, within whose jurisdiction the land covered by the holdings is situated and enquire whether in the context of the master plan if any or otherwise, the said Trust or Board as the case may be, sees any objection to the permission applied for being granted. The Urban Improvement Trust or the Municipality, as the case may be, shall communicate its views to the Tehsildar within thirty days of the date of the receipt of the Tehsildar's reference.

25D. Disposal of application - After considering the Patwari's report and the reply, if any, received from the U.I.T. or the Municipal Board, as the case may be and after making such further enquiry if any, as he deems fit, the Tehsildar shall either accord sanction or reject the application:

Provided that the application shall not be rejected without giving the applicant an

opportunity of being heard.

25E. Circumstances in which sanction may be accorded - (I) In according sanction the Tehsildar shall take into consideration the following matters -

- (i) Whether the proposed construction would definitely be an improvement within the meaning of clause (19) of section 5 of the Act;
- (ii) If the construction for which sanction is applied for is a dwelling house whether the construction of the proposed dwelling house on the holding is absolutely necessary for agricultural purpose;
- (iii) Whether the proposed construction would be costly for the purpose which it is intended;
- (iv) Whether the applicant has already got a building for the convenient or profitable use or occupation of the holding in its immediate vicinity *and* if so, what is the justification for having a dwelling house on the holding itself;
- (v) Whether the applicant has a residential house in the Abadi of the village and if so whether the construction of a dwelling house on the holding itself is absolutely essential for agricultural purpose;
- (vi) If the construction for which sanction is applied for is a cattle shed whether a cattle shed or cattle sheds already exists or exist on the holding and if so, whether the construction of a further cattle shed is necessary in consideration of the number of cattle belonging to the applicant, and whether the area to be covered by the proposed cattle shed is excessive;
- (vii) If the construction for which sanction is applied for is a store house, whether a store house or store houses already exists or exist on the holding and if so whether the construction of a further store house is necessary in consideration of the total annual produce for which storage accommodation is required and whether the area to be covered by the proposed store house is excessive;
- (viii) If the construction for which sanction is applied for is some construction other than a dwelling house, cattle shed or store house, the Tehsildar shall consider whether any such construction is essential for the convenient or profitable use or occupation of the holding;

⁶⁷(viii-A) Whether the proposed construction would be within one hundred yards of the Rajlway boundary or of the National Highway or any road maintained by the State Government or a Municipality;

⁷¹(ix) (Omitted).

⁷¹[(2) Whether the area of the holding exceed, thirty acres, the maximum area to be covered by dwelling houses, cattle-sheds, store houses and other constructions shall not exceed two thousand for hundred and twenty square yards and where the area of the holding does not exceed thirty acres, the minimum area to be covered by any such improvements shall not exceed one thousand square yards:

Provided that there shall not be more than one dwelling house for the use of the tenant or the land holder on his holding."]

(i) is not an improvement as defined in the Act. or

(ii) is not an improvement which the applicant is entitled to make, or

⁶⁷ Inserted, Omitted & Substituted by notification No. F 9 (Misc.) RA 65 dated 29.7.65 pub. in Rajasthan Gaz. Part IV-C, dated 19.8.65.

(iii) is to costly for the purpose for which it is intended, or

(iv) is objected to be the Urban Improvement Trust or the Municipal Board as the case may be. or

(v) would be within one hundred yards of the Railway boundary or of the National Highway or any road maintained by the State Government or a Municipality.

⁶⁸**Notification No. F.6(71) Rev. B/63 dated 1.5.64 published in Rajasthan Gazette Part IV-C, Extraordinary dated 1.5.64.**

In exercise of the powers conferred by the second proviso to sub-section (1) of section 66, read with section 70 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 5), the State Government hereby specifies the following area wherein, in the public rest, no dwelling-house, cattle shed or store house or any other construction for cultural purpose shall be erected or set up by a tenant or land holder on his holding with sanction of the Tehsildar applied for and accorded in the manner prescribed by rule 25A 5F of the Rajasthan Tenancy (Board of Revenue) Rules, 1955, namely:-

All areas within a radius of-

(1) twelve miles of the Municipal limits of the City of Jaipur, or

(2) six miles of any other city as defined in the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959). or

(3) three miles of any other Municipality, or

(4) ten miles of any area for which the State Government has, by an order issued under section 3 of the Rajasthan Urban Improvement Act, 1959 (Rajasthan Act 35 of 1959), directing the carrying out of a civic survey and the preparation of a master-plan or

(5) ten miles of any city, town, village or other area in which an industry with an investment capital of over one crore of rupees has been, or is proposed to be.

set up.

⁶⁹"Making of certain improvement in small villages- A khatedar tenant, whose holding is situated in a village, the population of which according to the latest census, does exceed two thousands and which is not situated in an area in respect of which the State Government has issued a notification under clause (a) of the proviso to sub-section (1) of section 66 of the Act, may, without the permission of the Tehsildar make any such improvement as is referred to in sub-clause (a) of clause (12) of section 3 of the Act, subject to the following conditions, namely:-

(i) the area to be used for the construction of a dwelling house shall not exceed five hundred square yards, and that for the construction of a dwelling house and baras combined, thousand square yards.

Explanation:- 'Bara' shall mean an enclosure or a shed for cattle as well as accommodation for stocking seed, fodder and agricultural implements and shall include the area required for the construction of a reservoir or tank.

(ii) No dwelling house, cattle shed or store house, or any construction erected or set up

⁶⁸ Substituted and added by the Notification No. F9 (Misc) RA/65 dated 29.7.65 published in Rajasthan Gazette. Part IV-C. Ordinary. dated 19.8.6

⁶⁹ Inserted under notification No. F9 (Misc.) (8) Rev. 65 dated 29.7.1965

within one hundred yards of the Rajlway boudnary or the National Highway, or any road maintained by the State Government or a Muncipality, and

(iii) the construction shall be subject to the building bye laws of the village Panchayat, but no premium, price or conversion fee for the land shall be charged by the Village Panchayat"].

CHAPTER VI

Rules to give effect to the provision of section 77 of the Act

26. Contents of application - (1) An application for the determination of the amount expended on an improvement shall give the nature and description of the improvement effected and shall be accompanied by a copy of the order (if any) permitting the execution of the improvement and an account of the amount expended supported; so far as possible, by vouchers.

(2) Aiongwith the application the applicant shall also file an extract from the Khatauni in regard to the holding on or affecteing which the improvement has been made.

27. Issue of Notice - On receipt of the application, the Tehsildar shall invite objections by issuing notice to the opposite party, fixing date for filing such objection.

28. Inspection of the improvement - If an objection is filed disputing the nature or description of the improvement, or the amount expended thereon, the Tehsildar shall either inspect the improvement himself and place on record his inspection note, or direct an officer not below the rank of Inspector of Land Records to inspect it and to report in accordance with the procedure laid down in rules 10-12 or Order XXVI of the Civil Procedure Code, on the points to be clearly specified by him.

29. Disposal of objection and determination of amount> The Tehsildar shall then dispose of the objection and determine the amount expended on the improvement and enter in the register prescribed in rule 30.

30. Register of improvement - A register shall be maintained in the court of every Tehsildar in the following form:-

S.No.	Name of village & No. of Khewat concerned	No. of plot & No. of Khataunion or affecting which the improvement in made	Nature & description of the improvement	No. & date of the order grantion permission to tace the improvement
1	2	3	4	5
Name of the person at whose expense the is	Whether the person making the improvement is a land holder	Whether the person making the improvement	Cost of improvement as determened by the court	Particulars of the case & date of order with signature

made	or	is a land holder or		of the tehsildar who determened the cost.
6	7	7	8	9

⁷⁰CHAPTER VIA

Rules to give effect to the provisions of section 80 of the Act

30A. Contents of application -If trees, in any field in the time of commencement of the Act. are the property' of any person other than the Khatedar tenant, such owner shall make an application to the Tehsildar of that area for determining the amount of compensation to be given by the Khatedar tenant in occupation of the holding. The application should contain:

- (1) Name and full address of the tenant in occupation of the holding;
- (2) An extract from khatauni in regard to the holding on which trees are standing;
- (3) Nature and description of trees;
- (4) Account of expenditure incurred on the trees:
- (5) Annual income from the trees;
- (6) Compensation claimed.

30B. Issue of Notice - On receipt of the application the Tehsildar shall invite objections by issuing notice to such tenant, fixing a date for filing such objections,

30C Inspection of the holding - If an objection is filed disputing the nature of description of the scattered trees on the holding and the amount spent thereon. The Tehsildar ma\ inspect the site in presecnce of the parties and place on record his inspection note.

30D. Decision on objections and determination of Compensation - The Tehsildar. shall then dispose of the objections, if any. determine the amount of compensation, not acceding the amount claimed having regard tor-fa) The labour and capital required for planting such trees;

- (b) The nature and kind of the land on the locality in which such trees stand;
- (c) Market value of the timber; and
- (d) The average annual income of the fruits or the produce of such trees.

30E. Deposition of compensation amount -(a) The Tehsildar shall then

⁷⁰ Inserted by Board's Notification No 9704/BR dated 6.10 1058. published in Rajasthan Gazette Part 1V-C dated 6.11.1958

order the Khatedar tenant to deposit the amount of compensation within two months of the order or in suitable cases may also provide for payment in instalments.

- (a) The Tehsildar shall inform the owner, when the money is deposited and shall pay the same to him as soon as he requisites for it.

CHAPTER VII

Rules to give effect to the Provisions of section 84

31. Form of application - (1) An application for a licence under sub-section (5) of section 84 of the Act shall be in Form 'S'.

(2) It shall be submitted through the Patwari of the circle in which the lands on which the trees sought to be removed are situated.

32. Patwari Report - The patwari shall within one week of the submission of the application and after seeing the site, submit his report to the Sub-divisional Officer, in Part of Form 'S' on the correctness or otherwise of the particulars mentioned in serial nos. (3) of paragraph 2 of the applications.

33. Enquiry and disposal by the Sub-divisional Officer - (1) The Sub-Divisional officer shall, if the application is for the removal of trees for agricultural or domestic use and the number of trees ought to be removed is not excessive and is commensurate with the purpose for which removal is sought, grant the permission within fifteen days of the receipt of the Patwari's report.

(2) If the removal is applied for under ground (c) of serial No: (5) of the particulars, the Sub-Divisional Officer shall either inspect the site himself, or get it inspected by the Tehsildar or a Naib-Tehsildar, before passing orders.

(3) In the case of an application under ground (d), or ground (c), or ground (f) the Divisional Forest Officer shall either be invariably consulted and a licence granted only in accordance with the advice given by him. If the Sub-Divisional Officer does not agree with the advice given by the Divisional Forest Officer; the Sub-Divisional Officer shall record his reasons therefor and forward the case for further advice to the Chief Conservator of Forest, Raj. as then, and the Sub-Divisional Officer shall be bound by the advice of the Chief Conservator of Forest and shall issue a licence only in accordance with such advice.

33A. Licence fee and period of licence - (1) No licence fee shall be charged for a licence given on grounds (s) and (b). If the case of a licence on grounds (c), (d), (e) or (f) a fee of ten paise per tree or rupees ten per acre, whichever is more, shall be charged.

(2) The period of licence shall be determined by the licencing authority with due regard to the number of trees to be removed, the area to be cleared the labour involved, and no renewal of the licence shall be permitted.

(3) Nothing in this rule shall prevent the issue of a fresh licence where a licence has expired before the removal of the trees covered by the licence provided that the issue of a fresh licence shall in all respects be governed by these rules.

34.⁷¹(Omitted)

⁷¹ Omitted by Board's Notification No. 5085/BR, dated 7.5.58 published in Rajasthan Gazette part IV-c, dated

35.⁷⁵(Omrtted)

36. Consideration to be had in granting licences - (1) Before granting a licence, the licencing authority shall enquire into the grounds on which the applicant desires such a licence as also in to the justification thereof, and shall allow removal of such tree or trees only as may be sufficient to satisfy the particular needs of the applicants without such removal being harmful to others or being likely to impair or otherwise disturb the general village economy.

(2) In granting general licences the following further consideration shall be kept in view:-

(a) that the proposed removal is likely to prove useful and beneficial to the general public and serve their genuine need for fuel or timber, or is the interest of applicant, such interest not being in conflict with the general welfare.

(b) that the proposed removal is not likely to -

(1) cause excessive denudation of land, or

(2) to lead to soil erosion, or

(3) to impair agricultural economy.

37. Conditions of licence - It shall be a condition of every licence granted under the Act that the removal of trees shall be done -

(a) within the period mentioned in the licence, and according to the tenor thereof:

(b) without causing damage to the land, standing crops, grass or trees or building of neighbours.

38. Inspection of licences - All licences issued under these rules shall be liable to inspection by any Revenue Officer, any Forest Officer or by a Police Officer not below the rank of sub-inspector of Police and any breach of the terms of the licence or irregularity in the issue of the same shall be reported by Officer detecting it to the authority which has issued the licence.

39. Cancellation of the licence - The authority competent to issue a licence under the Act may, at any time, cancel the same where -

(1) the licence contravenes any of the terms and conditions of the licence or fails to produce it for inspection in the manner required in rule 38, or

(2) it is subsequently discovered that the licence has misrepresented facts to secure the licence.

40. Surrender of licence - A licence shall be surrendered to the licencing authority within 15 days of the expiry of the period thereof.

40A. Form and register of licences- A licence shall be in Form 'SS' and a register of licences in the same Form shall be maintained and kept up to date at each Sub-divisional Officer.

CHAPTER V

Rules to give effect to the provisions of sections 114 and 116 of the Act

41. Publication of rent rates - The Rent Rate Officer shall publish his

proposals regarding rent rates and records made by him under section 111 to 113 of the Act, dispose of objections thereto and submit to the Board his proposals and record made by him, after such modification, if any as he may think fit in the manner as may be laid down in the Rajasthan Settlement Manual for Settlement Officers in respect of such matters.

Dispute as to rent in certain cases

42. Enquiry to be held by the Tehsildar - On receipt of an application mentioned in section 111(2) the Tehsildar shall fix a date for hearing in the presence of the applicants. The opposite party shall be served with a notice along with a copy of application specifying the place and time of appearance. The parties shall be required to appear with all the evidence on which they may rely.

43. On the aforesaid date the Tehsildar shall ascertain from the opposite party if he admits the claim. In case he so admits, the Tehsildar shall give his award accordingly.

Where the opposite party does not so admit, the Tehsildar shall record the evidence of the parties, examine the documentary and oral evidence that may be produced before him and shall also inspect the entries in the Revenue records, if any, and thereafter he shall give his award.

CHAPTER IX

Rules to give effect to the provisions of sections 139-140 of the Act.

44. Deposit of rent in Tehsil - A register shall be maintained by the Tehsildar showing in respect of every sum deposited -

Receipt

- (1) the serial number of the deposit;
- (2) the date of receipt thereof;
- (3) the name, parentage, caste and residence of the depositor;
- (4) the name, parentage, caste and residence of the person specified under section 139 of the Act. to whose credit the deposit has been paid;
- (5) the amount deposited;
- (6) the date of payment into the treasury and the challan number; Payment
- (7) the serial number of the application for payment or refund;
- (8) the date of application for payment of refund;
- (9) the date of the order for payment of refund;
- (10) the name, parentage, caste and residence of the person to whom payment or refund is ordered;
- (11) the amount ordered to be paid;
- (12) the date of payment or refund by the treasury;
- (13) lapses under article 32 of the Rajasthan General Financial and Accounts rules.

45. Every deposit received by the Tehsildar shall be paid as soon as may be into the nearest Government Treasury and a treasury receipt filed with the record of the case.

46. When the date of payment into the treasury has been entered in the register, the

Tehsildar shall sign the register in token of the correctness of the entries made therein

respect of the deposit.

47. After the provisions of rules 44, 45 and 46 have been complied with, the court shall issue notice in Form "T" to the person or persons specified in column 4 of the register prescribed by rule 44.

48. When an order has been passed for payment of deposit, a voucher, in the Form prescribed by the Rajasthan General Financial and Accounts Rules, shall be handed to the person in whose favour the order of payment is made.

49. In every such voucher and in the counterfoil of every such voucher, the amount to be paid shall be entered in figures by the Tehsildar with his own hand.

50. The number and date of the voucher shall be entered in the record of the application for payment.

51. If a voucher for payment is not prescribed within three months from the date on which it was drawn up, encashment of it shall be refused, and a fresh voucher must be obtained (a) upon surrender and cancellation of the original voucher, or (b) if the voucher has been lost, upon receipt by the Tehsildar of a certificate of non-payment thereof from the treasury.

52. Every cancelled voucher shall be forwarded to the treasury, and a note of the cancellation made on the counterfoil of the original voucher.

53. When an intimation of payment having been made is received from the treasury the date of payment shall be entered in the register, and the Tehsildar shall sign the register in token of the correctness of the entries made therein in respect of the payment.

54. If a deposit is unclaimed for a period of three years the Tehsildar shall summon the depositor and direct him to submit a written application for refund of the deposit. On receipt of the application and after satisfactory identification by the Tehsildar of the person who appears in response to the summon and claims to be the depositor, the procedure followed shall be similar to that in the case of applications from land holders.

55. The Tehsildar of each Tehsil shall be responsible for bringing to the notice of the Tehsildar all unclaimed deposits; and he shall for this purpose bring up the register for the examination and signature of the Tehsildar in the first week of every quarter commencing from January.

56. Such comparison and adjustment of the entries in the register and in the treasury returns shall be made as may, from time to time, be necessary.

CHAPTER X

Rules to give effect to the provisions of section 147 of the Act

57. The return of market prices current at the harvest time as laid down in section 1 shall be prepared by the Collector on the basis of the returns submitted to him from each Tehsil in accordance with the provisions contained in para 243 of the Rajasthan Land Revenue (Land Records) Rules. A copy of the return so prepared shall be sent to

the Tehsil concerned for being pasted on the Notice Board of the Tehsil.

CHAPTER XI

Rules to give effect to the provisions of section 169, 171, 174 to 176, 177 and 178 of the Act

Notice of ejection to Tenants

58. Contents of application - (i) An application to the Tehsildar under section 169 of the Act shall contain the following particulars ;

- a) the name, parentage, caste and place of residence of the land-holder;
- (b) the character in which the applicant claims to eject the tenant, e.g. whether as an estate holder, or a grantee at a favourable rate of rent, or as a tenant-iii-chief who has sublet the land from which ejection is sought;
- (c) the name, parentage, caste and place of residence of the tenant;
- (d) the total amount of arrears of rent and interest claimed with a statement of account showing the arrears and interest claimed for each instalment;
- (e) the khasra numbers and area of each plot comprising the holding, together with the name of the Tehsil and District. Village and Thok or Patti in which the holding is situated.

(2) An application under section 147 of the Act shall contain the particulars specified in clauses (a) to (c) and (e) of sub-rule (1) above and shall also be accompanied by a copy of the decree.

(3) An application under section 175 or section 177 of the Act shall contain in addition to the particulars specified in clauses (a) to (c) and (e) of sub-rule (1), the ground on which ejection is sought.

59. Verification of application - An application referred to in rule 58 shall be signed by the applicant in the same manner as a plaint.

60. Notice - (1) With the application referred to in Rule 58, the applicant shall present as many duplicate copies of notice as there are tenants (and in the case of an application under section 175, transferee or sub-tenant) to be served with such notice, and shall also deposit the necessary process fee for the service of such notice.

(2) The form of notice to be used in an application under each of the sections mentioned in sub-rule (1) is noted below:-

Application under section 169. Form U. Application under section 176. Form V.
Application under section 175. Form W. Application under section 177. Form X.

(3) Refusal to issue notice - The court shall refuse to issue the notice if it does not comply with the requirements of sub-rules (1) and (2).

(4) In the case of the land held directly from the State Government the notice by the Tehsildar shall be in Form U(I),

61. Determination of the part of the holding from which a tenant is to be ejected - If the amount payable on account of the arrears of rent with interest (as ordered by the Tehsildar) or with interest and cost (as decreed by the court) as the case may be, remains unpaid under sub-section (1) of section 170 or sub-section (3)

of the section, the Tehsildar shall order ejectment of the tenant from the whole or a portion of his holding in accordance with the following scale :-

when the unpaid amount exceeds 80 percent of such amount.	from the entire holding.
When the unpaid amount exceeds 60 percent but does not exceed 80 percent of such amount.	from 3/4th of the holding.
when the unpaid amount exceeds 40 percent, but does not exceed 60 percent or less of such amount	from one –half of the holding
when the unpaid amount is 40 percent, or less of such amount	from 1 /4th of the holding

Provided that if the residue of the holding left with the tenant is less than the minimum prescribed by the State Government for the district or part of district in which the land is situated, the tenant shall be ejected from the entire holding.

62. To determine the portion of a holding from which the tenant shall be ejected the court shall proceed as follows:-

(1) The decree holder shall be required to file a certified copy showing the sanctioned rates applicable to the holding.

(2) If the rent of any plot in the holding is separately recorded, it will be accepted as such. The rent of the remaining plots shall be calculated by multiplying the area of each plot by the appropriate sanctioned rate. The rents thus determined will be totalled so as to give the total rent of holding.

(3) The actual rent of each plot if not recorded already, will then be calculated in the same proportion to the total actual rent as the rent of a plot as calculated under sub-rule(2) bears to the total rent of the holding arrived at under that sub-rule. Thus, if the rent of a plot as calculated under sub-rule (2) is Rs. 5/- and the total rent arrived at under the sub-rule is 20A and the total actual rent of the holding is Rs. 21/- the actual rent of the plot will be Rs. 21/-.

(4) In order to determine the area corresponding to the unpaid amount, the court shall select as many plots out of the holding as will yield an actual rent calculated under sub-rule(3) not exceeding the unpaid amount and shall order the ejectment of the tenant from the area so determined.

Provided that in determining this area, the court shall, as far as possible, (a) avoid the splitting up a field and (e) see that the plots left with the tenant are as compact as possible.

62A. Determination of part in cases u/s 177 - In the case of a decree or order under section 177 ejectment shall be ordered from the area in respect of which the detrimental act or breach of condition is committed.

CHAPTER XII

Rules to give effect to the provisions of sections 180-182 of the Act

Ejectment of Khudkasht or Gair Khatedar tenant or sub-tenant.

63. Form of Application - An application under section 180 of the Act shall contain the following particulars:

(1) Name, parentage, caste and residence of tenant with class, viz., tenant of Khudkasht, Ghair Khatedar tenant of sub-tenant.

(2) Name of village with name of Tehsil and District.

(3) Name of Thok or Patti.

(4) Khasra numbers of field with area of each.

(5) Rent of holding.

(6) Grounds of which ejectment is sought (see clauses (a) to (d) of section 180), and

(7) The total area of each category held under the land-holder's personal cultivation.

64. The application shall be accompanied by the following documents:-

(i) a certified copy of the Khatauni in which the land from which ejectment is sought is included;

(ii) a certified copy of the Khewat to which such land pertains.

(iii) in the case of an application under clause (b) or (c) or section 180. the application shall also be accompanied by a certified copy of the lease or sub-lease granted under section 45 or section 46 as the case may be.

(iv) in the case of an application under clause (d) of section 180 the application shall also be accompanied by a certified copy of the Gasht Girdawari for the period specified in that clause, as also certified copy of the lease or sub-lease specified in the said clause;

(v) the application shall also be accompanied by a certified copy of the applicant's Khata Khatauni showing the entire area held by him as Khudkasht.

65. livery application under section 180 shall be verified as a pleading in accordance with rule 15 of order VI of Code of Civil Procedure (No. V of 1908).

66. To every such application all persons whose land is sought to be acquired as Khudkasht shall be impleaded as a party and the applicant shall file with the application as many copies of it as [here are tenants to be served with notice.

67. If the application complies with the provisions of rules 63 to 66. the Assistant Collector shall issue a notice to all persons interested in the land in Form "Y".

68. The fee for the service of the notice shall be the same as the fee for the service of summonses and processes of Revenue Courts.

69. The notice shall be served in accordance with the manner prescribed by subsection (2) of section 167 of the Act.

70. The Assistant Collector shall hear and decide the objections, if any, and if he is satisfied that the application should be granted, he shall calculate the amount of compensation payable to the tenant for any improvement made by him and shall pass an order of ejectment of the tenant from the land applied for, or from such part thereof as he considers reasonable. Such order shall be conditional payment, to the

tenant, within such time as the Assistant Collector may direct, of compensation determined in accordance with the provisions of the Act.

71. If the compensation is not paid within the time directed by the Assistant Collector, the application shall be dismissed and the tenant shall be awarded costs.

72. Apportionment of rent - If the tenant is to be ejected from only a portion of his holding, the Assistant Collector shall determine the rent payable by the tenant for the remaining land. The rent so payable shall bear the same proportion to the rent previously payable for the whole holding as the valuation of the remaining land in the possession of the tenant bears to the total area of the holding.

CHAPTER XIII

Rules to give effect to the provisions of section 186-188 of the Act Remedies for wrongful ejectment.

73. An application under section 186 of the Act shall contain the following particulars:

- (1) Name, parentage, caste and residence of tenant which class of tenant.
- (2) Name of village with name of Tehsil and District. –
- (3) Name of Thok or Patti
- (4) Name, parentage, caste and residence of land holder
- (5) Name, parentage, caste and residence of other person now in possession:
- (6) Khasra numbers of fields:
- (7) Area of fields.
- (8) Annual rent of holding, and
- (9) Date of ejectment or dispossession.

74. The applicant shall file with the application as money copies of it as there are land holders and other persons in possession to be served with notice.

75. If the application complies with the provisions of rules 73-74, the Assistant Collector shall issue a notice.

76. The fee for the service of the notice shall be same as the fee for the service of summonses and processes of Revenue courts.

77. The notice shall be served in the manner prescribed by sub-section (2) of section 167 of the Act.

78. The Notice to the land-holder and the other person in possession shall be in Form "Z".

79. If the land-holder and/or the other person in possession appears to contest the notice, the Assistant Collector shall hear and decide the case.

CHAPTER XIV

Rules to give effect to the provisions of section 213 of the Act Sale of the 'Khatedar tenants interest in execution of decree for arrears for rent

80. Valuation of tenants' holding - On receiving an application for the execution of a decree for arrears of rent by the sale of a tenant's interest in his holding the

court shall value the holding by multiplying the area of the plot or plots comprised therein by the annual rent thereof calculated in accordance with the rent of that class of that category of land finally determined under section 21 of the Act. If no such rates have been sanctioned, the court shall determine appropriate rates after making local inspection and considering the rent generally payable by tenant's for land of the same class in the vicinity.

81. Sale of interest in part of a holding - If a holding consists of more than one plot and the decree is, in the opinion of the court, likely to be satisfied by selling the interest in a part only of the holding, the court shall distribute the rent of the holding over the plots constituting it so that the rent allotted to each plots bears to the total rent of the holding the same proportion as the valuation of that plot bears to the total valuation of the holding at such rates. If the interest of the tenant is to be sold in plots, the court shall group the plots of the holding into lots of which the value of the interest of one lot calculated in accordance with Rule 80 shall be not less than the amount due to the decree holder under the decree in execution of which such interest is being sold:

Provided that no plot shall be formed by splitting up any existing field, and that the plots formed shall be as compact as possible:

Provided further that no plot thus formed shall be of an area less than the minimum prescribed by the State Government for the district or part thereof in which the land is situated.

82. Proclamation of sale - In addition to the particulars required by sub-rule(2) of Rule 66 of order XXI of the First Schedule of the Code of Civil Procedure, 1908, the sale proclamation shall mention the Khasra number, the area and the rent of the holding or part thereof which is to be sold and if the holding is to be sold in lots, the Khasra numbers, area and rent of each lot.

83. Place of sale - The sale shall be held either in open court or at the place where the holding is situated, as the court may direct.

84. Procedure of sale - In conducting the sale, the court shall follow the procedure relating to sales of immovable property in execution of a decree prescribed in order XXI of the First Schedule of the Code of Civil Procedure, 1908.

85. When two or more sub-tenants or agriculturists residing in the village, who claim to take the interest of Khatedar tenant sold in execution of a decree under section 213 of the Act, cultivate an equal area in the village or when two or more agricultural or other labourers or village servants residing in the village claim to take such interest, such claim shall be determined by drawing lots.

86. As soon as the order confirming the sale has become final, the court shall order that tenant be ejected from, and the purchaser be put in the possession of the holding or portion of the holding of which tenant's interest has been sold. Unless the purchaser is the landholder, he shall have the same interest in the holding or part, of which the interest has been purchased by him as the tenant had; and the purchaser shall be liable to pay for the holding or part thereof the rent specified in the proclamation of sale, and the court shall order that the village records be amended

accordingly.

CHAPTER XV

Rules to give effect to the provisions of section 239 and 242 of the Act Question of Proprietary Right in Revenue Courts and of Tenancy Right in Civil Courts

87. Process fee to be paid by party Raising The issue - A revenue court shall, before forwarding the record to the civil court under provision of section 239 of the Act, require the Party who has raised the question of proprietary right in the land in suit to pay the process fee for the issue of notices by the civil court for the attendance of the parties between whom such question has arisen and shall note in its order forwarding the record to the civil court that such process fee have been realised. Such fee shall be charged in court fee stamps.

88. Notice to parties- Where a record is received by civil court with a notice that the necessary process fees have been paid in the court which has forwarded the record, it shall issue notices to both parties without cost as to the first date of hearing fixed by it.

89. Reference to civil court - Where an issue of a question of a proprietary right is framed by a revenue court under the provisions of section 239 of the Act, it shall submit the entire record of the case to the District Judge who shall forthwith forward it to the competent civil court by the decision of that issue.

90. Entry in the case register - The date of despatch to the record to the civil court shall be entered in red ink by the Ahalmad in the remarks column of the case register. When the record is received back from the civil court together with its finding on the issue, the date of the return of the record shall be similarly entered in red ink in the remarks column of the case register.

91. Classification of papers. Nathi A and NathiB- Before the record is consigned to record room, the Ahalmad of the court shall classify the papers on the reference file added by the civil court and put them in Nathi A or Nathi E). as the case may be. and shall note the classification against each paper entered in the general index of the reference file received from the civil court,

92. Reference from civil court - On receipt of a record under the provisions of section 242 of the Act forth decision of the issue on the question of tenancy, the Collector shall forthwith forward the record to the appropriate revenue court for the decision to that issue.

93. Entry in the register of reference-On receipt of the record, the Ahalmad shall immediately make an entry thereof in the register of references maintained under rule 94 and shall endorse on the reference the serial number of the said register. When the record is sent back to the civil court together with the finding of the revenue court, the date of the return of the record shall be similarly entered in the remarks column of the register.

94. Register of references – For references received under the provision of section 242 of the Act, a Register of References shall be maintained in the court of

each Assistant Collector in the following form.

S.No refernece	S.No. of case on the file of civil court	Name of civil court making reference	District and village	Name of parties	Nature of case with reference to section of law.	Date of receipt of record with reference.	Date of return of record with finding.	Remarks
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95. Reference file - (a) The papers added to the record of the civil court, while it is in the revenue court shall not be classified and put in Nathi A or B, but shall be kept in single file called "the reference file". A serial number shall however, be endorsed on each paper, as it is entered in the file index and brought on the reference file.

(b) The reference file shall be added to the civil court record as soon as the revenue court has recorded its finding and the record so prepared with the finding shall be returned direct to the civil court from which it was originally received.

96. Reference to be shown in the monthly return - Reference received from the civil court shall be shown separately in the monthly progress report of cases submitted by revenue courts to the Collector and also in the statement of institution and disposals.

CHAPTER XVI

Rules relating to affidavit

97.Swearing of affidavit - Every affidavit to be filed before a Revenue Court or Office shall be sworn before an Oath Commissioner appointed for the purpose.

98.Fee - The fee for the verification of an affidavit shall be one rupee.

99.Full particulars of persons and place to be given - An affidavit shall fully described the person swearing the affidavit with such particulars as will ensure his clear identification such as his full name, the name of his father, his religious persuasion, his rank or degree in life, his profession, calling, occupation or trade and his true place of residence.

Any person or place referred to in an affidavit shall be fully described in such manner as to enable his or its identity to be clearly fixed.

100.Persons who may make affidavits - Except as otherwise provided by law or by an order of the Court, an affidavit may be any person having knowledge of the facts deposed to therein.

Two or more persons may join in affidavit, each deposing separately to such facts as are within his knowledge.

101.Form of affidavits - When the deponent speaks to any facts within his own knowledge, he must do so directly and positively using the words "I affirm" "I make oath and say" or words to that effect.

102.Facts to be within the knowledge or sources to be stated - Except on interlocutory applications affidavits shall be confined to such facts as the deponent is

able of his own knowledge to prove.

On an interlocutory application when a particular fact is not within the deponent's own knowledge but is based on his belief or information received from others which he believes to be true, the deponent shall use the expression " I am informed and verily believe such information to be true" or words to that effect, and shall sufficiently describe, for the purpose of identification, the person or persons from whom his information was received.

When any fact is stated on the basis of information derived from a document, full particulars of that document shall be stated and the deponent shall verify that he believes such information to be true.

103. Identification of deponent - Every person swearing an affidavit shall if not personally known to the person before whom the affidavit is sworn, be identified before that person by some one known to him, and in such case the person before whom the affidavit is made shall state at the foot of the affidavit the name, address and description of the person by whom such identification was made.

Such identification may be made by a person - (a) personally acquainted with the person to be identified, or (b) who is reasonably satisfied as to his identity .

Provided that in the latter case, the person so identifying shall sign at the foot of the affidavit a declaration in the following form, after there has been affixed to such declaration in his presence the signature or thumb impression of the person so identified, namely :

Form of Declaration

'I (name, description and address) declare that I am satisfied on grounds stated below that the person, making this affidavit and alleging himself to be A/B is that person".

104. Affidavit by Pardanshin woman - No affidavit purporting to have been sworn by a woman who did not appear unveiled in the presence of the person before whom the affidavit was made, shall be used unless she was identified in the manner specified in Rule 103. and the affidavit is accompanied by a separate affidavit by the person identifying her. made at the time of identification setting forth circumstances in which she was personally known to him or he was satisfied that she was such person as she alleged herself to be in her affidavit.

105. Form of Oaths - The following forms of oaths and affirmations as prescribed under section 7 of the Indian Oaths Act by the High Court of Judicature for Rajasthan shall be used in the Revenue Court and Offices:

(1) Oaths for witness - "The evidence which I shall give to the Court shall be the truth, the whole truth, and nothing but the truth, so help me God".

(2) Affirmation for witness- "I solemnly affirm that the evidence which I shall give to the Court shall be the truth, the whole truth, and nothing but the truth."

(3) Oath for interpreter - "I will well and truly interpret what is deposed by the witness (or witnesses) before the Court, so help me God".

(4) Affirmation for Interpreter- "I solemnly affirm that I will well and interpret what is deposed by the witness (or witnesses) before the Court".

(5) Oath for person making affidavit -"I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God'.

(6) Affirmation for person making an affidavit - "I solemnly affirm that this my declaration is true, that it conceals nothing, and no part of it is false."

FORM A-I (Omitted)

FORM I (Omitted)

FORM J.

(See Rule 4/B.R.)

Rights in improvement.

Inibecourt oftiieSub-Divisional Officer.....District.....Claim
for compensation for accrual of Khatedari rights and rights in improvement.

Sir,

As required by sub-section (1) of section 20 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), and rule 4/BR of the Rajasthan Tenancy (Board of Revenue) Rules, 1955,1 hereby submit my claim for the compensation payable to me for the (a) accrual of Khatedari rights and (b) rights in improvement to my tenant of KJiudkasht/sub-tenant. 2. The particulars of land to which this claim related and of the land-holder and the tenant are given below:

- (1)Name, parentage, age and full address of the landholder(Claimant).
 - (2) Name, parentage, age and fijll address of tenant of Khudhasht/sub-tenant to whom right accrued. (3)Name of village, with name of Tehsil. (4)KhewatNo.
 - (5)Khasra No. and name (s), if any, or field(s).
 - (6)Whether irrigated or un-irrigated.
 - (7) Existing soil class.
 - (8)Exact area in which rights accrued under section 19.
 - (9)Rent rate sanctioned therefore during last settlement or clause (b) sub-section
 - (i) of section 23 applies, rent - rate sanctioned during last settlement for similar land in neighbourhood.
 - (10)Amount of compensation claimed for acquisition of Khatedari rights.
 - (11)Particualrs of improvement in which rights accrued to tenant.
 - (12)Year in which improvement was made.
 - (13)Cost of improvement at the time it was made.
 - (14)Present condition of work.
 - (15)Extent to which improvement is likely to benefit the land during next 10 years.
 - (16)Compensation claimed for rights in improvement.
 - (17)Total compensation claimed under both heads.
 - (18)Remarks.
- Date

⁷²[FORM K]

(See Rule 5/B.R.)

Form of Notice under sub - section (2) of Section 20 NOTICE

In the Court of the Sub-Division Officer District
 the compensation, payable to him for the accrual of Khatedari rights and rights in improvement made by you, you are hereby summoned to appear in this court either personally or by a pleader duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions on.....(date).....(Date to be so fixed as to allow the tenant atleast 30 days in which to file objection). A copy of the claim for compensation is attached hereto and if you do not admit the particulars given therein to be correct, you are asked to produce, on that date all documents on which you intend to rely in support of your claim. Take notice that in default of your appearance on the aforesaid date, the case will be heard and decided in your absence. Give under my hand and seal of the Court this day.....year.....
 Sub-Divisional Officer.

FORM L

(See Rule 8/B.R.)

Application under section 36A for acquisition of right to Nalbat
 In the Court of the Sub-Divisional Officer.....District.....
S/o.....applicant

Versus

.....S/o.....Opposite party.

Application under section 36A for acquisition of right to Nalbat only.

Sir,

I, AB s/o CD. casteaged.....resident of
Tehsil.....District.....hereby state as under:-

(1) That I am a tenant of EF s/o GH. caste.....resident of
Tehsil.....District.....in respect of the land, particulars whereof given hereunder.

That I have been Khatedar tenant since before the commencement of the Rajasthan Tenancy Act. 1955 (Rajasthan Act No. 3 of 1955) Rajasthan Revenue Laws (Extension) Act. 1957 (Rajasthan Act No. 2 of 1958) or acquired Khatedari rights under section 16/15 B in the said land.

(3) That the reisaweli bearing No.....or known as.....attached to the aforesaid land and the right to nalbat in respect of said well is vested in IJ s/o KL, caste.....resident of.....Tehsil.....District.....who is person other than landholder.

(4) That I wish to acquire the rights to Nalbat in accordance with sub-section (1) of section 36A and the re fore, pray mat necessary action may kindly be taken.

Particulars of Land (1) Name of village with Thok or Patti

⁷² Substituted by Notification No. 11089/BR. Dated 5.9.59. published in Rajasthan Gazette Part IV- C, dated 10.12.59

Versus

.....s/o.....opposite Party.

Application for acquisition of right to nalbat.

Sir,

In reply to your notice dated.....I hereby submits that I do not wish to contest the application/that I contest the application of following grounds:-

(Grounds to be mentioned)

I claim compensation and submit my claim below:-

Claim for compensation for acquisition of right to Nalbai under Section ⁷⁵[36 A]

1. Parentage, caste, age and residence of claimant i.e. person other than landholder in whom right to Naibat vests.
2. Name of applicant of acquisition of right in Naibat. parentage, caste, age and residence.
3. Name of landholder with parentage caste, age and residence.
4. Particular of land in which applicant claims that Khatedari rights have accrued:
5. If Naibat realised in cash the annual amount paid during each of preceding 5 years.
6. If Naibat realised in kind, quantity of produce delivered as Naibat during the preceding 5 years.
7. Total period during which benefits from well in respect of which Naibat is claimed have accrued to tenant (applicant).
8. Particulars of the well viz
 - (1) Name of well and Khasra No. which situated,
 - (ii) Time of construction.
 - (iii) Present condition.
 - (iv) Area irrigated in a normal year. In Bighas/Acres.
 - (v) Average present cost of construction of such well.
 - (vi) Probable extent of future utility of well.

9. Remarks

Signature.....s/o.....Caste.....Resident of Claimant

FORM O

(See Rule tt/B.R.)

CERTIFICATE OF ACQUISITION OF RIGHT TO NALBAT UNDER SECTION [36-a]

In the Court of.....

Case No.....of 19

.....s/o.....Applicant.

Versus

s/o.....Opposite party.

This is to certify that (1).....s/o.....Caste.....aged

.....resident of.....Tehsil.....District.....has

* Strike out whichever is inapplicable.

⁷⁵ Substituted by Notification No. 1189/BR, dated 5.9.59. in Raj. Gaz. Part IV-C dated 10.12.59.

acquired right to Naibat in respect of the well specified below with effect from.....(date)

(2) That said tenant is liable to pay Rs.....(Rupees in words as compensation to.....(owner of Naibat right) in a lump sum.in instalment of Rs.....each payable on (date).

(3) The amount of compensation has been paid in full/that the tenant has agreed to pay the amount of compensation by instalments as specified above and the said compensation shall be a charge upon the holding and produce next after the charges for rent and revenue in respect thereof. The tenant shall be incompetent to alienate the holding unless and until the total amount of compensation as aforesaid has been paid in full.

Particulars of well

1. Name of village Thok or Parti.
2. Name of Tehsil and district.

- 3.Khasra No. and Name/Names of field/fields.
- 4.Number or name of well.

FORM P

(See Rule 22/B.R.)

NOTICE OF ARRANGEMENT FOR PAYMENT OF RENT

[See Section 60 of the Rajasthan Tenancy Act and Rule No. 22/B.R. of the Rajasthan Tenancy (Board of Revenue) Rules, 1955],

I, AB S/o CD casteresident of a (here enter class of tenant) tenant of the following lands hereby inform you, EF S/o GH caste resident of the person from whom I hold that I am leaving the neighbourhood formonths/years and that during my absence I am having IJ S/o KL casteresident of in charge of my holding who will be responsible for paying the rent as it falls due.

Name of the village with name of Thok or Patti	Khasra No. and name/names, if any, of fields	Area in bighas/acres	Rent of holding
1	2	3	4

My address in the period of my absence will be:
(Seal of the Court) if issued through Tehsildar.

Total
Sd.....
Signature of Tehsildar, if issued
through Tehsil.

FORM Q

(See Rule 23/B.R.)

PROCLAMATION OF ABANDONMENT

(See Section 61 of the Rajasthan Tenancy Act and Rule 23/B.R. of the Rajasthan Tenancy (Board of Revenue) Rules, 1955).

IN THE COURT OF TEHSILDAR, TEHSIL
DISTRICT.....

Case No of 19

AB (Add description and residence)....., Landholder,
Versus

CD(Add description and residence)Tenant.
Name, description and place
of residence (tenant). To

Whereas you a (here enter class of tenant) tenant of the holding specified below, are presumed to have abandoned it, this proclamation is issue u/s 61 of the Rajasthan Tenancy Act, 1955 (No 3 of 1955), that the above mentioned landholder wishes to treat the holding as abandoned and will enter on it on the expiry of sixty days from the date of service/publication of the proclamation, whichever is earlier unless appearance is made and reasonable cause to the contrary is shown before the expiry of such period.

Name of the village with name of Thok or Patti	Khasra No. and name/names, if any, of fields	Area in bighas/acres	Rent of holding

Total

Sd/.....
(Tenant)

Seal of Court

Sd/.....
(Tehsildar)

FORM R

(See Rule 25/B.R.)

To,
The Tehsildar.....
Tehsil.....
District.....

Subject: Application for re-instalment and restoration of holding u/s 62 (2) of the Act.
Sir.

With reference to your proclamation dated.....issued in pursuance of the provisions of sub-section (} of section 61 of the Act, I beg to state as under :-

(I) that I was a Khatedar tenant

.....

Tenant of Khudkasht Gair Khatedar tenant

.....

Sub-Tenant

of the undermentioned land and the period of my occupation was. (2) that I hold this

land from State Government

(2) That I hold this land from State Government.

.....

A.B (landholder)

(3) that in the year.....there was a severe drought/ famine (name of epidemic) in that " Ilaqa/or that I had to leave the village on account of (Grounds to be given) and proceed to.....(name of place) along with my family and cattle etc.;

(4) that when I learnt that the calamity had passed and conditions had returned to normal. I returned to my village on or about.....(date to be mentioned);

(5) that the approximate date of my migration from the village was.....

(6) that this application is within the period of one year from the date of service.....of the above mentioned proclamation;

(7) that in support of my contention that I left the neighbourhood on account widespread clamity/the reasons mentioned in clause (3) above. I submit the following documentary evidence and I shall produce witness on the date of hearing.

(Particulars of documentary evidence to be given)

I pray, therefore, that I may be re-instated and the holding be restored to me subject to payment, be me, of arrears of rent, due from me on account of the holding till the date of restoration, including the period of abandonment in accordance with the provisions of the Act.

Particulars of land

1. Name of village with name of Thok or Patti. (Tehsil and District).....

2. Khasra Nos. and name/names of field/fields.....

3 .Area in bighas/acres.....

4. Annual rent

*Strike out whichever is inapplicable.

Dated 19

Sd/(Tenant)

⁷⁶(FORM RR
(See Rule 25-A)

PART I

Application under section 66/67 of the Rajasthan Tenancy Act, 1955 for sanction to the making of an improvement mentioned in sub-section (a) of clause (19) of section 5 of the Act.

To

The Teshidar,

Tehsil

Through: The Patwari, Circle No

Sir,

As required by the clause (b) of the proviso to section 66 of the Rajasthan

⁷⁶ Inserted by Board's Notification No. 62861 BR. Dated 22.5.1962 as published in the Rajasthan Gazette Part IV-C dated 15.5.1961

Tenancy Act, 1955, and rule 25A of the Rajasthan Tenancy (Board of Revenue) Rules, 1955, I hereby apply for sanction to the construction of the improvement particulars whereof are given below:

- 1.Name of application with parentage and address
- 2.Status Khatedar tenant/Land holder.)
- 3.Particulars of holding :
 - (a) Name of village.
 - (b) KhasraNo.
 - (c) Area in acres.
- 4.Distance of holding from the municipal limits of the nearest city of t or town of.
- 5.....Particularsof improvement for which sanction is required.....
 - (a) Khasra No. on which improvement is to be made
 - (b)Exact nature of improvement dwelling house/cattle-shed/store house/other construction.
 - (c)Full description, dimensions and area to be covered.
 - (d)Cost of the proposed constructoin
- 6.Number and particulars of existing improvemnl of the nature specified in sub-clause (a) of clause (19) of section 5 of the Tenancy Act.
- 7.If the application is for permission to construct a dwelling house on the holding :
 - (a)Whether the applicant owns a residential house in the Abadi of the village and if so, distance of the village Abadi from the Khasra No. on which the dwelling is proposed to be constructed.
 - (b)Whether the applicant owns a building or construction in the immediate vicinity of the holing otherwise than on the village site (of item (4) of sub-clause (b) of clause (19) of section 5 of the Act.
 - (c)Whether he will personally reside in the dwelling house proposed to be constructed.
- 8.If the application is for permission to construct a cattle-shed on the holding:
 - (a) Number and particulars of existing cattle shed, if any
 - (b) Total number of cattle owned by the applicant.
 - (c) Area to be covered by the proposed cattle-shed,
9. If the application is for permission to construct a store house on the holding:
 - (a) Number and particulars of existing store house, if any.
 - (b) Total annual production of the holding for the past 5 years, fc) Where and how the production is stored at present; and
 - (d) Area to be covered by the proposed store house.

Signature.....

VERIFICATION

I solemnly verify that the Particualrs given above are correct to the best of my knowledge and belief: and that I have stated the truth and have not suppressed or concealed any fact.

Signature.

Place.....

Date....

PART II
Patwari's Report

1. This Application was received by the undersigned.....(name) patwar Circle

No.....on.....(date to be filled).

2. The particulars given in Part I above have been checked with the entries in the Khasra for Kharif/Rabi Samvat.....and the Jamabandi (Khewat Khatauni) for Samvat.....and have been found to be correct, or that such and such particulars are not correct.

3. The applicant is a Khatedar tenant and cultivates the land specified in Serial No.3 of Part 1, or does not cultivate the land which is being cultivated.....

4. He has a dwelling house/.....dwelling house on the holding covering an area of.....which is equal to.....part of the holding, or he has no dwelling house on the holding.

5. He has a residential house in the village abadi which is at.....distance from the holding, or that he has no residential house in the village abadi.

6. He own/does not own a building for the convenient or profitable use or occupation of the holding in the immediate vicinity of the holding otherwise than on the Ullage site.

7. There are.....cattle sheds covering area equal to ,.....part of the holding. or there are no cattle sheds on the holding.

8. The applicant owns.....cattle according to the register of livestock.

9. (a) There are.....store houses on the holding covering.....area equal to.....part of the building or there are no store house on the holding.

(b) According to Jinswars, Milan Khasras and the other record, the approximate annual production of the applicant's holding for which storage is required is.....mts.

Submitted to the Tehsildar.

Signature.....

Patwar Circle No....

Date....

FORM 'S'

(See Rule No. 31)

Application for licence under sub-section (5) of section 84 of Rajasthan Tenancy Act, 1955.

To

The Sub-Divisional Officer,
(Sub Division)
(District)

Sir,

I am a Khatedar tenant holding land in excess of the ceiling are applicable to me, and I desire to remove trees which vest in me or are my property or in my possession, and I, therefore, hereby apply for a licence under sub-section (5) of section 84 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

2. The required particulars are given below:-

(i) Name, parentage and age of applicant,

(ii) Full address of the applicant

(iii) Particulars of applicant's holding viz.

(a) Name of village, with name of Tehsil in which holding is situated.

(b) Khasra number with area/bighas.

(c) Soil-class.

(iv) Particulars and class of trees, with age, if known, and approximate weight, sought to be removed and name of village (Name of Tehsil) and Khasra Number in which such trees are growing together with soil class of the said Khasra number.

(v) Grounds on which licence is applied for, viz. -

(a) Agricultural use; making of plough; implements for drawing water from well for irrigation; making bullock-cart for transporting the produce, etc; burning time for surkhi for construction of well or tank, etc.

(b) Domestic use; fuel-wood in own household.

(c) Clearing of land for extension of cultivation.

(d) Plantation of new trees, the trees sought to be removed having grown -old and useless.

(e) Removal of fruit tree which have become overnature and in which rot and deterioration have set in.

(f) The trees sought to be removed are affecting the fertility of the soil or otherwise cause damage to the soil of standing crops.

(vi) Date of last licence grted and number of trees removed thereunder.

3. If the licence applied for granted, I undertake to use the wood for the purpose indicated by me and for no other purpose, and I will abide by the terms and conditions of the licence.

Yours faithfully,

Signature.

PART II

Place & Date

Patwari's report

(1) Date of receipt of application-

(2) Date of report-

The statement made in the opening sentence of the application and the particular at serial nos. 3 and 4 are correct incorrect* Correct particulars are as

follows: The condition of trees is
(full description to be given) Submitted to the Sub-divisional Officer, Circle No.
Signature of the Patwari

FORM "SS"
(See Rule 40 A)

Lincence for removal of trees under section 84(5) of the Rajasthan Tenancy Ac 1955.

S.No	Date of issue	Name of licence with full address	Period of validity of licence	<u>Particulars of licence</u> No. and class of trees with age and weight, if known allowed to be removed
1	2	3	4	5
Area in acres bighas prepared to be	Purpose for which removal of trees clearence of ground	Purpose for which removal of trees clearence of ground	Special condition if	Remarks
Cleared	allowed	allowed	Any, imposed	
6	7	7	8	9

1. The licences above named is hereby authorised to fall and remove the trees mentioned above within the period and otherwise subject to the terms and conditions given above, to the provisions of the Rajasthan Tenancy Act. 1955(ActNo. 3 of 1955) and rule 51 to 40A of the Rajasthan Tenancy (Board of Revenue) Rules, 1955 and to the condition that the tailing and removal of trees shall be done without causing damage to the lands, standing crops, grass or trees or building of neighbours.

2. The licence must be produced for inspection when demanded by a Revenue Officer. Forest Officer, or a Police Officer not below the rank of Sub-Inspector of Police.

* Strike out whichever is inaplicable.

3. Heavy penalties are imposed by law for the removal of trees in contravention of the licence, including fines, cancellation of the licence, and forfeiture of the timber.

4. This licence should be surrendered to the authorityh issuing it, within

fifteen days of the expiry of the period of licence.

Date and seal of Licencing Authority.

FORM T

Notice of deposit of rent

(See section 139 of the Rajasthan Tenancy Act, 1955 (No. 3 of 1955) and Rule 47/BR of the Rajasthan Tenancy (Board of Revenue) Rules, 1955)

In the Court of the Tehsildar,
District

Tehsil

Case No of 19

AB(add description and residence)

tenant

CD(add description and residence)

landholder

To

(Name, description, place
and residence of
landholder)

Whereas AB s/o.....-caste... s/o .who claims to be your tenant in respect of the land specified below having deposited in my court the..... instalment(s) undermentioned of rent in arrears unpaid balance in instalment(s) on..... the date of his application, notice of the receipt of deposit is hereby given to you and you are directed to appear in my court on (date) to prove your title to receive the amount.

Particulars of land

Name of village	Name of Thok or Patti	Allowed fields	Area in Bighas/Acres
-----------------	-----------------------	----------------	----------------------

Particulars of Deposit

Year of /Installment(s) or unpaid balance of installment(s)	Amount	Date of deposit
Dated		Tehsildar Tehsil

FORM-U

NOTICE TO A TENANT FOR THE PAYMENT OF ARREARS OF RENT OR FOR EJECTMENT IN DEFAULT

See section 169 of the Rajasthan Tenancy Act, 1955 and Rule 60 B.R. of the Rajasthan Tenancy (Board of Revenue) Rules, 1955

**IN THE COURT OF TEHSILDAR,
DISTRICT****TEHSIL**

Case No..... of 19

AB(Add description and residence)

Applicant (land - holder)

Versus

CD (Add description and residence)

Opposite party (tenant)

To

(Name, description and place of residence) (tenant)

WHEREAS the person above named, alleging himself to be your land holder, has applied to this court for the issue of a notice to you for payment of arrears of rent as per details given below and for your ejection in case of default.

AND WHEREAS the amount of Rs is claimed to be due from you to the said landholder an account of arrears of rent in respect of the holding specified below, notice is hereby given to pay, within thirty days of the date of service of this notice, the amount of arrears or to appear and admit or contest the same. In default the application will be heard and determined in your absence.

Details of account

Year of instalment Rent	Khasra No.	Rent payable	Paid	Arrears	Interest	Remarks
1	2	3	4	5	6	7

Total Grand Total

Details of account

District	Tehsil	Village	Thok or patti	Khasra of field	Area of field Bighas/Acres
1	2	3	4	5	6

Number of fields and total area.

The instalments of rent payable by you for the holding in future are specified below:-

Rent payable for the holding in future

The instalments

Kharif instalment

Given under my hand and the seal of the Court this day of.....19

Signature (Tehsildar) (Seal of the Court)

FORM U(I)

**Notice to a tenant for the payment of arrears of rent or for ejection in default
(See section 169 of the Rajasthan Tenancy Act, 1955 and Rule 50/RoTthe
Rajasthan Tenancy (Board Revenue) Rules, 1955)**

IN THE COURT OF THE TEHSILDAR, TEHSIL
DISTRICT

Case No.....of 10

State V/s.

CD (Add description and place of residence) Opposite party (tenant)

To

(Name, description and place of residence) (tenant)

WHEREAS the amount of Rs.....is due from you to the State on account of arrears of rent in respect of the holding specified below, notice is hereby given to You pay, within thirty days of the date of service of this notice, the amount of arrears or to appear and admit or contest the same. In default the application will be heard and determined in your absence.

Details of account

Year and Instalment	Khasra number	Rent payable	Rent paid	Arrears	Interest	Remarks
1	2	3	4	5	6	7
						Total Grand Total

Description of the holding

District	Tehsil	Village	Thok or Patti	Khasra of field	Area of field Bighas/Acres
1	2	3	4	5	6

Number of fields and total area

The instalments of rent payable by you for the holding in the future are specified below:-

Rent payable for the holding in future

Rabi instalment

Kharif instalment

Given under my hand and the seal of the Court thisday of.....19

Signature (Tehsildar)

Dated 19

(seal of the Court)

FORM V

**Notice to a tenant for payment of the amount outstanding under a decree for
arrears of rent or for ejection in default**

**[See section 174 of the Rajasthan Tenancy Act, 1955 and Rule 60/B.R. of the
Rajasthan Tenancy (Board of Revenue) Rules, 1955]**

IN THE COURT OFAT..... Case No..... and
 AB(Add description and residence) Decree-holder (land-holder)

Versus

CD (add description and place of residence) Judgment - debtor (Tenant)

To,

Name (description and place of residence)

WHEREAS the person above named, alleging, himself to be your landholder, has applied to this court for the execution of a decree for arrears of rent by the issue or a notice to you for the payment of the amount outstanding for your ejection in case of default.

AND WHEREAS the amount of Rs is claimed to be due from you to the said land holder on account of arrears of rent in respect of the holding specified below, and on account of costs as detailed below, notice is hereby given to you to pay, with in two months from the date of service of this notice, the aforesaid amount into the court or in case of default to show cause why you should not be ejected from your holding and to state whether in case and order for your ejection is passed your claim compensation for any improvements made be you. In case of default an order may be passed for your ejection from the holding specified below:

Details of account

Year of instalment Rent	Rent payable	Rent Paid	Arrears	Interest by	Costs awarded the decree	Remarks
1	2	3	4	5	6	7

Total Grand Total

Description of holding

District	Tehsil	Village	Thok or Patti	Khasra of field	Area of field Bighas/Acres
1	2	3	4	5	6

Number of fields and total area.

Given under my hand and the seal of the Court this day of 19.

Signature

Destination

Dated 19

(Seal of the court)

FORM W

**NOTICE TO A TENANT UNDER SECTION 175 TO SHOW CAUSE AGAINST
 EJECTION FOR ILLEGAL TRANSFER OR SUB LETTING**

[See section 175 of the Rajasthan Tenancy Act, 1955 and Rule 60 of the
 Rajasthan Tenancy (Board of Revenue) Rules, 1955]

IN THE COURT OF AT
 Case No. 19
 AB (add description and residence) Applicant (Land holder),
 Versus
 CD (add description and residence) (tenant)
 AND
 EF(add name, description and place of residence). (transferee or sub lessee)
 Opposite party.

To.

(Name, description and place of residence) (tenant)

WHEREAS the person above named, alleging himself to be your landholder has applied to this court u/s 175 of the Rajasthan Tenancy Act, 1954, on the groups mentioned below, for your ejectment from the holding specified below, this notice of ejectment is issued to you under the said section of the Act. You are hereby asked to show cause why you should not be ejected from the area so transferred.'sub-let. you are informed that-

(a) If you desire to dispute ejectment, you must contest this notice within thirty days of its being served on you. and

(b) If within thirty days of the service of this notice you appeared and admit your liability to ejectment, you will not be liable for any costs.

Take notice that, in default of your appearance within the period specified above, and order of ejectment may be passed against you.

1. Ground of ejectment

2. Description of holding

District	Tehsil	Village	Thok or patti	KhasraNos. offield	Area of fields Bighas/Ac res	Rent of holding
1	2	3	4	5	6	7

Total No. fields and total area

Given under my hand and the seal of the Court this
 day of 19

Signature
 Designation

Dated 19
 (Seal of the Court)

FROM X

**NOTICE TO A TENANT UNDERSECTION 177 TO SHOW CAUSE AGAINST
 EJECTMENT FOR DETRIMENTAL ACT OR BREACH OF CONDITION**

**(See section 177 of the Rajasthan Tenancy Act. 1955 and Rules 60/BR of the
 Rajasthan Tenancy (Boar of Revenue) Rules, 1955.**

INTHECOURTOF-----AT-----

Case No. of 19

AB (add description and residence) Applicant (land-holders).

Versus

CD (Add description and residence) (Tenant)

and

EF (add issue, description and place of residence) (Person claiming through tenant) Opposite party

To,

(Name, description and place of the residence) (tenant and person claiming through agent)

WHEREAS the person above named, alleging himself to be your land-holder has applied to this court under section 177 of the Rajasthan Tenancy Act, 1955 on the grounds mentioned below, for your ejection from the holding specified below, the notice of ejection is issued to you under the said section of the Act. You are hereby asked to show cause why you should not be ejected from the area concerned. You are informed that -

(a)If you are desire to dispute ejection, you must contest this notice within thirty days of its being served on you, and

(b)If within thirty days of the service of this notice you appear and admit your liability to ejection you will not be liable for any costs.

Take notice that, in default of your appearance within the period specified above, and order of ejection may be passed against you.

Description of hoding

District	Tehsil	Village	Thok or patti	Khasra Nos. Of field	Area of fields Bighas/Ac res	Rent of holding
1	2	3	4	5	6	7
Total No. of fields and total area						

Given under my hand and the seal of the Court this
day of

19

Signature

Designation

Dated 19

(Seal of the Court)

FORM Y

NOTICE OF EJECTION TO A TENANT OF KHUDKASHT, GAIR KHATEDAR TENANT OR SUB-TENANT UNDER SECTION 181 OF THE ACT

(See Rule 67/BR of the Rajasthan Tenancy (Board of Revenue) Rules, 1955.

IN THE COURT OF ASSISTANT COLLECTOR.....DISTRICT

Case NO. OF 19

AB (add description and residence) Applicant (land-holder)

Versus

CD (add description and residence) Opposite party (Tenant)

To

(Name, description and place of residence) (Tenant)

WHEREAS the land-holder above named has applied under section of the Rajasthan Tenancy Act. J 955, on the grounds mentioned below for your ejection from the holding specified below, this notice of ejection is issued to you in accordance with the provisions of sub-section (3) of section 181 of the Act. You are hereby informed that:

(a) If you wish to dispute the ejection you must contest the notice within thirty days of its being served on you, and

(b) that if within thirty days of the service of notice you appear and admit your liability to ejection, you will not be liable for any costs.

Take notice that in default of your appearance within the period specified above an order of ejection may be passed against you.

Grounds of ejection

1. (See clause (a)
2. (d) of section 180).

Description of holding

District	Tehsil	Village	Thok or patti	Khasra Nos. Of field	Area of fields Bighas/Ac res	Rent of holding
1	2	3	4	5	6	7

Total No. of fields and total area

Given under my hand and the seal of the Court this
day of

19

Signature
Designation

Dated 19
(Seal of the Court)

FORM Z

(See Rule 78/B.R.)

NOTICE UNDER SECTION 186 OF THE ACT

IN THE COURT OF ASSISTANT COLLECTOR ----- DISTRICT

Case No. of 19

AB (add description and residence) Applicant (tenant)

Versus

CD (add description and residence) opposite party (Landholder)

And

EF (add description and residence) opposite party (other person
now in possession)

To.

(Name, description and place of residence)

WHEREAS the person named above alleging himself to be the tenant of CD has applied to this court for re- in statement under section 186 on the ground that he has been ejected from, or dispossessed of his holding, or part thereof, specified

below

(a) before the commencement of the Act otherwise than by process of law, or
 (b) after the commencement of the Act in compliance of its provisions,
 this notice is hereby issued to you in accordance with the provisions of sub-section
 (2) of the said section to show cause within a fortnight of the receipt of this
 notice why the applicant be not reinstated in his holding or part thereof and why you
 and *EF (Name of other person in possession) who is now alleged to be in
 possession be ejected therefrom. A copy of the application is attached and you are
 hereby informed that if you wish to contest the application you must appear and
 contest this notice within 15 days of its being served upon you.

Take notice that in default of your appearance within the period specified
 above, an order for the re-instatement of the applicant and your ejection and/or
 The ejection of the other, person now in possession, shall be passed.

Strike out whichever is inapplicable.

IMPORTANT NOTIFICATIONS

Rajasthan Tenancy Act, 1955

1. Appointment of date for coming into force of the Act- In exercise of the powers conferred by sub-section (3) of section 1 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) the State Government is pleased to appoint the 15th of October, 1955 as the date from which the aforesaid Act shall come into force.

[Notification No. F.1(37) Rev./B/55, dated 14th Oct. 1955, Pub. in Raj. Gaz. Part IV-C dated 15.10.1955]

2. Khatedari Rights in Notified Area - In exercise of the powers conferred by the proviso to section 15 of the Rajasthan Tenancy Act, 1955 (No. 3 of 1955), the Government of Rajasthan is pleased to order that no Khatedari rights shall accrue under section 15 of the said Act to any tenant to whom land in or has been let out temporarily in the area notified as colony by this Government notification No. F. 6(513) Rev.(B)/55, dated 10th May, 1956.

[Notification No. F.6(513)Rev.(B)/55, dated 10th May. 1956, Pub. in Raj, Gaz. Part I(b) dated 19.5.1956]

3. Abolition of Lag Bags (Cesses) in Rajasthan - The recommendations of the Lag Bags Abolition Committee constituted under Government Order No. F.6(9)Rev. 1/53, dated the 12th December, 1953, having been considered the Government are pleased to order that all cesses, by whatever appellations they may be known that are being levied or recovered by the Government from the tenants of Government land over and above the rent of their holdings of agricultural land which come within the ambit of section 35 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), and all cesses payable to Government by non-agriculturists, village workers or shopkeepers which are not being realised under some specific Act having the force of law, be abolished forthwith throughout Rajasthan, with the following exceptions -

1. Gravinn dues and Sayar income from unoccupied Government lands whether

known as :

Ghasmari, Ginti, Pancharani, Khirkhari Bab, Dashera, Dig, Ghas Neelam, Desh Dan Paneharia, Salt, or Bhunga.

2. All cesses or dues levied from the Jagirdars, Muafidars and Grantees as these would automatically be abolished with the abolition of Jagirs.

3. Cases levied under the District Board Acts, viz -

- (a) Jaipur District Board Cess in the area of the former Jaipur State; and
- (b) District Board Cess also known as local rate in the area of the former Bikaner Sate, and

Cesses such as the:-

- (a) Siwol Cess in the Alwar District, and
- (b) the local rate in the Bharatpur District which are not levied under any specific Act, but which from part of the Settlement arrived at with the Biswedars of Zamindars and are in the name of local development cesses, these will continue to be levied until these are replaced by the District Board cess.

[OrderNo. F.6(19)Rev./B/51, dated 24th November, 1958 Pub. in Raj. Gaz. Part IV(C) dated 18.2.1958]

4. Coming into force of the Amendment Act No. 7 of 1959-In pursuance of subsection (2) of section 1 of the Rajasthan Tenancy (Amendment) Act, 1959 (Rajasthan Act 7 of 1959) the State Government does hereby appoint the 5th of April, 1959 as the date on which the said Act shall come into force.

[Notification No.F.6(20) Rev./59, Jaipur, dated 28th March. 1952. Pub. in Raj Gaz. Part IV-C, dated 31.3.1959]

5. Conferment of Powers of Assistant Collector on Tehsildars-In exercise of the powers conferred by clause (C) of sub-section (1) of section 279 of the Rajasthan Tenancy Act. 1955 (Rajasthan Act No. 3 of 1955), the Slate Government does hereby confer on all Tehsildars the powers of an Asstt. Collector to dispose of application u/s 80 of the Act for payment of compensation for tree which have vested in a Khatedar tenant under that section but are property of any other person and in which the amount of compensation claimed exceeds the limit of Rs. 300/- specified in sub-section (2) of section 217 of the Act.

[NotificationNo. F.6(82) Rev. A/59, dated 13th August, 1960. Pub.in Raj. Gaz. Part I V-C. dated 8.9.1960. Page 343]

6. Allotment of land in bed of rivers - An enquiry about the procedure to be followed in the allotment of Government land situated in the beds of rivers has been made by one of the Collectors. The matter was considered and it has been decided that the instruction issued vide this Department Circular bearing same No. dated 12/20.4.60. for the allotment of land in the beds of tanks may be followed for allotment if land coming in the river beds also.

In the past there have been some cases in which Khatedari rights were recognised even in the tank beds. As already clarified in para for of this Department Circular of even No. dated 12/20.4.60. such lands are excluded from the purview of

the instructions contained in the circular dated 20.1.59 referred to above and if Khatedari right have therefore already accrued over such lands, then they cannot be abolished, but in all other cases, the above instructions must be followed.

[Circular No. F.6(256)Rev.A/54, dated 11th October 1960]

7. Conferment of Powers on Village Panchayat - In exercise of the powers conferred by clause (b) of Section 260 of the Rajasthan Land Revenue Act, 1956, (Rajasthan Act No.15 of 1956), and in supersession of this Department's Notification No. F.6(41)Rev.B/60. dated the 17th June, 1960, the State Government hereby directs that:-

(1) the power conferred on a Tehsildar by sub-section (1) of section 251 of the Rajasthan Tenancy Act 1955 (Rajasthan Act No. 3 of 1955) of the disposing of application of the holder of land disturbed in the actual enjoyment of a right of way, shall be exercised, in place of Tehsildar by the village Panchayat of the village in which the land in respect of which the right of way has been disturbed is situated; and

(2) an appeal against an order passed by a village Panchayat, in any case decided under the powers delegated to it by this notification, shall lie to the Collector of the district concerned.

[Notification No. N.6(41) Rev.B/60. dated 17th June. 1961]

**7-A, REVENUE(Gr.4)DEPARTMENT
NOTIFICATION**

Jaipur, September 4, 1982.

S.O.88- In exercise of powers conferred by clause (b) of section 260 of the Rajasthan Land Revenue Act. 1956 (Rajasthan Act 15 of 1956) and in supersession of Revenue (B) Department Notification No.6(41) Rev./B/60 dated 17.6.1961, the State Government hereby directs that :-

1. The powers conferred on a Tehsildar by sub-section (1) of section 251 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) for disposing of applications relating to disturbance in the actual enjoyment of a right of way or other easement or right by land holders, shall be exercised by the Village Panchayat of the village in which the land is situated. The applications received by the Tehsildar in this behalf shall be duly entered in a register to be maintained for the disposal of such applications, and thereafter, forwarded to the concerned Village Panchayat for disposal. In cases in which the Village Panchayat fails to dispose of an application within 45 days from the date of receipt by it either directly or through the Tehsildar the Village Panchayat will cease to have any jurisdiction in the matter and the application will be forwarded to the Tehsildar having jurisdiction forthwith, who will enquire into and dispose of the application within 45 days of its receipt by him. In cases in which a Village Panchayat does not forward the application immediately after expiry of 45 days, the Tehsildar having jurisdiction shall have power to recall the application from the Village Panchayat and dispose of the same.

2. An appeal against an order passed by a Village Panchayat in such cases shall lie to the Collector of the district concerned. [No. F.5(21)Rev./Gr.4/80/84].

[Published in Raj .Gaz.Extra Ordy. Part 4 (Ga) II, dated September 25,1982, Page 219-220. Hence effective from 25.9.1982]

Revenue (Gr.4) Department - Notification

S.O.89- In supersession of this Department's Notification No.F.5(40) Rev./Gr./4/80 dated 20.12.80, published in the Rajasthan Rajpatra Part IV(C) II dated 25.12.80 and in exercise of the powers conferred by Sub-section (1) of Section 43 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), the State Government hereby authorises the following Officers to accord permission to a Gair Khatedar Tenant to hypothecate mortgae his interest in the whole or part of his holding for the purpose of obtaining loan from the State Government or a Land Development Bank as defined in the Rajasthan Co-operative Societies Act, 1965 (Act 13 of 1965) or a Co-operative Society registered or deemed to be registered as such under the Rajasthan Co-operative Societies Act, 1965 (Act 13 of 1965) or any Scheduled Bank of any other institution notified by the State Government in that behalf: -

1. All Dy. Colonisation Commissioners to be exercised with the jurisdiction to respective Rajasthan Canal Project Areas.
2. All Tehsildars to be exercised within their respective jurisdictions.

[No.F.5(40)Rev./GrA80/57 Published in Rajasthan Rajpatra, (E.O.), Part 4(Ga)II dated 25.9.1982, on page 220-221.]

8. Non-accrual of Khatedari Rights in Bikaner District - In exercise of the powers conferred by the proviso to sub-section of section 15 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of the 1955), the State Government hereby notifies that no khatedari rights under the said sub-section of the said section shall accrue to any tenant to whom land in or has been let out temporarily in the under mentioned villages that have been declared a colony under clause (ii) of section 2 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954) by Government notification No. F.4(29)RCPD/62 dated the 19th December, 1962.

District Bikaner (Tehsil Magra)(Shri Kolayatji)

1. Bhaluri
2. Gokul
3. Kerfi
4. Meghji-ka-Tala
5. Sadolai
6. Binjeri
7. Khandharli
8. ChhilaKashmir
9. Dhundh Kalan
10. Dhundh Khurd
11. Raowala
12. Rawlotan-ka-Tala
13. Bhinyanwala
14. Narayansar
15. Phulsar Khurd

16. Gayiwala
17. BajjuTajpura
18. Kayamwala

[Notification No.F.6(5)Rev.B/62,dated 21st December, 1962, Published in Raj.Gaz.

Part IV-C, dated 24th April, 1963]

9. Reclamation of un-authorized construction of dwelling houses over Government unoccupied agricultural land,(charagah),Gair mumkin lands or one's own agricultural land - One of the primary rights of tenant mentioned in Chapter III-C of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) is that, subject to rules a tenant shall have the right, free of charge, to possess in the abadi of the village in which he holds land, a site for a residential house (vide section 31 of the Act).

2. By an amendment of Section 31 of the Tenancy Act, this right to a free house -site has been extended to agricultural workers and village artisans, as defined in the explanation to sub-section (2) of the section provided they have been permanently residing in the abadi of the village for 10 years or more.

3. The rules made to give effect to the provisions of section 31 of the Tenancy Act or rules 8, 17 of the Rajasthan Tenancy (Government) Rules, 1955.

4. The extent of free house-site, as laid down in rule 15 of the rules, is as under :-"15. House sites free of premium (Nazrana) shall be granted at the following scale :-

- | | |
|---|----------------------------|
| (a) to a tenant paying rent of Rs. 100/- p.a. or more. | Not exceeding 250 Sq. yds. |
| (b) to a tenant paying rent between Rs. 50/- and Rs.130/-p.a. | Not exceeding 200 Sq. yds. |
| (c) to a tenant paying rent below Rs. 50/- p.a. | Not exceeding 150 Sq. yds. |
| (d) to an agricultural worker or artisan. | Not exceeding 150 Sq. yds. |

5. As the concession of free house site can only be enjoyed in the abadi of the village, and there is no properly delineated abadi in the area in which the areas in which the Bhils live, and they live in scattered huts, which they put at place suitable to them, it was decided by Government vide this department's circular No. F.6(48) Rev.B/Gr.1/58, dated the 23rd August, 1961, that the Bhils should be permitted to erect their huts in the manner in which they are accustomed to erect them & no objection need be made in respect of the huts already erected by them and if any proceeding on this account were pending against them. they should be withdrawn. It was made clear that these instructions were to apply to areas declared as scheduled areas in Rajasthan and also to those Tehsils of Udaipur District where Bhils reside, and that the order was to apply to Bhils only.

6. Under the definition of the term 'improvement'given in clause (19) of section 5 of the Tenancy Act, a dwelling-house erected on the holding by the tenant for his own occupation, or a store-house, or any other construction for agricultural purpose, erected or set-up by him on his holding (vide sub-clause (a) ibid) is an improvement.

The proviso to section 66 of the Tenancy Act, that was inserted with effect from the 27th of June, 1960, however, lays down that on such improvement, as is referred to in sub-clause (a) of section 5 of the Act, shall be made.

- "(a) within a radius of ten miles of the municipal limits of the City of Jaipur, or
- (b) within a radius of five miles of any other city as defined in the Rajasthan Municipalities Act, 1959, or
- (c) within a radius of two miles of any other municipality, except with the sanction of the Tehsildar applied for and accorded in the prescribed manner."

"Provided also that all or any such improvement shall not extend over such area, not exceeding one fifteenth of the total area of the holding, as may be prescribed and shall not be sanctioned otherwise than in the prescribed circumstances."

7. The statutory rule to give effect to the provisions of section 66 and 67 of the Tenancy Act are to be found in chapter VI, Rules 25 A to 25 F Rajasthan Tenancy (Board of Revenue) Rules, 1955.

8. It has come to the notice of the Government that, for various reasons, including the inability of Government to provide free house-sites in the abadies of the village to all those persons who are legally entitled thereto, a large number of tenants, agricultural workers and village artisans, and other persons have either constructed their dwelling house on unoccupied Government agricultural land or on pasture lands (Charagah), or on Gair Mumkin land, and that in other cases, where the dwelling-houses have been erected by Khatedar tenants on their own holding, the restriction in regard to the total area of the improvements as laid down by the third proviso to section 66 of the Tenancy Act and the Rules made thereunder, has not been observed. Some of these encroachments, and unauthorized conversions are reported to be quite old, dating back in some cases to the time of the formation of Rajasthan. It has also come to the notice of the Government that in some cases persons have purchased Government agricultural land for the construction of dwelling -house from the village Panchayats, which the latter had no right to sell.

9. All those who have committed breach of the existing provision of the law, are strictly speaking liable to ejection and to the imposition of penalty under Section 91 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) (in some cases read with Section 177 of the Tenancy Act) of Section 90A of the Land Revenue Act. Government, however, feels that, if the law were strictly enforced, and the person concerned were evicted, it would cause great hardship to them and may render a large number of persons homeless, and Government does not wish to create such a social problem. With the abolition of the intermediaries, in the shape of the Jagirdars and the Zamindars and Biswedars, the Government is now the land-holder, and the persons concerned are holding directly from the State Government. The Government has, thus a dual capacity viz., that of the Government of the State and that of a land-holder, on whose application (moved through the Tehsildar) a tenant is liable to ejection for breach of conditions or detrimental act.

10. The words used in Section 31 of the Tenancy Act are 'abadi' of the

village'.The

Tenancy Act does not give a definition of the term 'village'. The Rajasthan Land Revenue Act, 1956, defines a village as meaning 'tract of land, which has been recognised and recorded to be a village'. In any case, the concession of a free house site is confined to villages.

11. Taking every thing into consideration, Not exceeding 250 Sq. yds. Government has decided that encroachments, or unauthorised conversions, made upto the 31st December, 1962 and unauthorised sales of agriculture! land made by the Village Panchayat upto the said date, may be regularised and all cases relating to such encroachments, or unauthorised conversions, pending on the 1st of April, 1963. before the Revenue Authorities under section 91 of the Land Revenue Act should be decided in accordance with the terms and conditions mentioned below :-

(a) Tenants, agricultural workers or village artisans, who were or are entitled to a free house-site under section 31 of the Rajasthan Tenancy Act, 1955:

(i) to the extent of the area of free of a house site to which a person is or was entitled under rule 15 of the Rajasthan Tenancy (Board of Revenue) Rules.1955	free of charge but on payment nominal fee of Rs. 5/- for the issue of a Sanad by the Tehsildar.
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Provided that the above concession shall also extend to persons belonging to the schedule tribes and scheduled castes, even though they are not so entitled under section 31 of the Tenancy Act and rule 15 of the rules, and for this purpose they may be treated on par with agricultural workers and village artisans who are entitled to a free house site of 150 sq yards:

Provided further that the above concession shall also extend to the Bhils in the areas mentioned in the Government circular of the 23rd August, 1961, referred to in paragraph 5 above, and even a nominal fee of Rs. 5/-for the issue of a Sanad shall not be charged from the Bhils.

(ii) area in excess of that mention in (i) above and but not exceeding 1000 sq.yards.	on recovery of premium @ 0.25 N.P. per sq. yard.
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Provided that the Government unoccupied agricultural land pasture land (charagah), Gair Mumkin land, encroached upon or unlawfully convened by the construction of a dwelling-house for one's use, or the agricultural land, the charagah or Gair Mumkin Land purchased for this purpose from a village Panchayat is not situated -(i) within a radius of ten miles of the municipal limits of the city of Jaipur;or

(ii) within a radius of five miles of any other city as defined in the Rajasthan Municipalities Act, 1959, or

(iii) within a radius of two mites of any other municipality, or

(iv) within the limits of any other village of which the population. according to the 1961 Census, exceeds 5,000, or

(v) within the abadi limits of any village situated in the command area of any

major irrigation project and governed by the Rajasthan Colonisation (General Colony) Condition. 1955, or

(vi) within 10 yards of any Rajlway fencing, or

(vii) within 50 yards of any road maintained by the Government.

(b) Tenants who have made improvements in excess of the limits prescribed in section 66 of the tenancy Act.

- | | |
|---|--|
| (i) area exceeding of 1/50th of the total area of the holding but not exceeding a nominal fee house-site to which he was or is entitled under rule 15 of the Rajasthan Tenancy (Government) Rules, 1955 whichever is less | free of charge but on payment of a nominal fee of Rs. 5/- for the issue of a Sannad by the Tehsildar |
| (ii) area in excess of that mentioned in [1] above but not exceeding 1,000 sq. yards. | on recovery of a premeum 0.25 N.P. per sq. yard |

Provided the land is not situated within the radius or limits mentioned in the proviso to clarse [ii] of category (a) above.

(c) Persons who do not fall in category [a] or category [b] above: e.g. who are neither tenants, agricultural workers, village artisans, members of the scheduled castes, or Bhils, or who, although they belong to these categories, are or were not entitled to a free house site as they had already got a house, or who were not entitled to make the improvement or who committed a breach of the conditions mentioned in section 66 of the Tenancy Act.

- | | |
|---|--|
| (1) Area not exceeding 1,000 sq. yards. | On recovery of a premium® 25 N.P. per sq. yard and a nominal fee of Rs. 5/= for the issue of Sanad by Tehsildar. |
|---|--|

Provided the land is not situated with the radius or limits mentioned in the proviso to clause [ii] category [a] above.

(d) Persons who have purchased agricultural land, Charagah or Gair Mumkin Lands from a Village panchayat for construction of a dwelling house for their own personal use:

- | | |
|---|--|
| (1) to the extent of the area of free house site to which a person is or was entitled under rule 15 of the Rajasthan Tenancy (Board of Rajasthan) Rules, 1955 | free of charge but on payment of a nominal fee of Rs. 5/- for the issue of a Sanad by the Tehsildar. |
|---|--|

Provided that the above concession shall also extend to persons belonging to the scheduled tribes and scheduled castes, even though they are not so entitled under section 31 of the Tenancy Act and Rule 15 of the Rules, and for this purpose they may be treated on par with agricultural workers and village artisans who are entitled to a free house-site of 150 sq. yards:

Provided further that the above concession shall also extend to the Bhils in the areas mentioned in the Government circular of the 23rd August, 1961, referred to in paragraph 5 above, and even a nominal fee of Rs.5/- for the issue of a Sanand shall not be charged from the Bhils.

- | | |
|---|---|
| (ii) Area in excess of that mentioned in (i) above but not exceeding 1,000 sq. yards. | on recovery of a premium @ 0.25 N.P. per sq. yard |
|---|---|

Provided that the land is not situated within the radius or limits mentioned in the proviso to clause (ii) of category (a) above.

Note- One square yards shall, for the purposes of this circular, be equal to three feet by three feet.

12. Before passing any orders for regularisation under this circular, the Municipal Board or Urban Improvement Trust or the Village Panchayat concerned should be given an opportunity to file any objections, which it may have against the regularisation of the encroachments and unauthorised conversions.

13. The contents of this circular should be immediately brought to the notice of all your subordinate Sub-Divisional Officers and Tehsildars and the Panchayat Samitis and the Village Panchayats, and through them to the notice of the persons affected by these instructions. All such persons may be directed to apply by the 31st May, 1963, in the proforma appended to this circular to the Tehsildar concerned for regularisation. The Tehsildar may please be instructed to decide all such cases in accordance with the foregoing instructions in consultation with the Tehsil Advisory Committee, constituted under rule 13 of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1957, after giving an opportunity of being heard to the persons concerned and the Municipal Board or the Urban Improvement Trust or the Village Panchayat as the case may be.

14. After an order for regularisation becomes final on (the recovery of the prescribed fee or premium, a Sanad in the Form appended to this circular should be issued by the Tehsildar to the persons concerned.

15. Encroachments in excess of the limits specified in paragraph 11 or not covered by the circular should be dealt with under the ordinary law and action for ejection from the excess area taken under section 91 of the Rajasthan Land Revenue Act. 1956.

16. All cases, to which this circular is applicable, should be finally disposed of by the 31st March, 1964, and, in the meanwhile, progress reports should be submitted to the Board of Revenue. The first progress report may please be sent to the Board by the 10th of July, 1963, and therefore by the 10th of every quarter. The Board of Revenue will send a consolidated report to the Government by the 20th of the month following the quarter to which it relates.

17. In conclusion all Collectors are requested to take stringent measures and effective steps to prevent such encroachment and unauthorised conversions in future. The steps taken and the measures adopted may please be reported to Government.

18. The Collector should also take steps for setting apart under Sec.92 of the Rajasthan Land Revenue Act, 1956 land for the development of abadi wherever this is necessary.

Form of application off regularisation of unauthorised construction of dwelling houses over Government unoccupied agricultural land, pasture lands (Charagah), Gair Mumkin land or one's own agricultural land.

Sir,

I.....son of.....aged.....resident of.....(full address to be given) hereby

apply for regularisation in accordance with the Rajasthan Government's instructions. as conveyed in the Revenue 'B' Department Circular No. F3(19) Rev.B/Gr.II/63 dated.....The required particulars are given below:-

1. That I am a Khatedar tenant* Agricultural Worker/village artisan, and I am entitled to a free house-site in the abadi of the village under section 31 of the Rajasthan Tenancy Act, 1955 and rule 15 of the Rajasthan Tenancy (Board of Revenue) Rules, 1955. I being a tenant of the under mentioned agricultural land, agricultural worker/village artisan who has been permanently residing in village for (years) and does not possess a house in the abadi of the Member of a scheduled tribe or scheduled caste residing within the specified areas, that my case is otherwise covered by the provisions of circular.

(Full particulars of agricultural land held to be given viz. name of village, Khasra Numbers, area, soil class and annual rent.)

2. That the particulars of the unauthorised construction are as under-

(i) Khasra No.

(ii) Area.

(iii) Soil class.

(iv) Rent.

(v) Date of unauthorised construction.

(vi) Particulars of the construction viz. kind of dwelling house etc.and total area occupied by the same.

3. Area of free house-site to which entitled under section 31 of the Act and rule 15 of the rules.

4. Area constructed upon, i.e. in excess of the area mentioned in 3 above.

5. That the land is/is not situated within the radius or limits mentioned in paragraph 11 of the circular.

6. That the construction made by me comes within the definition of the term 'improvement' but the restriction as to area imposed by the 3rd proviso to section 66 of the Tenancy Act, was not kept in view. 1/50th of the total area of the holding comes to while the area which over which construction has been made comes to

7. That the Agricultural land over which construction has been made was purchased by me from the Village Panchayat on.

*Note : Strikeout, whichever is not applicable.

I hereby undertake to abide by the terms and conditions of the Government circular mentioned above and am prepared to pay the premium and to remove by possession from the area in excess of that in respect of which regularisation can be made under the circular, and to pay the penalty, to which it may be liable under section 91 of the Rajasthan Land Revenue Act, 1956.

I request that a Sanad in the approved form may kindly be issued to me .

Yours faithfully,

.....

VERIFICATION

I verify that the statements made in the above application are true to the best of my knowledge and that I have stated the truth & have not suppressed any.

Signature

Witness

Date

SANAD

Where Shri, A.B., son of C.D.. aged of (full address to be given) has, in pursuance of the Government of Rajasthan Revenue (B) Department's circular No. F.3(19)Rev.B/Gr.11/63. dated the 24th April, 1963 paid the amount mentioned below for the registration of his unauthorised occupation of agricultural land for a non-agricultural purposes, conversion.

namely(purposes to be specified);

Now, therefore, the Sanad is hereby granted to the said Shri, A.B. to regularise the said occupation and to confer upon, conversion

him full rights in the land specified below and to permit him to use the same for the said non-agricultural purpose.

PARTICULARS OF LAND

Name of village with name of Tehsil

Khasra Number, or names of field, if any, or

Particulars of land (boundaries to be mentioned in the case of land within the abadi area)

Recorded soil-class, with sanctioned rent rate

Area in square yards (3 Feet by 3 beet)

Amount charged

Premium	Penalty	Total
---------	---------	-------

Rate:

Amount

(In words) Rupees

Given under my hand and seal of this Court this.....day of.....199.

Tehsildar.

Tehsil

District

Seal of the Court.

[Notification No. F.3(19)Rev.B/Gr.II/63, dated 24th April, 1963

Pub. in Raj. Gaz. Part IV-(Ga) dated 1.12.1963].

10. Colonisation Commissioner invested with Power of Revenue Appellate Authority-In exercise of the powers conferred by section 6 of the Rajasthan Colonisation Act, 1954 (Rajasthan Act No. XXVII of 1954), the State Government hereby invests the Colonisation Commissioner, Bikaner with all the powers of a Revenue Appellate Authority, for the purpose of trying and hearing all suits and appeals under the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955), and arising in the Bhakra Colony area.

[Notification No. 15(ii)(1)Irrg/61 dated 29th March, 1964, Pub. in Raj. Gaz, Ext. Part IV(GA) dated 9.3.1965.]

11. Restriction on making of improvements - In exercise of the powers conferred by the proviso the sub-section 6 of the Rajasthan Tenancy Act, 1955 {Rajasthan Act 3 of 1955, and in supersession of this Department's notification No.F.6(71) Rev.B/63, dated the 1st May, 1964. the State Government hereby restricts, in the public interest, the making of any such improvement, as it referred to in sub-clause (a) of clause 19 of section 5 of the said Act, namely-dwelling house, cattle shed, or storehouse or any other construction for agricultural purposes erected or set up on a holding, in acres specified below, namely :

(1) Areas situated in the Gang Canal area or the Bhakra, Chambal, Jawai or Rajasthan Canal Projects or areas irrigated by any other Major Irrigation Project, and declared as a colony under clause (ii) of the than Colonisation Act, 1954 (Rajasthan Act 27 of 1954); or

(2) All areas within a radius of

1. twelve miles of the municipal limits of the city of Jaipur; or

2. six miles of any other city as defined in the Rajasthan Municipalities Act, 1959 (Rajasthan Act 38 of 1959): or

3. three miles of any other municipality; or

4. ten miles of any area for which the State Government has, by an order issued under section 3 of the Rajasthan Urban Improvemeni Act. 1959 (Rajasthan Act 35 of 1959) directed as carrying out of a civic survey and the preparations of a master plan; or

5. five miles of any city, town or village, or other area in which an industry with an investment capital or over one crore of rupees has been or is proposed to be set up or within the area which may be fixed by Government for this purpose.

[Notification No. F.6(64)Rev.B/Gr.1164, dated 29th April, 1965, Pub. in Raj. Gaz, Ext. Part IV(C).dated 30.4.1965.]

12. Right of Hypothecation of Holding to Banks - In exercise of the Powers conferred by sub-section (4) of section 43 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), and in continuation of this Department Notifications of

even number dated the 21 st September 1968. the State Government hereby notices the bank mentioned hereunder in the Schedule as institutions with which a person to whom rights have accrued under Section 19 of the said Act, may also hypothecate by way of simple mortgage his rights in the whole or a part of his holding for the purpose of obtaining loan from the said banks.

Schedule

1.Agriculture Finance Corporation Ltd.

2.Indian Overseas Bank, M.I.Road, Jaipur [Notification No. S.O.30, dated 2nd March, 1970, Pub. in Raj. Gaz. Part 1V-C, dated 20.4.70.)

13. Restrictions on Improvement in Jaipur City Area - In exercise of the powers conferred by proviso to sub-section (1) of section 66 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) and in partial supersession of this Department Notification No. F.6(64) Rev. B/Gr.1/64 dt. the 29th April 1965, the State Government hereby lifts the restrictions imposed vide above Notification to the following extent :-

1.Cultivators may allowed to make improvements on their holdings on an area upto 400 sq. yds. within the published limits of the areas mentioned in sub-paras (2), (3), (4) and (5) of para 2 of the above Notification.

2.The State Government hereby further lifts the restrictions imposed by sub-para (1) of para (2) of the above Notification beyond the following points on the following roads of Jaipur City:-

- | | |
|--------------------------------|---|
| (a) Jaipur-Agra Road | Beyond Nasiya i.e. 2 miles 7 furlongs
(Jaipur) |
| (b) Jaipur-Jamuva Ramgarh Road | Beyond Bandha Gate,i.e.4 miles 4 furlongs |
| (c) Jaipur-Chomu Road | Beyond the 5th mile stone i.e.beyond Dherka-Balaji. |
| (d) Amber Road | Beyond Police Station, Amber. |

[Notification No. S.O.217, dated 23rd January, 1971, Pub. in Raj. Gaz. Part IV-C [II] Dated 27.1.1971].

14.Allotment of Pasture land for Agricultural purposes - Government vide its circular No. 6[557]Rev.B. 57, dated 12.12.58, which was issued with reference to Rule No. 6 of the Rajasthan Tenancy [Govt.] Rules, 1955, decided that since in project the demand for agricultural purposes is very heavy, it would not be possible to provide irrigated land for pasture. In project areas pasture should be earmarked only out of unirrigated waste land or uncommand land of the village. It was further ordered that in areas whereon such land can be made available people should be advised to cultivate habit of stall feeding. Accordingly new rule 6A was inserted in the Rajasthan Tenancy (Government) Rules, 1955 saying that in any area, which is included in any irrigation Project, pasture land shall be earmarked only out of unirrigated waste land or uncommand land of the villages.

Subsequently a large number of medium and major Projects have been taken in hand and land which was not irrigated so far has come under the command of such Project.

A question has, therefore, arisen whether land reserved for pastures in such areas should be contained to be reserved for grazing purposes. This question has been examined and it has been decided that the grazing lands reserved in Major and Medium Projects for grazing should be made available for allotment to landless persons for cultivation purposes if such land is otherwise fit for the purpose. It is, therefore, required that necessary action may be taken in this behalf urgently and the allotting authorities informed accordingly.

[Notification No. F.24(8)Rev./Col/68 dated 19th July 1971. Pub. in Raj. Gaz. Ext. Part IV-C; dated 22.7.71.]

15. Unoccupied Agricultural land converted into Abadi & Gram Panchayat - (1) Unoccupied agricultural land converted into abadi and placed at the disposal of Panchayats after 6.12.74. No capitalised value of that land shall be charged from Panchayats. If that land shall be used for development of abadi and for no other purpose and that land shall be used to provide sites for residential houses, free of charge, to the landless members of scheduled castes or scheduled tribes or landless agricultural workers or artisans by 26th day of January - further substituted by 15th day of February 1975.

[Notification No. F.6(118)Rev./Gr.4/74 S.O.170 dated 6.12.1974, published in Raj. Gaz. E.O.. Part 4(Ga) (I) Page 358 and substituted the date Vide Notification even number S.O.256 dated 25.1.1975, pub. on 30.1.75 on Page 438 in Raj. Gaz.]

16. Land allotment Campaign to Landless persons - Relaxation In Rule 7 Raj. Tenancy (Govt) Rules - The pasture land was allowed to be converted by Collector, Alwar on the resolution of Gram Panchayat for a period of only four weeks from 1st Sept. 1975.

[Notification No. F.6(60) Rev./Gr.-IV-75 S.O.115 dated 8th Sept. 1975, Pub. in Raj. Gaz. E.O. Part 4(Ga) [I] dated 8.9.1975, Page 225].

17. Relaxation in rule 7 above - Land Allotment campaign in October and November 1975 to landless persons in all villages of Ajmer, Jhalawar, Jaipur, Bharatpur, Sawai Madhopur, Kota, Bundi & Tonk Districts - relaxation on Rule 7 of Rajasthan Tenancy Rules, 1955 in public interest- pasture lands may be converted for aforesaid limited purposes by the *Collectors of these districts. Proviso [i] Resolution of Gram Sabha necessary for conversion of Charagah for agricultural purposes - [ii] The norms prescribed in rule 6 of the Raj. Tenancy (Govt.) Rules, 1975 shall be followed - permission of conversion effective only upto 30th day of November 1975 - 'Gram Sabha' means a general meeting of all the adult residents of Panchayat Circle as defined in cl.[5] of Sec. 5 of Raj. Panchayat Act 1953.

[Notification No. F.6(87)Rev./Gr.IV/5S.O.164 dated 24th Oct. 1975, pub. in Raj. Gaz. E.O.. Part 4[Ga] dated 24.10.75 Page 387].

The proviso [i] & [u] not to apply in Sawai Madhopur district Vide Noti. even number S.O.177 dated 2.11.1975, published on same day in Raj. Gaz.

**Or by the Sub-Divisional Officers within their respective jurisdiction" shall be inserted vide Notification No. F.6(104)Rev.IV/75P1-F.S.O. 183. dated 14.11.1975, pub. in Raj. Gaz. E.O., Part 4 [Ga][II] dated 14.11.1975. Page 417.

[Please note that every year such Notifications to relax R. 7 are being issued during " Revenue Campaign"]-

18. Power to Allow exchange-No. F.152] Rev/IV/7. S.O.189 dated 1.6.12. 1976 pub. in Raj. Gaz. Ex-Ord. Part 4 [Ga] 11 dated 16.12.76 Page 391 .

"In pursuance of sub-rule (2) of Rule 24AA of the Rajasthan Tenancy (Govt.) Rules, 1955 the State Government hereby authorises the Additional Collectors, command Area Development, Chambal Project, Kota and Bundi to exercise the power to allow exchange of land under the said sub-rule in areas specified under section 20 of the Rajasthan Land Development Corporation Act for execution of works under the said Act.

19. The Raj. Tenancy (Govt.) Rules, 1955 Rule 7 relaxed upto 30.11.1977 S.O.365, Whereas it has come to the notice of the Government that Lnd allotted to landless persons swas, in the absence of information to this effect to the Settlement Officer, earmarked as charagah land during settlement operation :

And whereas rule 7 of the Rajasthan Tenancy (Govt.) Rules. 1955 provides that no pasture land shall be directed to any other use without the prior permission of the State Government:

Now therefore, in exercise of the powers conferred by rule 7 of the said rules, the State Government authorises the Sub-Divisional Officers to accord permission for use of such pasture land for agricultural purposes: provided such land was demarcated as pasture land during settlement operations and it was not pasture or charnot prior to settlement and it has already been allotted before the settlement record was handed over to the Revenue Officers.

This notification shall have effect upto 30.11.1977.

[Notification No. F.5/6Rev./IV/77 dated 30.9.1977, published in Rajpatra pt. IV(C)11 dated 6.10.1977, Page 243.]

20.Fixation of the rate of Interest under section 152.

एस. ओ. 30 (1) : राजस्थान काश्तकारी अधिनियम 1955 (1955 के राजस्थान अधिनियम 3) की धारा 152 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार, लगान की बकाया पर संदय ब्याज की दर, एतद्वारा सवा छः प्रतिवर्ष नियत करती है।

(अधिसूचना संख्या प. 5 (13) राज. गुप 4175 दिनांक अप्रैल 26, 1976 (राज. राज्-पत्र विशेषांक भाग 6 (ग) (11) दिनांक 27. 4.1976 को पृष्ठ 42 (1) पर प्रकाशित)

21.Hypothecation -S.O. 156- In pursuance of sub-section (I) of section 43 of the Rajasthan Tenancy Act. 1955 (Rajasthan Act 3 of 1955), the State Government hereby accords general permission to Gair Khatedar tenants to hypothecate or mortgage their interests in the whole or part of their holings for the purpose of obtaining loan from the Rajasthan State Mines and Minerals Limited. Udaipur as notified by this department Notification of even number dated 29.11.79.

[Notification No. F.5(26) Rev./Gr.4/79 dated 29.11.1979, published in Raj. Gaz., Part 4(Ga) II, E.O. dated 29.11.1979, page 1)

22.S.O.157 - In pursuance of sub-section (I) of section 43 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) the State Governement hereby notifies the Rajasthan State Mines and Minerals Limited, Udaipur as an institution

with which a tenant may hypothecate or mortgage his interest in the whole or part of his holding for the purpose of obtaining loan from the said institution .

[Notification No. F.5(26) Rev./Gr.4/79 dated 29.1.1971, Pub. in Raj. Gaz., E-O., Part 4 (Ga) dated 29.11.79, Page 2]

23. Revenue (Gr.4) Department Notification

No. F.5(40) Rev./Gr.4/80 S.O.610 December 20, 1980 - In exercise of the powers conferred by sub-section (1) of section 43 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), the State Government hereby authorises the following Officers to accord permission to a Gair Khatedar tenant to hypothecate or mortgage his interest in the whole or part of his holding for the purpose of obtaining loan from the State Government or a Land Development Bank as defined in the Rajasthan Co-operative Societies Act, 1965 (Act 13 of 1965) or a Co-operative Society registered or deemed to be registered as such under the Rajasthan Co-operative Societies Act, 1965 (Act 13 of 1965) or any Scheduled Bank or any other institution notified by the State Government in that behalf:-

1. All Dy. Colonisation Commissioners to be exercised within the jurisdiction to respective Rajasthan Canal Project areas.
2. All Sub-Divisional Officers, to be exercised within their respective jurisdictions.

24. Notification

No. F.5(3) Rev./Gr.4/81 S.O.780, January 31, 1981 - In exercise of the powers conferred by sub-section (1) of section 43 of the Rajasthan Tenancy Act, 1955 (Act III of 1955), the State Government hereby notifies the Industrial Development Bank of India and Industrial Finance Corporation of India as the Institutions with which a Khatedar Tenant may also hypothecate or mortgage his interest in the whole or part of his holding for the purpose of obtaining loan from the said institutions.

[Published in Raj.Gaz.4(Ga) dated 12.2. 81, Page 655.]

25.Finance(Gr.IV) Department- Notification

No. F.1(21) FD/Gr.IV/80-2,S.O.713 December 27,1980 - In exercise of the powers conferred by the section 22A of the Registration Act, 1908 (Central Act XVI of 1908), in its application to the State of Rajasthan, the State Government hereby declares that the registration of the following classes of documents is opposed to public policy:

- 1 . Any document of sale, gift or bequest made by a Khatedar tenant of his interest in the whole or part of his holding which is not in consonance with or is contrary to the provision of section 42 of the Rajasthan Tenancy Act, 1955.

26. Revenue (Gr.4) Department- Notification

No. F.5(30) Rev./Gr.4/79 S.O. 20, April 24, 1981 - In exercise of the powers conferred by the Third Proviso to clause (a) of section 42 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), the State Government hereby appoints the Collector of each district of the State as the competent authority for the purpose of exempting the sale, gift or bequest of the interest of a Khatedar tenant in the whole or part of his holding from the restrictions imposed by clause (a) of section 42 of the

said Act.

27 राजस्व ग्रुप 4 विभाग अधिसूचना

एस. औ. संख्या राजप. 5 (19) राज/ग्रुप (4-81-44), अगस्त 25, 1981, राजस्थान काश्तकारी अधिनियम, 1955 की धारा 48 की उपधारा (2) के साथ पठित राजस्थान (सरकारी) नियम, 1955 के नियम 24- कक के उपनियम (2) के अनुसरण में राज्य सरकार एतद्वारा टोंक जिले की निवाई तहसील में कृषकों को उनकी काफ्त की भूमि के बदले में अन्य भूमि देने के लिए जिलाधीष टोंक को प्राधिकृत करती है।

यह विज्ञप्ति दिनांक 30.9.81 तक प्रभावशाली रहेगी।

28. Remission of Stamp Duty

S.O.5- In exercise of the powers conferred by sub-section (1) of section 9 of the Indian Stamp Act, 1989 (Central Act II of 1899) as adapted to the State of Rajasthan by the Rajasthan Stamp Law Adaptation Act, 1952 (Rajasthan Act No. VII of 1952). the State Government hereby remits wholly the stamp duty chargeable on exchange of land made under the provisions of section 48 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act No. 3 of 1955).

[No.F.2(2)FD/Gr.IV/84, dated 26.3.84 Published in Raj. Gaz.4(Ga) dated 5.4.1984 page 4.5.]

29. Exchange of Land - Powers to S.D.Os.

No.F.6(1)R/4/85/7, S.O. 142 dated 7.1.1985- In exercise of the powers conferred by section 48 of the Rajasthan Tenancy Act, 1955 (Act No. 3 of 1955) read with sub-rule (2) of rule 24AA of the Rajasthan Tenancy (Government) Rules 1955, the State Government hereby authorises all Sub-Divisional Officers for the purpose of exchange of land under subject to the following conditions, namely:-

1. The land being exchanged must be equal to the land previously allotted and situated in the same village.

2. Allottee must be in possession of the land continuously for the last three years and should have cultivated it regularly.

3. The land must be allottable under the relevant rules, No pasture, Gair-mumkin, Ceiling surplus land etc., shall be exchanged and their disposal must be only according to their respective rules.

This Notification shall have effect upto 31.3.85.

[Published in Raj. Gaz.4GA)(II) Dated 31.3.85. Page 150. 1985 RLT97-98]

30. Period for submitting application under Section 15- A AA extended.

Whereas the State Government is satisfied that it is necessary to extend the period for getting tenancy rights under Section 15AAA of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) as amended by Rajasthan Tenancy (Amendment) Act, 1987. Now, therefore, in exercise of the powers conferred by the proviso to sub-section (3) of Section 15AAA of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) the State Government hereby extends the period for six months, i.e., upto 31st December, 1987 for submitting applications for getting khatedari rights.

[Notification No.F.3A(24)Re./Col/73, S.O.22, June 27, 1987, published in Raj.

Gaz.4(Ga), dated 1.6.1989 Page 20]

31 अधिसूचना सं. प. 5 (3) राज/4/86/दिनांक 5 जून 1989

राजस्थान अधिकृत अधिनियम, 1955 (राजस्थान अधिनियम 3, 1955), यथासंशोधित, की धारा 183—ख की उपधारा (1) के अनुसरण में राज्य सरकार एतद्वारा समस्त गिरदावर, पटवारी, सरपंच एवं ग्रामसेवक को उनके क्षेत्राधिकार के भीतर उक्त प्रावधान के तहत कृत्य करने हेतु प्राधिकृत करती है। (राजस्थान राजपत्र भाग 1 (ख) दिनांक 1.2.90 पृष्ठ 650 पर प्रकाशित)

32. अधिसूचना सं. प. 6 (13) राज/4/89/16 एस. ओ. 133 दिनांक 28 सितंबर, 1989 राजस्थान भू— राजस्व अधिनियम, 1956(राजस्थान अधिनियम सं. 15 (1956) की धारा 260 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्य सरकार एतद्वारा निर्देश देती है कि तहसीलदार पर अधिरोहित निम्नलिखित का पालन एवं प्रदत्त शक्तियों का प्रयोग, समस्त उपतहसीलों में पदस्थापित नायब तहसीलदार (तहसील मुख्यालय पर पदस्थापित नायब तहसीलदारों को छोड़कर) द्वारा अपने क्षेत्राधिकार के भीतर किया जाएगा, अर्थात्

1. राजस्थानी काप्तकारी अधिनियम, 1955 की धारा 67 के तहत कृषकों के भूमि सुधार के कार्य।
2. राजस्थानी काप्तकारी अधिनियम, 1955 की धारा 251 के तहत रास्ते तथा निजी सुखाचारों के मामलों का निष्पादन।
3. राजस्थान काप्तकारी अधिनियम, 1955 की धारा 48 0 53 (3) के अधीन शक्तियां (राजस्थान राजपत्र, विषेषांक, भाग 4 (x) (11) दिनांक 20.10.89 पृष्ठ 260 पर प्रकाशित

33.Sec. 43(1)- Financial Institutions approved for obtaining loans by tenant by hypothecation or mortgage of his holding or share in holding-

राजस्थान काप्तकारी अधिनियम, 1955 (अधिनियम सं. 3 वर्ष 1955) की धारा 43 की उपधारा (1) के अनुसरण में राज्य सरकार एतद्वारा समस्त केन्द्रीय एवं राज्य पब्लिक सेक्टर, वित्तीय संस्थाओं (सेन्ट्रल एंड स्टेट पब्लिक सेक्टर फाइनेन्शियल इंस्टीटयुषसनस) तथा संमस्त वाणिज्यिक अनुसूचित बैंक (कमर्षियल षिडयूल बैंक्स) को उन संस्थाओं के रूप में अधिसूचित करती है जिनके संस्थाओं सं पास कोई काप्तकार अपनी सम्पूर्ण जोत या उसके किसी भाग में अपने हित को उक्त ऋण प्रप्ति के प्रसोजन के लिए आउसान (हाइपोथिकेशन) या बंधक (मोरगेज कर सकेगा) अधिसूचना सं. प. 5 (16) राज/6/93/16 सितम्बर 28 1993, राजस्थान राजपत्र, विषेषांक, भाग 1 (ख) दि. 30.10.93, पृष्ठ 429 पर प्रकाशित

Latest Revised List of Scheduled Castes and Schduled Tribes (1978)

[Refer to Section 5(37'A) and 37(B)]

'Scheduled Castes

1. Adi Dharmi 2.Aheri 3.Dadi 4.Bagri, Bagdi 5.Bairwa, Berwa 6.Bajar 7. Balai 8. Banscher, Bansphod 9.Baori 10. Bargi, Vargi, Birgi 11. Baweria 12. Bedia, Beria 13. Bhand 14. Bhangi. Chura, Mehtar, Olgana, Rukhi Malkang, Halalkhor, Lalbegi, Balmika, Valmiki, Korar, Zadmalli 15. Bidakir 16. Bola 17. Chamar, Bhambi. Bambhi.Bhobi, Jaria.Jatav,Jatava. Mochi, Rajdas, Rohidas, Regar, Rajgar, Ramdasia, Asadaru. Asodi, Chamadia, Chambhar. Chamgar, Caralayya, Harlall, Khalpa, Mochigar. Madar, Medig, Telegu,Mochi, Kamati Mochi, Ranigar. Rohit. Samagar 18. Chandal 19. Dabgar 20. Dhanak Dhanuk 21. Dhankia 22. Dhobi 23. Bholi 24. Dome, Dom 25. Gandia 26 Garanacha, Gancha 27.Garo. Garura,Gurda,aAroda 28. Gavaria 29. Oadhi 30. Jangar 31. Kalbelia, Sapera 32. Kamad, Kamadia 33. Kanjar. kunjar 34. Kapadia, Sansi 35. Khangar 36. Khatik 37. Koli.Kori 38. Kooch Band. Kuceband 39. Korias 40. Madari, Bazigar 41. Mahar, Taral, Dhogumegu 42. Mahyavanshi. Dhed,

Dhedam, Vankar 43. Majhabi 44. Mang, Matang, Minimading 45. Mang Garodi. Mang Garudi 46. Megh, Megvai, Meghval, Menghwar 47. Mehar 48. Nat, Nut 46. Pasi 50. Rawal 51. Salvi 52. Sansi 53. Santia, Satia 54. Sarbhangi 55. Sargara 56. Singiwara 57. Thori, Nayak, 58 Tirgar, Tirbanda 59. Turi.

PART XIII

⁷⁷ Scheduled Tribes in Rajasthan

1. Bhil Bhil, Grasia, Dholi Bhil, Dungri Bhil, Dungri Grasia, Mewasi Bhil, Rewal Bhil, Tadvil Bhil, Bhagalia, Bhilala, Pawra, Vasava 2. Bhil Mina 3. Damar, Damarla 4. Dhanka, Tadvil, Tataria, Valvia 5. Garasia (Except Rajput Garasia) 6. Kathodi, Kalkari. Dhor Kothodi, Dhor Karkari Son Kothodi Son Kalkari 7. Kakna, Koni, Kuna 8. Koli Dhor, Tokrekoli, Kolcha, Kogha 9. Mina 10. Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayak, Mata Nayaka, Nana Nayaka, 11. Patelia 12. Seharla, Sehria, Saharia.

II. LIST APPLICABLE PRIOR TO 1978

1. List of Denotified Tribes, Nomadic Tribes and Semi - Nomadic Tribes - [as approved by Government of Rajasthan in Social Welfare Department Vide Order No. F. 1 (F) (2) S W/63 dated 24.2.1964]

Denotified Tribes

1. Baori 2. Kanjar 3. Sansi 4. Bagrif Bawaria 5. Megia 6. Nut 7. Naik 8. Multani 9. Bhat.

Nomadic Tribes

1. Baldias (Banjaras) 2. Pardhis 3. Darabaris 4. Gadia Lohars 5. Iranis 6. Jogi Calbelia 7. Jogi Kanphata 8. Dhurpalta (Kulphalts) 9. Shikilgar 10. Ghisadia.

Semi Nomadic Tribes

1. Sarangiwalas 2. Rebaris 3. Retha 4. Mangalias 5. Bhayars 6. Kanhais 7. Janglus 8. Jalukus 9. Jhangs 10. Sindlus 11. Jogis (other than those included in Nomadic Tribes) - (i) Girinaths (ii) Ajaiplas, (iii) Agamnaths, (iv) Namanaths (v) Jalandhars (vi) Masania, 12. Rama Wamies 13. Bharaddi Jadhavs.

II. List of Other Backward Classes in Rajasthan

(As per the Scheduled Tribes Order (Amendment) Act, 1956 (Act No. 63 of 1956)

Other Backward Classes

1. Banjara 2. Baoril 3. Badera 4. Bagaria 5. Bhat 6. Dhoi (Sargavanshi Mali) 7. Cheeta 8. Cnamta 9. Dhakot 10. Damami 11. Daroga 12. Dhandi 13. Dhankas 14. Dhobi 15. Dhioi 16. Ganderia 17. Gadia Lohar 18. Ganacha 19. Ghanchi 20. Hazuree 21. Hela 22. Jogi 23. Julata 24. Kahar 25. Kalal 26. Kangi 27. Kanvi 28. Kham 29. Kharol 30. Kumbhar 31. Labana 32. Lakhera 33. Lohar 34. Merat & Mer 35. Mehrs 36. Meha Brahmin 37. Miras 38. Merasi 39. Mogia 40. Magarches 41. Nai 42. Naik 43. Nairia 44. Oad (Beldar) 45. Patwa (Phadal) 46. Pinjara 47. Raj 48. Roana Rajput 49. Rawat 50. Rehbari 51. Sad 52. Sonsi (Schar) 53. Satiya (Sindhis) 54. Sikligar 55.

⁷⁷ Vide Schedule Caste & Scheduled Tribe Order (Amendment) Act, 1976 - Notified by Govt. of India Vide No. BC/12016/34/76 STC-V and published in the Gazette of India (Extra-Ordinary) Part II, dated 20th Sept. 1976. Came into force w.e.f. 27.7.77 & Notified by the Govt. of Rajasthan Vide No. F.11(8) Res/SWD/SC 57/77/475 63-762 dated 1.9.75 and circulated vide Noti. No. F. 15(21) Karmik/A -V/77 dated 6th March, 1978 by Govt. of Rajasthan.

Sirkiwala 56. Teli 57. Thatera.

III. List of Scheduled Castes & Scheduled Tribes in Rajasthan

(Vide Noti. No. F.B./t/SW/65/66/72-605-23 dated 21. 7.65 -Social Welfare Deptt.)

(A) List of Scheduled Castes

(1) Throughout the State, except Ajmer District, Abu Area of Sirohi District & Sunel Area of Jhatawar district -

1. Adi Dharmi 2. Aheri 3. Badji 4. Bagri 5. Bairwaor Borwa 6. Bajgar 7. Balai 8. Bhansphor 9. Bagri, Vagri to Birgi 10. Bawaria 11. Bedia or Beria 12. Bhand 13. Bhangi 14. Bidakia 15. Bola 16. Chamar, Bhambi, Jatia, Mochi, Rajgar or Ramdasia 17. Chanal 18. Chura 19. Dabgar 20. Dhankia 21. Dheba 22. Dome 23. Gangia 24. Garanchar Mehtar or Ganohar 25. Garo, Gaura or Gurda 26. Gavaria 27. Godhi 28. Jingar 29. Kalbelia 30. Kamad or Kamadia 31. Kaniar 32. Kapadia Sansi 33. Khangar 34. Khatik 35. Koli or Kor 36. Kooch Bank 37. Korla 38. Kunjar 39. Madari or Bazigar 40. Majhobi 41. Megh or Meghwal 42. Mehra 43. Mentar 44. Nat 45. Pasi 46. Rawal 47. Salvi 48. Sansi 49. Santial 50. Sarbhangi 51. Sargasa 52. Singhiwala 53. Thori of Nayyak 54. Tirggar 55. Valimiki.

(2) In Ajmer Area-

1. Aheri 2. Bagri 3. Balai 4. Bhambi 5. Banskande 6. Baori 7. Bargi 8. Bajigar 9. Bhangi 10. Bidakia 11. Chamar, Jatav, Natia, Mochi & Regar 12. Dadgar 13. Dhanak 14. Dhed 15. Dhobil 16. Dhofi 17. Dom 18. Garoda 19. Ganchar 20. Kabir Partllir 21. Khabar 22. Khatik 23. Koli 24. Kalbelia 25. Korla 26. Kuchibuadha 27. Meha 28. Meghwal 29. Nat 30. Pasi 31. Dhawal 32. Sarbhangi 33. Sargara 34. Satia 35. Thori 36. Tirgar 37. Kanjar 38. Sansi.

(3) In Abu Area of Sirohi District-

1. Ager 2. Baked or Bant 3. Bhambi, Bhambhi, Asbaru. Abodi, Chamadaia. Chamar Chambhar, Chamggar, Harelayy, Khappa, Machigar, Madar, Madig, Telegu, Mochi, Ranigar, Rohidas. Rohit or Samger 4. Bhangi, Methan, Olgana, Rukhi, Mallanna, Halakhor, Lalbegi, Balmiki, Korar or Zadamalli 5. Chalvadi 6. Chenua. Dasaror Holaya Dasar 7. Dhor Kykkayaor Kankayya S. Garoda or Garo 9. Halleer 10. Halsar. Haslar. Halauvaror Hafavar 11. Molar or Kathar 12. Helaya or Holder 13. Lingader 14. Mehar. Taral or Dhegu Megu 15. Mahavshi. Dhed. Vankar or Meru Vanker 16. Mangu Maiang or Minimadag. 17. Mang Garudi 18. Meghval or Menghvar 19. Makari 20. Nandia or Hadi 21. Pasi 22. Shensva, Chenua, Sedma or Rayat 23. Tigar or Tirbanpa 24. Turi.

(4) Sunel Tappa Area of Jhalawar District-

1. Baggi or Bagdt 2. Balai 3. Bahahada 4. Baraharor Based 5. Bar-ghunda 6. Bedia 7. Bhangi or Metier 8. Bhanumati 9. Chamar, Bairwar, Bhami, Jatav 10. Chidar 11. Dhanak 12. Dhed 13. Dom U. Kanjar 15. Khatik 16. Koli or Kori 17. Kotwal 18. Mahar 19. Majig or Mang Garoli 20. Meghwal 21. Nat, Kalbelia or Sapera 22. Pasi 23. Pardhi 24. Sansi 25. Zam Raj.

(B) List of Scheduled Tribes

(1) Throughout the State, except Ajmer District, Abu area of Sirohi district & Sunel Area of Jhalawar District:

1. Bhil 2. Bhil Mina 3. Darner, Damariya 4. Garasia (excluding Rajput Grasia) 5. Mina 6. Sehria or Sahariya.

(2) In Ajmer District –

1. Bhil 2. Bhil Mina

(3) In Abu Area of Sirohi District-

1. Barda
2. Bavacha or Bomocho
3. Bhil. including Bhil- Garasia, Dholi- Bhil, Dungribhil, Dungri Garasia, Mewasi-Bhil, Rawal Bhil, Tadvil Bhil, Bhagaliala Bhilala, Pawara, Vasava and Vasav
4. Ghodara
5. Dhanka. including Tadvil. letaria & Valvi
6. Dhodia
7. Dubla including Talavia or Halpali
8. Gamit or Garita or Gavit. including Mavchi Padvi, Vasava, Vasave and Valvi
9. Gand & Raj Gand
10. Kothari or Kathori, including Dhor Kathodia, or Dhar Kathodia and Ohar Kathodi or Son Ratkari
11. Kokna, Kokni, Kuknk
12. Koli Dhor, Toker Koli, Kolcha or Kolgha
13. Naikdaor Nayaka, including Choli-Valo Naya Ka, Kapadia Nayak, Mota Nayak & Nana Nayaka
14. Pardhi, including Advicri noharand Phanse Pardhi
15. Patela
16. Pomata
17. Rathawa
18. Varli
19. Vitolia Kotwalia or Barodia.

(4) In Sunel Tappa of Jalawar District-

1. Gond 2. Korku 3. Sehria.