

THE RAJASTHAN KASAR BHOM ABOLITION ACT, 1961

[RAJ ACT NO. 35 OF 1961]

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THE RAJASTHAN KASAR BHOM ABOLITION ACT, 1961

[Received the assent of the President on the 31st day of October, 1961].

An Act to provide for the abolition of Kasar Bhom in the State of Rajasthan.

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

1. Short title, extent and commencement-(1) This Act may be called the Rajasthan Kasar Bhom Abolition Act, 1961.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

2. Definitions.-In this Act, unless the subject or context otherwise requires,—

(i) "Kasar-Bhom means the right, recognised by local custom or by some order of the State Government or of the Ruler of Government Of a covenanting State or by the judgment, decree or decision of a civil or revenue court or of a revenue officer including a settlement officer, of a person, other than an estate-holder or his co-sharer or co-sharers, to receive, whether ex-gratia or in lieu of some pre-existing right or of some service to be rendered, payment of a specified fraction of rent recoverable from tenants; and "Kasar Khwar" means the person entitled to receive the whole or a share of the total amount of Kasar Bhoim: and

(ii) "rent and "estate-holder" haave the same meanings as are assigned to them by section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

3. Abolition of Kasar Bhom rights and payment of compensation therefor.-

(1) Notwithstanding anything to the co in any law, sanad, order, judgment, decree,, decis report, custom or usage, all Kasar Bhom rights shall as from the first day of January, 1961, hereinafter appointed date, and all payments on account of such rights shall be discontinued as from the said Date.

(2) Compensation shall be payable to every Kassar Bhom rights stand abolished under sub-section (1) in the prescribed manner on the application of the Kassar Bhom prescribed form to the prescribed authority.

(3) The amount of such compensation shall be equal to five times the total amount of Kassar Bhom payable to him for the 31st day of December, 1960.

(4) The payment of such compensation shall be made in three equal yearly instalments, the first of such instalments being first day of January, 1962 and the provisions of the Suits Act, 1958 (Rajasthan Act 27 of 1958) shall apply to every such payment.

(5) The compensation payable under this Act shall carry interest at the rate of two and a half percent per annum from the date of abolition till the date of payment: but no interest shall be payable on such amount of compensation as may remain unpaid for any default of the Kassar Bhom or his agent or representative in interest.

(6) Nothing in this section shall in any way—

(a) Affect or be deemed to preclude the payment to a Kassar Bhom of any amount due to him by way of any period previously to the appointed date,

(b) Operate to reduce the amount of rent payable to the State Government.

4. Release from liability for service. -Where an account of Kassar Bhom, which has been discontinued under section 3, is or has been subject to the rendering of any service, the liability of Kassar Bhom for rendering such service shall cease as from the appointed date.

5. Power to make rules. –

(1) The State Government may, from time to time, make rules for carrying out the purposes of this Act.

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

**THE RAJASTHAN KASAR
BHOM ABOLITION RULES, 1961
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THE RAJASTHAN KASAR BHOM ABOLITION RULES, 1961

[Notfn.No. F. 5(77) Rev./B/58, dt. 1-12-1961, pub. in Raj. Gaz. Pt. IV-C. Ext.. dt. 4-12-61].

In exercise of the powers conferred by section 5 of the Rajasthan Kasar Bhom Abolition Act, 1961 (Raj Act 45 of 1961), the State Government hereby makes the following rules, namely:-

1. Short title & Commencement.-(1) These rules may be called the Rajasthan Kasar Bhom Abolition Rules, 1961.

(2) They shall come into force at once.

2. Interpretation: In these rules, unless the subject or context otherwise requires—

(i) "Act" means the Rajasthan Kasar Bhom Abolition Act, 1961 (Rajasthan Act 35 of 1961);

(ii) "Form" means a form appended to these rules;

(iii) "section" means a section of the Act:

(iv) words and expressions used in these rules and not defined in the Act or in these rules shall have the meanings assigned to them by the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

3. Completion of Kasar Khwars.-Immediately on the publication of these rules, and in any case within one month thereof, the Tehsildars of the Tehsils containing the villages in which 'Kasar Khwars', as defined in clause (i) of section 2 of the Act, reside, shall cause to be prepared an accurate and up-to-date list in Form 'A', of all persons, who were entitled to receive Kasar Bhom for the year ending on the 31st day of December, 1960. Such list shall be compiled on the basis of the old lists of kasar khwar bhomias' of the Tehsil and old 'kharas' and other Tehsil records, and, where 'settlement parchas' for the payment of kasar bhom were distributed by the Settlement Department and the record thereof is available in Tehsil, on the basis of such record.

4. Proclamation inviting applications for compensation.-

(1) Immediately after the compilation of the list referred to in the preceding rule, and in any case within one month of the commencement of these rules, each Tehsildar shall issue a proclamation inviting applications for 'Kasar Khwars' for the payment of the compensation to which they are entitled under section 3 of the Act.

(2) The proclamation shall be in Form 'B' and shall be published by pasting copies thereof on the notice board of the Tehsil and on the notice board of the Village Panchayat and at some place of public resort in the village: and the proclamation shall be further published by beat of drum in the villages concerned.

5. Form of application for Compensation.-An application by a 'Kasar Khwar' for the payment of compensation shall be in Form 'C' and shall be submitted in duplicate to the Tehsil in which the 'kasar khwar' resides, within one month of the publication of the proclamation referred to in rules 4:

Provided that the Tehsildar may entertain an application after the period prescribed in this rule if he is satisfied that the 'Kasar Khwar' was prevented by sufficient cause from submitting the application within the prescribed time:

Provided further that if a 'kasar khwar' is unable to file his application in the prescribed form, the Tehsildar shall, on his request, get the kasar khwar's claim prepared for him.

6. Determination of Compensation.-(1) On receipt of an application under rule 5. the Tehsildar shall verify the particulars given therein by reference to the list of 'kasar khwar blionlias' prepared under rule 3 and see whether the applicant's name appears in the list and the amount of Kasar Bhom payable according to the list tallies with that mentioned in the application; and the Tehsildar shall also look up the old Tehsil Kharas and verify the payment of Kasar bhom to the applicant in the past and also see the 'settlement parcha', if any, possessed by the applicant.

(2) After satisfying himself by verification as indicated above, and by such further inquiry, if any as he may deem necessary, the tehsildar shall pass an order, in Part H of Form 'C', determining the amount of compensation.