

**GOVERNMENT OF RAJASTHAN
REVENUE (GROUP-6) DEPARTMENT**

F. 6(256) Revenue B/Gr.1/54

***The Rajasthan Land Revenue (Allotment of Tank-Bed Lands for Cultivation)
Rules, 1961***

Notification

In exercise of the powers conferred by sub-section (2) of section 261 of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956), the State Government hereby makes the following rules, namely:-

1. Short title and commencement. - (1) These rules may be called the Rajasthan Land Revenue (Allotment of Tank-Bed Lands for Cultivation) Rules, 1961.

(2) They shall come into force at once.

2. Interpretation. - In these rules, unless the subject on context otherwise requires-

(1) "the Act" shall mean the Rajasthan Land Revenue Act, 1956.

(2) "fragment" shall mean a piece of Land less in area than the minimum prescribed by the State Government for the purpose of the Rajasthan Tenancy Act, 1955.

(2) "Landless Agriculturist" means a resident of Rajasthan who is either a bonafide agriculturist, or an agriculturist labourer, cultivation or likely to cultivate the land personally or whose main source is subsidiary or subservient to agriculture, and such person does not hold any tenure land anywhere in Rajasthan, or such land which he holds is less than one fifth of the minimum area prescribed in section 53 of The Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955);

Provided that following categories of person shall not be considered to be landless agriculturists, namely :-

(a) An employee of the Government or of a commercial or industrial establishment or concern, his wife and children dependant on him but this does not include a casual or work charge labourer;

(b) A person who held tenure land, including a person who has been allotted agricultural land, in excess of the area specified above;

(c) A person who has sold or otherwise transferred, the whole or part of the land so hold by or allotted to him.

- (3) "Tank-Bed-lands" shall mean Government lands situated in the beds of tanks or rivers, other than such lands in which Khatedari rights had accrued prior to amendment of clause (ii) of section 16 of the tenancy Act by the Rajasthan Revenue Laws (Extension) Act, 1957, (Rajasthan Act 2 of 1958) and other than lands held on Gair Khatedari tenure:
- (5) "Tenancy Act" shall mean the Rajasthan Tenancy Act, 1955, (Rajasthan Act 3 of 1955):
- (6) Words and expressions defined in the Act or in the Tenancy Act shall, wherever used in these rules, be construed to have the meanings assigned to them by the said Act.

3. Issue of proclamation and inviting applications for allotment - The Sub-Divisional Officer shall, where tank bed lands, emerge out of the water and are available for cultivation by a prescribed date, seven days before such date, and in other cases seven days before the date in which such lands are likely to emerge out of water and be available for allotment, issue a proclamation in the manner laid down in section 61 of the Act, inviting applications from landless Agriculturist who are residents of the village in which the tank or river is situated or who are residents of the adjoining village of the same Tehsil for the allotment of such land for cultivation. The copy of such proclamation shall also be pasted on the notice board of the Tehsil and Gram Panchayat:

Provided that the State Government, if it considers necessary, may by a notification reduce the said period of proclamation and of inviting application.

4. Period for submission of application and contents thereof. - (1) Applications for allotment shall be submitted within one week of the issue of the proclamation.

(2) In this application the applicant must state clearly-

- (i) that he is resident of the village in which the tank or river is situated or is resident of the adjoining village of the same Tehsil.
- (ii) that he is a landless Agriculturist within the meaning of these rules:
- (iii) that he does not possess any agricultural land for cultivation either in his own name or in the name of any member of his joint family, or that he possesses land which is less than the minimum area prescribed under [x x x] the Tenancy Act, and if he possesses land he must give the particulars of the land viz. Khasra number, area and soil class:
- (iv) that he is not a Government servant; and
- (v) that he undertakes that he is in a position to cultivate the land personally if allotted to him.

(3) All applications for allotment shall be verified as plaint under the Code of Civil Procedure, 1908.

5. Entry of applications in register and enquiry by Sub-Divisional Officer -

The Sub-Divisional Officer shall record the exact date and time of receipt of each application on the application and enter the applications in a register to be maintained for the purpose and shall check the particulars given in the application with the entries existing in the annual registers and other Tehsil records, and he may make such enquiries as he deems fit in regard to the applicant's eligibility and other connected matters.

6. Order of priority for Allotment. - (1) If there is only applicant for a particular plot of land and no other, it shall be allotted to him, if he is eligible for allotment under these rules.

(2) If there are more than one applicant for the same plot of land, the order of priority shall be-

- (i) the persons whose land was acquired for the construction of the Tank,
- (ii) a person who cultivated the particular plot in the preceding year.
- (iii) a person who has absolutely no land,
- (iv) a person who holds a fragment,
- (v) a person belonging to the Schedule Tribes, or Scheduled Castes or Backward Classes:

Provided that where other qualifications are equal, the matter shall be decided by drawing lots.

Provided further that where both, residents of the village and residents of the adjoining village, are in priority, the residents of the village shall get priority over the residents of the adjoining village.

6A. Special allotment under certain circumstances. - (1) Notwithstanding anything to the contrary contained in these rules, tank bed land which was acquired by the Government for construction of tank, may be allotted by the Sub-Divisional Officer to the person who was the Khatedar tenant of the said land at the time of its acquisition and who had received cash compensation for such acquisition, subject to following conditions:-

- (i) The person, desirous of allotment of such land, shall convey his willingness for such allotment in Form 'A' to the Sub-Divisional Officer.
- (ii) The land held by such person and the land to be allotted under this sub-rule shall not exceed the ceiling area applicable to him under the Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973.
- (iii) The allotment of the land shall be on Gair Khatedari tenure without any limit on period during which the land shall be so held.

(iv) On allotment of the land under this sub-rule, the person shall repay to the Government the amount of compensation received by him for the land so allotted.

(v) The possession of the allotted land be given only after repayment of such compensation to the Government, and after harvesting the standing crop, if any, by the existing allottee whose allotment shall stand terminated thereafter.

(2) Only when the person whose land was acquired for the construction of the tank, is not willing or otherwise cannot get the allotment of the said land or portion thereof under sub-rule (1), the land or the portion thereof, as the case may be, shall be allotted to him or landless persons according to other provisions of these Rules.

6B. Conferment of Gair Khatedari rights in certain cases in Ajmer District. – notwithstanding anything contained in this Rules, Tank bed land in Ajmer District on which khatedari and khatedari rights were given to the cultivators during the “bhoo-abhilekh sanshodhan” in the period of 1970 to 1972 and later on such land was entered as ‘savaichak’ in record of rights such cultivators may be conferred gair-khatedari rights by Sub-Divisional officer, subject to following conditions-

- 1) Such cultivators are in continuous possession of land from 1972.
- 2) Gair khatedari rights are to be conferred without any limit of period and they shall continue to remain gair-khatedar and no khatedari right shall accrue to such cultivators.
- 3) The land held by such cultivators and land on which gair khatedari rights are to be conferred under this rule shall not exceed the ceiling area applicable to him under the Rajasthan imposition of ceiling on agricultural holding Act 1973.
- 4) During the period the land remain submerged in water, cultivators shall have no rights to cultivate such land and for that period only twenty five rent shall be payable.
- 5) Such gair khatedari rights are heritable but not transferable to others.
- 6) Such cultivators shall cultivate land personally.

7. Allotment to be in consultation with Advisory Committee. - The allotment under sub-Rule (1) of Rule 3 shall be made by the Sub-Divisional Officer in consultation with the Advisory Committee appointed for the Tehsil under the Rajasthan Land Revenue (Allotment of Land for Agricultural Purpose) Rules, 1970; and the provisions of Sub-Rule 5 of the said rule shall apply.

8. Extent of area to be allotted. - The maximum area to be allotted under these rules to each successful applicant shall not exceed two hectares. The total land of allotted shall not exceed four hectares inclusive of the land allotted and any land already held by him.

9. Conditions of allotment. - (1) No premium shall be charged and the rent to be charged shall be-

- (i) Where rent in respect of such land has been settled the rent rate sanctioned thereof during the last settlement, and
- (ii) Where rent in respect of such land has not been settled, the rent-rate sanctioned during the last settlement for similar Nehari or Talabi or Kachhar or Khatli land, as the case may be, in the neighbourhood or in the village.

(2) The allotment shall be on a Gair Khatedari tenure for a period of five years only, renewable for a further period of five years by the Tehsildar concerned subject to the condition that allottee has fulfilled the conditions of allotment and that he is cultivating the land personally.

Provided further that about the tank for which the Collector considers that the land should be allotted for one year instead of 5 years, the period of allotment shall be reduced to one year by the Collector and in doing so he shall record his reasons in writings and such period shall be mentioned in the proclamation for inviting applications for allotment.

(3) During the period the lands remain sub merged in water, only twenty five per cent of the rent payable according to sub- rule (2) shall be charged and full rent shall be charged only for the period during which the land is actually cultivated; and

10. Repealed by Notification dated 19.09.75

11. Repeal. - The executive "instructions for the allotment of Government land situated in the beds of tanks for cultivation" issued under Revenue Department's Circular No. F. 6(256) Revenue/54, dated the 20th January, 1959 are hereby repealed.

[Form A]
See rule 6-A)

To,

The Sub-Divisional Officer

Sub-Division District.....

I..... S/O..... aged.....R/O..... village
Tehsil.....District.....was a khatedar tenant of the land, details of which are
given below, which was acquired for construction of tank by.....Department.

Tehsil	
Village	
Khasra no.	
Area	
Rent	
year of compensation acquisition	
Received cash/land	

I hereby convey my willingness for the allotment of above land on Gair Khatedari basis under rule 6-A of the Rajasthan Land Revenue (Allotment of Tank-Bed Lands for Cultivation) Rules, 1961. Further I do hereby bind myself to repay the amount of cash compensation, in respect of the land allotted, before taking its possession.

Yours faithfully
Signature of applicant

Place:
Dates: