

राजस्थान भूमि सुधार एवं जागीर पुनर्गठन

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THE RAJASTHAN LAND REFORMS AND RESUMPTION OF JAGIR RULES, 1954

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THE RAJASTHAN LAND REFORMS AND RESUMPTION OF JAGIR RULES, 1954

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1. No. F. 4(361) Rev. 1/54, dt. 6-12-1954, pub. in Raj. Gaz. Pt. IV-C, dt. 25-12-54.
2. No. F. 4(361) Rev. 1/54, dt. 3-5-1955, pub. in Raj. Gaz. Pt. IV-C, dt. 4-5-55.
3. No. F. 4(361) Rev. A/54, dt. 1-9-1955, pub. in Raj. Gaz. Pt. IV-C, dt. 1-10-1955.
4. No. F. 4(361) Rev. A/55, dt. 23-11-55, pub. in Raj. Gaz. Pt. IV-C, dt. 10-12-55.
5. No. F. 4(361) Rev. A/55, dt. 2-12-1955, pub. in Raj. Gaz. Pt. IV-C, dt. 14-1-56.
6. No. 26089/F. 4(361) Rev. A/55, dt. 4-2-56, pub. in Raj. Gaz. Pt. IV-C, dt. 25-2-1956.
7. No. 21230/F. 4(361) Rev. A/54, dt. 22-5-1956; pub. in Raj. Gaz. Pt. IV-C, dt. 14-7-56.
8. No. 13164/F. 4(361) Rev. A/54, dt. 2-6-1956; pub. in Raj. Gaz. Pt. IV-C, dt. 14-7-56.
9. No. 3926/F. 4(361) Rev. A/54, dt. 20-7-1956, pub. in Raj. Gaz. Pt. IV-C, dt. 4-8-56.
10. No. 9726/F. 4(361) Rev. A/54, dt. 24-7-1956; pub. in Raj. Gaz. Pt. IV-C, dt. 4-8-1956.
11. No. 23397/F. 4(361) Rev. A/54, dt. 2-8-1956; pub. in Raj. Gaz. Pt. IV-C, dt. 16-8-56.
12. No. 9663/F. 4(361) Rev. A/56, dt. 30-9-1956; pub. in Raj. Gaz. Pt. IV-C, dt. 25-10-56.
13. No. 164/F. 4(361) Rev. A/54, dt. 19-11-1957; pub. in Raj. Gaz. Pt. IV-C, dt. 9-1-58.
14. No. 4402/F. 1(144) Rev. A/58, dt. 16-6-58; pub. in Raj. Gaz. Pt. IV-C, dt. 31-7-58.
15. No. 33078/F. 1(317) Rev. A/58, dt. 5-1-59; pub. in Raj. Gaz. Pt. IV-C, dt. 22-1-1959.
16. No. 18170/F. 1(233) Rev. A/58, dt. 14-2-1959; pub. in Raj. Gaz. Pt. IV-C, dt. 16-4-1959.
17. No. F. 1(166) Rev. A/58, dt. 6-1-1960; pub. in Raj. Gaz. Pt. IV-C, Ext., dt. 6-1-60.
18. No. F. 1(d)65 Rev. A/60, dt. 9-11-60, pub. in Raj. Gaz. Pt. IV-C, dt. 10-11-60.

19. No. F. 1(d) 67 Rev. A/160, dt. 4-3-1962; pub. in Raj. Gaz. Pt. IV-C, dt. 10-5-62.
- 19-a. No. F. 22(61) Rev./D/III/59, dt. 12-10-1962; pub. in Raj. Gaz. Pt. IV-C, Ord., dt. 29-11-1962.
20. No. F. 1(Irrigation) (47) Rev. A/66, dt. 23-1-1967; pub. in Raj. Gaz. Pt. IV-C, dt. 15-6-67.
21. No. F. 1(d) 4/Rev. A/66, dt. 18-9-1969, vide GSR 75, pub. in Raj. Gaz. Pt. IV-C(I), dt. 2-4-1971.
22. No. F. 8(27) Rev./Gr. 7/76, dt. 10-2-78, pub. in Raj. Gaz., Pt. IV-C(I), dt. 30-3-78, p. 870.

Note.—In the footnotes appearing hereinafter, the amending notifications are referred to by serial Nos. as given to them above.

CHAPTER I

Preliminary

1. Short title and commencement.—These rules may be called the Rajasthan Land Reforms and Resumption of Jagirs Rules 1954 and shall be deemed to have come into force on 16-6-1954.

2. Definitions.—(a) In these rules the expression "Act" or "the Act" means the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 and the expression "Form" means a form annexed to these rules.

(b) In these rules unless the context otherwise requires words and expressions defined in the Act have been used in the sense given in those definitions.

CHAPTER II

Assessment of Jagir Lands to Land Revenue

3. Forms of notice and statement of income under section 7.

(1) The notice required to be given under sub-section (1) of section 7 of the Act shall be in Form 1.

(2) The statement of income required to be furnished under sub-section (1) of section 7 of the Act shall be in Form 2.

4. Examination and preparation of statement of income.

(1) Upon receipt of the statement of income in Form 2, the Collector shall either examine and inquire into it himself or forward it for examination and inquiry to some officer subordinate to him, not being inferior in rank to that of an Assistant Collector. Such examination may be dispensed with where the Collector considers the statement to be accurate.

(2) If such statement in respect of any jagir land is not received by the Collector within the period specified in the notice issued under sub-section (1) of section 7 of the Act, the Collector shall immediately proceed to prepare it himself or shall direct that it shall be prepared by an officer subordinate to him, after such inquiry as the Collector may deem necessary or such examination as the officer may deem neces-

sary.

5. Powers to examine witnesses and receive evidence.—The Officer making an inquiry or examination under rule 4(1) or 4(2) may examine witness and receive and admit evidence revenue records of the Jagirdar concerned, receipts for rents and other documents produced by or on behalf of such Jagirdar, his tenants and other persons and shall have and may exercise all the powers vested in and exercisable by a Revenue Court under the Revenue Courts (Jurisdiction and Procedure), Act, 1951, while trying a revenue suit or case.

6. Representation of Jagirdar and Government at inquiries.—At every such inquiry or examination the jagirdar may, if he so desires, appear in person or by a recognised agent. The Collector may, if he considers it necessary require or by a recognised agent. The Collector may, if he considers it necessary require some officer subordinate to him to represent Government interest at such inquiry.

7. Submission of findings by Subordinate Officer.—When an examination under rule 4(1) or 4(2) is held by an officer other than the Collector, such officer shall record his findings on all relevant matters, furnish to the Jagirdar and to every person representing the Government at such inquiry a copy of such findings free of charge and submit the entire record to the Collector.

8. Objections against findings.—The Jagirdar and every person representing the Government as aforesaid may, if they so desire, lodge objections against such findings before the Collector within fifteen days of the receipt of a copy thereof under rule 7.

9. Hearing of objections and final determination by Collector.—The Collector shall, upon completion of the inquiry or, in case the inquiry has been made by a subordinate officer, after considering the findings submitted under rule 7 and hearing the jagirdar concerned and the representative of the Government with respect thereto as well as with respect to any objections lodged under rule 3, and after such further inquiry, if any, as he may think necessary determine the amount of rental income under sub-section (3) of section 7 of the Act.

¹[In any of the circumstances mentioned in the said sub-section of the said section, if the Jagir land has been settled after the date of resumption, but before the determination of compensation, the rental income shall be determined on the basis of the rent fixed during such settlement.]

COMMENTARY

[1] Jagir land unsettled at the time of resumption and in the basic year. Before determination of compensation land settled and Rule 9 amended. Compensation has to be determined on the basis of settled rates

by virtue of amended rule. 1968 RRD 317.

[2] Rule 9 applies only to cases covered under s. 7(3) and not otherwise. Determination of rental income etc. See 1977 RRD 268.

[3] See also 1979 RRD 603.

CHAPTER III

Khudkasht

10. Form of application for allotment of Khudkasht.—An application for allotment of khudkasht land under sub-section (1) of section 14 of the Act shall be in Form 3.

11. Term of interim lease.—An interim lease of land under section 15 of the Act shall in the first instance be granted for a term of three years. Such term, may, if the application for allotment of khudkasht under section 14 of the Act is not finally determined, be extended from time to time, so however that no such extension shall at any one time be granted for a period exceeding one year.

12. Conditions of an interim lease.—(1) The person to whom a lease under section 15 of the Act is granted:—

- (i) shall not sublet the land thereby let out to him.
- (ii) shall pay rent therefor at settlement rates or if the lands is not settled, at such rate as may be fixed by the Tehsildar with the approval of the Collector.
- (iii) shall not encumber in any way the land let out to him.
- (iv) shall, on final determination of the application under section 14 of the Act, surrender the land so let out except such portion thereof, if any, as may be allotted to him permanently as Khudkasht, and
- (v) shall not be entitled to compensation for any improvement made while such lease subsisted:

Provided that, if the lessee is employed in the armed forces of India, the prohibition specified in clause (i) of this sub-rule shall not apply.

(2) A lease granted under section 15 of the Act shall be liable to termination, at any time without notice if it is found that the lessee has contravened any of the provisions of sub-rule (1).

13. Termination of lease.—A lease granted under section 15 of the Act, shall terminate upon the expiry of its term under rule 14 or upon the final determination of the application for allotment of Khudkasht under section 16 of the Act, whichever event occurs first:

Provided that the lessee shall be permitted to tend, reap, gather, thresh and take away the standing crops and other ungathered products on the land so let out at the time of such termination.

14. Inquiry into and disposal of application for Khudkasht.—(1)

(a) When the application for Khudkasht under section 14(i) of the Act is received by the Commissioner for Khudkasht lands or by the Collector he may proceed with the inquiry personally or depute the Assistant Commissioner for Khudkasht lands or the Sub- Divisional Officer to make such inquiry on the spot and obtain his report.

(b) The Commissioner for Khudkasht lands or the Collector, or any officer deputed by either of them under clause (a) may, at any time before or in the course of the inquiry, call for a report on the application from the Tehsildar or Naib Tehsildar who shall submit such report after obtaining verification from the records of the Patwari and making such inquiries, if any, as may be necessary.

(2) Where the Commissioner for Khudkasht lands is satisfied on enquiry that:—

(a) the jagirdar has got land under his personal cultivation which is sufficient for his ordinary subsistence and that more land is required only to obtain the maximum area laid down in section 18 of the Act, or

(b) there is sufficient land in the locality as mentioned in any category other than category 6 of sub-section (1) of section 19 for allotment of Khudkasht to the Collector for necessary action.

(3) The Commissioner for Khudkasht lands or the Collector shall endeavour to obtain voluntary arrangements with the consent of the Jagirdar and his tenants other than tenants with heritable and transferable rights on the principle that least dislocation and maximum satisfaction should result from the adjustment made between the said parties. Where such voluntary arrangement cannot be arrived at, the said Commissioner or Collector shall give a decision on the merits after giving a hearing to the Jagirdar and such other persons as may appear to be interested.

15. Loan to Jagirdar for personal cultivation.—(1) A Jagirdar who is allowed any culturable unoccupied land within or outside the jagir shall be granted the following concessions for the improvement of such land:—

(a) For the construction of each well a loan of Rs. 2,000/- where land allotted is unirrigated and is not likely to be irrigated by any tank within 2 years of the date of allotment.

(b) For the purchase of bullocks ²[and camels] a loan Rs. 500/-.

(c) For the construction of a house-a loan upto Rs. 1,000/-.

(d) All these loans shall be free of interest and repayable in ten annual instalments commencing after two years from the

date of granting such loans:

Provided that recommendations may be made to the Commissioner for Khudkasht Lands by the Collector for the grant of a sum of Rs. 4,000/- in special circumstance and the Commissioner for Khudkasht lands may sanction such loan.

(2) A Jagirdar to whom land commanded by the Bhakra, the Chambal or the Jawal Projects is allotted shall be entitled to the following concessions:—

(a) Loans according to sub-rule (1) with the exception of a loan for the construction of a well.

(b) 25 bighas of irrigated land (constituting one Murrabha) on such price as may be fixed for the area by the Commissioner for Khudkasht lands to be realised free of interest in ten Commissioner for Khudkasht lands to be realised free of interest in ten annual instalments commencing two years after the date of allotment.

(3) Where the Commissioner for Khudkasht lands is satisfied that a Jagirdar has a co-sharer who is living separately, he may direct that such co-sharer shall be granted the same concessions as a jagirdar under this rule.

(4) The Commissioner for Khudkasht lands may recommend to Government that the concessions mentioned in sub-rules (1) and (2) may also be granted to such tenants as may surrender their holding for providing Khudkasht to any jagirdars under clause (i) of sub-section (1) of section 19.

16. Application for exchange of land under section 19-A. Application to the Commissioner for Khudkasht lands for exchange of lands cultivated personally by a jagirdar for any other land commanded by an irrigated project shall be in Form 4 and shall be submitted through the Collector of the District in which the jagirdar resides.

(2) The Collector shall scrutinise the application and forward it to the Commissioner for Khudkasht lands with his remarks in respect of the suitability of the applicant for the allotment of land under any irrigation project, correctness of the details given in the application and details relating to the number of landless tenants in the village in which the land sought to be surrendered is situated and the number of small jagirdars who can benefit from the acceptance of surrender of such land.

(3) The Commissioner for Khudkasht lands shall on receipt of the Collector's recommendation forward the application with his recommendation to the Government and on receipt of Government sanction shall direct the Director of Colonization or any other officer who may be in charge of allotment of land under irrigation project concerned, to execute his orders.

¹ Subs. by No. 5, [2-12-1955].

² Added by No. 15, [5-1-1959].

(4) The Commissioner for Khudkasht lands may with the concurrence of the Commissioner of the Division allot any unoccupied land other than land mentioned in clause (vi) of sub-section (1) of section 19 to a jagirdar in exchange of lands under his personal cultivation.

CHAPTER IV

Jaipur Commissioner and Additional Jagir Commissioner

17. Additional Jagir Commissioner.—In addition to the Jagir Commissioner appointed by the Government under clause (f) of section 2 of the Act, there may also be appointed, for the purposes of Chapter V, VI and VII of the Act, such number of persons or officers or both as the Government may think necessary to be additional Jagir Commissioners.

18. Powers of Additional Jagir Commissioners.—An Additional Jagir Commissioner appointed under the last preceding rule shall—

(i) for administrative purposes be deemed to be subordinate to the Jagir Commissioner,

(ii) hear, determine and dispose of such matters and cases under the Act as may from time to time be made over to him by a general or special order of the Government or the Jagir Commissioner,

(iii) be deemed, for all purposes of the Act and these rules, to be the Jagir Commissioner in respect of such matters and cases, and

(iv) exercise in relation thereto the same powers as are exercisable under the Act by the Jagir Commissioner.

19. Bar to exercise of certain functions by Additional Jagir Commissioner.—Notwithstanding anything contained in rule 18, no Additional Jagir Commissioner shall exercise any functions of the Jagir Commissioner under section 23 or section 32 of the Act where the annual income of a Jagirdar from his jagir as calculated under sections 6 and 7 or as stated in a claim preferred under section 31 of the Act exceeds twenty thousand rupees.

20. Powers of Jagir Commissioner to make over matters before him to Collector etc.—(1) The Jagir Commissioner shall have power to make over any matter pending before him to any Collector, Assistant Collector or Tehsildar having jurisdiction in the place to which such matter relates for inquiry and report.

(2) Upon receipt of the report made under sub-rule (1) the Jagir Commissioner or Additional Jagir Commissioner shall afford all persons, including the Government, affected thereby an opportunity to lodge objections against the same and after hearing them, if they appear, with respect thereto and with respect to the objections, if any, lodged by them, may pass such orders as he deems reasonable and proper.

CHAPTER V

Resumption of jagir lands

1. 21. Taking over charge of resumed jagir.—(1) As soon as may be after the issue of the notification under section 21 off the Act, the Collector within whose district such jagir or a portion thereof is situated, shall call upon the Jagirdar concerned to hand over charge of his Revenue Records and School and Hospital buildings not situated within his residential compound to the Officer specified by the Collector:

Provided that the Collector may extend the time for handing over charge of Revenue Records upto a period of 20 days from the date of resumption:

² [Provided further that for the purpose of the resumption of jagirs with annual income below Rs. 1,000/- the Collector or the officer specified by him shall collectively take over charge of all the jagirs situated in a village by issuing a proclamation and affixing copies thereof at the headquarters of the Tehsils within which the Jagir land to which it relates is situated and at some place of public resort on or adjacent to the said land and such proclamation shall be considered notice to all the Jagirdars concerned for the purpose of handing over charge of their Revenue Records and School or Dispensary buildings not situated within residential compounds to the officer specified by the Collector.]

(2) If the Jagirdar does not hand over or does not agree to hand over charge of the Jagir within a week from the date of the notice issued by the Collector as mentioned in sub-rule (1) or where it is not practicable to call upon the Jagirdar to hand over charge on account of his not being available or his evading notice from the Collector, the Collector or the officer specified by him shall proclaim taking over of the charge by beat of drum at such place or places as the officer taking charge may think fit.

(3) The fact of taking over the jagir under this rule shall be forthwith reported to the Government the Jagir Commissioner and the Commissioner of the Division.

(4) The Government shall notify in the Rajasthan Gazette the fact of such taking over together with the date thereof:

Provided that in the case of jagirs with annual income below Rs. 1,000/- it will not be necessary to notify the resumption in the gazette in the manner laid down herein.

(5) If any Jagirdar fails to hand over ³ [charge of Revenue Records of his Jagir as required under sub-rule (1) the Collector may get the

1 Subs. by No. 11, [2-8-1956].

2 Added by No. 13, [10-11-57].

3 Subs. by No. 11, [2-8-50].

record prepared and give the Jagirdar a reasonable notice either to pay the amount of costs incurred or to show cause why it should not be recovered from him. If the Jagirdar fails to pay and is unable to show cause to the satisfaction of the Collector, the Collector shall request the Jagir Commissioner to deduct the amount from the compensation payable to the Jagirdar.]

COMMENTARY

Determination of categories of jagirs. See 1969 RRD 99.

22. Submission of list of personal properties by Jagirdar.-(1) The Jagirdar shall submit to the officers taking over such charge a list of the properties which he claims as his private and personal properties under sub-section (1) of section 23 of the Act.

(2) Copies of such list shall be annexed with the reports submitted under rule 21 of sub-rule (3).

(3) If the officer taking over such charge is of the opinion that any item of property included in the list submitted under sub-rule (1) is not the property which the jagirdar is entitled to hold under sub-section (1) of section 23 of the Act, he shall record reasons for such opinion and refer to the matter to the Jagir Commissioner under sub-section (2) of section 23 of the Act. While making the report under rule 21, sub-rule (3), a copy of such reference shall be forwarded to the Government as well as to the Collector of the District in which the property in dispute is situated:

Provided that where the officer deputed to take over charge of a jagir is below the rank of Tehsildar he shall submit his opinion to the Tehsildar concerned who shall refer the same with his opinion to the Jagir Commissioner.

(4) A copy of such list shall also be affixed on the notice board of the Tehsil concerned, and the Municipal Board or Village Panchayat concerned shall be informed that they may see the list in the Tehsil and submit their objections, if any, to the inclusion of any property or part of it in the list to the Tehsildar within a specified time.

(5) The Tehsildar may extend the time specified by him under sub-rule (4) if he is satisfied that there are sufficient grounds for doing so and shall submit the objections received from the Municipal Board or the Panchayat with his opinion to the Jagir Commissioner through the Collector.]

COMMENTARY

[1] There is no period of limitation for making an application under this rule. 1983 RRD 328.

1 Subs. by No. 11, [2-S-36]

[2] Rr.22 to 28-Enquiry relating to the nature of the property mentioned in s. 23. See 1964 RLW 21=1964 RRD 14

[3] See also 1968 RRD 513.

23. Inquiry by Jagir Commissioner in the matter of personal Properties.-(1) Upon receipt of a reference under the last preceding rule, or where he decides to review the list on his own motion, the Jagir Commissioner shall appoint a date for holding an inquiry into the matter. Such date shall not be less than two months from the date of the order and a public notice thereof shall be issued within a week of such order.

(2) Instead of holding the enquiry himself under sub-rule (1) the Jagir Commissioner may entrust the enquiry to any officer not below the rank of an Assistant Jagir Commissioner or sub-Divisional Officer.

COMMENTARY

[1] Determination whether jagir land is khudkasht of Jagirdar. Procedure. See AIR 1968 SC 898.

See also:

[2] 1963 RRD 200.

[3] 1962 RRD 251.

[4] 1962 RRD 110.

[5] 1967 RRD 236.

[6] 1958 RRD 109.

24. Notice how to be served.-(1) The notice given under rule 23 shall be served on the Jagirdar concerned, the Revenue Secretary to the Government and the Collector of the district in which the property in dispute is situated in the manner provided for the service of summons on a defendant in a suit under the Code of Civil Procedure, 1908.

(2) Copies of the notice shall be sent to the Tehsildar within whose jurisdiction the property in dispute is situated :-

(a) for being proclaimed by beat of drum to the inhabitants of the locality where such property is situated;

(b) for being exhibited at some conspicuous place in such locality; and

(c) for being posted, thereafter on the notice board of the Tehsil.

25. Postponement if notice not served in time.-On the date fixed in the notice, the Jagir Commissioner or the Officer holding the enquiry shall postpone the enquiry if he finds that the notice issued under rule 24 was not duly served on any of the persons specified in sub-rule (1) of rule 24 or was not posted on the notice board of the Tehsil as required by sub-rule (2) of that rule atleast one month before such date.

26. Who may contest.—(1) The State shall be represented at such inquiry by the Collector or any other Officer not below the rank of a Naib Tehsildar as the Collector may be order in writing appoint in that behalf.

(2) If any inhabitants of the locality in which the property in dispute is situated are in any manner interested therein, they may contest the claim of the Jagirdar in respect thereof and may jointly appoint one or more persons not exceeding three in number to represent them at such inquiry.

27. Jagirdar may appear.—At any inquiry held under sub-section (2) of section 23 of the Act, the Jagirdar may appear in person or by his recognised agent.

28. Mode of inquiry regarding personal properties.—The Jagir Commissioner or the officer holding the inquiry shall allow the Jagirdar, the State and the inhabitants of the locality desiring to contest the claim of the Jagirdar reasonable opportunity to prove or disprove their respective contentions. The enquiry shall be held in the manner provided for the trial of a suit by a Revenue Court and where the enquiry has been held by any officer other than the Jagir Commissioner such officer shall submit the record with a report of his findings to the Jagir Commissioner for his orders.

29. Complaints regarding unauthorised realisation.—On receipt of a complaint under section 25 of the Act the Collector shall either inquire into the matter himself or order some officer subordinate to him to hold a preliminary inquiry and submit a report in the matter. If as a result of such inquiry or report there appears sufficient grounds to proceed further into the matter a regular inquiry may be made by the Collector, himself or any other officer to whom he transfers the case for such inquiry.

30. How to be tried.—On the date fixed the Collector shall proceed to enquire, into the complaint in the manner provided in the Code of Criminal Procedure, 1908 for the trial of summons cases.

31. Mode of inquiry.—The Collector taking cognizance of a complaint under section 25 of the Act may transfer it for inquiry and report to an Assistant Collector subordinate to him. In such case the Collector shall after hearing the Jagirdar and the person making the complaint on the report made by the Assistant Collector and making such further inquiry as he may deem necessary in the manner specified in rule 33, pass such order as he may think proper.

32. Notice against Jagirdar.—For the recovery of the amount of any penalty imposed by the Collector or of any rent, cess or other due order by him to be refunded, the Collector shall issue a notice calling upon the Jagirdar to deposit such amount within a week of the receipt of the notice and on the latter's failure so to deposit, shall cause a certificate for the amount to be drawn up and filed under the Rajas-

than Public Demands Recovery Act, 1952.

33. Refund.—any amount recoverable under such certificate on account of any rent, cess or other due of which the refund has been ordered shall be paid to the person from whom such rent, cess or other due was recovered by the Jagirdar.

CHAPTER VII

Liability for Compensation and Maintenance Allowance, Grants and Pensions

34. Guiding principles for Jagir Commissioner for action under section 26-A.—(1) In deciding cases under clause (a) of section 26-A of the Act, relating to transfer of jagir land by sale or gift or by making a grant, the Jagir Commissioner shall first make enquires either himself or through any officer nominated by him whether:—

- (i) the sale of any jagir land (agricultural, unoccupied or abode) made by the jagirdar has been on a reasonable scale, and, whether.
- (ii) the gift or grant made by a Jagirdar is in consonance with the practice in the jagir itself and the Jagir of similar income and status in the Integrating unit to which the jagir belonged.

(2) Where the jagirdar has granted a lease of any jagir land for any nonagricultural purpose for a period of 3 years or more the previous record of the jagir shall be examined to see whether such lease was normal or otherwise.

(3) A lease or contract in respect of forest land shall be scrutinized from the following points of view:—

- (i) Whether the area granted under the lease or contract by the jagirdar represents a reasonable proportion of the total forest area in the jagir and whether the area was given in accordance with a working plan approved by the Forest Department of the State.
- (ii) Whether the amount stated to have been agreed to be realised for the lease or contract was reasonable in view of the value of the forest area given.
- (iii) Whether the exploitation of the forest has been in accordance with the rules of the Forest Department or the lease or contract has resulted in a destruction of the forest given on lease or contract.

(4) In holding enquiries under this rule the procedure laid down in rules 23 to 28 shall, mutatis mutandis apply.

COMMENTARY

[1] Jagir Commissioner to make enquiry into every case of transfer made on or after 1.1.1949. See AIR 1958 RAJ 291.

(8)

[2] Grantee from Jagirdar stands on equal footing. See 1980 RRD 80.

35. Maintenance allowance matters to be considered.—While fixing the amount of maintenance under section 27 of the Act the Jagir Commissioner, in addition to the matters specified in that section, shall also take into consideration the following matters, namely:—

(i) the prevailing prices of essential commodities as defined in section 2 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946);

(ii) the income of the jagirdar from Khudkasht and other sources;

(iii) the minimum requirements of the person entitled to a maintenance allowance; and

(iv) the minimum requirements of the jagirdar and members of his family.

36. Enquiry in respect of payment to places of public worship or pension under sec. 28.—(1) Where it is claimed that a place of public worship or other religious institution was receiving from the income of any jagir resumed by Government under the Act a periodical grant of money for a period exceeding six years from the date of resumption, the jagirdar or any interested person may apply to the Collector of the District in which such place of worship or institution is situated for the continuance of the grant.

(2) On receipt of an application under sub-rule (1), the Collector shall make an enquiry to ascertain:—

(a) whether the place of worship is really meant for worship by the public and not merely for the jagirdar and his family and whether the religious institution is a public institution;

(b) whether there is documentary or other sufficient evidence available to show that regular payments were being made to the institution or place of worship from the income of the resumed jagir.

(3) After completing the enquiry the Collector shall forward his recommendations to the Commissioner, Devasthan who may after such further enquiry as he may deem necessary submit his recommendations to the Government subject to the annual Appropriation Act.

(4) On receipt of the report from the Commissioner, Devasthan the Government may pass such orders for the continuance of such grant or any part thereof as it may deem fit, subject to the Annual Appropriation Act.

¹[(5)](1) Pensions granted by a Jagirdar or other competent authority to the employee of a jagir in which pension rules were introduced before the year 1949, shall continue to be paid. Sanction for such payment shall be issued by the Collector of the District concerned

¹ Subs. by No. 1, [6-12-54]

except that the cases of those employees who held posts in a Jagir which were equivalent to Gazetted posts in the integrating State shall be forwarded by the Collector to Government through the Jagir Commissioner for orders. He shall forward the sanction to the Accountant General, Rajasthan along with the old pension payment order to enable the Accountant General to issue new pension payment order. In cases where formal pension payment orders were not issued by the Jagirdar or other competent authority and the payment of pension was regulated on the basis of entries made in the pension disbursement register, the Collector shall forward full details of the pensions to the Accountant General with the formal sanction of the pension in each case. Since the Government liability for payment of pension does not arise before the date of resumption, the Collector should take particular care to see that no payment for the period prior to the date of resumption is made.

(ii) Cases of pension sanctioned by the Jagirdar or other competent authority in a Jagir in accordance with the well established custom shall be examined by the Jagir Commissioner. A statement of such cases along with complete information about the pensions shall be forwarded by the Collector to the Jagir Commissioner. The Jagir Commissioner, if satisfied that the payment of pension is in accordance with a well established custom, shall issue orders for its payment or payment of a part thereof. The amount shall be determined by him after taking into consideration to nature of services of pensioner, except that the cases of those employees who held posts in a Jagir which were equivalent to Gazetted post in the integrating State shall be forwarded by the Jagir Commissioner to the Government for orders.

(iii) Grants of Hinhayat and Parwarish made by a Jagirdar before the year 1949, which are in the nature of compassionate allowances and family pension shall be examined by the Collector and recommended to the Jagir Commissioner with his opinion in each case. The Jagir Commissioner shall examine these cases in consulting with the Finance Department of the Government and shall issue orders for payment of the full amount or any part thereof, after taking into consideration the age of the grantee, his financial resources and other relevant factors including the service of the Finance Department].

¹[(iv) Where a Jagirdar was liable to pay to a Jagir employee, out of income of his Jagir land resumed under the Act, pension in accordance with same specific rules in that behalf, or well established custom, and such Jagir employees was retired, or discharged or his services were terminated by the Jagirdar immediately before the date of resumption of the Jagir land, pension in accordance with such rules or in the absence of specific Thikana Pension Rules, the pension rules of the Covenanted State in which the Jagir land was situated or where such

¹ Ins. by No. 19-a, [12-10-1962]

Covenanting State had no pension rules, in accordance with the Rajasthan Service Rules, may be granted to such Jagir employee, the pension papers being prepared by the Deputy Collector, Jagirs and after verification by the Accountant General, Rajasthan, sanction being obtained from the Jagir Commissioner when the amount of monthly pension does not exceed Rs. 50/-, and from the State Government in other cases.

Note.—Reference to the provisions of the Rajasthan Service Rules in the above clause shall not include provisions regarding the grant of Death-cum-Retirement gratuity and family pensions.]

CHAPTER VII

Payment of Compensation

37. Statement of compensation.—The statement of claim required to be filed under sub-section (1) of section 31 of the Act shall be in Form 5¹ [or Form 5-A] and shall be in duplicate.

²[It shall be signed by the Jagirdar himself provided that the Jagir Commissioner may entertain a statement signed by any other person duly authorised by the Jagirdar, if he is satisfied that the Jagirdar was unable to sign. It owing to a physical disability or any other sufficient reason.]

COMMENTARY

[1] Publication of notice in Rajasthan Gazette only is not sufficient. 1966 RRD 360.

[2] Mortgage of jagir lands: Claims to be decided by civil court. 1963 RLW 261.

37-A. Scrutiny of the income from jagir forests.—Where a claim for compensation by the Jagirdar is based wholly or in part of income from Jagir forests, the Jagir Commissioner may call upon any Officer of the Forest Department of the Government not below the rank of Divisional Forest Officer, to inspect the forest and submit his report about the estimate of income from the Jagir forests. The said Officer shall, for the purposes of determining the forest income, call upon the Jagirdar to furnish information in Form No. 8 within a period of one month. If such statement is not filed by the Jagirdar within the said period, the said Forest Officer may after holding a summary inquiry make his recommendations to the Jagir Commissioner. The Jagirdar shall be given an opportunity of hearing and participation in the said inquiry. The inquiry shall not be subject to the provisions of rule 45. On receipt of the recommendation of the Forest Officer, the Jagir

¹ Ins. by No. 14, [16-6-1958].

² Added by No. 10, [24-7-1956].

³ Ins. by No. 14, [16-6-1958].

Commissioner shall, after giving the Jagirdar an opportunity of hearing, and after hearing such other person as he may like to be heard, make an order determining the period and the average annual income from the Jagir forest, recording his reason therefor.

37-B. Scrutiny of income from mines, etc.—Where a claim of a Jagirdar is based wholly or in part upon the income from mines and quarries the Jagir Commissioner may call upon a Gazetted Officer of the Mining and Geology Department of the Government to inspect the area concerned for checking the figures, or to submit a report, with respect to the income from the mines and quarries. The income shall be verified by the said officer after comparison with the actual income of the three years preceding the year for which the average income is taken. Where the said officer proposes to reduce the figure given by the Jagirdar he shall, if he is himself an Assistant Director of Mines, proceed to estimate the income. If he is not himself an Assistant Director of Mines, he shall move the Assistant Director of Mines of the area concerned to estimate the income. Such estimate of income shall be made after a consideration of and after giving the Jagirdar an opportunity of being heard on the following points:—

(i) Where royalties are payable on account of mines and minerals, the average income on account of the royalties calculated on the basis of the annual return filed by the Jagirdar for the assessment of cess or income-tax during the period of 6 years preceding the agricultural year in which the date of resumption of the Jagir falls or any short period for which such returns have been filed.

(ii) Where royalties are not so payable to the Jagirdar and the mines are worked directly by the Jagirdar, the average annual income from such mines calculated on the same basis as is specified in clause (i)

On such estimate being ready, the Assistant Director of Mines who has prepared the estimate shall forward it with his recommendations to the Jagir Commissioner shall, after hearing the Jagirdar and such other persons as he may like to be heard, shall make an order, determining the period of the average annual income from the mines and quarries of the Jagirdars, recording his reason therefor.

The inquiry under this rule before Officers of the Mining Department shall not be subject to the provisions of rule 45.

37-C. Determination of the dues and debts owned by the Jagirdar.—(i) For the purpose of determining the amount recoverable from the Jagirdar under clause (e) of sub-section (1) of section 22 of the Act, a notice shall be issued to the Jagirdar in Form No. 9, calling upon him to pay up the dues and debts within a period of one month from the date of receipt of notice, to file objections if any within the said period. The notice shall be issued by the Collector concerned, or in the case of departmental loans and dues, by the Head of the Office or the Department concerned, or in the case of loans advanced directly

from the Government Treasury, State Bank of Fund, by a Secretary, Deputy Secretary or Assistant Secretary to the government in the Finance Department.

(2) If the Jagirdar submits any objection in reply to the said notice, it shall be decided by the authority issuing the notice. The objections shall be decided within 2 months of the date of its receipt by such authority.

(3) On the decision of the objections, or, if no objection is received, on the expiry of the period allowed therefor, the authority concerned shall send to the Jagir Commissioner a certificate in Form No. 10 furnishing details of the dues and debts outstanding on the date of the certificate. Such certificate shall in no case enter the amount of dues or the rate of interest at a figure or a rate higher than that mentioned in the notice under sub-rule (1). Where an objection has been filed by the Jagirdar within the time allowed for it, no decision shall be given unless the Jagirdar has been given a reasonable opportunity of showing cause against it.

(4) On receipt of the certificate in Form No. 10 sent under sub-rule (3), the Jagir Commissioner shall effect the deduction of the amount as entered in the certificate from the compensation (including rehabilitation grant) as provided by sub-section (1) of section 34 and section 38C of the Act. He shall also send an intimation of such deduction to the authority issuing the certificate in Form No. 10. That authority shall take necessary steps for adjustment of the recovery so effected, and further recovery of the balance, if any, that might remain outstanding against the Jagirdar.

[Provided that in case of the Jagirdars whose financial position is not good, the deduction of the Rehabilitation Grant effected under this Rule shall not exceed:—

- (i) 50% in the case of jagirdars having an income below Rs. 5,000/- per annum.
- (ii) 66 $\frac{2}{3}$ % in the case of jagirdars having an income above Rs. 5,000/- and below 30,000/- per annum.
- (iii) 80% in the case of jagirdars having an income of Rs. 30,000/- and above, per annum.]

(5) Where, after the issue of one notice under sub-rule (1) in Form No. 9, a higher amount of the due is found to be recoverable from a Jagirdar, the authority concerned shall issue immediately a supplementary notice to the Jagirdar, which shall also be in Form No. 9. Subsequent procedure with respect to the amount mentioned in the supplementary notice shall be governed by the provisions contained above for the first notice.

(6) Where a dispute arises as to the proper authority to deal with a debt or dues recoverable from a Jagirdar under this rule, the matter shall be referred to the Government in the Finance Department, whose decision shall be final.

COMMENTARY

[1] Notice for recovery of lagan cess and matmi charges from ex-jagirdar served. Provisions of Jagir Act to prevail over general provisions. Demand notice held to be without jurisdiction and notice quashed. *Smt. Hawa Kanwar v. State of Rajasthan*, 1987 (2) WLN 52 (DB).

[2] Sub-rule (3) is not repugnant to any provision of the Act. 1968 RLW 95.

37-D. Inquiry in respect of persons in receipt of maintenance allowance.—(1) For the purpose of determining the persons entitled to receive the maintenance allowance and the amount to be paid to them under section 27, the Jagir Commissioner shall, (after the resumption of a Jagir), by notification in the Rajasthan Gazette and in one or more important newspapers circulating in Rajasthan, call upon persons who under any existing Jagir law are entitled to receive such maintenance allowance and who are desirous of receiving it out of the compensation to be paid to the Jagirdar to apply to the Collector of the District in which the head-quarters of the Jagir are situated. A period shall be specified in the said notification for the submission of the application. The application shall be submitted in duplicate in Form No. 11. If no such application is submitted within the period mentioned in the notification, it shall be presumed that the person entitled to receive a maintenance allowance is not desirous of getting his maintenance allowance under the Act.

(2) Where an application in Form No. 11 has been received, the Collector of the District shall forward soon as may be after its receipt and in any case not later than 15 days after its receipt, a copy of the same to the Jagirdar concerned, asking the Jagirdar to state within a period of one month from the date of receipt of the same, if he has any objection in respect of the facts mentioned in the application, and, in particular, in respect of the continuance of the maintenance allowance. The Jagirdar shall, within one month of the receipt of such communication from the Collector send his reply in writing to the Collector giving full reasons for it, and shall return the copy of the application also. If no objections are received by the Jagirdar within the said period it shall be presumed that he has no objection to the maintenance allowance stated in the application being continued and deducted out of the compensation and rehabilitation grant payable to him.

(3) The Collector shall, whether any objections have been received or not from a Jagirdar under sub-rule (2), hold such inquiry as he may deem necessary in respect of the persons entitled to receive the

maintenance allowance under section 27 and the amount to be paid to them, and shall forward his recommendation to the Jagir Commissioner who may after such inquiry or further inquiry as he may deem necessary, fix the amount of maintenance allowance under section 27 of the Act.

(4) Where a person has submitted an application in Form No. 11 within the required period or where the Jagirdar has submitted an objection in respect thereof within the required period, no recommendation shall be made and no order shall be passed by the Collector or the Jagir Commissioner under this sub-rule to the prejudice of the applicant for maintenance allowance or the Jagirdar without giving them a reasonable opportunity of being heard.

(5) Notwithstanding anything contained above, the Collector may entertain an application in Form No. 11 or any objection with respect thereto after the required period, if he is satisfied that the maintenance holder or the Jagirdar was prevented by sufficient causes from submitting the same within said period.

37-E. Inquiry in respect of co-shares.—For the purpose of determining the amount, if any, payable to co-shares under section 29 of the Act, the same procedure shall be followed as is prescribed by rule 37-D for determining the persons entitled to receive maintenance allowance under section 27 and the amount payable to them, and the provisions of rule 37D shall be followed with such modifications as may be necessary, and with the further modification that the application by the co-shares shall be in Form No. 12.]

COMMENTARY

Sub-rule (4), so far it purports to take away the jurisdiction conferred on the Jagir Commissioner under s.32(1)(b), it is invalid. It is also void in so far as it ousts the jurisdiction of the Jagir Commissioner to inquire into and determine the amount recoverable from the Jagirdar u/s.22 (1)(e). 1963 RLW 111=ILR 1963 RAJ 1.

38. Compensation to be in cash or in Bonds.—Subject to the other provisions of these rules the compensation will be paid in cash or in Bonds.

39. Compensation payable to waqf, endowments, minor and persons under disability.—The compensation due to a waqf, a trust or endowment in support of an educational or charitable institution shall be paid in the following manner:—

- (1) (a) In the case of a waqf or a public trust or endowment where the trust or endowment is of a charitable nature, to the Commissioner of Devasthan, Rajasthan who shall disburse it after ascertaining that the

fund will be properly utilised for the purpose for which waqf, trust or endowment has been founded or created.

- (b) In the case of a public trust or endowment where the trust or endowment is for the purposes of or in support of an educational institution.

to the Director of Education, Rajasthan, who shall disburse it after ascertaining that the fund will be properly utilised for the institution.

- (c) In the case of a minor or a person suffering from legal disability who is not under the superintendence of the Court of Wards.

to the Collector of the District in which the minor or the person suffering from legal disability usually resides who shall pay it to the person found after making inquiry to be the natural guardian of the minor or disabled person, as provided in section 35 (3)

(b) the inquiry having been held in the manner prescribed in sub-rule (2) of this rule.

- (d) In the case of a minor or person suffering from a legal disability who is under the superintendence of the Court of Wards.

to the Court of Wards, as provided in section 35 (3) (a) of the Act.

¹[(2) In the case of annuity in perpetuity payable to charitable, religious or educational institutions under clause (7) of the Second Schedule to the Act, the Jagir Commissioner shall issue a certificate in Form 12A. The order by the Devasthan Commissioner or the Director of Education, as the case may be, for the payment of the annuity shall be in Form 12B, and the amount shall be drawn on a bill in Form 12C.]

²[(2A)] For the purpose of ascertaining the person to whom payment of compensation due to a minor or person suffering from disability is to be made [vide section 35 (3) (b)] the inquiry referred to in sub-rule (1) (c) shall be made in the following manner:—

¹ Renumbered and inserted by No. 19 [10-5-1962].

² Renumbered and inserted by No. 19 [10-5-1962].

- (a) The Collector shall fix the date, time and place for the inquiry, notice whereof shall be served on such person or persons as appear to him to be the natural guardian or guardians of the minor or person suffering from legal disability.
- (b) The notice shall be affixed on the Notice Board of the Court of the Collector and also served individually on the persons concerned. It shall call upon all persons claiming to be the natural guardian of the minor or person under disability to appear at the inquiry.
- (c) On the date and time appointed for on any other date and time to which the Collector may adjourn the inquiry for sufficient reason, the Collector shall, after hearing such persons as appear, ascertain the person to be regarded as a natural guardian.
- (d) Where the question of guardianship is in dispute, the Collector shall apply to the District Judge having jurisdiction to determine such question and to appoint a guardian as required by the proviso to clause (b) of sub-section (3) of section 35 of the Act.
- (e) Where the Collector does not make an application as above to the District Judge and himself ascertains the name of the guardian (the question not being in dispute) he shall make a payment of the compensation money to the guardian so ascertained after one week, subject to any orders to the contrary that he might receive in the meanwhile from any competent Civil Court.

¹[(3)(a) For the purpose of ascertaining the person who is recognised in accordance with law as being charged for the time being with the duty of the maintenance of an institution for educational or charitable purpose, or of any place of religious worship or for the performance of any religious service and to whom the annuity in perpetuity is payable under clause (7) of the Second Schedule to the Act, the Jagir Commissioner or the Collector, as the case may be, shall seek information from the Devasthan Commissioner and other sources and shall notify the name of such person or persons for general information by a notice to be affixed on the Notice Board of the concerned Tehsil, and the Municipal Board or Gram-Panchayat, as the case may be as well as on some conspicuous place at such institution or such place inviting the objections, if any, within a time to be specified in such notice.

(b) The Jagir Commissioner or the Collector as the case may be, may, whether any objections have been received or not, hold such

inquiry as he may deem necessary for the purpose and shall verify and ascertain the name or names of the person to whom annuity in perpetuity is payable under clause (7) of the Second Schedule to the Act.

(c) A copy of the order passed by the Jagir Commissioner or the Collector under clause (b) shall be sent by him to the Devasthan Commissioner.]

40. Conditions for paying interim compensation.—The following shall be conditions subject to which interim compensation under section 36 of the Act may be ordered to be paid to a Jagirdar whose jagir has been resumed:—

(1) If the amount paid as interim compensation exceeds the amount of compensation finally determined under the Act, such excess shall be refunded by the Jagirdar—

- (a) in a lump sum if it does not exceed one-fourth of the annual instalment of compensation finally determined.
- (b) in two equal annual instalments, in other cases.

¹[(2) The amount of such interim compensation shall be paid in cash in one instalment.]

(3) Out of each instalment so paid, the Jagirdar, shall pay such persons entitled to receive a maintenance allowance out of the Jagir income as may from time to time be specified such sums as may likewise be fixed on a temporary basis.

(4) The Jagirdar shall be required, before the payment of interim compensation under section 36 of the Act starts, to execute a bond,² [without sureties, or if the Jagir Commissioner or an officer authorised by him so directs, with one surety] promising to repay to the Government:—

- (i) the aggregate of all amounts received by him under that provision in case the amount finally determined as payable to him by way of compensation after making all deductions therefrom permissible by the Act is nil, or
- (ii) the difference between the said aggregate and the amount of compensation finally determined.

(5) The Jagirdar will also be entitled to have alike bond taken by the Jagir Commissioner from the persons referred to sub-rule (3) of this rule.

³[(6) Notwithstanding anything contained in sub-rule (3) the Jagir Commissioner may in the case of a widow or a minor or any other person who is entitled to receive a maintenance allowance out of the Jagir income, pay the whole or any part of such maintenance al-

¹ Substituted by No. 2 [4-5-1955].

² Substituted by No. 2 [4-5-1955].

³ Substituted by No. 9 [4-8-1956].

lowance on a provisional basis after taking into consideration the minimum requirements of the widow or minor or such other person even before the payment of interim or final compensation to the Jagirdar subject to the execution of a bond by the widow or the guardian of the minor or such other person as the case may be with or without sureties as the Jagir Commissioner in each case may order, promising to indemnify the whole or part of the maintenance allowance so paid and as is found not payable on the determination of final compensation. The maintenance so paid shall be adjusted towards the amount finally determined.]

¹ 41. **Maximum amount of compensation.**—(1) In the case referred to in clause be of sub-section (1) of section 36 of the Act.

The amount of interim compensation that may be ordered to be paid under that section shall not exceed one-tenth of the estimated amount of compensation.

(2) Nothing in sub-rule (1) shall be considered as debarring the authority concerned from refusing the amount of interim compensation, where it appears to such authority that after providing for deductions under section 34, no amount might be payable to the Jagirdar on account of compensation and rehabilitation grant.

² [x x x]

³ 42. The Jagir Commissioner may on receipt of a claim under section 31 of the Act and after such enquiry as he deems fit, order payment of interim compensation and rehabilitation grant under section 36 of the Act provided that he shall submit with his opinion for sanction of the Government every proposal for such payment exceeding Rs. 20,000/-.]

✓ ⁴ 42-A. **Inquiry into cases of succession on death of a Jagirdar.**—When a Jagirdar dies after the resumption of his Jagir and before the full payment of compensation is made to him, an inquiry shall be held under section 38 in the following manner in order to determine which person or persons shall be regarded heir or heirs to the deceased Jagirdar for the purpose of payment of compensation:—

(1) The Collector having jurisdiction over the place where the deceased Jagirdar usually resided shall issue a notice calling upon all persons claiming to be the heir or heirs of the deceased Jagirdar to appear and prove their claims before the Collector on a date and at a time and place to be specified in the notice.

(2) The notice shall be served on all persons appearing to be entitled to payment of the whole of any part of the unpaid compensa-

(13)

tion that was payable to the deceased Jagirdar and shall also be published in ¹[a local newspaper.]

(3) The Collector shall, after hearing such persons as may appear before him on the date and at the time fixed for the hearing or on such other date as the hearing may be adjourned to from time to time, determine the person or persons entitled to payment of the unpaid amount of the compensation that was payable to the deceased Jagirdar:

Provided in cases which the question of succession or heirship to the deceased Jagirdar according to his personal law is in dispute, the Collector shall, as required by the proviso to section 38, direct all the claimants to such succession or heirship to have their respective titles thereto adjudicated upon by a competent Civil Court, and in such case payment of the remaining compensation shall be in accordance with such adjudication.

² (4) Where the claim is of a value not exceeding Rs. 500/- the Collector, instead of following the procedure laid down in sub-rules (1), (2) and (3) of this rule, may, in his discretion determine the question of succession or heirship under section 38, in the following manner:—

By obtaining—

- (i) An affidavit of the claimant.
- (ii) Certificate from Tehsildar or Sarpanch.
- (iii) Regarding the right of the claimant, an indemnity bond, where the value of the claim is more than Rs. 50/-.
- (iv) By taking any other evidence as he thinks fit.]

³ 43. **Application for rehabilitation grant under section 38-B.**—Application for payment of rehabilitation grant shall be in Form No. 6, Part A and shall be accompanied by Form No. 6, Parts B and C, duly filled up and signed and verified by the Jagirdar, for the purpose of showing the grants of land by the Jagirdar, and leases given by him. The application for payment of additional rehabilitation grant under clause (3) of III Schedule to the Act shall be in Form No. 7.]

44. Additional rehabilitation grant where lands not irrigated.—Where the Jagir lands of a Jagirdar are unirrigated or partly irrigated and partly unirrigated, then in determining the area held by the Jagirdar which would entitle him to an additional rehabilitation grant in lieu of Khudkasht rents under clause 3 of the Third Schedule to the Act, one acre of irrigated land shall be deemed equal to three acres of unirrigated land.

¹ Substituted by No. 3 [1-10-1955].

² Deleted by No. 3 [1-10-1955].

³ Substituted by No. 12 [25-10-1956].

⁴ Inserted by No. 6 [25-2-1956].

¹ Substituted by No. 20 [15-6-1967].

² Inserted by No. 22 [30-3-1978].

³ Substituted by No. 1 [25-12-1954].

44-A. Refund or restoration of benefit under section 41(2).—(1) As soon as the order of conviction under sub-section (1) of section 41 of the Act becomes final, the Collector of the district in which the resumed jagir was situated shall ascertain the exact amount of the benefit which the person so convicted obtained under any provisions of the Act in consequence of the Statement in respect of which he was convicted, and shall thereafter issue a notice to such person directing him to refund the aforesaid amount within thirty days of the receipt of notice.

(2) If the refund is not made within the period specified in the notice, the Collector shall recover the same as an arrear of land revenue; and for so doing, he may make use of any of the processes for recovery of such arrears specified in section 228 of the Rajasthan Land Revenue Act, 1956, (Rajasthan act 15 of 1956).]

CHAPTER VIII

Miscellaneous

45. Enquires how to be conducted.—All Enquires under the Act shall, unless otherwise specifically provided therein or in these rules, be conducted:—

(a) in contested cases, in the manner provided by law for the trial of a suit in a revenue court.

(b) In other cases, in the manner provided by law for the trial of an application by a revenue court.]

45-A. Who may exercise powers of Collector.—A Deputy Collector (Jagir) or any other officer authorised by the Government in this behalf may within his jurisdiction exercise the powers of a Collector under the Act and these rules.

45-B. Assistant Commissioner, Khudkasht.—An officer appointed as Assistant Commissioner, Khudkasht by Government may exercise within his jurisdiction the powers of a Collector under the Act and these rules in so far as they relate to the matters of Khudkasht.]

46. Service of Notice.—All notices issued under the Act or these rules shall be served in the manner provided by law for the service of summonses on defendants in revenue suits, unless there is express provision to the contrary in the Act or these rules.

47. Existing rules superseded.—The Rajasthan Land Reforms and Jagirs Resumption Rules, 1952 are hereby superseded:

Provided that any action taken under the said rules, so far as consistent with these rules, shall be regarded as taken under these rules.

¹ Inserted by No. 18 [10-11-1960].

² Substituted by No. 5 [14-1-1956].

³ Added by No. 7 [14-7-1956].

FORM 1

[See rule 3 (1)]

Notice to Jagirdar for furnishing statement of rental income for Jagir lands which are not settled.

Under section 7 (1) of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (as amended).

From:—

The Collector

District

To:—

Shri

Jagirdar of Jagir.

Tehsil

District

(1) Whereas all jagir lands are liable for payment of land revenue under section 4 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (as amended) and whereas the under-mentioned village or lands in your jagir have not been assessed to rent in cash, it is necessary to determine income from the rent of all the said villages or lands.

You are hereby required under section 7 of the said Act to submit within 60 days of the receipt of this notice a statement in Form 2 attached herewith of the income from the rents in respect of all the above mentioned villages or lands.

(2) It may be noted that if the statement is not duly submitted as stated in para 1 above, proceedings shall be taken under sub-section (3) of section 7 of the said Act to determine the rent without waiting further for the statement.

(3) It may also be noted that the statement furnished by you in compliance of this notice is likely to be used against you and your legal representatives under sub-section (4) of section 7 of the said Act for the purpose of determining compensation which may be payable for the jagir lands described in the statement which are resumed at any time on their resumption.

Moreover, if it appears that you have concealed any rental income or deliberately furnished inaccurate particulars thereof in the statement it would be liable to be scrutinised and rental income shall be determined in accordance with sub-section (3) of section 7 of the said Act.

(4) Details of the villages or lands which are not settled are given below:—

Dated the

Seal of the Court.

Signature of the Collector.

FORM 2

[See rule 3 (2)]

(Section 7 of the Rajasthan Land Reforms and
Resumption of Jagir Act)

PART A

Collective Statement of Income

Name of Jagir Tehsil District

Name of Jagirdar

Date

1. Names of whole villages Tehsilwise in the Jagir with details of
cultivated area under each in acres.

(Where the number is large, a separate list may be attached)

S. No.	Name of vil- lage	Tehsil	Cultivated in acres	Culturable unoccupied area in acres
			Irrigated/ Unirrigated	
1.				
2.				
3.				

2. Names of villages (Tehsilwise which are partly in the Jagir with
details of cultivated area under each.

(Where the number is large, a separate list may be attached).

S. No.	Name of vil- lage	Tehsil	Cultivated in acres	Culturable unoccupied area in acres
			Irrigated/ Unirrigated	
1.				
2.				
3.				

Irrigated/Un-irrigated Total.

3. Total cultivated area under No. 1

Total cultivated area under No. 2

Grand Total:—

4. Total culturable un-occupied area in acres.

1. In whole villages:—

2. In villages partly in Jagir:—

5. Total income from rents:—

Value of rents		
In cash Rs.	In kind Rs.	Total Rs.

(a) According to form 2 (B)

(b) According to form 2 (C)

Grand Total:—

Signature of Jagirdar :—

Jagir :—

PART B

Village-wise statement of Income

Name of Jagir Tehsil District

Name of Jagirdar

Date

1. Name of village Name of Tehsil

2. Total area in acres.

3. Classes of land unto which the village has been divided in Jagir
records, if any.

4. Income from rents.

Year	Fixed rent		Fluctuat- ing in- come from rents e.g. tanks or river beds	From graz- ing fees	From quar- ries	Total
	Fixed in cash	From share in kind				

- (a) 1949-50
(b) 1950-51
(c) 1951-52

Total

Signature of the Jagirdar.....

Jagir

PART C

Name of Jagir Tehsil

Name of Jagirdar District

Date

Category	Area in acres	Local rate of rent in cash, if fixed	Prevalent share in crop, if villages not settled or cash rented	Actual or approximate rent in cash		
				1949-50	1950-51	1951-52
1	2	3	4	5	6	7

- (a) Irrigated by wells.
(b) Irrigated from tanks.
(c) Irrigated from canal.
(d) Tank beds.
(e) Dahari.
(f) Sallabi.
(g) Barani (or un-irrigated yielding one crop).
(h) Lands under grass.
(i) Un-culturable waste land yielding grazing fee.
(j) Income from trees etc.

Total Income

Signature of the Jagirdar.....

Jagir

FORM 3

[See rule 10]

(Under Section 14 (1) of the Rajasthan Land Reforms and Resumption of Jagir Act)

Form of Application by Jagirdars for Khudkasht Land under Section 14 (1)

1. Name of Jagir..... Tehsil..... District.....
2. Actual or approximate total income of the Jagir.
3. Number of village in the jagir with names (where the number is large, a list may be attached).
4. Name of Jagirdar or Sub-Jagirdar with details regarding percentage, caste and address.
- (5) Number of dependent members in the family of Jagirdar.
- (6) Existing area under Khudkash (with name of village or villages where situated).

- (7) (a) Irrigated by wells (Chahi) with No. of wells.
(b) Irrigated from tanks (Talabi).
(c) Irrigated from canals with description.
(d) Tank Beds.
(e) Dahari.
(f) Sallabi.
(g) Barani or un-irrigated lands yielding one crop.
(h) Lands under grass.
(i) Unculturable waste land (Banjar, Ghair Mumkin).

N.B.—(1) Khasra numbers and fixed rents of each item should be mentioned in column 6 where the area is settled. In un-settled villages the names of fields, tanks and other locally known names should be mentioned for identification.

(2) In existing Khudkasht area only such land should be entered as has been entered as khudkasht of the Jagirdar in Settlement Records or as is personally cultivated by him according to section 2 (k) of the Act.

8. Name of village or villages (wherein Khudkasht land is wanted).
9. Details of grounds for special consideration, if any.

10. Details of categories from which Khudkasht is claimed under section 19:—

- (i) Land surrendered by tenants.
- (ii) Land abandoned by tenants.
- (iii) Land cultivated personally upto year 1948 and then given on lease.

- (iv) Culturable unoccupied land.
 (v) Unoccupied land in neighbouring villages.
 (vi) Land commanded by river valley project with details.
 (vii) Any other culturable unoccupied land outside the jagir.
 N.B.—The name of village, area, Khasra numbers or other description to identify the land claimed should be given against each category.
11. Signature of the applicant.
 12. I, certify that the details given above in para..... are correct to my knowledge and those given in paras..... are correct on the basis of information received and believed by me to be true.
 13. Signature of the applicant.
 14. Date of application.
 15. Recommendation/order.

Received application from Shri regarding Khudkasht land to-day the 1954 and has been registered at No. in the register prescribed for.

Signature of Tehsildar/Naib-Tehsildar.

FORM 4

[See rule 16 (1)]

Form of Application by Jagirdars for Exchanging Khudkasht Land for land commanded by Irrigation Project.

(Under section 19 (1) of the Rajasthan Land Reforms and Resumption of Jagirs Act.)

1. Name of applicant with parentage caste and address.
2. Name of jagir resumed Tehsil District
3. Number of dependent members in the family of the jagirdar.
4. Details of land proposed to be Area Income surrendered in change.
- (5) (a) Irrigated by wells (Chahl) with No. of wells.
 (b) Irrigated from tanks (Talabi).
 (c) Irrigated from canals with description.
 (d) Tank Beds.
 (e) Daharl.
 (f) Sallabi.

- (g) Barani or un-irrigated lands yielding one crop.
 (h) Lands under grass.

(i) Unculturable waste land (Banjar, Ghair Mumkin).
 N.B.—Khasra Numbers and fixed rents of each item should be mentioned in column No. 4 where the area is settled. In unsettled villages the names of fields, tanks and other locally known names should be mentioned for identification.

5A. Details of area to be given in exchange:—

- (a) Name of the Project.
 (b) Name of village/villages Tehsil District
 (c) Area Irrigated.
 (d) Area unirrigated.

6. Reasons for exchange.

I certify that the details given above are correct to the best of my knowledge and belief.

Date of application

Signature of the applicant
 Jagirdar

Jagir

Recommendations:—

FORM No. 5

(See rule 17)

[Section 31 (1) and (2) of the Rajasthan Land Reforms and Resumption of Jagir Act].

Part A — Statement of Claims for Compensation — Gross Income.

Name of Jagirdar Tehsil District
 date of Resumption Date of filing the statement

Number of whole village in Jagir as per Statement 5-A (1)	Total area of whole villages in Jagir as per Statement 5-A (1)	Number of villages or lands partly in Jagir as per Statement 5-A (2)	Total area of villages or lands partly in Jagir as per Statement 5-A (2)	Basic year (Schedule 2 clauses)
1	2	3	4	5

Details of Gross Income

From Land Revenue and Rents			From Forests as per statement 5-A (3)	From Grazing fees as per Statement 5-A (4)	From Quarries as per Statement 5-A (3)
From whole village as per Statement 5-A (1)	From villages or lands partly in Jagir as per Statement 5-A (2)	Total of column 6 & 7			
6	7	8	9	10	11

Details of Gross Income

From non-agricultural uses of land as per Statement 5-A (5)	From sale of culturable or Abadi land as per Statement 5-A (6)	From Salt Compensation as per Statement 5-A (7)	From Excise Compensation as per Statement 5-A (3)	From Tribute from grantees as per Statement 5-A (7)
12	13	14	15	16

17

Form No 5 (Continued)

Details of Gross Income	Instructions regarding the preparation of the statement and remarks
Total Gross Income total of Columns 8 to 16	
17	18
	<p>1. Basic year means the agricultural year immediately preceding the agricultural year in which the date of resumption falls.</p> <p>2. In Columns 6, 7, 9, 10, 11, 12, 13, 14, 15 and 16 total demands of the respective statements should be entered.</p> <p>3. The claim should be a consolidated claim for the whole jagir even if the jagir extends into one or more districts, it should be submitted in duplicate.</p> <p>4. The statement should be verified by the Jagirdar as follows.—</p> <p>(a) certified that the entire in this statement are correct to the best of my knowledge and belief.</p> <p>(b) that no other claim has been made or remains to be made on account of the resumption of my Jagir.</p>

Signature of the Jagirdar.

Jagir

Date.....

Form No 5 (Continued)

Part A (1)—Villagewise statement of income from Land Revenue and Rents of whole villages in Jagir

Name of Jagirdar..... Name of Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

Serial No.	Name of whole village in Jagir	Name of Tehsil	Area	Basic year
1	2	3	4	5

Income from land revenue and rents for the Basic year	Instructions regarding the preparation of the Statement and remarks
6	7

1. If the villages of the jagir extend into more than one tehsil, this form shall be filled separately for Jagir land situated in each tehsil, but the total income from each village shall be entered against one serial number.

2. If the number of villages of the jagir is large, additional forms should be attached.

3. If the villages of the jagir extend into more than one tehsil, an extra form should be used in which the totals of each tehsil should be shown and consolidated for the whole of the jagir. The grand total thus arrived at should be carried forward to columns 1,2,3,4,6 and 7 of Form No. 5.

4. Basic year means the agricultural year immediately preceding the agricultural year in which the date of resumption falls.

5. The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Name of the Jagir

Date.....

(18)

Form No 5 (Continued)

Part A (2)—Villagewise statement of income from Land Revenue and Rents of villages partly in Jagir

Jagirdar's name..... Name of Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

Serial No.	Name of villages partly in Jagir	Name of Tehsil	Area	Basic year
1	2	3	4	5

Income from land revenue and rents for the Basic year	Instructions regarding the preparation of the Statement and remarks
6	7

1. If the villages of the jagir extend into more than one tehsil, this form shall be filled separately for Jagir land situated in each tehsil, but the total income from each village shall be entered against one serial number.

2. If the number of villages of the jagir is large, additional forms should be attached.

3. If the villages of the jagir extend into more than one tehsil, an extra form should be used in which the totals of each tehsil should be shown and consolidated for the whole of the jagir. The grand total thus arrived at should be carried forward to columns 1,2,3,4,6 and 7 of Form No. 5.

4. Basic year means the agricultural year immediately preceding the agricultural year in which the date of resumption falls.

5. The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Name of the Jagir

Date.....

Form No 5 (Continued)

Part A (3)—Statement of income from Forests, Quarries and Excise Compensation

Name of Jagirdar..... Name of Jagir.....
 Tehsil..... District.....
 Date of Resumption..... Date of filing the statement.....

Basic Year	3 years preceding the basic year	Income from Forests Rs. As. Ps.	Income from Quarries Rs. As. Ps.	Excise Compensation Rs. As. Ps.
	1st Year			
	2nd Year			
	3rd Year			
	Total			
	Average for 3 Years			

Instructions regarding the preparation of the Statement and remarks

Basic year means the agricultural year immediately preceding the agricultural year in which the date of resumption falls. This year should be entered in column 1 and the three years preceding it should be shown in descending order in column 2 and income shown against each year in columns 3, 4 and 5.

2. The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....
 Date..... Name of the Jagir

Part A (4)—Statement of income from Forests, Quarries and Excise Compensation

Name of Jagirdar..... Name of Jagir.....
 Tehsil..... District.....
 Date of Resumption..... Date of filing the statement.....

Basic Year	3 years preceding the basic year	The scale of grazing fees prescribed by Government	Income from grazing fees according to column 3	The scale of grazing fees realised by the Jagirdar
1	2	3	4	5
	1st Year		Rs. As. Ps.	
	2nd Year			
	3rd Year			
	Total			
	Average for 3 Years			

Income from grazing fees according to column 5	Instructions regarding the preparation of the Statement and remarks
6	7
Rs. As. Ps.	1. Basic year means the agricultural year immediately preceding the agricultural year in which the date of resumption falls. This year should be entered in column 1 and the three years preceding it should be shown in descending order in column 2 and income shown against each year in columns 4 and 6. 3. The statement should be verified by the Jagirdar as follows.— Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....
 Date..... Name of Jagir

Form No 5 (Continued)

Part A (5)—Statement of income from other non-Agricultural uses of Land

Name of Jagirdar..... Name of Jagir.....
 Tehsil..... District.....
 Date of Resumption..... Date of filing the statement.....

Basic Year	3 years preceding the basic year	INCOME FROM NON-AGRICULTURAL USES OF LAND					
		Market fees	Sale of fishing rights				Total
		Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.
1	2	3	4	5	6	7	8
	1st Year						
	2nd Year						
	3rd Year						
	Total						
	Average for 3 Years						

Instructions regarding the preparation of the Statement and remarks

Basic year means the agricultural year immediately preceding the Agricultural year in which the date of resumption falls. This year should be entered in column 1 and the three years preceding it should be shown in descending order in column 2 and income shown against each year in columns 3-8.

2. Income from non-Agricultural uses of land does not include rents from houses on village sites.

3. The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....
 Date..... Name of the Jagir

Form No 5 (Continued)

Part A (6)—Statement of income from culturable or Abadi Land

Name of the Jagirdar..... Name of the Jagir.....
 Tehsil..... District.....
 Date of Resumption..... Date of filing the statement.....

Basic year	20 years preceding the basic year	Income from sale of culturable land			Income from sale of Abadi land			Total
		3			4			5
1	2	Rs.	As.	Ps.	Rs.	As.	Ps.	Rs.
	1st year							
	2nd year							
	3rd year							
	4th year							
	5th year							
	6th year							
	7th year							
	8th year							
	9th year							
	10th year							
	11th year							
	12th year							
	13th year							
	14th year							
	15th year							
	16th year							
	17th year							
	18th year							
	19th year							
	20th year							
	Total of 20 years							
	Average of 20 years							

Instructions regarding the preparation of the Statement and remarks

6

Basic year means the agricultural year immediately preceding the Agricultural year in which the date of resumption falls. This year

should be entered in column 1 and the 20 years preceding it should be shown in descending order in column 2, and income shown against each year in columns 3, 4 and 5.

2. Total of columns 3, 4 and 5 should be given at the bottom.

3. The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date..... Name of the Jagir

Part A (7)—Statement of income from Salt Compensation and Payments received by the Jagirdar from the Grantees

Name of the Jagirdar..... Name of Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

Basic year	Income received in the basic year from the Central Government for taking over the manufacture of salt in the Jagir lands	Income from the payments received from grantees in the basic year		
		Name of the grantee	Name of village or part village in Jagir	Amount received
				Rs. As. Ps.
1	2	3	4	5

Instructions regarding the preparation of the Statement and remarks

6

1. Basic year means the agricultural year immediately preceding the Agricultural year in which the date of resumption falls.

2. The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date..... Name of the Jagir

Form No 5 (Continued)

Part B—Statement of Claim for Compensation—Net Income

Name of the Jagirdar..... Name of Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

DEDUCTIONS			
Total amount of gross income as per Statement 5-A.	Amount of tribute payable by the Jagirdar to Government or in the case of a grantee of a Jagirdar to such Jagirdar	Any sums of recurring nature e.g. agricultural income-tax or other sums payable annually or periodically to Government by the Jagirdar, and in the case of a grantee of a Jagirdar to such Jagirdar.	Administration charges @25% of the gross income.
Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.
1	2	3	4

Total amount of deduction. Total of Columns 2 to 4.	Net Income. Difference of Columns 1 and 5.	50% of gross income.	Amount of compensation claimed.	Whether payment of compensation money is wanted yearly or half-yearly.
Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.	Rs. As. Ps.	
5	6	7	8	9

Whether payment is desired in Bonds or cash or both.	Instructions regarding the preparation of the Statement and remarks
10	11
	Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date.....

Name of the Jagir

FORM No 5 (Continued)

Part C—Statement of Government dues and debts recoverable from the Jagirdar

Name of the Jagirdar..... Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

Arrears of Land Revenue.	Arrears of ceases	Arrears of tribute	Arrears of Matmi or Hukama-nama	Arrears of loans advanced by Government
Rs.	Rs.	Rs.	Rs.	Rs.
1	2	3	4	5

Arrears of loans advanced by the Court of Wards and other dues	Arrears of loans advanced by Devasthan or other local	Dues, if any under sec. 22(d) of the Act.	Miscellaneous dues	Total dues
Rs.	Rs.	Rs.	Rs.	Rs.
6	7	8	9	10

Instructions regarding the preparation of the Statement and remarks

11

The statement should be verified by the Jagirdar as follows.—

Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of Jagirdar.....

Date.....

Name of Jagir

FORM No 5 (Continued)

Part D—Statement of persons entitled to receive maintenance allowance out of the income of Jagir.

Name of the Jagirdar..... Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

Serial No.	Name, parentage, age and address of persons entitled to maintenance allowance	Relationship with Jagirdar.	Nature of the maintenance Allowance	Annual amount paid at present.	If paid in instalments, the dates and amounts of instalments
1	2	3	4	5	6

Period for which the maintenance allowance has been fixed		Income of the Jagirdar at the time the maintenance allowance was granted	Net income of the Jagirdar as per Form 5(B)	Conditions if any, attached to the maintenance allowance	Request if any, attached to the maintenance allowance.
From	To				
7	8	9	10	11	12

Deduction, if any from the main- tenance holder				Net Amount payable to the main- tenance holder	Instructions regarding the preparation of the Statement and remarks
Amount fixed by Jagir Com- missioner (Sec. 27)			Total		
13	14	15	16	17	18
					The state- ment should be verified by the Jagirdar as fol- lows.— Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of Jagirdar.....

Date..... Name of Jagir

FORM No 5 (Continued)

Part E—Statement of Co-sharers in the Jagir Lands

Name of the Jagirdar..... Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

Serial Num- ber	Name of the Co- sharer with parentage and ad- dress	Relation- ship with the Jagirdar, if any	Propor- tion of share in the Jagir	Amount of gross income of the jagir as per column of state- ment 5-B	Amount of net in- come of the jagir as per column of state- ment 5-B
1	2	3	4	5	6

Total com- pensation claimed by jagirdar as per column 8 of Form 5-B	Amount of com- pensation payable to the Co- sharer	Further Deductions if any, from the Co-sharer			
					Total
7	8	9	10	11	12

Net amount pay-
able to the Co-
sharer
(Difference of
columns 8 & 12)Instructions regarding the preparation
of the Statement and remarks

13

14

1. In columns No. 9 to 11, full details of the
amount of deductions of each kind should be
given.2. It should be verified by the Jagirdar as
follows.—Certified that the entries in this statement
are correct to the best of my knowledge and
belief.

Signature of Jagirdar.....

Date.....

Name of Jagir

¹FORM 5-A

(Vide Rule 37)

Application form for Compensation and Rehabilitation Grant
for Jagir under the Rajasthan Land Reforms and
Resumption of Jagirs Act, 1952

1. Name of Jagirdar S/o W/o Age
2. Name of Jagir Tehsil District
3. Date of declaration of resumption of the Jagir. Date of making charge
4. Names of villages of the Jagir:— Tehsil District
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
5. (1) Total area of Jagir including Khudkasht lands. (in Bighas).
- (2) Area of Jagir under Khudkasht:—
 - (a) Chahi on rent
 - (b) Area unirrigated
6. Details of the Income of Jagir as based on the Basic year.
 - (1) Rent from Khudkasht Lands. Rs. nP.
 - (2) Rent from other tenants.
 - (3) (a) Tribute (Tanka) (received) from sub-Jagirdars (Havaldars).
 - (b) Income from Zamindars (where Zamindari System prevails, a list containing names of the Zamindars and the amount received must also be attached).
 - (4) Income from Salt Compensation for the Basic year, if any
 - (5) Average Income during 3 years preceding the basic year

1st year	2nd year	3rd year	Average 3 years
Rs. nP.	Rs. nP.	Rs. nP.	Rs. nP.

- (a) Income from Forests
- (b) Income from Mines
- (c) Income from Excise
- (d) Grazing fees
- (e) Income from uncultivated lands or non-agricultural uses of land e.g. water, or Poola etc.

6. Average income from the sale of lands for 20 years as detailed in the statement attached Rs. nP.
- Total of all income
(in figures) Rs.

7. Name of the party to whom Tribute (Tanks) was paid by this Jagir

Name	Jagir
Tehsil	District
State	

8. Amount of the Tribute paid by the Jagir during 1951-52.
9. Names of the persons receiving maintenance from the Jagir:—

Name	S/o	W/o	Resident of	Amount paid annually
------	-----	-----	-------------	-------------------------

- (1)
- (2)
- (3)
- (4)
- (5)

10. Details of the Co-shares in the Jagir:—

Name	S/o	W/o	Resident	Extent of share
------	-----	-----	----------	--------------------

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)

11. Details of the recoveries made by the Jagirdar between the date of declaration and the date of handing over charge of the Jagir

12. Remarks.

- (1) Government loans and amount of arrears which the Jagirdar has to pay to government with details.

Signature

Date

Address at which correspondence is to be directed.

Statement showing the Income obtained from the sale of culturable or Abadi Lands

Name of the Jagirdar..... Jagir.....

Tehshil..... District.....

Date of Resumption..... Date of filing the statement.....

Basic year	Name of the 20 years preceding the basic year	Income from the sale of culturable lands (in rupees)	Income from the sale of Abadi lands (in rupees)	Total (in rupees)
1	2	3	4	5
	1st year's total			
	2nd year's total			
	3rd year's total			
	4th year's total			
	5th year's total			
	6th year's total			
	7th year's total			
	8th year's total			
	9th year's total			
	10th year's total			
	11th year's total			
	12th year's total			
	13th year's total			
	14th year's total			
	15th year's total			
	16th year's total			
	17th year's total			
	18th year's total			
	19th year's total			
	20th year's total			

Instructions and details for the preparation of Statement

6

1. Basic year means the agricultural year just preceding the year in which the date of resumption falls. The names of the year should be entered in column 1 and the 20 years just preceding it be entered in column No. 2 and the income of the each year be entered in columns 3, 4 and 5 respectively.

2. The Total of columns 3, 4 and 5 should be given hereunder.

3. The Jagirdar should certify the statement in the following manner.—

Certified that the entries of the statement are true to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date.....

..... Jagir

FORM No. 6

(See rule 64)

Name of the Jagirdar..... Jagir.....

Tehshil..... District.....

Date of Resumption..... Date of application.....

Gross Income of the Jagir as per Column of Form 5-A	Net Income of the Jagir as per Column 6 of Form 5-B	Amount of Compensation claimed by the Jagirdar as per column 8 of Form 5-B	Scale of Rehabilitation grant claimed (Clause 2 of Schedule 3).	Amount of Rehabilitation grant claimed according to Column 4	Amount of marginal adjustment claimed, if any (Clause 2(1) of Schedule 3).
1	2	3	4	5	6

FORM No. 6 (Contd.)

Total amount of Rehabilitation grant claimed for the whole jagir (Total of Columns 5 & 6)	Rehabilitation grant payable to Co-sharers		Payments out of Rehabilitation grant due to maintenance holders		Balance of rehabilitation grant payable to the Jagirdar (difference of column 7 and the total of columns 9 and 11)
	Name and address with share	Amount with totals	Name and address	Amount with totals	
7	8	9	10	11	12

Deductions, if any, under sec. 38-C	Net amount claimed. Difference of columns 12 and 13	Instructions regarding the preparation of the Statement and remarks
13	14	15
		The statement should be verified by the Jagirdar as follows:— Certified that the entries in the statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date.....

Jagir

FORM No. 6 (Contd.)

(See Rule 43)

Part (B) — Details of grants of land by the Jagirdar during the past 5 years

Name of the Jagirdar..... Jagir.....
 Tehsil..... District.....
 Date of Resumption..... Date of filing the statement.....

S.No.	Date of the grant	Name of villages or particulars of land granted	Tehsil
1	2	3	4

Area	Rental income from land granted	Name and address of the grantee	Relationship with the Jagirdar, if any
5	6	7	8

Total area of Jagir	Total gross income of the Jagir	Instructions regarding the preparation of the Statement and remarks
9	10	11
		The statement should be verified by the Jagirdar as follows:— Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date.....

Jagir

FORM No. 6 (Contd.)

(See Rule 43)

**Part (C) — Details of Leases of Unoccupied or Abadi Lands
by the Jagirdar during the three years
preceding the year 1957**

Name of the Jagirdar..... Jagir.....

Tehsil..... District.....

Date of Resumption..... Date of filing the statement.....

S.No.	Date of Lease	Name of villages in which land leased is situated	Tehsil
1	2	3	4

Area	Period Lease	Amount for which lease granted	Name and address of persons to whom leased
5	6	7	8

Total gross annual income of the Jagir	Instructions regarding the preparation of the Statement and remarks
10	11
	1. The statement should be verified by the Jagirdar as follows:— Certified that the entries in this statement are correct to the best of my knowledge and belief.

Signature of the Jagirdar.....

Date..... Jagir

FORM No. 7

(See Rule 64)

**Form of application for additional Rehabilitation Grant
(in lieu of Khudkasht Rents)**

(Vide clause 3 of Third Schedule of the Rajasthan Land
Reforms and Resumption of Jagirs Act, 1952)

- | 1. Name of applicant | Name of Jagir | Tehsil | Distt. | Date of resumption |
|--|---------------|--------|--------|--------------------|
| | | | | |
| | 1 | 2 | 3 | 4 |
| 2. Name of Jagir villages resumed or area of land; if no whole village or villages were held in Jagir. | | | | 5 |
| 3. Total rental income of Jagir villages or lands (Column 8 of Form 5-A). | | | | |
| 4. Area held in Khudkasht with Khasra numbers or names of fields, if not settled. | | | | |

Rents

(a) Irrigated.....

(b) Un-irrigated.....

N.B.—Where the land is not settled rents should be given in cash so fixed or cash equivalent of rents in kind at the rate of one-sixth of gross produce or prevailing market rates.

Rs. As. Ps.

5. Annual Rehabilitation grant claimed at 12 1/2% of the rents as given in column 4.

I solemnly affirm that the above mentioned statement is correct.

Date

Signature of applicant

¹[FORM No. 8

(See Rule 37-A)

Written statement of Jagirdar in connection with the verification of income from Jagir forests

1. Name of the Jagirdar.....
2. Jagir..... Tehsil..... District.....
3. Date of Resumption.....
4. The class of forests (e.g. high forests, Coppice, Coppice with Standards, scrub, etc.)
5. The periodical fellings made therein during the 6 years immediately preceding the date of resumption.
6. The income received year after year during the 6 years immediately preceding the date of resumption.

Rs. As. Ps.

Year.....i.e. 1st year preceding the year of resumption

Year.....i.e. 2nd year preceding the year of resumption

Year.....i.e. 3rd year preceding the year of resumption

Year.....i.e. 4th year preceding the year of resumption

Year.....i.e. 5th year preceding the year of resumption

Year.....i.e. 6th year preceding the year of resumption

7. The principal species of trees in the forest and their approximate age and class.

8. The condition of the forest on the date of resumption.

9. Certified that the entries in the above statement are correct to the best of my knowledge and belief.

Jagir]

Date.....

Signature of the Jagirdar.....

FORM No. 9

[See Rule 37-C (1)]

Notice for payment of dues and debts outstanding against Jagirdar

No..... Dated.....
 From..... To.....
 Jagirdar of

An amount of Rs. Inclusive of interest up to is due from you to the Government of Rajasthan, as per details given in the enclosed statement. Since the Jagir of which you are a Jagirdar has been resumed or is going to be resumed, and the said outstanding is recoverable from you under sections 34 and 38C of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 from the amount of compensation and rehabilitation grant payable to you, you are hereby informed under Rule 37C (1) of the Rajasthan Land Reforms and Resumption of Jagirs Rules, 1954, that you should pay up the said amount within a period of one month from the receipt of this notice. In case the amount of the outstanding is not admissible to you, you should please file your objections in my office either in person or through your authorised representative along with necessary proof in support thereof within the said period. In case no objections are received from you within the said period, it shall be presumed that the said outstanding is acceptable to you and the Jagir Commissioner will be moved to deduct from the amount of compensation and rehabilitation grant payable to you, the amount of this outstanding less any amount that may have been received in the meantime from you in part payment thereof, and any objection raised by you after the said period will not be considered valid. It is also stated for you information that in case the amount payable to you on account of compensation and rehabilitation grant, falls short of the amount of this outstanding you will still be liable to pay the remainder and that until the whole outstanding is fully and finally settled the interest due hereon shall continue to accrue.

Signature.....

Enclosed.—Statement as above

Designation.....]

¹[FORM No. 10]

[See Rule 37 C (3)]

**Certificate for recovery of dues and debts
outstanding against Jagirdar**

No. Dated 1954

This is to certify that Shri S/o. Shri
caste resident of who is the Jagirdar
of Jagir Tehsil District
owed to the Government of Rajasthan (..... Department) on
a sum of Rs. inclusive of interest
(on account of). For the discharge of this out-
standing the said Shri was served with a Notice dated
..... under Rule 37C (1), the Rajasthan Land Reforms and
Resumption of Jagirs Rules, 1954 but either on account of no objec-
tions having been filed by the said debtor during the period of the
notice, or on account of the objections having been decided by the
Government or on account of part payment by the debtor, a sum of Rs.
..... (in words the details of which are given in
the accompanying list, now remains outstanding in favour of this
department on Since the Jagir of which Shri
..... is a Jagirdar/has been resumed or is going to be resumed,
and the said outstanding can be recovered out of the amount of
compensation and rehabilitation grant payable to the said debtor
under section 34 and 38C of the Rajasthan Land Reforms and
Resumption of Jagirs Act, 1952, therefore, it is further certified that
the said amount of Rs. together with the amount of interest
which will accrue thereon as detailed in the accompanying list should
be recovered from the said debtor Jagirdar Shri S/o
..... of Jagir from the amount of compensation and
rehabilitation grant payable to him. Until the whole of the outstanding
has been fully and finally settled, the interest due thereon will con-
tinue to accrue, and in the case the amount payable to the said debtor
on account of or out of the compensation and rehabilitation grant falls
short of the outstanding, the said debtor shall continue to be liable for
the payment of the remainder.

Issued under my hand and seal dated

Signature

Enclosed.—Statement as above

Designation

¹ Inserted by Amending Notification serial No. 1 [25-12-1954].

(29)

¹[FORM No. 11]

[See Rule 37D.]

**Application for grant of Maintenance Allowance
from Jagir Income**

Dated

To

The Collector,

District

1. Name of the Jagir from which maintenance is claimed.
Jagir Tehsil and District
2. Name of the Jagirdar
3. Name of the applicant son or wife of
..... age caste residence
address
4. Nature of relationship with the Jagirdar
5. What amount maintenance (cash and kind both) is drawn at
present and whether it is paid monthly, six monthly or yearly?
6. If no maintenance is received at present, state the amount of
maintenance allowance claimed.
7. Whether in addition to the maintenance received at present in
cash and kind, some lands are held, if so give details as under—

Name of the village	Tehsil	Area		Annual Income		Total
		Ir- rigated	Unir- rigated	Khud- kasht	Rent	
1	2	3	4	5	6	7

8. I, the undersigned, Shri verify that the entries made
above are correct to best of my knowledge and belief.

Dated

Signature of the claimant
of Jagir.]¹ Inserted by Amending Notification serial No. 1 [25-12-1954].

¹[FORM No. 12]

[See Rule 37 E.]

Application of Co-sharer for share of income

To

The Collector,

District

1. Name of the applicant son of age caste rsid of
2. Name of the Jagir in which share is claimed.
Jagir Tehsil
3. Name of the Jagirdar
4. Relationship with the Jagirdar, if any
5. The amount of share in the Jagir
6. Are there any other co-sharers in addition to applicant? (if so, state name, address and share of each).
7. Number of whole villages in Jagir Number Area Income Rs.
8. Names of villages partly in Jagir.—
Name Tehsil Area Income
9. Reference to No. and date of the order under which share is claimed (a copy may be enclosed).
10. Is the claim for compensation and rehabilitation grant submitted by the Jagirdar is acceptable to the co-sharer? (If not, give reasons).
11. Has any separate claim for compensation and rehabilitation grant been put up by the applicant? (If so, please give details as to when and to whom submitted).
12. Whether in the claim put up by the co-sharer, the claims of the Jagirdar or other co-sharers, if any, have been included?
13. Is the amount payable to the co-sharer desired to be deducted and paid out of the compensation and rehabilitation grant payable to the Jagirdar?
14. I, the undersigned, Shri verify that the entries made above are correct to the best of my knowledge and belief.

Date.....

Signature of the Co-sharer of Jagir.]

¹ Inserted by Amending Notification serial No. 1 [25-12-1954].¹[FORM No. 12-A]

[See Rule 39 (2)]

Office of the Jagir Commissioner, Rajasthan/Deputy Collector (Jagir) Certificate for the payment of annuity in perpetuity under clause (7) of the Second Schedules to the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952.

Name of the Jagir Tehsil District
Name of the Institution

Claim No.

This is to certify that (Name of the Institution) being a (Nature of the Institution whether Religious, Educational or Charitable Institution) has been held under section 26 and clause (7) of the Second Schedule to the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 to be entitled to an annuity in perpetuity of Rs. in words Rs. on account of the resumption of the above noted Jagir with effect from 19 The annuity will be paid to the said institution by the Devasthan Commissioner/Director of Education, Rajasthan, debitable to his Budget grant commencing one year from the date of resumption of the Jagir.

It is further certified that a total amount of Rs. has already been paid on this account by way of interim compensation and is to be deducted from the annuity payable as above.

Issued this day of the month of of the year under my hand and seal of the court.

Jagir Commissioner,
Rajasthan/Deputy Collector,

FORM No. 12-B

[See Rule 39 (2)]

(Order for Payment of Annuity)

From

The Director of Education,
Rajasthan, Bikaner

Or

The Devasthan Commissioner,
Rajasthan, Udaipur.

¹ Forms 12-A, 12-B and 12-C have been added by Amending Notification serial No. 19 [10-5-1952].

To

The Collector.

Or

The Tehsildar.

Sub: Payment of annuity to institutions in lieu of Jagir.

Ref: (Name of court) certificate No
dated

In pursuance of the certificate cited as reference above, sanction is hereby accorded to the disbursement of an annuity of Rs. to (Name of Institution) in two equal half yearly instalments commencing from 19 till further orders.

"Sum of Rs. has already been paid by the as interim compensation, which may be deducted from the amount of annuity payable to the Institution."

The payments shall be made ordinary in the months of January and July every year and a Statement showing the payments so made shall be sent to me by the end of February and August each year. Payments made otherwise than during these months may be intimated immediately.

The expenditure is debitable to head

FORM No. 12-C

[See Rule 39 (2)]

Bill of Annuity in perpetuity

Bill No.

Voucher No.

Month of Drawal

Head of Account

Received on behalf of

(Name of Trust etc.)

a sum of Rs. (Rupees.....) being the amount of annuity for the period from to as sanctioned by

the (Name of the authority) in his Order No.
dated

Date

Signature

Mutwalli/Trustee

Countersignature

Countersigned for Rs.

Signature

Collector/Tehsildar

For use in Treasury

Pay Rs.

Examined.

Treasury Accountant.

Treasury Officer.

For Treasurer

Paid Rs.

Treasurer.

For Bank

Paid Rs.

Manager, Bank.

For use in Accountant General's Office

Admitted Rs.

Objected to Rs.

Reasons for objection

(31)