

**THE RAJASTHAN COLONISATION (GANG CANAL
LANDS PERMANENT ALLOTMENT AND SALE)
RULES, 1956**

C O N T E N T S

Rules	Pages
1. Short title, commencement and extent of applicability.....	435
2. Interpretation.....	435
3. Persons eligible for allotment of land.....	436
3-A.....	440
4. Extent of allotment.....	440
5. Application for allotment of land.....	442
6. Allotment.....	442
6-A.....	443
7. Fixation and recovery of price.....	444
7-A. Difference in Prices.....	445
7-B.....	446
8. Reservation of land for Harijans.....	446
8-A.....	446
9. Special cases.....	447
9-A. Disposal of Government land by auction.....	447
9-B. Regularisation of certain cases of trespassers.....	447
10. Appeal and Revision.....	449
10-A.....	450
[11. xxx].....	450
NOTIFICATIONS UNDER (Rulewise).....	150-453

**THE RAJASTHAN COLONISATION (GANG CANAL
LANDS PERMANENT ALLOTMENT AND SALE)
RULES, 1956**

(Section 28)

*[Noti. No. F. 6 (34) Rev. III/56, dated 3-1-1957—Raj. Gaz., Pt. IV-C. Ordinary,
dated 21-2-1957]*

And as amended subsequently by the following notifications:—

1. Noti. dated 17.09.1957—Raj. Gaz., dated 03.10.1957
2. Noti. dated 12.11.1957—Raj. Gaz., dated 18.11.1957
3. Noti. dated 22.05.1958—Raj. Gaz., dated 04.09.1958
4. Noti. dated 05.11.1958—Raj. Gaz., dated 11.12.1958

5. Noti. dated 14.10.1959—Raj. Gaz., dated 03.12.1959
6. Noti. dated 17.05.1962—Raj. Gaz., dated 21.06.1962
7. Noti. dated 11.05.1962—Raj. Gaz., dated 21.08.1962
8. Noti. dated 26.11.1962—Raj. Gaz., dated 26.11.1962
9. Noti. dated 16.03.1963—Raj. Gaz., dated 23.05.1963
10. Noti. dated 05.06.1970—Raj. Gaz., dated 16.07.1970
11. Noti. dated 28.11.1970—Raj. Gaz., dated 07.12.1970
12. Noti. dated 19.02.1974—Raj. Gaz., dated 01.03.1974.
13. Noti. dated 29.11.1975—Raj. Gaz., dated 29.11.1975
- 13-A. Noti. dated 25.08.1976—Raj. Gaz., dated 26.08.1976
14. Noti. dated 27.08.1976—Raj. Gaz., dated 02.09.1976
- 14-A. Noti. dated 09.03.1977—Raj. Gaz., dated 24.03.1977
15. Noti. dated 24.01.1977—Raj. Gaz., dated 03.02.1977
16. Noti. dated 19.09.1978—Raj. Gaz., dated 20.09.1978
17. Noti. No. F. 4(12) Rev./Col/75, dated 28.01.1981—Raj. Gaz., Part IV-(C), dated 05.02.1981, p. 371
18. Noti. No. F. 18(3) Rev./Col/77, dated 07.02.1981—Raj. Gaz., Part IV-(C), dated 12.02.1981, p. 430
19. Noti. No. F. 19(7) Rev./Col/78, dated 04.06.1981—Raj. Gaz., Exty., Part IV-(C), dated 06.06.1981, p. 55
20. Noti. No. F. 19(7) Rev./Col/78, dated 04.06.1981—Raj. Gaz., Exty., Part IV-(C), dated 15.06.1981, p. 67
21. Noti. No. F. 4 (16) Rev./Col/79, dated 25.06.1981—Raj. Gaz., Exty., Part IV-(C), dated 02.07.1981, p. 84
22. Noti. No. F. 4(2) Rev./Col/81, dated 08.11.1982—Raj. Gaz., Part IV-(C), dated 18.11.1982, p. 512
23. Noti. No. F. 4(25) Rev./Col/77, dated 10.11.1982—Raj. Gaz., Part IV-(C), dated 25.11.1982, p. 526
24. Noti. No. F. 4(10) Rev./Col/75, dated 27.12.1982—Raj. Gaz., Exty., Part IV-(C), dated 11.01.1983, p. 333
25. Noti. No. F. 4(13) Rev./Col/83/IV, dated 25.11.1983—Raj. Gaz., Exty., Part IV-(C), dated 26.11.1983, p. 241
26. Noti. No. F. (24) Rev./Col/82, dated 24.01.1984—Raj. Gaz., Exty., Part IV-(C), dated 01.02.1984, p. 383
27. Noti. No. F. 4(24) Rev./Col/82, dated 18.01.1985—Raj. Gaz., Part IV-(C), dated 24.01.1985, p. 397
28. Noti. No. F. 4(6) Rev./Col/82, dated 13.09.1988—Raj. Gaz., Part IV-(C), dated 13.07.1989, p. 51
29. Noti. No. F. 4(7) Rev./Col/80, dated 26.10.1990—Raj. Gaz., Part IV-(C), dated 07.05.1992, p. 22
30. Noti. No. F. 4(2) Rev./Col/87, G.S.R. 44, dated 12.07.1995—Raj. Gaz., Exty., Pt. IV-C(I), dt. 07.08.1995, p. 86, w.e.f. 12.07.1995 = **1996 RSCS/Pt. II/P. 105/H. 84**

31. Noti. No. F. 4(10) Col/95, G.S.R. 21, dated 05.05.1999—Raj. Gaz., Exty., Part IV-C(I), dated 19.05.1999, p. 29(5), w.e.f. 19.05.1999 = **1999 RSCS/Pt. II/P. 416/H. 351**
32. Noti. No. F. 4(3) Col /99, G.S.R. 83, dated 14.12.2000—Raj. Gaz., Exty., Part IV-C(I), dated 24.01.2001, p. 172, w.e.f. 14.12.2000 = **2002 RSCS/Pt. II/P. 68/H. 58**
33. Noti. No. F. 4 (11) Col /97, G.S.R. 78, dated 13.09.2001—Raj. Gaz., Exty., Part IV-C(I), dated 12.10.2001, p. 135(2), w.e.f. 13.09.2001 = **2002 RSCS/Pt. II/P. 151/H. 135**
34. Noti. No. F. 4(3) Col/99, G.S.R. 3, dated 11.09.2002—Raj. Gaz., Exty., Part IV-C(I), dated 19.09.2002, p. 22, w.e.f. 11.09.2002 = **2002 RSCS/Pt. II/P. 791/H. 621**
35. Noti. No. F. 4(11) Col /97, G.S.R. 90, dated 23.01.2003—Raj. Gaz., Exty., Part IV-C(I), dated 04.02.2003, p. 159, w.e.f. 23.01.2003 = **2003 RSCS/Pt. II/P. 210/H. 168**
36. Noti. No. F. 4(3) Col/99, G.S.R. 8, dated 11.02.2003—Raj. Gaz., Ord., Part IV-C(I), dated 20.02.2003, p. 63, w.e.f. 11.02.2003 = **2003 RSCS/Pt. II/P. 341/H. 268**
37. Noti. No. F. 4 (3) Col/99, G.S.R. 2, dated 27.04.2004—Raj. Gaz., Exty., Part IV-C(I), dated 14.05.2004, p. 4, w.e.f. 27.04.2004 = **2004 RSCS/Pt. II/P. 167/H. 201**
38. Noti. No. F. 4(11) Col/97, G.S.R. 32, dated 24.09.2009—Raj. Gaz., Exty., Part IV-C(I), dated 28.09.2004, p. 114, w.e.f. 24.09.2009 = **2005 RSCS/Pt. II/P. 130/H. 48**
39. Noti. No. F. 4(3) Col/99, G.S.R. 49, dated 26.11.2004—Raj. Gaz., Exty., Part IV-C(I), dated 31.01.2005, p. 141(1), w.e.f. 31.01.2005 = **2006 RSCS/Pt. II/P. 7/H. 6**
40. Noti. No. F. 4(3) Col/99, G.S.R. 28, dated 14.06.2005—Raj. Gaz., Exty., Part IV-C(I), dated 22.06.2005, p. 40, w.e.f. 14.06.2005 = **2006 RSCS/Pt. II/P. 11/H. 13**
41. Noti. No. F. 4(3) Col/99, G.S.R. 4, dated 09.01.2006—Raj. Gaz., Ord., Part IV-C(I), dated 19.01.2006, p. 5, w.e.f. 09.01.2006 = **2006 RSCS/Pt. II/P. 381/H. 208**
42. Noti. No. F. 4(11) Col/97/2, G.S.R. 16, dated 18.05.2007—Raj. Gaz., Exty., Part IV-C(I), dated 05.06.2007, p. 29(1), w.e.f. 18.05.2007 = **2007 RSCS/Pt. II/P. 569/H. 490**
43. Noti. No. F. 4(2) Col /2007/(1), G.S.R. 31, dated 23.06.2007—Raj. Gaz., Exty., Part IV-C(I), dated 03.07.2007, p. 51(1), w.e.f. 23.06.2007 = **2007 RSCS/Pt. II/P. 585/H. 496**
44. Noti. No. F. 4(3) Col /99/1, dated 11.07.2007—Raj. Gaz., Exty., Part IV-C(I), dated 18.07.2007, p. 57, w.e.f. 11.07.2007 = **2007 RSCS/Pt. II/P. 707/H. 534**
45. Noti. No. F. 4(3) Col/99, G.S.R. 88, dated 11.01.2008—Raj. Gaz., Exty., Part IV-C(I), dated 25.01.2008, p. 161(1), w.e.f. 11.01.2008 = **2008 RSCS/Pt. II/P. 377/H. 189**

46. Noti. No. F. 4(2) Col/2007, G.S.R. 72, dated 04.08.2008—Raj. Gaz., Exty., Part IV-C(I), dated 12.08.2008, p. 113(4), w.e.f. 04.08.2008 = **2009 RSCS/Pt. II/P. 352/H. 162**
47. Noti. No. F. 4(3) Col/99, G.S.R. 73, dated 04.08.2008—Raj. Gaz., Exty., Part IV-C(I), dated 12.08.2008, p. 113(5), w.e.f. 04.08.2008 = **2009 RSCS/Pt. II/P. 352/H. 165**
48. Noti. No. F. 4(7) Col., G.S.R. 27, dated 15.07.2009—Raj. Gaz., Exty., Part IV-C(I), dated 07.08.2009, p. 44, w.e.f. 15.07.2009 = **2009 RSCS/Pt. II/P. 830/H. 537**

Note.—In the footnotes appearing hereinafter, reference to amending Notifications is made by Serial No. as given to them above.

In exercise of the power conferred by section 28 read with section 7 of the Rajasthan Colonisation Act, 1954 (Act No. XXVII of 1954), the State Government is hereby pleased to make the following rules, namely, the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment ¹[and sale]) Rules, 1956.

1. Short title, commencement and extent of applicability.—(1) These Rules may be called the Rajasthan Colonisation (Gang Canal Lands Permanent Allotment ¹[and sale]) Rules, 1956.

(2) They shall come into force at once.

(3) These Rules shall apply ²[to commanded and un-commanded lands in the Gang Canal Area].

COMMENTARY

Powers of review.—It is well settled that the power of review is not an inherent power. It must be conferred by law either specifically or by necessary implication. The instant rules provide for appeal and revision but are silent about review. These rules have been framed by the State Government under Section 28 read with Section 7 of the Act. By section 5 of the Act, the provisions of Rajasthan Land Revenue Act, which provide suo motu review under section 86 have been made applicable to proceedings under the Rajasthan Colonisation Act and the Rules made thereunder. Therefore, review is competent in proceedings under these rules. **1983 RRD 410, 1991 RRD 175 & AIR 1970 SC 1273 Ref. Gurdev Singh vs. State of Rajasthan, 1992 RRD 393.**

2. Interpretation.—³[(1)] In these the word “Zamindar” shall have the same meaning as given in the Rajasthan Tenancy Act, 1955 (Act 3 of 1955).

³[(2)] “land less person” means a person who has been a resident of Rajasthan since before the 1st day of April, 1955 and is by profession a *bona fide* agriculturist or *bona fide* agricultural labourer and whose primary source of income is agriculture:

1. Ins. by No.9 [23.5.1963].

2. Subs. by No. 2 [18-11-1957]

3. Renumbered and Added by No. 12 [1-3-74]

Provided that such person neither holds any tenure land any where in excess of 15 bighas nor is a sub-tenant of any such land (in excess of 15 bighas) from which he is not liable to ejection under the provisions of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) or under any other law for the time being in force in the area in which the land is situated, nor is entitled to permanent allotment of 15 bighas or more land any where under any other rule, condition or law.]

¹[Provided further that a released 'Sagri' as certified by the Sub-Divisional Officer will be treated as landless person of that village.

Explanation.—For the purpose of this proviso 'Sagri' means the bonded labourer as defined in the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976).]

²[Provided further that the following categories of persons shall not be deemed to be landless persons, namely :—

- (a) an employee other than a casual or work charged employee of the Government or of a commercial or industrial establishment or concern and his wife and children dependent on him;
- (b) a person who has sold, or otherwise transferred, the whole or part of the land held by or allotted to him other than land transferred to or acquired by the Government or statutory bodies, and thereby reduces the size of his holding to become a landless person.]

³[(3) "Beneficiary of the integrated Rural Development Programme" means a person who has been identified as being below the subsistence level and included in the Integrated Rural Development Programme and certified as such by the Collector or his authorised representative.

(4) "Integrated Rural Development Programme" means a programme undertaken by the State Government to identify the poorest persons subsisting below the poverty line, as well as the subsistence level, and residing in rural area, and to provide productive assets and benefits for their economic upliftment.]

⁴[(5) "Index price" means the market value of the land determined, from time to time, by the District Level Committee constituted under the provisions of the Rajasthan Stamp Rules, 1955 with respect to land of similar soil class for the area in which the land to be sold is situated.]

3. Persons eligible for allotment of land.—(1) The persons eligible for allotment of lands, on a permanent basis, shall be following in the order of priority in which they are mentioned hereunder, namely :—

⁵[(i) Tenants who have been cultivating land temporarily on the basis of

1. Added by No. 14 [2-9-1976].

2. Added by No. 24 [11-1-1983].

3. Added by No. 23 [25-11-1982].

4. Ins. by Noti. No. F. 4(10) Col./95, dt. 5.5.99—Raj. Gaz., Exty., Pt. IV-C(1), dt. 19.5.99. p.29(5) - 199/ RSCS/Pt. II/P. 416/II. 351

5. Subs. by No. 3 [4-9-1958].

three years girdawri since before 1947 and who cultivate or can reasonably be expected to cultivate personally;

(ii) Zamindars who held, on or before the 1st day of July, 1947, less than 25 bighas of perennial land or less than 50 bighas of non-perennial irrigated land.]

(iii) Tenants who were allotted land for the first time in 1952 for temporary cultivation on the basis of 3 years girdawri, such allotment having been continued in subsequent years and who cultivate or can be reasonably expected to cultivate their land personally.

¹[*Explanation.*—It is not necessary that a tenant should have been continuously cultivating the same piece of land on temporary cultivation lease; if he has been holding land on temporary cultivation lease anywhere in the Gang Canal area and has been cultivating it personally, he shall be eligible for permanent allotment of land under this clause.]

(iv) Tenants who have been cultivating land since before 1947 either under a lease or on *barati*;

(v) Tenant who have been cultivating barani land in the same chak or tehsil since before 1947;

¹[(vi) Tenants who have been cultivating barani land from 1952 onwards.]

²[(vii) x x x]

³[(vii-A.) Temporary cultivators who were allotted land ⁴[⁵[on or before 1.1.1995], whether this temporary cultivation lease renewed or not or has been cancelled and such cultivators having possession on such land till the date of allotment] and who cultivate or can reasonably be expected to cultivate the land personally, subject to the condition that land is available.]

²[(viii) (a) Landless person of Scheduled Caste and Scheduled Tribes residing in the same chak;

1. Subs. by No. 6 [21-6-1962]

2. Deleted and renumbered and substituted by No. 12 [1-3-1974]

3. Subs. by Not. No. F. 4(11) Col./97, dt. 13.9.2001—Raj. Gaz., Exty., Pt. IV-C(D), dt. 12.10.2001, p.135(2) = **2002 RSCS/Pt. II/P. 151/H. 135** for the following:

⁴“(vii-A) Temporary cultivators who were allotted land for the first time in 1953 for temporary cultivation, on the basis of three years’ girdawri such allotment and temporary cultivation having been continued in subsequent years upto the year, 1962 and who cultivate, or can reasonably be expected to cultivate the land personally, subject to the condition that land is available.”

4. Subs. by Not. No. F. 4(11) Col./97, dt. 23.1.2003—Raj. Gaz., Exty., Pt. IV-C(D), dt. 4.2.2003, p.159 = **2003 RSCS/Pt. II/P. 210/H. 168** for the following expression:

⁵“on or before 15.1.87 for temporary cultivation and temporary cultivation having been continued in subsequent years”

5. Subs. by Not. No. F. 4(11) Col./97, dt. 24.9.2004—Raj. Gaz., Exty., Pt. IV-C(D), dt. 28.9.2004, p.114 = **2005 RSCS/Pt. II/P. 130/H. 48** for the following expression: “on or before 15-1-1987”

(b) other landless persons of the same chak:

Provided that among landless persons described in the above sub-clauses a T.C. lease-holder shall be given priority:

Provided further that if landless persons of the relevant priority are not available in the same chak, landless persons of the adjoining chak or village will be allotted lands according to the prescribed authority.

- ¹[(ix) The tenants, including displaced persons, who were allotted half square of land in 1952 in pursuance of Notification No. F. 3 (375) Reve. II/51, dated the 25th August, 1951, may be given half square of land more in order to make up one full square if they have applied for further allotment; provided that such allotment of an additional half square shall be made after all pending applications are disposed of and subject to the condition that after the allotment of the additional half square the total area of land with the allottee shall not exceed 15.6 acres and that the price to be charged from him shall be equal to the prevailing market price:

Provided that in the case of persons whose applications for permanent allotment of land has been rejected on account of there being a gap of one year in temporary cultivation since 1947, a break of two years in continuous possession and cultivation from 1947 to 1962 may be condoned by the Collector so as to make them eligible for allotment of land; and in the case of persons whose applications has been rejected on account of there being a gap of one year in temporary cultivation after 1952, one year's break in continuous possession and cultivation from 1952 to 1962 may be similarly condoned.]

²[Provided that a landless person who does not hold any tenure land anywhere in Rajasthan or such land as he holds is less than 2½ acres of irrigated land or 5 acres of unirrigated land shall be given preference within the category specified in sub-rule (1) which appertains to him.]

- ³⁴[(2) Notwithstanding anything contained in Rule 4, small patch, small

1. Ins. and added vide No. 9 [23-5-1963]

2. Added by No. 24 [11-1-1983]

3. Subs. by Noti. No. F. 4(10) Col./95, dt. 5.5.99—Raj. Gaz., Exty., Pt. IV-C(1), dt. 19.5.99, p.29(5) = **1999 RSCS/Pt. II/P. 416/H. 351** for the following:

“(2) Notwithstanding anything contained in rule 4, small patches of land [upto two acres of irrigated land or four acres of unirrigated land] may be sold to a person holding land in the same square [or a person holding adjoining land] if the person is prepared to pay [four times of the price as fixed in rule 7] in [three yearly instalment.] If any instalment is not paid up on the due date thereof, interest shall be charged thereon at the rate of 9% per annum]:

Provided that the total land already in his possession plus the small patch shall not make his total holding in excess of [ceiling limit]:

Provided further that if there are more than one person holding land in the same square [or a person holding adjoining land] who want the small patch, it shall be put to auction and given to the highest bidder amongst the persons holding the land in the same square] [or a person holding adjoining land”

4. Subs by Noti. No. F. 4(3) Col./99, dt. 26.9.2004—Raj. Gaz., Exty., Pt. IV-C(1), dt. 31.1.2005, p.141(1) = **2006 RSCS/Pt. II/P. 6/H. 6** for the following:

patches of land upto five bighas of irrigated land and ten bighas of non irrigated land, may be allotted to a person holding land in same square or person holding adjoining land, if the person is prepared to pay half of the index price or reserve price whichever is higher, in two instalments, the first instalment being payable within fortnight of order of allotment in the current financial year of the allotment. The due date in respect of second instalment shall be the date of the year of corresponding to the date on which the date of allotment was done in the next financial year. Interest shall be charged thereon at the rate of 12% per annum from the date of default of payment of an instalment on the due date.]:

Provided that the total land already in his possession plus the small patch shall not make his total holding in excess of ceiling limit:

Provided further that if there are more than one person holding land in the same square or a person holding adjoining land who want to purchase the small patch, it shall be put to auction and given to the highest bidder amongst the persons holding the land in the same square or a person holding adjoining land]:

¹[(3) Notwithstanding anything contained in sub-rule (1) of Rule 3, the Collector of the District shall allot land on priority to a landless person of the village, Tehsil, or the District respectively, identified as a Beneficiary of the Integrated Rural Development Programme.]

COMMENTARY

[1] Principles of natural justice must be followed and the applicant must be given proper opportunity of hearing and fair trial before judgment. Case was rightly remanded as the Additional Collector rejected the application for allotment without notice and proper enquiry. *Hari Singh vs. State of Rajasthan*, 1967 RLW 1 **Followed**.] *Jora Singh vs. State*, 1979 RRD 393.

[2] Small patch of land—Small patch of adjoining land can be preferably allotted to a person possessing lesser than 50 bigha of land. Where both rival claimants possesses more than 50 bigha then such patch of land shall be put to auction and highest bidder would purchase it. *Lalchand vs. Prem Singh*, 1974 RRD 363.

[3] *Dy. Secretary cancelled Collector's order under Rule 3(2)*—His decision is not vitiated by his remarks that Girdawaries could be forged—The Deputy Secretary has not cancelled the order of the Collector on the basis of the Girdawari. He had done so only on the basis of sub-rule (2) of Rule 3 of the aforesaid rules. Therefore, his remarks in respect of the Girdawaries do not vitiate his decision. *Sohan Singh vs. Banta Singh*, 1977 WLN (UC) 237.

“(2) Notwithstanding anything contained in Rule 4, small patches of land upto 5 bighas of irrigated land or 10 bighas of un-irrigated land may be sold to a person holding land in the same square or a person holding adjoining land if the person is prepared to pay Index price in four yearly instalments. If any instalment is not paid upon the due date thereof, interest shall be charged thereon at the rate of 18 percent per annum”

1. Added by No. 16 [20-9-1978] and subs. by No. 23 [25-11-1982] for the following:—

“(3) Notwithstanding anything contained in sub-rule (1) of rule 3, the Collector of the District shall allot land on priority to a landless person of the village, the tehsil or the District respectively, identified under Antodaya Scheme of the State Government for assistance.”

[4] *Essential requirement.*— In this rule permanent allotment can only be made to the persons who were possession of the land in question prior to 1960. In the present case petitioner in physical possession of the land from 1958 on behalf of his brother-in-laws. Held, he was not guilty of obtaining the allotment by furnishing false information or deliberately suppressing the facts. *Dalip Singh vs. State of Rajasthan*, 1991 (2) RLW 103 Raj. (DB).

¹**3-A.** (1) Notwithstanding anything contrary contained in these rules "medium path" of Government land measuring more than 5 bighas of irrigated land and ten bighas of unirrigated land but not more than 10 bighas of irrigated land and 20 bighas of unirrigated land may be allotted to a tenure tenant whose tenure land adjoins such medium patch, subject to the ceiling area at the rate of index price:

Provided if more than one tenant of the adjoining land apply for allotment of the same medium patch, the allotment shall be made by sealed bid to highest bidder subject to the ceiling limit.

(2) The price of such medium patch shall be payable by the allottee in two instalments, the first instalment being payable within a fortnight of the order of allotment in the current financial year of the allotment. The due date in respect of second instalment shall be the date of the year of corresponding to the date on which the date of allotment was done, in the next financial year. Interest at the rate of 12% per annum shall be charged from the defaulter of payment of an instalment on the due date.]

4. Extent of allotment.—(1) To every person eligible for allotment under Rule 3 the maximum land that may be so allotted shall, subject to availability, not exceeding 25 bighas of perennial land or 50 bighas of non-perennial irrigated land:

Provided that—

(a) a zamindar holding land as such in excess of the scale specified in this rule shall continue to hold the same and shall receive no further allotment;

(b) any tenant holding land for temporary cultivation or holding or cultivating barani land shall surrender the same to the Government upon allotment of other land on permanent basis to the full extent permissible by this rule;

²[(c) In considering the extent of land to be allotted under these Rules the total area of land already held by the applicant, whether in this State or in any other State in India shall be taken into account.]

³[घ) यदि किसी अस्थायी अभिधारी का भूमि पर निरन्तर खेती संबंधी कब्जा है तो उसे

1. Ins. by Noti. No. F. 4(3) Col./99, dt. 26.9.2004—Raj. Gaz., Exty., Pt. IV-C(I), dt. 31.1.2005, p.141(1) = 2006 RSCS/Pt. II/P. 7/H. 6

2. Ins. by No. 7 [21-8-1962].

3. Ins. by No. 29 [7.5.1992]

24 बीघा सिंचित भूमि या इसके बराबर से अनाधिक भूमि आरक्षित मूल्य पर आबंटित की जायेगी और यदि उसके ¹[वयस्क पुत्र/पुत्रों या वयस्क अविवाहित पुत्री/पुत्रियाँ,] है/हैं तो उसे/उन्हें अधिक भूमि में से 25 बीघा सिंचित या इसके बराबर से अनाधिक भूमि आरक्षित मूल्य पर आबंटित की जायेगी और ऐसे आबंटन के पश्चात् शेष रही भूमि अस्थायी अभिधारी या उसके ¹[वयस्क पुत्र/पुत्रों या वयस्क अविवाहित पुत्री/पुत्रियाँ,] यदि वे ऐसे आबंटन के लिए आवेदन करें, को प्रचलित बाजार मूल्य पर आबंटित की जा सकेगी:

परन्तु भूमि का आबंटन राजस्थान कृषि जोतों पर अधिकतम सीमा अधिरोपण अधिनियम, 1973 में अधिकथित अधिकतम क्षेत्र के अधधीन होगा।

स्पष्टीकरण—(1) अभिव्यक्ति ²[वयस्क पुत्र/पुत्री] से ऐसा ²[पुत्र/पुत्री] अभिप्रेत है जो ³[1.1.2001 को या इससे पूर्व] भारतीय वयस्कता अधिनियम, 1875 के अनुसार प्राप्तव्य हो।

(2) इस नियम के प्रयोजन के लिए एक बीघा सिंचित भूमि का अर्थ दो बीघा असिंचित भूमि के बराबर लगाया जायेगा।]

Explanation.—A joint and undivided family shall, for the purpose of existing holdings and of allotment of lands under these Rules, be deemed to be one person and dealt with accordingly.

¹[Where land has not been shown in the land records as divided prior to the year 1952 the family shall not be treated as divided, nor shall any allotment be made on the ground that the share of one person comes to less than one square.]

(2) Where both perennial land and non-perennial or Barani land is held by, or allotted to, the same person, one bigha of perennial land shall, for the purpose of determining the area so held or allotted, be deemed to be equivalent to two bighas of non-perennial land or three bighas of Barani land.

COMMENTARY

[1] The family means all the persons who are related by blood and/or marriage. There cannot be any dispute that the son and the mother are related by blood. Nor can there be any dispute that a question whether "mother" was included in the family or not would receive any but an affirmative answer. *Jagdish vs. Mahendrasingh*, 1983 RRD 750.

[2] In the instant case as no division of family had taken place prior to year 1952 the whole family was to be taken as one person for the purpose of allotment. In the circumstances the SDO and the appellate authority rightly treated the petitioner and his father as one person being a member of a joint family. *Sohansingh vs. State*, 1982 RRD 293.

1. Subs. by Noti. No. F. 4(11) Col./97, dt. 13.9.2001—Raj. Gaz., Exty., Pt. IV-C(I), dt. 12.10.2001, p.135(2) = 2002 RSCS/Pt. II/P. 151/H. 135 for the expression: "adult son/sons"

2. Subs by Noti. No. F. 4(11) Col./97, dt. 13.9.2001—Raj. Gaz., Exty., Pt. IV-C(I), dt. 12.10.2001, p.135(2) = 2002 RSCS/Pt. II/P. 151/H. 135 the existing expression "adult son" or "sons" appearing in Explanation clause shall be substituted by the expression "Adult son/daughter" or "son/daughter" respectively.

3. Subs. by Noti. No. एफ. 4(11) कोलो /97/2, dt. 18.5.2007 —Raj. Gaz., Exty., Pt. IV-C(I), dt. 8.6.2007, p. 36 = 2007 RSCS/Pt. II/P. 446/H. 409 for the following expression: "1-1-1985 को या इसके पूर्व"

4. Subs. by No. 9 [23-5-1963]

[3] *Application for allotment rejected by S.D.O.*—Order of S.D.O. comprised of a few lines not considering oral or documentary evidence which made him to reject application for allotment—Order set aside. *Kartar Singh vs. State of Rajasthan, 1978 RRD (NUC) 1.*

[4] *Temporary cultivation leases*—Conditions governing grant of temporary cultivation leases are different from those required for permanent allotment—Allottee is member of joint family. *Khadag Singh vs. State of Rajasthan, 1977 RRD 202.*

5. Application for allotment of land.—(1) ¹[Every person eligible for allotment of land on a permanent basis under these rules, shall submit his application ²[within one month of the date of publication of notice by the Collector in a local newspaper for the purpose. The notice shall also be affixed on the Notice Boards of the Village Panchayat Samiti, Patwarghar, Zila Parishad, Tehsil and D.D.O.'s Office.]

³[(1-a) Where an applicant is a married agriculturist, the application for allotment shall be submitted in the name of both husband and wife.]

(2) Every application under sub-rule (1) shall be accompanied by an affidavit from the applicant stating the facts which make him eligible for allotment and a complete description and specification of the land sought to be allotted.

(3) An application under these rules shall be presented to the Tehsildar within whose Tehsil the land, which is the subject matter of the application is situated.

(4) The Tehsildar shall, after making necessary enquiry as to the eligibility of the applicant, submit all applications, with his report on each, to the Collector for final orders.

COMMENTARY

The rule is mandatory and it was obligatory on the part of the allotting authority to have published the notice in a local news paper for the purposes of allotment of the land in question. *Rameshwar vs. Baba Barunath, 1985 RRD 103.*

6. Allotment.—(1) On an application for fresh allotment, the Collector shall consider such application on its own merits and shall, if satisfied that the applicant is eligible for allotment of land in accordance with these rules, allot the land applied for, or any other suitable land if available, on payment of price fixed under Rule 7 and grant the applicant Khatedari rights therein.

¹[(1-a) In case where allotment of land is made to a married agriculturist,

1. Subs. by No. 4 [11-12-1958]

2. Subs. by No. 12 [1-3-1974]

3. Ins. by Noti. No. F. 4(3) Col./99, dt. 11.9.2002 —Raj. Gaz., Exty., Pt. IV-C(1), dt. 19.9.2002, p.22. [w.e.f. 11.9.2002] = **2002 RSCS/Pt. II/P. 791/H. 621**

4. Ins. by Noti. No. F. 4(3) Col./99, dt. 11.9.2002 —Raj. Gaz., Exty., Pt. IV-C(1), dt. 19.9.2002, p.22. [w.e.f. 11.9.2002] = **2002 RSCS/Pt. II/P. 791/H. 621**

the allotment shall be made in the joint name of husband and wife and the allottees, in such case shall be deemed to be joint allottees.]

(2) In making allotment of fresh land the Collector shall strictly follow the order of priority laid down in Rule 3 and, subject to that order allotment of land to a particular chak or village shall be made first to the tenant's residing in that particular chak or village and failing them, to the tenants residing in the adjoining chak or village.

Explanation.—Criteria for determining the residence of a landless tenant in a particular chak or village will generally be the entry made in Malshumari papers and Girdawari; and if the entries go against the applicant, the burden of proving the residence shall lie on the applicant.

(3) Where there are more than one applicant of the same class for any land, it shall be allotted by drawing lots between all such applicants.

(4) The sale of land to the owners of small patches of land referred in sub-rule (2) of Rule 3 shall be subject to the payment of price cash drawn in one instalment within six weeks of the date of allotment.

¹[(5) The Land belonging to a member of a Scheduled Caste or a Scheduled Tribe which vests in the State Government under Secs. 175 and 176 of the Rajasthan Tenancy Act, 1955 and under Secs. 13 and 14 of the Rajasthan Colonisation Act, 1954, shall be allotted only to a member of a Scheduled Caste or a Scheduled Tribe respectively, in accordance with the provisions of these rules.]

COMMENTARY

Allotment of the land—Determination of.—Respondent authorities invited application for allotment of the land. Petitioner and Respondent applied for the same. Petitioner was having some land in permanent allotment other than the land in dispute whereas respondent was landless agriculturist. Ultimately B.O. R. passed order of allotment in favour of respondent in revision on review. Revision petition was dismissed by B.O.R. filed by petitioner. Petitioner did not challenge it. He never made any effort to assert his case about his entitlement to the land in question nor questioned the finding recorded against his entitlement. Held, the petitioner only attempted to take advantage of the fact that the respondent purview his remedy by filing of review which is not available to petitioner in this manner. Appeal dismissed. *LRs. of Kartar Singh vs. Board of Revenue & Ors.*, 2007 (3) CDR 2266 (Raj.) (DB)

²[6-A. (1) Notwithstanding anything contained in Rules 3, 4, 5 and 6 and without prejudice to any proceedings pending thereunder, land up to 25 Bighas of irrigated land or 50 Bighas of unirrigated land may also be allotted to temporary cultivation lease holders to whom land had been allotted under Temporary Cultivation Leases Conditions, 1955 and who are in continuous cultivatory possession thereof beginning from 1953 to 1960.

1. Added by No. 25 [26-11-1983].

2. Ins., subs. by No. 10 [16-7-1970]

(2) In making such allotments the Collector shall call for the relevant information from the Tehsildars and where any other land is found to have been held already by a temporary cultivation lease holder anywhere else, allotment shall be made only to the extent so as to make his total holding equal to 25 Bighas of irrigated and 50 Bighas of unirrigated land.

Explanation.—For the purpose of this Rule 1 Bigha of irrigated land shall be considered as equivalent to 2 Bighas of unirrigated land.]

7. Fixation and recovery of price.—(1) The Government shall fix the scales at which the price for land allotted under these rules may be charged, and such scales may be different for different kinds of land.

(2) Such price will be payable in ¹[15] equal yearly instalments, the first of such instalments being payable at Tehsil headquarters within a month of the Collector's order for allotment ²[if the land is single cropped, and thirty half yearly instalments if the land is double cropped, and the first such instalment shall be payable before possession of the allotted land is handed over to the allottee]:

³[Provided that in the event of total price or all the remaining instalments being paid upto March 31, 1972, a rebate equal to 25% shall be allowed on the amount of price or instalments which have not become due upto this date of payment]

⁴[Provided further that the Collector may, on application, extend the period mentioned in this sub-rule by not more than six months, or till the date of harvesting of the crop, whichever is earlier, in which event the provisions of clauses (i), (iii) and (iv) of sub-rule (4) shall apply];

⁵[(2-A) Notwithstanding anything contained in sub-rule (1) an allottee of the land situated within a radius of 12 KM from the periphery of a city having population of one lakh persons or more, or within a radius of 8 KM from the periphery of town having population of fifty thousand or more but less than one lakh persons or within a radius of 3 KM from the periphery of a town having population of twenty five thousand or more but less than fifty thousand persons shall deposit 25% of the total price of the land at the time of allotment and 15% of the total price after one year of the allotment. The remaining 60% shall be deposited in three equal yearly instalments, the first of which shall be deposited on the expiry of two years commencing from the date of allotment.

1. Subs. by No.10 [16.7.1970].

2. Ins. by No. 22 [18-11-1982].

3. Added by No. 11 [7-12-1970]

4. Ins. by No. 8 [26-11-1962].

5. Ins. by No. 16 [20-9-1978], substituted by No. 20 [15-6-1981], for the following:—

“(2-A) Notwithstanding anything contained in sub-rule (1) an allottee of the land situated within the radius of eight miles of a town or city having population of more than ten thousand shall deposit 25% of the total price of the land at the time of allotment and 15% of the total price after one year of the allotment. The remaining 60% in three equal yearly instalments the first of which shall be deposited on the expiry of two years commencing from the date of allotment. Provided that an allottee of Scheduled Castes and Scheduled Tribes shall deposit the price of such land in ten equal yearly instalments. The first instalment shall be deposited after the expiry of two years commencing from the date of allotment.”

Provided that an allottee belong to a Scheduled Castes and Scheduled Tribes shall deposit the price of such land in ten equal yearly instalments. The first instalment shall be deposited after the expiry of two years commencing from the date of the allotment.]

(3) In case of default in the payment of the total price of the first instalment thereof within the period prescribed by sub-rule (2) the order for allotment shall be liable to cancellation.

(4) In case of payment by instalments.—

- (i) if any instalment is not paid up on the due date thereof interest shall be charged thereon at the rate of ¹[nine per cent] per annum,
- (ii) if any two consecutive instalments are not paid on the due dates thereof, the order for allotment shall be liable to cancellation;
- (iii) so long as the total price is not paid up, malikana at the rate of one rupee and eight annas per bigha shall continue to be charged, and
- (iv) until the total price is paid up, the land which has been allotted shall not be alienated:

²[Provided that if any allottee or purchaser deposits the outstanding amount alongwith interest thereon @ 18% p.a. ³[by 31.3.2010] no action regarding cancellation of his allotment or acquisition of his land shall be taken.

Provided further that the cancellation order shall be revoked by the allotting authority, if the allottee pays @ 6% more interest from the date of default by way of composition on such amount ³[latest by 31.3.2010] unless in the meantime the land has been allotted to some one else.]

COMMENTARY

The Government cannot charge for allotment under Rule 9 price different than that fixed under Rule 7. When the Government itself was not competent to do that, the delegate i.e. the Collector also could not have done so. *Banwarilal vs. State of Rajasthan, 1988 (2) RLW 652 : 1989 RRD 133.*

⁴[7-A. Difference in Prices.—⁵(1) If any land allotted as uncommand land

1. Subs. by No. 11 [7-12-1970]

2. Inserted by Notification No. F. 4(4) Rev./Col./86, dt. 29.8.1986.

3. Substituted by Notification No. F. 4(7) Col./9, G.S.R. 27, dt. 15.7.2009 for the expression "31.12.2008"

4. Ins. by No. 15 [3-2-1977]

5. Subs. by Noti. No. F. 4(3) Col./99, dt. 11.2.2003 —Raj. Gaz., Pt. IV-C(1), dt. 20.2.2003, p.63 = 2003 RSCS/Pt. II/P. 341/H. 268 for the following expression:

"(1) If any land allotted as uncommand land subsequently becomes command land, then for such land the allottee shall pay to the State Government the reserve price of the command land at the rates applicable less the price which he has already paid in terms of uncommand land."

subsequently becomes command land, than for such land the allottee shall pay to the State Government, the prevailing reserve price on the date the land becomes command land, less the price which he has already paid in terms of uncommand land.]

(2) The price referred to in sub-rule (1), shall be payable by the allottee in five annual instalments, the first instalment being payable within a fortnight of the order. The due date in respect of second and subsequent instalments shall be the date of the year corresponding to the date on which the order was made. Interest at the rate of 9% per annum shall be charged in default of payment of any instalment on due date.

(3) If any land allotted as command land is subsequently declared uncommand land by competent authority before its price has been fully paid up, the amount paid towards its price as command land will be adjusted towards the price or instalments payable for it as uncommanded land and any amount already paid in excess thereof shall be refunded to the allottee.]

¹[7-B. In cases in which the cost of development of the allotted land has been borne by the State Government, the cost shall be payable by the allottee at the rates prescribed by the State Government from time to time, along with the instalments of the price of the land.]

8. Reservation of land for Harijans.—(1) In each Tehsil to which these rules extend, same land on proportionate population basis will be reserved for Harijans out of the total land therein available for allotment.

²[(2) Every Harijan who is eligible for allotment under these rules shall be allotted land in accordance therewith. Any Harijan who has been continually residing in the village since before 1952 may be allotted land at the rate of 12 1/2 bighas if he has a pair of bullocks or camel on the date of allotment or he has been cultivating land as a partner or labour. Such allotments shall be subject to the provisions of Rules 4 and 7.]

COMMENTARY

There is marked difference between Rules 8 and 21. Rule 8 deals with allotment and Rule 21 deals with sale by auction. *Ratna vs. Madho*, 1972 RRD 6.

³[8-A. Out of the total Government land available for allotment within a radius of 12 KM from the periphery of a city having population of one lakh persons or more or within a radius of 8 KM from the periphery of a town having population of fifty thousand or more but less than one lakh persons, or within a

1. Added by No. 20 [15-6-1981]

2. Subs. by No. 5 [3-12-1959]

3. Ins. by No. 16 [20-9-1978] and subs. by No. 20 [15-6-1981] for the following:—

"8-A Reservation of land for Scheduled Castes and Scheduled Tribes.—Out of the Government land available for allotment within the radius of eight miles of a town or city having population of more than ten thousand, 25% land shall be reserved for allotment to the persons belonging to Scheduled Castes and Scheduled Tribes and the remaining such land shall be allotted to other landless persons eligible for allotment."

radius of 3 KM from the periphery of a town having population of twenty five thousand or more but less than fifty thousand persons. 25% land shall be reserved for allotment to the persons belonging to a Scheduled Caste or Scheduled Tribe and the remaining land shall be allotted to other landless persons eligible for allotment]

9. Special cases.—Notwithstanding anything contained in these rules the Government may make allotment to any person as a special case:

[Provided that Government may delegate the powers of allotment in any case or a class of cases under this rule to the Colonisation Commissioner or the Collector or to any other prescribed authority, subject to such terms and conditions as may be prescribed in this behalf.]

COMMENTARY

The Government cannot charge for allotment under Rule 9 price different than that fixed under Rule 7. When the Government itself was not competent to do that, the delegate i.e. the Collector also could not have done so. *Banwarilal vs. State of Rajasthan*, 1989 RRD 133.

9-A. Disposal of Government land by auction.—(i) The State Government may reserve any area or class or category of Government land for sale by public auction.

(ii) For sale by public auction under sub-rule (i), the provisions of Part-B of the Rajasthan Colonisation (Bhakra Project Government Land Allotment and Sale) Rules 1955, shall *mutatis mutandis*, apply.]

9-B. Regularization of certain cases of trespassers.—(1) Notwithstanding anything contained in these rules and subject to the specific or general directions of the Government allotting authority may, on the advice of the Advisory Committee, instead of ejecting a trespasser from the land occupied by him, allow him to retain possession of the whole, or part of such land subject to the extent of the ceiling area applicable to the allottee under the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973).

[Provided that such trespasser has been in possession over the trespassed land for minimum five years during preceding seven years from 1.1.2000 and still in continuous possession from 1.1.2000.]

Provided that such trespasser has been in continuous possession of the trespassed land for five years or more prior to 1.1.1995.

(2) Upon regularization in the manner indicated in sub-rule (1), the trespasser shall be deemed to have been allotted the land so regularized under

1. Added by No. 18 [12-2-1981]

2. Added by No. 13 [29-11-1975].

3. Ins by Noti. No. F. 4(3) Col./99, dt. 26.9.2004—Raj. Gaz., Exty., Pt. IV-C(I), dt. 31.1.2005, p.111(1) = 2006 RSCS/PL II/P. 7/H. 6

4. Subs by Noti. No. F. 4(3) Col./99, dt. 11.1.2008—Raj. Gaz., Exty., Pt. IV-C(I), dt. 25.1.2008, p.161(1) = 2008 RSCS/PL II/P. 377/H. 189

these rules and shall be governed by the terms and conditions prescribed these rules.

(3) Such trespasser upon regularization shall be bound to pay the price District Level Committee (DLC) rate.

(4) The price so fixed under sub-rule (3) shall be paid by the trespasser four yearly instalments.

After scrutinizing the papers submitted by the trespasser, if it is found the case is fit for regularization, a notice is to be given to the said trespasser indicating the amount assessed and the said trespasser will deposit the first instalment within 15 days serving the notice and as soon as the first instalment paid, the orders for regularization will be issued by the competent authority. The subsequent instalment shall be payable on or before 15th July of every year.

(5) The price of land so fixed shall be deemed to have become due from the date of order of regularization and an interest at the rate of 18% per annum shall be payable on the amount of the instalment which has fallen due for payment.

(6) All instalments together with interest if any, shall be paid at the nearest Treasury or Sub-Treasury.

(7) The following rates of rebate shall be allowed to the allottee:—

For payment of the whole price in one lumpsum at the time of allotment.	Persons belonging to the SC/ST Beneficiary of the/IRDP/Displaced Agriculturists/ Displaced landless Agriculturists/ Released Sagri	Others
	15%	10%

¹[(8) Notwithstanding anything contained in these rules, the Agriculture Cooperative Society to whom land was allotted and the said society provided part of that land to its member for cultivation and the said land has been resumed under the Rajasthan (Allotment of Land to Cooperative Societies) Rules, 1959 or voluntarily surrendered by such member or his successor who got gairkhatedari or khatedari rights in violation of sub-rule (7) of Rule 5 of the said Rules of 1959, if such member, was member of such cooperative society on or before the date of commencement of these amendment rules and same is verified by the concerned registering authority and such members or his successor is *bona fide* agriculturist and continuously cultivating the said land personally, the allotting authority may on advice of Advisory Committee instead

1. Subs. by Noti. No. F. 4(2) Col./2007, dt. 4.8.2008—Raj. Gaz., Exty., Pt. IV-C(I), dt. 12.8.2008, p.113(4). [w.e.f. 4.8.2008 = 2009 RSCS/Pl. II/P. 352/H. 164 for the following expression:

“(8) Notwithstanding anything contained in these rules, the Co-operative Society to whom land was allotted and the said society provided that land to its member for cultivation and the said land has been resumed under the Rajasthan (Allotment of Land to Co-operative Societies) Rules, 1959. If the said member or his successor is landless and continuously in possession and cultivating the said land personally, the allotting authority may on advice of Advisory Committee instead of ejecting him, allot the whole or part of that land subject to ceiling limit on payment of 25% of the reserve price in case of member of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Below Poverty Line family and on payment of 50% of the reserve price in case of others”

of ejecting him, allot the whole or part of that land subject to ceiling limit on payment of twenty five percent of the reserve price in case of member of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Below Poverty Line families, and on payment of fifty percent of the reserve price in case of others, by reducing the amount already deposited, if any.]

¹[**10. Appeal and Revision.**—(1) Any person aggrieved by an order made by the Collector under Rule 6 may, within 30 days of the date of such order, appeal to the Revenue Appellate Authority.

(2) Any person aggrieved by an order of the Revenue Appellate Authority may, within 60 days of the date of such order, file revision to the Board of Revenue for Rajasthan .

COMMENTARY

[1] It was open to any person aggrieved of the order of the allotment to appeal to the Revenue Appellate Authority within a period of 30 days therefrom and further that any order passed in appeal, would be final. In other words it is clear that if either the Government or any other person was of the view that the order of the Collector allotting the land to the appellants in 1969 and 1971 was not in accordance with the relevant rules they could have filed an appeal against the same.

While, generally, the revenue officer had no powers to convert, reclassify or de-classify the gair-mumkin non-agricultural land to appropriate agricultural categories, these restrictions are not attracted to the land covered by the Act and rules made thereunder specifically the 1956 Rules.

In view of the notification of the State Government dated 17.1.1967 read with section 23 of the Rajasthan General Clause Act the SDO had the powers to de-classify the land set apart for abadi as agricultural land. *Bachansingh vs. State of Rajasthan*, **1984 RRD 343**.

[2] Under sub-rule (2) revision was possible. *Ramchand vs. State of Rajasthan*, **1983 RRD 668**.

[3] Appeal lies to the Revenue Appellate Authority against an order made by the Collector under Rule 6. A revision is also provided to the Board of Revenue from the order of the Revenue Appellate Authority against the order of the Collector under Rule 6. *Dhanni vs. State of Rajasthan*, **1985 RRD 796**.

[4] The expression "shall be final" means that it shall not be open to further appeal but orders of authority becoming final in appeal are still amenable to revisional jurisdiction of a revisional authority (State). Rule does not bar revision by State Government under Sec. 83 of Land Revenue Act. *Hari Singh vs. State of Rajasthan*, **ILR (1966) 16 Raj. 918 : 1967 RLW 1**.

[5] *Revisional Jurisdiction—Object*—Object of revisional jurisdiction is to prevent the subordinate authority from acting contrary to its jurisdiction. Revisional Authority (State) which finally disposes of a case must hear the

1. Subs. by No. 17 [5-2-1981] for the following:

"10. Appeals.—Any person aggrieved by an order made by the Collector under rule 6 may, within 30 days of the date of such order, appeal to the Commissioner, whose decision shall be final."

