

The Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973

RAJASTHAN

India

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Act 11 of 1973

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The Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973 Act No. 11 of 1973 Statements of Objects and Reasons - 1. The provisions contained in Chapter III-B of the Rajasthan Tenancy Act, 1955 had imposed a ceiling of thirty acres on the holding of agricultural land in the State. It is felt that still great disparity in the holding of agricultural land leading to the concentration of such land in the hands of few persons exists. The area of agricultural land available for cultivation in the State is limited. It is, therefore, necessary to reduce such disparity and to refix the ceiling area on agricultural holdings so that surplus agricultural land may be available for distribution to landless persons.[Published in Rajasthan Gazette Extraordinary, Part III-A dated 23-2-1973 at Page 349 to 399 vide Notification No. F. 13(8), Vidhi/73 dated 23-2-1973.]2. The existing provisions of sub-section (4) of section 19 of the Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973 (Rajasthan Act II of 1973) provide for the determination of the compensation equal to the specified multiples of the fair rent subject to the maximum provided for the lands of various classifications. Computation on the basis of fair rent creates avoidable difficulties and delays and consequently the benefit of this socio-economic land reform is not readily available to the landless persons for whom this law is meant. It is, therefore, considered necessary to prescribe and fix the rates of compensation for various classes of land. An amendment in subsection (4) of section 19 is accordingly proposed.2. Section 21 of the Act provides only one mode of disposal of surplus land, namely; allotment among landless labourers of the village particularly to the members of Scheduled Castes and Scheduled Tribes. It has been considered necessary to widen the scope of this provision so that the surplus land vested in the State Government can also be utilized for carrying out other purposes of agrarian reform. To achieve this object, it has become necessary to amend section 21 and the Preamble of the principal Act.Hence this Bill.[Bill No. 7 of 1981, Published in Rajasthan Gazette Part III-A dated 27-2-1981.]3. The existing provisions of sub-section (4) of section 19 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 (Rajasthan Act 11 of 1973) provide for the determination of the compensation equal to the specified multiples of the fair rent

subject to the maximum provided for the lands of various classifications. Computation of compensation on the basis of fair rent creates avoidable difficulties and delays and consequently the benefit of this socio-economic, land reform is not readily available to the landless persons for whom this law is meant. It is, therefore, considered necessary to prescribe and fix the rate of compensation for various classes of land. An amendment in sub-section (4) of section 19 is accordingly proposed.² Section 21 of the Act provides only one mode of disposal of surplus land, namely; allotment among landless labourers of the village particularly to the members of Scheduled Castes and Scheduled Tribes. It has been considered necessary to widen the scope of this provision so that the surplus land vested in the State Government can also be utilized for carrying out other purposes of agrarian reform. To achieve this object, it has become necessary to amend section 21 and the Preamble of the principal Act. As the matter was urgent the, Governor promulgated the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1981 (Ordinance No. 6 of 1981) on 6th day of July, 1981. This Bill seeks to achieve the above objects and to replace the said Ordinance. [Rajasthan Bill No. 16 of 1981, Published in Rajasthan Gazette Extraordinary, Part III-A dated 16-9-1981.]⁴ The existing provisions of sub-section (1) and sub-section (2) of section 15 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 empower the State Government to direct the reopening of decided ceiling matters in certain circumstances. For the disposal of such matters, the State Government had under the Rules of Business issued from time to time Standing Orders providing that these matters will be examined by the Deputy Secretary to the Government of Rajasthan in Revenue Department and shall be disposed of by the Revenue Secretary. A large number of such matters have been heard and decided by the Deputy Secretaries in the Revenue Department. In S.B. Civil Writ Petition No. 1369 of 1981 alongwith 75 similar writ petitions, decided on 4-11-81, it has been held by the High Court that the Deputy Secretary, Revenue Department had no jurisdiction under the Standing Orders issued under the Rules of Business to pass orders for re-opening of ceiling matters under section 15. As a result of this decision, several matters decided by the Deputy Secretary, Revenue Department have been affected. It was, therefore, thought necessary to validate the orders passed and directions given by the Deputy Secretary, Revenue Department under section 15 of the principal Act. Second proviso to sub-section (1) and sub-section (2) of Section 15 provide for certain period of limitation beyond which, no notice shall be issued in connection with re-opening of decided ceiling matters. In many cases, the validity of proceedings taken and directions issued under sub-section (1) or sub-section (2) of Section 15 are challenged by affected persons in the High Court or the Supreme Court. The writ petitions remain pending for a long time and if the court quashes the direction on the ground of procedural defect or want of jurisdiction, the period of limitation for taking steps under the said provisions expires leaving the State with no remedy even in cases where a ceiling case has been decided in contravention of the provisions of law. It was, therefore, felt necessary to provide for exclusion of the time during which proceedings remained pending in courts while computing the period of limitation for the purpose of taking action under sub-section (1) or sub-section (2) of Section 15. Hence this Bill. [Rajasthan Bill No. 12 of 1983, Published in Rajasthan Gazette Extraordinary, Part III-A dated 2-3-1983.]⁵ The existing provisions of sub-section (1) and sub-section (2) of section 15 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 empower the State Government to direct the re-opening of decided ceiling matters in certain circumstances. For the disposal of such matters, the State Government had under the Rules of Business issued from time to time Standing Orders providing that these matters will be examined by the Deputy Secretary to the Government of Rajasthan in

Revenue Department and shall be disposed of by the Revenue Secretary. A large number of such matters have been heard and decided by the Deputy Secretaries in the Revenue Department. In S.B. Civil Writ Petition No. 1369 of 1981 alongwith 75 similar writ petitions, decided on 4-11-81, it has been held by the High Court that the Deputy Secretary, Revenue Department had no jurisdiction under the Standing Orders issued under the Rules of Business to pass orders for re-opening of ceiling matters under section 15. As a result of this decision, several matters decided by the Deputy Secretary, Revenue Department have been affected. It was, therefore, thought necessary to validate the orders passed and directions given by the Deputy Secretary, Revenue Department under section 15 of the principal Act. Second proviso to sub-section (1) and sub-section (2) of Section 15 provide for certain period of limitation beyond which, no notice shall be issued in connection with re-opening of decided ceiling matters. In many cases, the validity of proceedings taken and directions issued under sub-section (1) or sub-section (2) of Section 15 are challenged by affected persons in the High Court or the Supreme Court. The writ petitions remain pending for a long time and if the court quashes the direction on the ground of procedural defect or want of jurisdiction, the period of limitation for taking steps under the said provisions expires leaving the State with no remedy even in cases where a ceiling case has been decided in contravention of the provisions of law. It was, therefore, felt necessary to provide for exclusion of the time during which proceedings remained pending in courts while computing the period of limitation for the purpose of taking action under sub-section (1) or sub-section (2) of Section 15. As the Rajasthan Legislative Assembly was not in session and circumstances existed which rendered it necessary to take immediate action, the Governor of the State of Rajasthan, after obtaining previous instructions of the President, promulgated the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1983 (Ordinance No. 1 of 1983). This Bill seeks to replace the said Ordinance. [Rajasthan Bill No, I of 1984, Published in Rajasthan Gazette Extraordinary, Part III-A dated 6-3-1984, Page 89-92.]⁶ Under clauses (d) and (e) of sub-section (1) Section 22 of the Rajasthan Imposition of Ceiling on Agricultural Holdings Act 1973, land held by religious or charitable trusts (including a wakf) of a public nature or by a gaushala existing on or before 26th September, 1970 and land held by an educational or research institution of a public nature are exempted from the provisions of the Act. These exemptions were granted on the basis that the trusts and institutions were under bona fide need of the surplus land held by them. These exemptions should not entitle them to sell the exempted land and make a profit out of it by depriving the State of its right to acquire the surplus land. It was, therefore, decided that the benefit of exemption should continue only upto the time the land is required and used by such trusts, gaushalas or institutions for their purposes. If such land ceases to be required or used for their purposes by them, the exemption should stand withdrawn and they may be treated on the same footing as any other person holding land in excess of ceiling area specified in the Act. The Bill seeks to achieve above objects.⁷ In July 1994 the State Government constituted a new district of Hanumangarh. Earlier to such constitution, the area covered by this new district was part of Sriganaganagar District. The constitution of the new district necessitated certain changes in the entries relating to the Zone contained in the Schedule to the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 as was falling under the aforesaid new district. It is therefore, proposed that the Schedule be suitably amended for the purpose. The Bill seeks to achieve the said object. [Notification No. F. 2(3) Vidhai/2/95, dated 4-5-95. Published in Rajasthan Gazette Extraordinary, Part IV-A dated 5-5-1995, page 26.] (Published in the Rajasthan Gazette, part IV-A, Extraordinary, dated 29th March,

1973).[Received the assent of the President on the 28th day of March, 1973].]An Act to provide for the imposition of ceiling on agricultural holdings, acquisition and disposal of surplus land and matters ancillary thereto. Whereas, under clauses (b) and (c) of Article 39 of the Constitution of India, the State should, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good and that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment: And whereas, the area of agricultural land available for cultivation in the State is limited; And whereas, there is great disparity in the holding of agricultural land leading to the concentration of such land in the hands of certain persons; And whereas, it is necessary to acquire the agricultural land in excess of the ceiling area and to distribute such land to the landless and other persons among the rural population [or to utilize it for carrying out other measures of agrarian reform] [Added by Rajasthan Act No. 16 of 1981]; And whereas, such distribution will best subserve the common good, increase agricultural production and promote justice, social and economic; And whereas, it is expedient to provide for all these and other matters connected therewith; Be it enacted by the Rajasthan State Legislature in the Twenty-fourth Year of the Republic of India as follows:-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Imposition of Ceiling on Agricultural Holding Act, 1973. (2) It extends to the whole of the State of Rajasthan. (3) [It shall be deemed to have come into force in whole of the State of Rajasthan with effect from the 1st day of January, 1973] [Substituted by Rajasthan Act No. 12 of 1974 [1-1-1973]].

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "adult" means a person who is not a minor; (b) "agriculture" includes -(i) the raising of annual or periodical crops and garden produce; (ii) horticulture; (iii) the planting and upkeep of trees; (iv) the breeding of cattle, camels, sheep or goats, and poultry; (v) the use of land for growing fodder or thatching grass or for grazing; and "agricultural" shall be construed accordingly; (c) "Authorised Officer" in relation to an area means an officer appointed by the State Government, by notification in the Official Gazette, to exercise the powers and to perform the functions of such officer under this Act in such area. (d) "ceiling area" means the maximum area of agricultural land which a person or a family is entitled to hold under section 4 anywhere throughout the State; (e) "company" means a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956); (f) "family" shall mean a family consisting of husband, wife and their minor children but excluding married minor daughter; (g) "land" means a portion of the earth's surface whether or not under water; and where land is referred to in this Act, it shall be deemed to include all things attached to, or permanently fastened to anything attached to, such land and shall also include benefits which arise out of land,

but shall not include abadi land;(h)"minor" means a person who has not completed the age of eighteen years;(i)"Orchard" means a compact area of land, other than land under grape garden or vine-yard or under banana and guava gardens, having fruit bearing trees grown thereon in such number that they preclude, or when fully grown, would preclude a substantial part of such land from being used for any agricultural purpose;(j)"person" includes any trust, company, firm or association or body of individuals, whether incorporated or not;(jj)["public purpose" shall mean all that which is calculated to promote the welfare of the people as envisaged in the Directive Principles of State Policy and shall include: [Inserted by Rajasthan Act No. 12 of 1974 [1-1-1973]](i)provision of land for the Bhoodan Yagna Board or for a local body,(ii)provision for land for industrial complexes in view of their integrated or specialised character of operation, or where agricultural or industrial operations are undertaken as a composite enterprise for the welfare of the people of the area;](k)"prescribed" means prescribed by rules made under this Act;(l)"Schedule" means a Schedule to this Act;(m)"separate unit" means an adult son and in case of his death, his widow and children, if any;(n)"State Government" means the Government of the State of Rajasthan;(o)"surplus land" means the land held by a person in excess of the ceiling area applicable to him and declared to be surplus under section 13 of this Act;(p)any reference to a person in this Act shall be construed as including a reference to a family as defined in clause (f); and(q)words and expressions defined in the Rajasthan Tenancy act, 1955 (Rajasthan Act 3 of 1955) or in the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) shall, wherever used herein, be construed to have the meanings assigned to them by the said Acts.

3. Act to override other laws, contracts etc.

- The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law for the time being in force, or any custom, usage or contract or decree or order of a court or other authority.

Chapter II

Fixation of ceiling on land holdings

4. Ceiling area.

(1)In the case of every person not being a family and in the case of every family consisting of five or less than five members (hereinafter referred to as "the primary unit" of family), the ceiling area applicable to such person or such family shall be in respect of-(a)land under assured irrigation capable of growing at least two crops in a year (hereinafter referred to as the "land under assured irrigation"), 18 acres;(b)land under assured irrigation capable of growing at least one crop in a year, 27 acres;(c)land under orchard existing on 23rd July, 1972, 54 acres;(d)land not within categories specified in clauses (a) to (c) and falling in fertile zone as described in the Schedule, 48 acres;(e)land not within categories specified in clauses (a) to (d) and falling in semi-fertile zone as described in the Schedule, 54 acres;(f)land not within categories specified in clauses (a) to (e) and falling in hilly zone as described in the Schedule, [54] [Substituted by Rajasthan Act No. 1 of 1974 [1-1-1973]] acres;(g)land not within categories specified in clauses (a) to (f) and falling in semi-desert zone as

described in the Schedule 125 acres; and(h)land not within categories specified in clauses (a) to (g) and falling in desert zone as described in the Schedule, 175 acres.Explanation.- Land irrigated by a well shall not be deemed to fall within the categories of land specified in clause (a) and clause (b) of this sub-section and shall be deemed to fall within the category specified in clause (d) thereof:Provided that where members of a family exceed five, the ceiling area in relation thereto shall be increased by one-fifth for each additional member so however that the total ceiling area applicable to such family does not exceed twice the ceiling area applicable to a family consisting of five or less than five members:Provided further that if the ceiling area applicable to any person or family in accordance with this section exceeds the ceiling area applicable to such person or family according to the provisions of law repealed by section 40, in that case the ceiling area applicable to such person or family will be the same as was under the provisions of the said repealed law.(2)A person may also select land for a separate unit upto the ceiling area of the primary unit for each separate unit;Provided that where the separate unit also holds any land or share of land the same shall be taken into account for calculating the ceiling area.(3)The question whether any land is assured of irrigation from Government or private source capable of growing two crops or one crop in a year shall be determined by the Authorised Officer in such manner as may be prescribed.

5. Rules for computation of ceiling area.

- In computing the ceiling area applicable to a person or a family, the following rules shall be observed:-(a)All parcels of land held anywhere throughout the State by a person under one or more than one lease, engagement, grant or tenure, and whether cultivated personally or let or sublet by him, shall be deemed to be the holding of such person.(b)Where any land is held by more than one person as co-tenant or co-sharers, the area of land corresponding to the share of each of them at the commencement of this Act shall be deemed to be his separate holding whether a division thereof has or has not actually taken place.(c)All lands held individually by the members of a family or jointly by some or all of the members of the family shall be deemed to be held by the family and shall be clubbed together.(d)Where land is held by a Joint Hindu Family, the share of a member of such family in the land held by the joint Hindu family shall be taken into account.(e)The share of the family or of an individual person in the land held by a firm, society or association of individuals (whether incorporated or not) or by a company shall be taken into account.Explanation.- For the purposes of clauses (d) and (e), the share of a member of a family in the land held by a joint Hindu family and the share of a family or of an individual person in the land held by a firm, society or association of individuals (whether incorporated or not) or by a company shall be deemed to be the extent of land,-(i)which, in case such share is held on the date of the commencement of this Act would have been allotted to such member, person or family had such land been partitioned or divided, as the case maybe, on such date; or(ii)which, in case such share is acquired in any manner whatsoever after the date of the commencement of this Act, would be allotted to such member, person or family if a partition or division were to take place on the date of the preparation of the draft statement under sub-section (1) or section 12.(f)Where in the case of a person being the member of joint Hindu family, any land held separately by such person, has, on or after the 26th day of September, 1970 or at any time thereafter, been converted by such person into property belonging to the joint Hindu family through the act of impressing such land with the character of property belonging to the joint Hindu family or throwing it into the common stock of the joint Hindu family,

then, the land so converted shall be deemed to be held by such person and not by the joint Hindu family.(g)Where, under the terms of a trust, any interest either in the land in respect of which a trust is created, or in the income from such land is reserved in favour of the founder of such trust, or any other person the share of the founder or such other person in the land held by such trust shall be deemed to bear the same proportion as his share bears to the total interest in such land or the income therefrom. The extent of land so arrived at shall be deemed to be held by the founder or such other person and shall be taken into account.(h)Where lands of different classification are held by a person, one acre of land under assured irrigation shall be treated as equivalent to 1.5 acres of land under assured irrigation capable of growing one crop in a year, to 3 acres of barani land in the fertile, semi-fertile and hilly zones and to eight acres of barani land in the semi-desert zone and 11 acres of barani land in the desert zone.(i)In making conversion according to the ratio specified in clause (h), the inferior quality of land shall be converted into best quality of land held by a person.

6. Non-recognition of certain transfers.

(1)Notwithstanding anything contained in any law for the time being in force, every transfer of land whether by way of sale, gift, exchange, assignment, surrender, bequest, creation of trust or otherwise made on or after 26th September, 1970, except a bona fide transfer made before 1st January, 1973, shall be deemed to have been made in order to defeat the provisions of this Act and shall not be recognized or taken into consideration in determining the ceiling area applicable to a person:(2)The burden of proving the transfer to be bona fide shall be on the transferor.

7. Conversion of one kind of land into another not to effect ceiling area in certain cases.

- Notwithstanding anything contained in this Act, where on account of an improvement made, by sinking a tubewell or by lift irrigation from a perennial water source operated by diesel or electric power, in the land by or at the cost of the person holding such land, one kind of land is converted into another kind of land on or after 15th August, 1972, such conversion shall not be taken into account in calculating the extent of land held by or the ceiling area applicable to such person:Provided that where such conversion takes place as a result of any irrigation project constructed at the cost of the Government, the land so converted shall be taken into account for the said purpose.

8. Increase or decrease in number of family members not to affect ceiling area.

- Notwithstanding anything contained in this Act, the extent of ceiling area which a family is entitled to hold under the provisions of this Act shall not be increased or reduced by reason only of any increase or decrease in the number of members of such family on or after the date of commencement of this Act.

9. Maximum land that can be held.

- Notwithstanding anything contained in any law for the time being in force, on and from the date of commencement of this Act no person shall, except as provided in this Act, continue to hold or retain in his possession in any capacity and under any tenure whatsoever agricultural land in excess of the ceiling area applicable to him.

10. Furnishing of returns by persons holding land in excess of ceiling area.

- Within hundred-twenty days from the commencement of this Act every person, who on the date of such commencement holds land in excess of ceiling area applicable to him shall, in respect of land held by such person on such date, furnish to the authorised officer within whose jurisdiction the holding of such person or the major part thereof is situated a return in such form and containing such particulars as may be prescribed:[Provided that a person holding land in the Rajasthan Canal Project Area on 1st day of January, 1973 in excess of the ceiling area applicable to him shall file a return within hundred twenty days of the publication of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Second Amendment) Act, 1974 in the Rajasthan Gazette in the manner laid down above.] [Inserted by Rajasthan Act No. 12 of 1974 [1-1-1973]]

11. Collection of information.

(1)If any person, who holds land in excess of ceiling area applicable to him. fails to furnish the return under section 10 or furnishes an incomplete or incorrect return under that section, the authorised officer may, by a notice, require such person to furnish the return or the additional particulars, as the case may be, within the time specified in the notice, or within such further time not exceeding thirty days as the authorised officer may, in his discretion, allow.(2)Where any person, on whom notice under sub-section (1) has been served, fails to furnish the return or the additional particulars, as the case may be, within the time specified in that notice or within the further time allowed by the authorised officer under the said sub-section, the authorised officer may obtain the necessary information in such manner as he thinks fit either by himself or through any other agency.

11A. [Filing of a return after prescribed time or a supplementary return. [Inserted by Rajasthan Act No. 8 of 1976]

(1)If any person who is under an obligation to furnish a return under this Act,-(a)has failed to furnish the return under section 10 or under sub-section (1) of section 11, or(b)has failed to show any land held by him in any return furnished by him under section 10 of sub-section (1) of section 11,he shall furnish to the authorised officer within whose jurisdiction the holding of such person or major part thereof is situate, in the prescribed form, a return, in case falling under clause (a) or a supplementary return, in case falling under clause (b), within one month from the date of the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Second Amendment) Ordinance, 1975.(2)Notwithstanding anything in section 24, no prosecution under that section shall lie against a person for his failure to furnish the return under section 10 or under

sub-section (1) of section 11 or for his failure to give information in the return or otherwise in respect of the land held by him and shown in the supplementary return, if he files a return or a supplementary return, as the case may be. under sub-section (1) and if any such prosecution is pending on the date of the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Second Amendment) Ordinance, 1975, the authorised officer or any officer empowered by him under section 29 shall, if he is satisfied that such person has furnished a return or a supplementary return under and in accordance with sub-section (1) at any time before the judgment is pronounced, withdraw from the prosecution pending against such person and upon such withdrawal, such person shall be acquitted in respect of such offence.

11B. Procedure for disposal of returns or supplementary returns filed under section 11A.

- A return filed under sub-section (1) of section 11A shall be disposed of as if it were a return filed under section 10 and all other provisions applicable to a return under section 10 shall apply thereto.(2)If in a proceeding pending before the authorised officer on the date of commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Second Amendment) Ordinance, 1975, a supplementary return is filed,-(a)before a draft statement is prepared under section 12, the supplementary return shall, after such enquiry as the authorised officer may deem fit, be treated part and parcel of the original return and shall be dealt with accordingly;(b)after a draft statement is prepared under section 12, the authorised officer shall, after such enquiry as he may deem fit, prepare a supplementary draft statement on the basis of the additional information in the supplementary return and in so doing shall follow the procedure provided in section 12 for preparation and service of a draft statement. In such cases he shall decide all objections to the draft statement as also to the supplementary draft statement together under subsection (3) of section 12 and one final statement in respect of both shall be prepared, served and published under section 13;(3)If a supplementary return is filed after a final statement is prepared, the authorised officer shall, after such enquiry as he may deem fit, prepare a supplementary draft statement on the basis of the supplementary return and shall follow the procedure provided in section 12 for the preparation and service of a draft statement. He shall, thereafter, decide by an order, objections to the supplementary draft statement, and make necessary alterations in the draft statement and shall then prepare a supplementary final statement which shall be served and published in the manner provided in section 13. A supplementary final statement shall have effect as if it were a final statement under section 13 and all other provisions in this Act relating to a final statement shall apply thereto.]

12. Preparation and publication of draft statement as regards land in excess of ceiling area.

(1)On the basis of the return furnished under section 10 and on the basis of the return or the additional particulars furnished under sub-section (1) of section 11 or on the basis of the information obtained by him under sub- section (2) of section 11, the authorised officer shall, after making such particulars as may be prescribed a draft statement in respect of each person holding land in excess

of the ceiling area [:] [Substituted and added by Rajasthan Act No. 8 of 1976][Provided that if the authorised officer is satisfied that the return is correct and complete, he shall, instead of preparing a draft statement, proceed under section 13 to declare the ceiling area applicable to the person concerned and the surplus land held by him and shall prepare, serve and publish a final statement as provided therein.] [Substituted and added by Rajasthan Act No. 8 of 1976](2)The draft statement shall be served on the persons concerned and on all other persons who, in the opinion of the authorised officer, are interested in the land to which such draft statement relates, together with a notice stating that any objection to the draft statement shall be preferred within [fifteen days] [Substituted by Rajasthan Act No. 8 of 1976] from the date of service of such notice.(3)The authorised officer shall consider any objection received within the period specified in the notice referred to in sub- section (2) from the person on whom a copy of the draft statement has been served under that sub-section or from any other person interested in the land and shall, after giving the objector a reasonable opportunity of being heard, decide the objections by an order in writing.

13. Publication of final statement.

- After the disposal of objections, if any, preferred under section 12, the authorised officer shall, subject to the provisions of this Act and the rules made thereunder, make necessary alterations in the draft statement in accordance with the orders passed on the objections and shall declare the ceiling area applicable to the person concerned and the surplus land held by him. The authorised officer shall prepare the final statement and cause a copy of the same to be served on the person concerned and shall also cause it to be published for information of the general public in such manner as may be prescribed. Such service and publication shall be conclusive evidence of the facts stated in the final statement.

14. Power to rectify bona fide mistake and clerical errors.

- Notwithstanding anything contained in section 13, the authorised officer may, either on his own motion or on the application of any of the parties-(a)if he is satisfied that a bona fide mistake has been made in record to any entry in the final statement published under section 13, make necessary corrections therein;(b)at any time, correct any clerical or arithmetical mistakes in regard to any entry in such final statement.

15. [Power to re-open cases. [Substituted by Rajasthan Act No. 6 of 1978]

(1)Notwithstanding anything contained in this Act, if the State Government, after calling for the record or otherwise is satisfied that any final order passed in any matter arising under this Act is in contravention of the provisions of this Act and that such order is prejudicial to the State Government or that on account of the discovery of new and important matter or evidence which has since come to its notice, such order is required to be re-opened, it may direct any officer subordinate to it to re-open such decided matter and to decide it afresh in accordance with the provisions of this Act:Provided that no such direction shall be issued unless a notice to show cause against the proposed action has been served upon the person concerned:[Provided further that no notice referred to in foregoing proviso shall be issued after the expiry of five years from the date of the final

order sought to be re-opened or after the expiry of the 30th day of June, 1979, whichever is later.](2)Without prejudice to any other remedy that may be available to it under Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955), if the State Government, after calling for the record or otherwise, is satisfied that any final order passed in any matter arising under the provisions repealed by section 40, is in contravention of such repealed provisions and that such order is prejudicial to the State Government or that on account of the discovery of new and important matter or evidence which has since come to its notice, such order is required to be re-opened, it may direct any officer subordinate to it to re-open such decided matter and to decide it afresh in accordance with such repealed provisions:Provided that no such direction shall be issued unless a notice to show cause against the proposed action has been served upon the person concerned.[Provided further that no notice referred to in the foregoing proviso shall be issued after the expiry of seven years from the date of the final order sought to be re-opened or after the expiry of 30th day of June, 1979, whichever is later] [Substituted by Rajasthan Act No. 6 of 1979 [30-12-78]]:Provided that no final order passed by the Board in the matter referred to in sub-section (1) or in sub-section (2) shall be directed to be re-opened and decided afresh under the said subsections unless the State Government is satisfied that such order is required to be reopened on account of the discovery of new and important matter or evidence which has since come to its notice or due to some mistake or error apparent on the face of the record.](3)[Where any person challenges the direction issued by the State Government to re-open a decided matter under sub-section (1) or under sub-section (2) in any court and such direction is quashed by the court on account of any procedural defect or on a technical ground or on the ground that the authority who issued the directions had no jurisdiction, the period during which the proceedings remained pending in the court shall be excluded in computing the period of limitation provided by Second proviso to sub-section (1) or sub-section (2) for the purpose of making fresh directions for re-opening decided matters under the said sub-section.] [Added by Rajasthan Act No. 13 of 1983 [23-6-1983].]

**15A. [Validation of proceedings and directions issued under section 15.
[Inserted by Rajasthan Act No. 13 of 1983 [23-6-1983].]**

- Notwithstanding anything contained in the Rules of Business for the conduct of business of State of Rajasthan or in the Standing Orders issued thereunder or in any judgment, decree, order or decision of any court and notwithstanding any defect or want of appointment, form, procedure or jurisdiction,-(a)the Deputy Secretary to the Government of Rajasthan in the Revenue Department shall, before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1983, be deemed to be and be always deemed to have been authorised by the State Government to exercise the powers conferred on it under section 15 and to dispose of cases arising thereunder;(b)all things done, actions taken, decisions given, directions issued and orders passed by the Deputy Secretary to the Government of Rajasthan in the Revenue Department before such commencement under section 15 shall be deemed to have been validly done, given, issued or as the case may be, passed by the State Government, and(c)the existence and validity of any such things done, actions taken, decisions given directions issued or orders passed shall not be called in question in any court, tribunal or authority merely on the ground that such Deputy Secretary at any time before such commencement was not authorised to dispose of cases under section 15 by the State Government.]

15B. [Validation of decisions by and proceedings before certain Additional Collectors. [Inserted by Rajasthan Act No. 10 of 1985 [13-5-1985].]

- Notwithstanding anything contained in sub-section (1) or sub-section (2) of section 15 or in any decision of any court,-(a)such Additional Collectors, as had, before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1985, reopened any matters referred to in sub- section (1) or sub-section (2) of section 15 and had decided them afresh or before whom such matters are pending for decision on the date of such commencement, shall, with respect to such matters, be deemed and be always deemed to have been directed by the State Government under and in accordance with and for the purposes laid down in the said sub-sections;(b)all things done, actions taken, decisions given, directions issued and orders passed by such Additional Collectors with respect to such matter before such commencement shall be deemed to be and be always deemed to have been validly done, taken, given, issued or, as the case may be, passed by them; and(c)the existence and validity of any such things done, action taken, decisions given, directions issued or, as the case may be, orders passed with respect to such matters shall not be called in question in any court or tribunal or before any authority on the ground that no direction under and in accordance with sub-section (1) or sub-section (2) of section 15 was issued or for any other defect or want of appointment, form, procedure or jurisdiction.]

16. Vesting of surplus land.

(1)As from the date of service of the final statement on a person, the surplus land held by him and shown in the final statement shall be deemed to have been acquired by the State Government and the same shall from the said date vest absolutely in the State Government free from all encumbrances.(2)When any land is vested in the State Government under sub-section (1), the person holding such land shall within [thirty days] [Substituted by Rajasthan Act No. 8 of 1976] from the date of vesting, surrender or deliver its possession to the State Government by placing it at the disposal of the Tehsildar within the local limits of whose jurisdiction such land is situate:[Provided that the authorised officer may extend the period of surrender or delivery of possession of land to allow harvesting of crop standing on the land on the date of its vesting in the Government] [Added by Rajasthan Act No. 8 of 1976].(3)If any person refuses or fails to surrender or deliver possession of the land vested in the State Government within the time specified in sub-section (2), he shall be deemed to be a trespasser on such land liable to ejectment therefrom and to the payment of penalty in accordance with section 91 of the Rajasthan Land Revenue Act, 1956.(4)Notwithstanding anything contained in section 18 or in any other provisions of this Act, where any transfer of land is not recognised or taken into consideration in determining the ceiling area applicable to the transferor under sub-section (1) of section 6, surrender of surplus land vesting in the State Government shall be made by the transferor out of the land remaining with him after the transfer and the balance of surplus land remaining, if any, shall be recovered from the transferee by his ejectment. In case surplus land or any portion of it is recovered from the transferee, the price paid by him for such land or portion thereof shall be deducted from the amount of acquisition payable to the transferor and shall be paid to the transferee to an extent not exceeding such amount of acquisition.

17. Restriction on future acquisition.

(1) On and from the commencement of this Act, it shall not be lawful for any person to acquire by purchase, gift, mortgage, assignment, lease, surrender, devolution, bequest or otherwise any land so as to affect an increase to the extent of his holding over the ceiling area applicable to him. (2) Notwithstanding anything contained in any law for the time being in force, no document relating to any transfer of land either by way of sale, gift, mortgage, exchange, surrender or otherwise shall be registered by any registering officer appointed under the Indian Registration Act, 1908 (Central Act 16 of 1908), unless—(a) the transferor makes a declaration in writing on such form as may be prescribed and files it before such officer that the land intended to be transferred has not been declared surplus [and and may not be declared to be in excess of the ceiling area applicable to him if and, in case the transfer relates to land mentioned in clause (d) and clause (e) of sub-section (1) of section 22, produces, at the time of registration of the document, a copy of a certificate which will, on an application being made by him in the prescribed manner, be obtained from the authorised officer to the effect that there is no objection to the said document's being registered and which will be subject to the final statement prepared under section 13] [Inserted by Rajasthan Act No. 1 of 1997.]; and (b) the transferee makes a declaration in writing in such form as may be prescribed and files it before such officer disclosing the area of the land already held by him and that the land already held by him together with the land to be transferred to him will not exceed the ceiling area applicable to him. (3) If on or after the commencement of this Act any person acquires land by any of the methods mentioned in sub-section (1) which affects an increase in the extent of his holding over the ceiling area applicable to him, he shall within sixty days of such acquisition furnish a return to the authorised officer in accordance with section 10. (4) The provisions contained in sections 4 to 16 shall, so far as may be applicable in relation to the land referred to in sub-section (3). (5) [Nothing in sub-sections (1) to (4) shall apply to a person who acquires, with the prior approval of the State Government or any other authority appointed by it in this behalf, any land in excess of the ceiling area applicable to him, to be used for any of the prescribed non-agricultural purposes: Provided that such person shall have to—(i) apply for conversion of the land for the proposed non-agricultural use within one year from the date of such acquisition; and (ii) commence the proposed non-agricultural use of the land within a period of three years from the date of conversion of the land for the proposed non-agricultural purpose. (6) Nothing in sub-sections (1) to (4) shall apply to a person who has acquired, before the coming into force of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 2010 (Act No. of 2010), land in excess of the ceiling area applicable to him, if such person applies to the State Government, within one year of the coming into force of the aforesaid Act, for conversion of the land for the prescribed non-agricultural purpose and commences the proposed non-agricultural use of the land within a period of three years from the date of conversion of the land for the proposed non-agricultural purpose. (7) If the person referred to in sub-section (5) or sub-section (6) contravenes the provisions of the sub-section (5) or sub-section (6), as the case may be, or the conditions, if any, specified in the approval granted under sub-section (5), the approval shall be deemed to have been withdrawn, and the order of conversion of land for agricultural use, if any, shall be deemed to have been cancelled and the provisions of sub-sections (1), (3) and (4) shall apply to him mutatis mutandis as if he had acquired the land on the date of such contravention. Explanation. - The question as to whether the contravention as referred to in this

sub-section has been committed or not shall be heard and decided by the State Government whose decision thereon shall be final.] [Added by Rajasthan Act No. 37 of 2012, dated 16.11.2012.]

18. Selection of land within ceiling area.

- [(1) A person holding or acquiring land in excess of ceiling area applicable to him shall have the right to select any land within the ceiling limit which he wants to retain in his possession and such right shall be exercised by specifying the land so selected in the return required to be furnished under this Act and if the area of land declared surplus in the draft statement is in excess of the one shown in the return, he may, in the objections to be filed by him to the draft statement, exercise his option in so far as this excess is concerned, to choose which of the lands held by him should be surrendered: Provided that if such person has not made the selection of the land to be retained by him before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Second Amendment) Ordinance, 1975, he may, by an application in writing make the selection within fifteen days from such commencement or within fifteen days from the date of service of final statement, whichever is earlier and in that case the final statement, if already prepared under section 13, shall be modified accordingly and shall be served and published in accordance with that section: Provided further that where a person holds or acquires land of which some are encumbered and some are not, the selection under this section, so far as practicable, be made in favour of encumbered land in preference to un-encumbered land.] [Inserted by Rajasthan Act No. 8 of 1976](2) In making a selection under sub-section (1) such person may also select land for the separate unit: Provided that the land selected for the separate unit, after adding the land held by such unit shall not exceed the ceiling area applicable to such unit.

Chapter III

Amount of Acquisition.

19. Determination of amount of acquisition.

(1) The State Government shall be liable to pay the amount of acquisition for all lands vesting in it under section 16 to the person upon whom the final statement was served. (2) Every such person shall within thirty days from the vesting of land in the State Government or within such extended time as may be allowed by the Authorised Officer submit to the Authorised Officer a detailed statement of claim for the amount of acquisition in such form as may be prescribed. (3) On receipt of the statement of claim for the amount of acquisition under sub-section (2) the Authorised Officer shall, - (a) send one copy of the statement to the Tehsildar of the Tehsil in which the land vested is situate to report within one month about the correctness or otherwise of the particulars given in the statement and in particular about the extent of land that has vested in the State Government, its classification and the condition of improvements. (b) issue a notice in such form as may be prescribed inviting objections against the statement of claim within one month; and (c) hear and dispose of objections, if any, and then proceed to determine the amount of acquisition payable in accordance with the scales laid down in sub-section (4). (4) [The amount of acquisition payable to a person for surplus land vesting in the State Government under section 16 shall be determined by the

Authorised Officer according to the following scales:-] [Substituted by Rajasthan Act No. 16 of 1981]

1.	For the first 7.5 acres surplus land:-	(a)	Nahri	Rs. 1600/-per acre
		(b)	Chahi	Rs. 1000/-per acre
		(c)	Dry (Barani) land in-	
		(i)	fertile zone as described in the Schedule	Rs. 500/ per acre.
		(ii)	semi-fertile zone as described in the Schedule	Rs. 300/ per acre.
		(iii)	hilly zone as described in the Schedule	Rs. 300/ per acre.
		(iv)	semi-desert zone as described in the Schedule	Rs. 100/ per acre.
		(v)	desert zone as described in the Schedule	Rs. 75/- per acre.
2.	For the next 7.5 acres of surplus land:-	(a)	Nahri	Rs. 1400/- per acre
		(b)	Chain	Rs. 800/- per acre
		(c)	Dry (Barani) land in-	
		(i)	fertile zone as described in the Schedule	Rs. 440/- per acre.
		(ii)	semi-fertile zone as described in the Schedule	Rs. 260/- per acre.
		(iii)	hilly zone as described in the Schedule	Rs. 260/- per acre.
		(iv)	semi-desert zone as described in the Schedule	Rs. 88/- per acre.
		(v)	desert zone as described in the Schedule	Rs. 65/-per acre
3.	For the remaining surplus land:-	(a)	Nahri	Rs. 1280/- per acre
		(b)	Chahi	Rs. 800/- per acre
		(c)	Dry (Barani) land in-	
		(i)	fertile zone as described in the Schedule	Rs. 400/-

		per acre.
(ii)	semi-fertile zone as described in the Schedule	Rs. 240/- per acre.
(iii)	hilly zone as described in the Schedule	Rs. 240/- per acre.
(iv)	semi-desert zone as described in the Schedule	Rs. 80/- per acre.
(v)	desert zone as described in the Schedule	Rs. 60/- per acre.

(5)[The amount of acquisition determined under sub-section (3) shall be paid in cash or in bonds or partly in cash and partly in bonds, as may be prescribed.] [Substituted by Rajasthan Act No. 1 of 1974 [1-1-1973]](6)The amount of acquisition shall carry a simple interest at two and a half per cent per annum from the date of surrender of surplus land under sub-section (2) of section 16 or of ejectment therefrom under sub-section (3) of that section, as the case may be, till the date of payment.(7)All land revenue, rent or other income of the surplus land that is vested in the State Government including the amount realized on allotment shall be credited to the Consolidated Fund of the State to which the amount of acquisition shall be debited.

19A. [Review of order determining amount under section 19. [Inserted by Rajasthan Act No. 16 of 1981]

- The authorised officer shall, suo moto or on an application of the person upon whom the final statement was served, review any order passed under section 19 before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Act, 1981 determining the amount for acquisition of surplus land vesting in the State Government under section 16 and shall re- determine the amount with reference to section 19 as amended by the said Act, and the order so passed shall be deemed to be an order passed under sub-section (3) of section 19 for purposes of section 23.]

20. Provision relating to encumbrances on land vesting in the State Government.

(1)Where any encumbrances exist on land of a person vesting in the State Government, the total amount of acquisition payable under section 19 in respect of such land shall be utilized as follows, namely:-Firstly, in discharge of all dues in respect thereof outstanding in favour of the State Government;Secondly, in discharge of all encumbrances existing on lands vesting in the State Government priority being given to encumbrances existing in favour of co-operative societies including land development banks;Thirdly, in discharge of encumbrances existing on lands retained by such person towards the ceiling area applicable to him priority being given to encumbrances existing in favour of cooperative societies including land development banks, andFourthly, balance, if any, shall be paid to such person.(2)If the total amount of encumbrances created by such person on his lands exceed the amount of acquisition payable to him under section 19, then:-(a)the

encumbrances existing on lands retained by such person shall continue to attach to those lands; and(b)the portions of the encumbrances existing on lands vesting in the State Government under section 16 remaining undischarged out of the amount of acquisition, shall be recoverable by the encumbrance holder from the other property of such person.

Chapter IV

Disposal of vested surplus lands.

21. Allotment of vested land to landless persons.

- The surplus land vested in the State Government under section 16 shall [after reserving such extent of surplus land as may be considered necessary by it for purposes directed towards the promotion of agriculture welfare of agricultural population and economic development of the area] [Inserted by Rajasthan Act No. 16 of 1981] be allotted on priority basis amongst, landless labourers of the village particularly to the members of scheduled castes and scheduled tribes by such authority, in such manner, to such extent and subject to such terms and conditions as may be prescribed.

Chapter V

Exemptions

22. Exemptions.

(1)Nothing contained in this Act shall apply to-(a)land owned by the Central Government or by a corporation established under a Central or State Act;(b)land held by a co-operative agricultural society registered on or before 26th Sept., 1970; provided that the total land held by an individual member including his share in such society does not exceed the ceiling area applicable to him;(c)land held by a bank or a co-operative land development bank or any other co-operative bank provided the land has been acquired by it in pursuance of the recovery of its dues;Explanation.- For the purposes of this sub-clause, a bank means a banking company as defined in section 3 of the Banking Regulation Act, 1949 and includes the State Bank of India constituted by the State Bank of India Act, 1955, a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 and a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and any other financial institution notified in this behalf by the State Government;(d)land held by religious or charitable trust (including a wakf as defined in the Wakf Act, 1954) of a public nature or by a gaushala existing on or before 26th September, 1970; and(e)land held by an educational or research institution of a public nature if the entire income of such land is appropriated for such institution [:] [Substituted by Rajasthan Act No. 1 of 1997][Provided that the exemption under clause (d) and clause (e) shall apply only as long as such land continues to be required and used for its purposes by such trust or such gaushala or such educational or the research institution, as the case may be.Explanation.- Where any land exempted by clause (d) or clause (e) of sub-section (1) is intended to be sold, gifted or mortgaged with possession, it shall be deemed for the purpose of the aforesaid proviso that the land is not required

and used for the purpose of such trust or, as the case may be, such gaushala or such educational research institution and such land shall cease to be so exempted;] [Proviso and Explanation added by Rajasthan Act No. 1 of 1997](2)The State Government may, by notification in the Official Gazette, exempt from the operation of this Act, any land, if it considers such exemption to be necessary for a public purpose.(3)[Where any land exempted by clause (d) or clause (e) ceases to be so exempted the returned referred to in section 10 with respect to the land held in excess of ceiling area shall be filed as soon as it ceases to be so exempted.] [Inserted by Rajasthan Act No. 1 of 1997]

Chapter VI

Appeals

23. Appeals.

(1)The State Government or any person aggrieved by any decision or order of the authorised officer under sub-section (3) of section 12 [or sub-section (3) of section 11B] [Inserted by Rajasthan Act No. 8 of 1976] or under sub-section (3) of section 19 or under section 21 may, within thirty days of the date of decision or order, appeal to the Collector of the concerned district against such decision or order.(2)The State Government or any person aggrieved by the decision of the Collector in appeal under sub-section (1) may, within sixty days from the date of appellate order, appeal to the Board against such decision.(2A)[The State Government or any person aggrieved by the decision under section 15 of the officer referred to in that section may, within sixty days from the date of decision, appeal to the Board against such decision and the provisions contained in sub-section (3) to (6) shall mutatis mutandis apply to such appeal.] [Inserted by Rajasthan Act No. 8 of 1976](3)The Collector or the Board may admit an appeal presented after the expiry of the period mentioned in sub-section (1) or sub-section (2), as the case may be, on being satisfied that the party concerned was prevented by sufficient cause from presenting it within the said period.(4)On receipt of an appeal under sub-section (1) or sub-section (2), the Collector or the Board after giving the parties opportunity of being heard, shall:(a)decide the case finally;(b)remand the case; or(c)take additional evidence or require such evidence to be taken by the authorised officer for the purpose of deciding the case finally.(5)The Collector or the Board may stay the execution of any decision or order pending decision of the appeal.(6)The decision or the order of the authorised officer shall, subject to the decision of the Collector or the Board in appeal, be final and shall not be called in question by any civil or revenue Court.

23A. [Review by the authorised officer. [Inserted by Rajasthan Act No. 8 of 1976]

- The authorised officer of its own motion or on the application of the Tehsildar may, at any time within six months of the passing of an order dropping the proceedings under this Act in relation to any person under sub-section (1) of section 12, review and may rescind, alter or confirm any such order:Provided that if such order was passed before the commencement of the Rajasthan Imposition of Ceiling on Agricultural Holdings (Amendment) Ordinance, 1975, it may be reviewed by the authorised officer under this section at any time within six months of such commencement.]

Chapter VII

Punishment, Penalty and Procedure

24. Punishment for failure to furnish return and for the false return or information.

(1) If any person who is under an obligation to furnish a return under this Act refuses or wilfully fails to furnish the return within the time specified in section 10 or in the notice under sub-section (1) of section 11 or within the further time, if any allowed by the authorised officer, he shall be punishable with fine which may extend to five hundred rupees. (2) If any person who, after having been convicted under subsection (1) continues, to refuse or wilfully fail to furnish the return, he shall be punishable with fine which may extend to fifty rupees for each day after the previous date of conviction during which he continued so to offend. (3) If any person who is under an obligation to furnish any return or information under this Act, furnishes a return or information which he knows or has reason to believe to be false, he shall be punishable with fine which may extend to five hundred rupees.

24A. [Punishment for failure to furnish return or supplementary return or false return or supplementary return under section 11A. [Inserted by Rajasthan Act No. 8 of 1976]

- If any person bound to file a return or supplementary return under section 11A does not file the return or supplementary return within the time specified in that section, or files a return or a supplementary return under the said section, which he knows or has reason to believe to be false, he shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Rs. 2000/-or with both.]

25. Punishment for making false declaration.

- If any person makes any declaration before the registering officer under section 17 which he knows or has reason to believe to be false, he shall be punishable with fine which may extend to one thousand rupees.

26. Punishment for acquisition of land in excess of ceiling area.

- If any person, on or after the commencement of this Act, voluntarily acquires land in contravention of sub-section (1) of section 17, he shall be punishable with fine which may extend to one thousand rupees.

27. Punishment for contravention of any lawful order.

- If any person, wilfully contravenes any lawful order passed under this Act, or obstructs any person from lawfully taking possession of any land under the provisions of this Act, he shall be punishable with fine which may extend to one thousand rupees.

28. Offences by Companies.

(1) If the person committing an offence under this Act, is a company, the person in charge of and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be prosecuted against and punished accordingly: Provided that nothing contained in this section shall render any person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of any Director, Manager, Secretary or other Officer of the company, such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.- For the purpose of this section:- (a) "Company" means any body corporate and includes a firm, or other association of individuals; and (b) "Director" in relation to a firm, means a partner in the firm.

29. Cognizance of offences.

(1) No court shall take cognizance of any offence punishable under this Act, except on a complaint in writing made by the Authorised Officer or any officer empowered by him by a special order. (2) No court inferior to that of a District Magistrate shall try any offence punishable under this Act.

Chapter VIII

Miscellaneous

30. Returns and Reports.

- The Authorised Officer shall furnish to the State Government such returns, statistics, accounts and other information as the State Government from time to time require.

31. Authorised Officer empowered to obtain information from persons.

(1) The Authorised Officer may obtain from any court or any authority any information relating to any proceeding pending before him and such court or authority, as the case may be, shall, if such information be available with it, furnish him with such information within a reasonable period.

32. Authorised Officer empowered to obtain information from persons.

(1) For the purpose of carrying into effect the provisions of this Act, the Authorised Officer may, by notice, require any person to furnish any information relating to the extent of land held by such person, the number of members of the family, if any, of such person and such other particulars as may be prescribed. The person aforesaid shall furnish the information to the Authorised Officer within such time as may be specified in the notice or within such further time not exceeding thirty days as the Authorised Officer may, in his discretion, allow. (2) Where any person on whom notice under sub-section (1) has been served fails to furnish the information within the time specified in the notice or within the further time allowed by the Authorised Officer, the Authorised Officer may obtain, in such manner as may be prescribed, the necessary information either by himself or through such agency as he thinks fit.

33. Costs.

- The costs of, and incidental to, all proceedings before the Authorised Officer shall be in his discretion.

34. Power to enter upon land.

- The Authorised Officer or any person acting under his orders may at any time enter upon any land but not a dwelling house with such other officers or persons as he considers necessary and make a survey and take measurements thereof or do any other act which he considers necessary for carrying out the purposes of this Act.

35. Indemnity.

(1) No suit, prosecution or other legal proceeding shall lie against the Authorised Officer, the Board or other authority for anything which is in good faith done or intended to be done in pursuance of this Act, or any rule or order made thereunder. (2) No suit, prosecution or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by virtue of any provisions of this Act or by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

36. Bar of jurisdiction of civil courts.

(1) No civil or revenue court shall have jurisdiction to decide or deal with any question or matter which is by or under this Act required to be decided or dealt with by the Authorised Officer or any other authority. (2) No civil or revenue court shall have jurisdiction to entertain or proceed with a suit for specific performance of contract for transfer of land which affects the right of the State Government to the surplus land under this Act.

37. Delegation of powers.

- The State Government may, by notification, direct that any power exercisable by any Authorised Officer, shall in relation to such matters and subject to such conditions as maybe specified in such notification, be exercisable also by such officer or authority subordinate to the State Government, as may be specified in the notification.

38. Power to make rules.

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

39. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require by order do anything which appears to it necessary for the purpose of removing the difficulty.

40. Repeal and savings.

(1)Except as provided in second proviso to sub-section (1) of section 4 and in sub-section (2) of section 15 of this Act, the provisions of clause (6A) of section 5 and Chapter III-B of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955) are hereby repealed except in the Rajasthan Canal Project area wherein such provisions shall stand repealed on the date on which this Act comes into force in that area.(2)The Rajasthan Imposition of Ceiling on Agricultural Holdings Ordinance 1973 (Rajasthan Ordinance 1 of 1973) is hereby repealed.(3)Notwithstanding the repeal of the said Ordinance under sub- section (2), anything done or any action taken or any rules made under the said Ordinance shall be deemed to have been done, taken or made under this Act and section 27 of the Rajasthan General Clauses act, 1955 (Rajasthan Act 8 of 1955) shall apply to such repeal and re-enactment.

41. Declaration.

- It is hereby declared that the Rajasthan Imposition of Ceiling on Agricultural Holdings Act, 1973 is for giving effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution of India.The Schedule(A)Fertile Zone.[Alwar and Bharatpur

districts.] [Substituted by Rajasthan Act No. 11 of 1992][Tehsils of Gangapur and Bainanwas of Sawai Madhopur District, Tehsils of Toda Bheern and Hindaun of Karauli District] [[Substituted by Rajasthan Act No. 9 of 1998 [with effect from 19th July, 1997], for the following:-Tehsils of Mahuwa, Toda Bheem, Hindaun, Gangapur and Bamanwas of Sawai Madhopur district.]].[Districts of Baran. Bundi, Jhalawar, Kota and Rajsamand] [Substituted by Rajasthan Act No. 11 of 1992].Districts Bhilwara, Chittorgarh and Udaipur excluding Tehsils Pratapgarh, Lasadia, Salumber, Sarada, Kherwada, Phalasia and Kotra.(B)Semi-Fertile Zone.Jaipur District [x x x] [Omitted by Rajasthan Act No. 1 of 1974 [1-1-1973]] [Dausa District.Dholpur District.] [Inserted by Rajasthan Act No. 11 of 1992]Tonk District.Ajmer District.Pali District.Tehsils Srimadhopur and Neem-ka Thana of Sikar district.[Tehsils Udaipurwati and Khetri of Jhunjhunu district.Tehsils Nawan and Merta of Nagaur district.Tehsil Bilara of Jodhpur district.] [Inserted by Rajasthan Act No. 1 of 1974 [1-1-1973]] [Tehsils Khandar, MalaranaChaurand Sawai Madhopur of Sawai Madhopur district. Tehsils Karauli, Sapotra and Nadoti of Karauli district] [[Substituted by Rajasthan Act No. 9 of 1998 [with effect from 19th July, 1997], for the following: -'Tehsils Karauli, Sapotra, Khandar, Malama Chaur, Nadoti and Sawai Madhopur of Sawai Modhopur district.']].Tehsils Shivganj, Sirohi and Reodhar of Sirohi district.[x x x] [Omitted by Rajasthan Act No. 11 of 1992](C)Hilly Zone.Districts of Banswara and Dungarpur.Tehsils of Pratapgarh, Lasadia, Salumber, Sarada, Kherwara, Phalasia and Kotra of Chittorgrah and Udaipur districts.Tehsils Pindwara and Abu of Sirohi district.(D)Semi-Desert Zone.The district of Ganganagar excluding Suratgarh and Anupgarh Tehsils.[The District of Hanumangarh.] [Inserted by Rajasthan Act No. 10 of 1995 [12-7-1994].]Rajgarh Tehsil of district Churu.Tehsils of [x x x] [Omitted by Rajasthan Act No. 1 of 1974 [1-1-1973].] Chirawa and Jhunjhunu of Jhunjhunu district.Fatehpur, Laxniangarh, Sikar and Danta Rajngarh Tehsils of Sikar district.Whole of the Nagaur district [excluding Tehsils Nawan and Merta] [Inserted by Rajasthan Act No. 1 of 1974 [1-1-1973].], Jodhpur [x x x] [Omitted by Rajasthan Act No. 1 of 1974 [1-1-1973].] and Osian Tehsils of Jodhpur district.Jalore district.Tehsil Siwana of Barmer district.[xxx] [Omitted by Rajasthan Act No. 1 of 1974 [1-1-1973].].(E)Desert Zone.Jaisalmer district.Bikaner district.Barmer district excluding Siwana Tehsil.Shergarh and Phalodi Tehsils of Jodhpur district.Churu district except Rajgarh Tehsil.Anupgarh and Suratgarh Tehsils of Ganganagar district.