

# The Rajasthan Kasar Bhom Abolition Act, 1961

RAJASTHAN

India

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### Act 35 of 1961

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The Rajasthan Kasar Bhom Abolition Act, 1961Rajasthan Act No. 35 of 1961[Received, the assent of the President on the 31st day of October, 1961].An Act to provide for the abolition of Kasar Bhom in the State of Rajasthan.Be it enacted by the Rajasthan State Legislature in the Twelfth Year of the Republic of India as follows:-

#### 1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Kasar Bhom Abolition Act, 1961.(2)It extends to the whole of the State of Rajasthan.(3)It shall come into force at once.

#### 2. Definitions.

- In this Act, unless the subject or context otherwise requires,-(i)"Kasar Bhom" means the right, recognised by local custom or by some order of the State Government or of the Ruler of Government of a covenanting State or by the judgment, decree or decision of a civil or revenue court or of a revenue officer including a settlement officer, of a person, other than an estate-holder or his co-sharer or co-sharers, to receive, whether ex-gratia or in lieu of some pre-existing right or of some service to be rendered, payment of a specified fraction of rent recoverable from tenants: and "Kasar Khwar" means the person entitled to receive the whole or a share of the total amount of Kasar Bhom; and(ii)"rent and "estate-holder" have the same meanings as are assigned to them by section 5 of the Rajasthan Tenancy Act, 1955 (Rajasthan Act 3 of 1955).

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

(1)Notwithstanding anything to the contrary contained in any law, sanad, order, judgment, decree, decision, assessment report, custom or usage, all Kasai' Bhom rights shall stand abolished as from the first day of January, 1961, hereinafter referred to as the appointed date, and all payments on account of such rights shall be discontinued as from the said Date.(2)Compensation shall be payable

to every Kasar Khwar whose Kasar Bhom rights stand abolished under sub-section (1) in the prescribed manner on the application of the Kasar Khwar in the prescribed form to the prescribed authority.(3)The amount of such compensation shall be equal to five times the total amount of Kasar Bhom payable to him for the year ending on the 31st day of December, 1960.(4)The payment of such compensation shall be made in three equal yearly instalments, the first of such instalments being payable on the first day of January, 1962 and the provisions of the Rajasthan Pensions Act, 1958 (Rajasthan Act 27 of 1958) shall apply to every such payment.(5)The compensation payable under this Act shall carry simple interest at the rate of two and a half percent per annum from the date of abolition till the date of payment; but no interest shall be payable on such amount of compensation as may remain unpaid for any default of the Kasar Khwar or his agent or representative in interest.(6)Nothing in this section shall in any way-(a)affect or be deemed to preclude the payment to a Kasar Khwar of any amount due to him by way of Kasar Bhom for any period previously to the appointed date, or(b)operate to reduce the amount of rent payable by a tenant to the State Government.

#### **4. Release from liability for service.**

- Where any payment on account of Kasar Bhom, which has been discontinued under section 3, is or has been subject to the rendering of any service, the liability of the Kasar Khwar for rendering such service shall cease and determine as from the appointed date.

#### **5. Power to make rules.**

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