

# **The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954**

RAJASTHAN

India

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### **Act 24 of 1954**

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The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954 Act No. 24 of 1954 [Received the assent of the President on the 25th day of November, 1954]. An Act to provide for the compulsory consolidation of agricultural holdings and for preventing the fragmentation of agricultural holdings in the State of Rajasthan. Be it enacted by the Rajasthan State Legislature as follows:-

## **Chapter I Preliminary**

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

(1) This Act may be called Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954. (2) [It extends to the whole of the State of Rajasthan.] [Substituted by Rajasthan Act 27 of 1957.] (3) Chapters 1 and V shall come into force at once. The remaining Chapters of the Act shall come into force in such area and from such date as the State Government may, by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] appoint in this behalf, and different dates may be appointed for the coming into force of different provisions of the said Chapters.

### **2. Definitions.**

- In this Act, unless the context otherwise requires, (a) "Collector" means the Collector of the district and includes any person authorised by the State Government to perform all or any of the functions of a Collector under this Act; (aa) [ "common purpose" means any purpose in relation to any common need, convenience, or benefit of the village or other area] [Inserted by Rajasthan Act 23 of

1959.];(b)"Consolidation Officer" means an officer appointed as such under section 14 by the State Government and includes any person authorised by the State Government to perform all or any of the functions of the Consolidation Officer under this Act;(c)"Consolidation of Holdings" means the amalgamation and the re-distribution of all or any of the lands in an area, or in any part of an area, [x x x] [Omitted by Rajasthan Act 23 of 1959.] so as to make the holdings in such area or part more compact;(d)"Fragment" means a plot of land of less extent than the appropriate standard area determined under this Act;(e)"Holding" means a parcel or parcels of land held under any lease, engagement, grant or tenure;(f)"Khatedar tenant" means a tenant having a right of occupancy in his holding under any law for the time being in force;(g)"Land" means land which is not occupied as the site of any building in a town or village and is occupied or let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings and other structures on such land;(h)"Landholder" means the person to whom rent is, or but for a contract, express or implied, would be payable and includes a Jagir-dar, Bisweddar, a Zamindar, a rent free grantee, a grantee at a favourable rate of rent, a village servant, a tenant-in- chief who has lawfully sublet and, in case of land held directly from Government, the State Government acting through the Tehsildar;(i)"Notified area" means any area notified as such under section 3;(j)"Prescribed" means prescribed by or under this Act;(k)"Settlement Officer (Consolidation)" means an officer appointed as such under section 20 by the State Government and includes any person authorised by the State Government to perform all or any of the functions of the Settlement Officer (Consolidation) under this Act;(l)"Standard area" in respect of any class of land means the area which the State Government may from time to time' determine under section 5 as the minimum area necessary for profitable cultivation in any particular notified area, and includes a standard area revised under the said section;(m)"Tenant" means the person by whom rent is, or but for a contract, express or implied, would be payable and includes a co-tenant, a tenant of khudkasht, a tenant-at-will, a grove holder, a sub-tenant or a mortgagee of tenancy right, but does not include a trespasser;(n)[ words and expressions used in this Act, but not defined herein have the meanings assigned to them in the Rajasthan Tenancy Act, 1955 (Raj. Act 3 of 1955) and the Rajasthan Land Revenue Act, 1956 (Raj. Act 15 of 1956)] [Substituted by Rajasthan Act 27 of 1957].

## **Chapter II**

### **Determination of Standard Areas and Treatment of Fragments**

#### **3. Determination of notified area.**

- The State Government may, after such inquiry as it deems fit, specify any area as notified area for the purposes of this Chapter.

#### **4. Settlement of Standard area.**

(1)The State Government may, after such inquiry as it deems fit, provisionally settle for any class of land in any notified area, the minimum area that can be cultivated profitably as a separate plot.(2)The State Government shall, by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] and in such other manner as may be prescribed, publish the minimum

areas provisionally settled by it under sub-section (1) and invite objections thereto.

## **5. Determination and revision of standard area.**

(1)The State Government shall, after considering the objections, if any, received within three months of the date of publication of the notification under sub-section (2) of section 4 in the area concerned and making such further inquiry as it may deem fit, determine the standard area for each class of land in such notified area.(2)The State Government may, at any time, if it deems fit or expedient so to do, revise a standard area determined under subsection (1). Such revision shall be made in the manner laid down in section 4 and sub-section (1) of section 5.(3)The State Government shall, by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] and in such other manner as may be prescribed, give public notice of any standard area determined under sub-section (1) or revised under sub-section (2).

## **6. Entry in the record of rights.**

(1)On notification of a standard area under sub-section (2) of section 5 for any area, all fragments in that area shall be entered as such in the record of rights.(2)Notice of every entry made under sub-section (1) shall be given in the prescribed manner.

## **7. Transfer and lease of fragments.**

(1)No person shall transfer any fragment in respect of which a notice has been given under sub-section (2) of section 6, unless thereby the fragment becomes merged in a contiguous survey number or recognised sub-division of a survey number.(2)Notwithstanding anything contained in any law for the time being in force, no such fragment shall be leased to any person other than a person cultivating any land which is contiguous to the fragment.

## **8. Fragmentation prohibited.**

- No land in any notified area shall be transferred or partitioned so as to create a fragment.

## **9. Penalty for transfer or partition contrary to provisions of Act.**

- The transfer or partition of any land contrary to the provisions of this Act, shall be void.

## **10. Valuation of fragment.**

(1)Any person holding a fragment who intends to sell it, shall make an application in this behalf to the Collector for determination of its market price and the Collector shall, after hearing the applicant and the landholders and tenants of the contiguous survey numbers or recognised sub-divisions of survey numbers, determine the market price.(2)Any owner of a fragment, aggrieved by the decision of the Collector, may, within a period of thirty days, prefer an appeal to the [revenue

appellate authority] [Substituted by Rajasthan Act 8 of 1962.] whose decision shall be final and conclusive for the purpose of this Chapter.

## **11. Transfer of fragment.**

- The person referred to in the preceding section, shall, in the first instance, offer the fragment for sale to the landholders and tenants of contiguous survey numbers or recognised sub-divisions of survey numbers, and, in case of their refusal to purchase for the price as determined under the last preceding section, may transfer it to the State Government for the purpose of the State on payment by it of such price as aforesaid to such persons possessing interest therein as the Collector may determine, and thereupon the fragment shall vest absolutely in the State Government for the purpose of the State, free from all encumbrances; Provided that nothing contained in this section or in section 10 shall debar any owner of a fragment from making its transfer to any tenant of a contiguous survey number with the prior sanction of the Collector on such terms, as may be agreed to between such owner and tenant.

## **12. Partition of estate assessed to payment of revenue to [State Government] [Substituted by Rajasthan Act 27 of 1957.] or separation of share thereof.**

- When a decree is transferred to the Collector under section 54 of the Code of Civil Procedure, 1908, for the partition of an undivided estate, assessed to the payment of revenue to the State Government in any notified area, for which standard areas have been fixed, or for the separate possession of a share of such an estate, no such partition or separation shall be made so as to create a fragment.

## **13. State Government or local authority not to acquire land so as to leave fragment.**

(1) Notwithstanding anything contained in any law for the time being in force, no land shall be acquired by the State Government or any local authority or sold at any sale held under the orders of any court so as to leave a fragment. (2) If any land acquired by the State Government or any local authority is in excess of its requirements, it shall be offered for sale in the first instance to the landholders and tenants of contiguous survey numbers or recognised sub-divisions of survey numbers, at the price at which it was acquired under sub-section (1).

# **Chapter III**

## **Consolidation of Holdings**

## **14. Declaration to make scheme for consolidation of holdings.**

(1) With the object, of consolidating holdings in any area for the purpose of better cultivation of lands therein, the State Government may, of its own motion or on application made in this behalf, declare, by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] and by

publication in the prescribed manner, in the area concerned, its intention to make a scheme for the consolidation of holdings in such area.(2)On such publication in the area concerned, the State Government may appoint a consolidation officer, who shall, after consulting in the prescribed manner the landholders and tenants in such area, prepare a scheme for the consolidation of holdings in such area or any part thereof:Provided that if the land owner making the application under subsection (1) submit a scheme of consolidation of holdings mutually agreed to, the consolidation officer shall, in the manner prescribed, examine it and if necessary modify it.

#### **14A. [ Effect of declaration. [Inserted by Rajasthan Act 23 of 1959.]**

(1)Upon the publication of the declaration under section 14, the area concerned shall be deemed to be under consolidation operations from the date of such publication.(2)Where any area is under consolidation operations, the duty of preparing and maintaining the map, the field book and the annual registers under Chapter VII of the Rajasthan Land Revenue Act, 1956 (Rajasthan Act 15 of 1956) shall stand transferred to the consolidation officer.]

#### **15. Scheme to provide for compensation.**

(1)The scheme prepared by the consolidation officer shall provide for the payment of compensation to any person who is allotted a holding which is of less market value than his original holding and for the recovery of compensation from any person who is allotted a holding which is of greater market value than his original holding.(2)The amount of compensation shall be assessed by the consolidation officer, so far as practicable, in accordance with the provisions of the Rajasthan Land Acquisition Act, 1953.

#### **16. Khatedars' tenancies.**

(1)The scheme prepared by the consolidation officer may provide for the distribution of land held in Khatedari rights between the Khatedar tenants and the person from whom they hold (called the landholder) in such proportion as may be agreed upon between the parties.(2)When the scheme is finally sanctioned under section 20, than notwithstanding anything to the contrary contained in any law for the time being in force, Khatedari rights in the land allotted to the landholder shall be deemed to be extinguished and-(i)in places where full proprietary rights in land exist, the land so allotted to the Khatedar tenant and the landholder shall be held by each of them respectively in such right, and(ii)where such rights do not exist, compensation shall be payable for the extension of Khatedari rights, if any, in the portion of the land allotted to the landholder at the rate of fifteen times the annual rent payable in respect thereof.

#### **17. Amalgamation of public roads, etc. within scheme for consolidation of holdings.**

(1)Whenever in preparing a scheme for the consolidation of holdings, it appears to the consolidation officer that it is necessary to amalgamate any road, street, lane, path, channel, [drain, tank, pasture

or land reserved for common purposes] [Inserted by Rajasthan Act 23 of 1959.], he shall make a declaration to that effect, stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over the said road, street, lane, path, channel, [drain, tank, pasture or land reserved for common purposes] [Inserted by Rajasthan Act 23 of 1959.] shall be extinguished or, as the case may be, transferred to a new road, street, lane, path, channel, [drain, tank, pasture or land reserved for common purposes] [Inserted by Rajasthan Act 23 of 1959.] laid out in the scheme of consolidation.(2)The declaration in sub-section (1) shall be published in the area concerned in the prescribed manner alongwith the draft scheme referred to in section 19.(3)Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over the said road, street, lane, path, channel [drain, tank, pasture or land reserved for common purposes] [Inserted by Rajasthan Act 23 of 1959.] or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1), state to the Consolidation Officer in writing his objection to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation on account of the extinction or diminution of the right of public highway over such road, street, lane, path, channel [drain, tank, pasture or land reserved for common purposes] [Inserted by Rajasthan Act 23 of 1959.] shall be entertained.(4)The consolidation officer shall, after considering the objections if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary to the Settlement Officer (Consolidation) together with the objections received, his recommendations thereon and a statement of the amounts of compensation, if any, which in his opinion are payable and of the persons by whom and the persons to whom such compensation is payable. The decision of the Settlement Officer (Consolidation) on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall, subject to any modification made by the State Government, be final.

## **18. Lands reserved for common purposes.**

- Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Consolidation Officer to direct-(a)that any land specifically assigned for any common purpose shall cease to be so assigned and any other land shall be assigned in its place;(b)that any land under the bed of a stream or torrent shall be assigned for any common purpose;(c)that if in any area under consolidation no land is reserved for any common purpose, including extension of the village abadi or if the land so reserved is inadequate, other land shall be assigned for such purpose:Provided that the Consolidation Officer shall order for assignment of adequate land for common grazing ground.

## **19. Publication of draft scheme.**

(1)When the draft scheme of consolidation is ready for publication, the consolidation officer shall publish it in the prescribed manner in the area concerned. Any person likely to be affected by such scheme shall, either individually or collectively, within [forty five days] [Substituted by Rajasthan Act 23 of 1959.] of the date of such publication communicate in writing to the Consolidation Officer any objections relating to the scheme. The Consolidation Officer shall, after considering the objections, if any, received submit the scheme with such amendments, as he considers to be

necessary together with his remarks on the objections to the Settlement Officer (Consolidation). (2) The Consolidation Officer shall also publish in the prescribed manner, the scheme as amended by him.

## **20. Confirmation of scheme.**

(1) The State Government may by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] appoint one or more persons to be Settlement Officers (Consolidation) and, by like notification, specify the area in which each such officer shall have jurisdiction. The Consolidation Officer in the area under the jurisdiction of the Settlement Officer (Consolidation) shall be subordinate to him subject to any conditions which may be prescribed. (2) If no objections are received to the draft scheme published under sub-section (1), or within sixty days of its publication to the amended draft scheme published under sub-section (2) of section 19, as the case may be the Settlement Officer (Consolidation) shall confirm the scheme. (3) If any objections are received to the amended draft scheme published under sub-section (2) of section 19, the Settlement Officer (Consolidation) shall, after taking the objections into consideration, either confirm the scheme with or without modifications or refuse to confirm it. [In case of such refusal, the Settlement Officer (Consolidation) shall return the draft scheme to the Consolidation Officer for reconsideration and resubmission with such directions as may be necessary] [Inserted by Rajasthan Act 23 of 1959.]. (4) Upon the confirmation of the scheme under sub-section (2) or sub-section (3) the scheme as confirmed shall be published in the prescribed manner in the area concerned.

## **21. Re-partition.**

(1) The Consolidation Officer shall, after consulting the landholders and tenants in the area concerned, carry out re-partition of holdings in accordance with the scheme of consolidation of holdings confirmed under section 20; and the boundaries of the holdings as demarcated shall be shown on the map which shall be published in the prescribed manner in the area concerned. (2) Any person aggrieved by the re-partition may file a written objection within 20 days of such publication before the Consolidation Officer. (3) The Consolidation Officer shall, if he does not reject the objection, give a public notice thereof [in the prescribed manner] [Substituted Rajasthan Act 12 of 1969.] for the giving of a public notice under sub-section (2) of section 5, inviting all persons likely to be affected thereby to appear before him and show cause against the objection on a date appointed for the purpose. (4) On the date so appointed, the Consolidation Officer, after hearing all such persons as may appear in response of the notice given under sub-section (3), pass such order on the objection as he considers proper. (5) Any person aggrieved by the order of the Consolidation Officer under sub-section (4) may, within 30 days of the passing thereof, file an appeal before the Settlement Officer (Consolidation), who shall, after hearing the appellant, if present, pass such order thereon as he considers proper: Provided that the order appealed from, shall not be varied or reversed without affording the persons likely to be affected by such variation or reversal an opportunity of being heard.

## **22. Preparation of record of rights.**

- The Consolidation Officer shall cause to be prepared a new record of rights for the area under consolidation giving effect to the re-partition, as finally sanctioned under the preceding section.

## **23. Right to possession of new holdings.**

(1) If all the landholders and tenants affected by the scheme of consolidation or, as the case may be, re-partition, as finally confirmed, agree to enter into possession of the holdings allotted to them thereunder, the Consolidation Officer may allow them to enter into such possession forthwith or from such date as may be specified by him. (2) If such landholders and tenants do not agree to enter into possession under sub-section (1), they shall be entitled to possession of the holdings allotted to them from the first day of May next, following the date of the publication of the scheme under sub-section (4) of section 20 and the Consolidation Officer shall, if necessary, put them in physical possession of the holdings to which they are so entitled including standing crops, and for doing so may enforce the order as a decree for possession. (3) If there are standing crops on any holdings of which possession has been given under sub-section (2), the Consolidation Officer shall determine in the prescribed manner the compensation payable in respect of such crops by the person put in possession, who shall within six months of the date of possession, pay such compensation to the person or persons from whom possession was transferred and in case of default, such compensation shall be recoverable from him as an arrear of land revenue. (4) If any person from whom compensation is recoverable under the scheme, fails, within fifteen days of the First day of May referred to in sub-section (2), to deposit such compensation in the prescribed manner, it shall be recoverable from him as an arrear of land revenue, and in such case the amount realised, after deducting the expenses, shall be paid to any person having interest in the holding.

## **24. Rights of landholders and tenants after consolidation.**

- A landholder and a tenant shall, subject to the provisions of section 16, have the same right in the land allotted to him in pursuance of the scheme of consolidation as he had in his original holding.

### **24A. [ Effect of consolidation scheme on evacuee property. [Inserted by Rajasthan Act 13 of 1958.]**

(1) If in pursuance of a scheme for the consolidation of holdings under this Act, - (a) any land which is evacuee property [x x x] is or has been included in any holding [or is or has been exchange for some other land] [Inserted by Rajasthan Act 23 of 1959.] which is not evacuee property then, as from the date of the coming into force of the scheme, such land shall cease to be, or as the case may be, be deemed to have ceased to be, evacuee property [x x x] [Omitted by Rajasthan Act 23 of 1959.] and (b) any land which is not evacuee property [x x x] [Omitted by Rajasthan Act 23 of 1959.] is or has been included in any holding [or is or has been exchanged for some other land] [Inserted by Rajasthan Act 23 of 1959.] which is evacuee property, then, as from the date of the coming into force of the scheme, such land shall be deemed to be evacuee property [x x x] [Omitted by Rajasthan Act



23 of 1959.],(2)Where any land which has been leased or allotted by the Custodian to a displaced person has ceased to be evacuee property and such displaced person has been allotted some other land in lieu thereof on pursuance of any scheme for the consolidation of holdings under this Act, such other land shall be deemed to have been leased or allotted, as the case may be, to such displaced person [x x x] [Omitted by Rajasthan Act 23 of 1959.],(3)Notwithstanding anything contained in this Act,-(a)no decision of the Custodian in relation to title to any land vested in him as evacuee property [x x x] [Omitted by Rajasthan Act 23 of 1959.] shall be called in question and varied or reversed by any officer or authority under this Act; and(b)nothing in this Act shall be considered as requiring the Custodian to stay any proceedings in relation to title to any such land [x x x] [Omitted by Rajasthan Act 23 of 1959.],(4)In this section,-(a)"Custodian" has the meaning assigned to it in the Administration of Evacuee Property Act, 1950 (Central Act XXXI of 1950); [x x x] [Omitted by Rajasthan Act 23 of 1959.],(b)"displaced person" has the meaning assigned to it in the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954), and(c)"evacuee property" has the meaning assigned to it in the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Central Act 44 of 1954) and includes evacuee property acquired by the Central Government under section 12 of that Act.]

## **25. Encumbrances of landholders and tenants.**

(1)If any holding brought under the scheme of consolidation is burdened with any lease, mortgage, or other encumbrance, such lease, mortgage or other encumbrance shall be transferred and attached to the holding allotted under the scheme, to the landholder or tenant, as the case may be,of the first, mentioned holding or to such part thereof as the Consolidation Officer, subject to any rules that may be made under section 44, may have determined in preparing the scheme, and thereupon, the lessee, mortgagee or other encumbrancer, as the case may be shall cease to have any right in or against the holding from which the lease, mortgage or other encumbrance has been transferred.(2)If the holding to which a lease, mortgage or other encumbrance is transferred, under sub-section (1) is of less market value than the original holding from which it is transferred, he lessee, mortgagor or other encumbrancer, as the case may be, shall subject to the provisions of section 32 be entitled to the payment of such compensation by the landholder or tenant, as the case may be, of the holding as the Consolidation Officer may determine,(3)Notwithstanding anything contained in section 23 the Consolidation Officer shall, if necessary, put any lessee or any mortgagor or other encumbrancer, entitled to possession, in possession of the holding or part of the holding to which his lease, mortgage or other encumbrance has been transferred under sub-section (1).

## **26. Transfer of rights of landholder and tenants in holdings.**

- Notwithstanding anything contained in any law for the time being in force, the rights and liabilities of landholders and tenants in their holdings shall for the purpose of giving effect to any scheme of consolidation affecting them be transferred by exchange or otherwise and no person shall be entitled to object to or to interfere with any transfer made for the said purpose.

## **27. Cost of consolidation proceedings.**

(1)The cost of consolidation proceedings shall be assessed in the prescribed manner.(2)The cost of consolidation proceedings shall be recovered from the persons whose holdings are affected by the scheme of consolidation.(3)[ The State Government, may, from time to time, revise the rates at which the cost of consolidation proceedings is to be assessed and apply such rates with retrospective effect.] [Added by Rajasthan Act 12 of 1969.]

## **28. Recovery of compensation or cost or other sums payable under this Act.**

- Compensation under section 15 or cost under section 27 or any other sum payable under this Act shall be recoverable as an arrear of land revenue.

## **29. Transfer of property during consolidation proceedings.**

- After a notification under sub-section (1) of section 14 has issued and during the pendency of the consolidation proceedings, no landholder or tenant, upon whom the scheme will be binding shall have power without the sanction of the Consolidation Officer to transfer or otherwise deal with any portion of his holding so as to affect the rights of any other landholder or tenant under the scheme of consolidation.

## **30. Suspension of partition proceedings during currency of consolidation proceedings.**

- After a notification under sub-section (1) of section 14 has issued, no proceedings regarding the partition of land in any area which will be affected by the scheme of consolidation shall be commenced, and any such proceedings, then pending, shall remain in abeyance during the pendency of the consolidation proceedings.

## **31. No instrument necessary to affect transfer.**

- Notwithstanding anything contained in any law for the time being in force-(a)no instrument in writing shall be necessary in order to give effect to a transfer involved in carrying out any scheme of consolidation of holdings, and(b)no instrument, if executed, shall require registration.

## **32. Apportionment of compensation or net value in case of dispute.**

- Where there is a dispute in respect of the apportionment of-(a)the amount of compensation determined under sub-section (2) of section 15, or sub-section (2) of section 13 or sub-section (4) of section 17: or(b)the net value realised under sub-section (4) of section 23, or(c)the total amount of compensation determined under subsection (2) of section 25, the Consolidation Officer shall refer the dispute to the decision of the district civil court and deposit the amount of compensation or net value, as the case may be, in that court and thereupon the provisions of the Rajasthan Land

Acquisition Act, 1953, shall, so far as may be, apply.

### **33. Application of Chapter II to consolidated holdings.**

- In any area or any part thereof where consolidation of holdings has been affected under this Chapter, the State Government shall, as soon as may be, take all necessary steps to apply the provisions of Chapter II.

### **34. Power to vary or revoke scheme.**

- A scheme for the consolidation of holdings confirmed under this Act may at any time be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

## **Chapter IV Supplemental Provisions**

### **35. Jurisdiction of Civil Courts barred.**

- No Civil Court shall entertain any suit instituted or application made to obtain a decision or order in respect of any matter which the State Government or any officer is, by this Act, empowered to determine, decide or dispose of.

### **36. Appeal and revision.**

- Except as provided in this Act, no appeal or revision shall lie from any order passed under this Act.

### **37. Power of State Government to call for proceedings.**

- The State Government may at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by any officer under this Act, call for and examine the record of any case pending before or disposed of by such officer and may pass such order in reference thereto as it thinks fit: Provided that no order shall be varied or reversed without giving the parties interested an opportunity to appear and to be heard.

### **38. Power of officers to enter upon land for purpose of survey and demarcation.**

- The Consolidation Officer and any person acting under his orders may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

### **39. Penalty for destruction, injury or removal of survey marks.**

(1) If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected, he may be ordered by a Consolidation Officer to pay such fine, not exceeding fifty rupees for each mark so destroyed, injured or removed, as may, in the opinion of that officer be necessary to defray the expenses of restoring the same and of rewarding the person, if any who gave information of the destruction, injury or removal. (2) The imposition of fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code.

### **40. Report of destruction or removal or injury to survey marks.**

- Every village officer shall be legally bound to furnish the Consolidation Officer with information respecting the destruction or removal of or any injury done to any survey mark lawfully erected in that area.

### **41. Power to summon persons.**

(1) A Consolidation Officer or a Settlement Officer (Consolidation) may summon any person whose attendance he considers necessary for the purpose of any business before him as a Consolidation Officer or a Settlement Officer (Consolidation). (2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or by his authorised agent. (3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or to make statements and to produce such documents and other things relating to any such matter as the Consolidation Officer or the Settlement Officer (Consolidation) may require. (4) If a person summoned under sub-section (1) fails, without good cause, to attend or to produce any document or other thing that he may be required to produce, he shall be liable at the discretion of the Consolidation Officer or the Settlement Officer (Consolidation), as the case may be, to a fine which may extend to fifty rupees.

## **Chapter V**

### **Miscellaneous**

### **42. Appointment of officers and staff and delegation of powers.**

- The State Government may, for the administration of this Act, appoint such persons as it thinks fit, and may, by notification in the [Official Gazette] [Substituted by Rajasthan Act 27 of 1957.] delegate any of its powers or functions under this Act to any of its officers either by name or designation.

### **43. Public servant indemnified for act done under this Act.**

- No suit or other legal proceedings shall be maintained in respect of the exercise of any powers or discretion conferred by this Act, or against any public servant or person duly appointed or

authorised under this Act, in respect of any thing in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

### **43A. [ Close of consolidation operations. [Re-numbered and added by Rajasthan Act 12 of 1969.]**

- [(1)] As soon as may be after the landholders and tenants have entered into possession of their new holdings in accordance with the provisions of section 23, the State Government shall issue a notification in the Official Gazette to the effect that the consolidation operations have been closed in that area and the area shall then cease to be under consolidation operations.](2)[ On the issue of a notification under sub-section (1), all applications and proceedings pending before the Consolidation Officer shall be transferred to the Sub-Divisional Officer of the Sub-Division in which the consolidation operations thus closed were being carried out, and all appeals pending before the Settlement Officer (Consolidation) shall be transferred to the Collector, and such Sub-Divisional Officer and such Collector shall have and exercise the same powers as were exercised by the Consolidation Officer and the Settlement Officer (Consolidation), respectively.] [Substituted by Rajasthan Act 27 of 1957.]

### **44. Rules.**

(1)The State Government may, by notification in the (Official Gazette], make rules for carrying out the purpose of this Act.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules providing for,-(a)the manner of publication under sub-section (2) of section 4, sub-section (1) of section 14, sub-sections (1) and (2) of section 19, sub-section (4) of section 20 and sub-section (1) of 21;(b)the manner of giving public notice under sub-section (3) of section 5;(c)the manner of giving notice under sub-section (2) of section 6;(d)the procedure to be followed in the preparation of the scheme under sub-section (2) of section 14 with particular reference to the allotment of land to tenants, sub-tenants and landless tenants;(e)the manner in which area is to be reserved under section 18 and the manner in which it is to be dealt with;(f)the manner in which the compensation recoverable from any person under sub-section (3) of section 23 shall be deposited by him;(g)the guidance of Consolidation Officer in respect of the transfer of a lease, mortgage or other encumbrance under section 25;(h)the manner in which the area and assessment of land revenue or rent (including water rate, if any) of each re-constituted holding shall be determined;(i)the appointment of guardians ad litem for minors;(j)generally for the guidance of the Consolidation Officer and other officers and persons in all proceedings under this Act; and(k)any other matter which is to be or may be prescribed.

### **45.**

[x x x] [Omitted by Rajasthan Act 27 of 1957.].Appendix 'A'The Rajasthan Holdings Consolidation Operations Validating Act, 1960[Received the assent of the Governor on the 17th day of September. 1960]An Act to validate certain operations for the consolidation of holdings.WHEREAS operations for the consolidation of holdings under the Rajasthan Holdings (Consolidation and Prevention of

Fragmentation) Act, 1954 (Rajasthan Act 24 of 1954) were started in certain areas in Rajasthan without bringing Chapters III and IV of the said Act into force therein and it is considered necessary to validate all such operations.

**1. Short title. - This Act may be called the Rajasthan Holdings Consolidation Operations Validating Act, 1960.**

**2. Validation of Holdings consolidation Operations. - Notwithstanding anything contained in the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954 (Rajasthan Act 24 of 1954), Chapters III and IV of the said Act shall be deemed to have been brought in to force to the areas specified in column 1 of the Schedule respectively from the dates noted in column 2 thereof, and all operations for the consolidation of holdings undertaken in the said areas before the commencement of this Act shall be deemed to have been validly and properly undertaken notwithstanding any defect or want of procedure, jurisdiction or authority.**

The Schedule(See Section 2)

| Areas                   | Date of commencement of Chapters III and IV |
|-------------------------|---|
| Jaipur district         | 1st May, 1957                               |
| Sawai Madhopur district | 1st May, 1958                               |
| Pali district           | 1st May, 1957                               |
| Jalore district         | 1st February, 1958.                         |
| Bundi district          | 1st November, 1958                          |
| Jodhpur district        | 1st November, 1958.                         |

Appendix 'B'The Rajasthan Holdings (Consolidation and Prevention of Fragmentation Amending and Validating Act, 1969(Act No. XII of 1969)

**5. Validation of Holdings Consolidation Operations. - Notwithstanding anything contained in the Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954 (Rajasthan Act 24 of 1954), Chapters III and IV of the said Act shall be deemed to have been brought in to force lawfully and validly in the areas specified in column 1 of the Schedule respectively from the dates noted in column 2 thereof, and all operations for the consolidation of holdings undertaken in the said areas before the commencement of this Act shall be deemed to have been validly and properly undertaken.**

The Schedule(See Section 5)

| Areas                   | Date of commencement of Chapters III and IV |
|-------------------------|---|
| 1                       | 2   |
| Jaipur district         | 1st May, 1957                               |
| Sawai Madhopur district | 1st May, 1958                               |
| Pali district           | 1st May, 1957                               |
| Jalore district         | 1st February, 1958.                         |
| Bundi district          | 1st November, 1958                          |
| Jodhpur district        | 1st November, 1958.                         |