

The Rajasthan Jagir Decisions and Proceedings (Validation) Act, 1955

RAJASTHAN

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Act 18 of 1955

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The Rajasthan Jagir Decisions and Proceedings (Validation) Act, 1955 Act No. 18 of 1955 [Published in the Rajasthan Gazette (Raj-Patra), Extraordinary, Part IV A, dated November 5, 1955] [Received the assent of the President on the 5th day of November, 1955.] An Act to validate certain decisions given, and proceedings taken, in respect of matters relating to the resumption of Jagirs in the Covenanted States of Rajasthan, and the recognition, according to law, of succession to the rights and titles of Jagirdars therein, and to provide the forum for the disposal of such cases and proceedings. Whereas the laws of the different Covenanted States of Rajasthan provide for—(i) the resumption of Jagirs in those States, (ii) the recognition of succession to the rights and titles of Jagirdars therein, (iii) the powers of the various grades of Revenue Courts and officers for the disposal of cases arising out of or under such laws, and (iv) the reservation of certain powers to be exercised by the Rulers of those States in such cases: And, Whereas, Section 3 of the Rajasthan Administration Ordinance, 1949, (Rajasthan Ordinance I of 1949), provides that such laws shall, until altered or repealed or amended by a competent authority, continue in force in those States, subject to the modification that references therein to the Rulers of those States shall be construed as references to the Rajpramukh: And, Whereas, Article 372 of the Constitution of India and section 46 of the Rajasthan Revenue Courts (Procedure and Jurisdiction) Act, 1951 (Rajasthan Act 1 of 1951), also provide for the similar continuance of such laws: And, Whereas, such laws, not having so far been expressly repealed as aforesaid, are being given effect to and administered according to their tenor in the covenanted States to which they relate, subject to the provisions of the Rajasthan Revenue Courts (Designation) Ordinance, 1949 (Rajasthan Ordinance XXXVI of 1949): And, Whereas, such laws have lately been held to have been impliedly repealed by paragraph (3) of Article VII of the Covenant in so far as they provide for the powers of the various grades of Revenue Courts and Officers for the disposal of cases arising out of or under them: And, Whereas, it has been further held that the jurisdiction vested in the Rajpramukh by paragraph (3) of Article VII of the Covenant in respect of such cases has ceased to be operative with the commencement of the Constitution: And,

Whereas, such pronouncements have rendered all decisions given in such cases over a period of nearly six years liable to be questioned in Civil Courts of competent jurisdiction and have excluded from the jurisdiction of the various grades of Revenue Courts and Officers, or the Rajpramukh all such cases as are still pending or may hereafter be started or instituted: And, Whereas, it is expedient to declare such decisions to be valid and not liable to be questioned in Civil Courts, and to provide the form for the disposal of such cases in accordance with such laws to the exclusion of the jurisdiction of Civil Courts over them. Be it enacted by the Rajasthan Legislative Assembly in the Sixth Year of the Republic of India as followings:-

1. Short title & commencement.

(1) This Act may be called the Rajasthan Jagir Decisions and Proceedings (Validation) Act, 1955. (2) It shall come into force at once.

2. Definitions.

- In this Act unless the subject or context otherwise requires. (a) [the words "jagirs" and "jagirdars" shall have the meanings assigned, respectively, to the expressions "jagirs Land" and "jagirdar" by clauses (h) and (g) of section 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952), and] [Substituted by Rajasthan Act 39 of 1956 with respective effect from the beginning.] (b) the words "law" shall mean an existing Jagir law as defined in clause (d) of section 2 of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952 (Rajasthan Act VI of 1952) and shall include any law relating to Jagirs of Jagirdars enacted after the commencement of that Act.

3. Validation of certain decisions.

- Notwithstanding anything Contained in the Covenant or in any judgment, decree or order of any Court, all final decisions given by the various grades of Revenue Courts or Officers, or by the Rajpramukh, in cases or proceedings arising out of, or under, the laws of the covenanting States providing for the resumption of jagirs in those states and the recognition of succession to the rights and titles of jagirdars therein shall be valid and shall be deemed always to have been valid and shall not be liable to be called in question in any Civil Court.

4. Continuance of pending cases and proceedings.

- Notwithstanding as aforesaid, if immediately before the commencement of this Act, any cases or Proceedings of the nature referred to in section 3 are pending before any Revenue Court or Officer, or before the Rajpramukh- (a) all action taken therein before such commencement by any such Court or officer, or by the Rajpramukh, acting, or purporting to act, under the relevant law of a covenanting State, shall be valid and shall be deemed always to have been valid and shall not be liable to be called in question in any Civil Court: (b) any such cases or proceedings may be continued and completed in accordance with the provisions of the relevant laws of the covenanting States by a

Revenue Court or Officer Competent under such laws to deal therewith, subject to the provisions of the Rajasthan Revenue Courts (Designation) Ordinance, 1949 (Rajasthan Ordinance XXXVI of 1949):(c)the orders of the Board of Revenue for Rajasthan passed in such cases or proceedings shall be final, notwithstanding that such laws require any class of such cases or proceedings to be submitted, for the confirmation of such orders, to, or permit, with reference to such orders, the preferring of any appeal, revision, or other proceeding before the Rajpramukh, or the State Government, or any Minister of the State Government, or any other superior authority: and(d)any such cases or proceedings pending before the Rajpramukh, or the State Government or any Minister of the State Government, or any other authority superior to the said Board, shall be transferred to it for final disposal.Explanation - Where in accordance with the law of a covenanting State, a report is required to be submitted, and has been submitted, or ordered to be submitted, to a superior authority or Court for the approval or confirmation of orders passed in a case or proceedings for the final disposal thereof, such case or proceeding shall, for the purpose of this section, be treated as pending before such superior Court or authority.(2)No action taken or decision given under sub-section (1) shall be liable to be called in question in any Civil Court.

5. [Court in which new cases and proceedings may be instituted. [Substituted by Rajasthan Act No. 44 of 1957.]

(1)Notwithstanding as aforesaid, any case or proceeding of the nature referred to in section 3 may hereafter be instituted in the Court of the Collector exercising jurisdiction in the area within which the subject matter of the case or proceeding is situated:Provided that, if in any such case or proceeding, the gross yearly income from the subject matter thereof does not exceed two thousand rupees the claimant for succession is the natural born son of the deceased holder or the natural born son of his pre-deceased natural born-son, such case or proceeding shall be so instituted in the Court of the Sub-Divisional Officer exercising jurisdiction in the area within which the subject matter of the case or proceeding is situated.(2)Where the subject matter of any such case or proceeding is situated within the legal limits of the jurisdiction of more than one Collector or Sub-Divisional Officer, the [Board] shall, on his own motion or otherwise, direct which of those Collectors or Sub-Divisional Officers, as the case may be, shall proceed with the trial of the case or proceedings.]

6. Trial and disposal of new cases and proceedings.

(1)The Collector or Sub-Divisional Officer, as the case may be, in whose Court a case or proceeding referred to in section 5 is instituted or directed to be proceeded with, shall, in conducting the trial thereof, follow, as far as may be practicable, the same procedure as is provided for the trial of suits by him and shall, after hearing all persons interested in the subject matter thereof who desire to be heard, record his findings on all the matters in issue and make the final order:Provided that in a case or proceeding in which the gross yearly income from the subject matter exceeds five thousand Rupees or the claimant for succession is not the natural born son of the deceased holder or the natural born son of his predeceased natural born son, the final order shall not be made and the Collector shall set forth his recommendations in writing and submit the case or proceeding to the [revenue appellate authority] [Substituted vide Rajasthan Act No. 8 of 1962.] for orders.(2)In every case or proceeding submitted for orders under the proviso to sub-section (1), the [revenue appellate

authority] [Substituted vide Rajasthan Act No. 8 of 1962.] after affording an order confirming varying or setting aside the recommendations made by the Collector or may direct further inquiry to be made or additional evidence to be taken in the case or proceeding: Provided that if the gross yearly income from the subject matter thereof exceeds ten thousand rupees or the claimant for succession is not the natural born son of the deceased holder or the natural born son of his pre-deceased natural born son the [Revenue appellate authority] [Substituted vide Rajasthan Act No. 8 of 1962.] shall not make the final order but shall set forth his own recommendations in writing and submit the case or proceeding to the Board of Revenue for orders.

7. Objections maybe lodged to recommendations.

- In every case or proceeding submitted for orders to the [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] under the proviso to sub-section (1) of section 6 or to the Board of Revenue under the proviso, sub-section (2) of that section, any person who desired under sub-section (1) of that section to be heard and who is likely to be affected adversely by the recommendations made, may lodge an objection thereto, and the [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] before making the final order or his recommendations, and the Board of Revenue before making the final order, shall hear and dispose of all such objections.

8. Appeals.

(1) An appeal shall lie-(a) to the [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] from the final order made in any case or proceeding referred to in section 5 by Sub-divisional Officer, or a Collector under sub-section (1) of section 6, and (b) to the Board of Revenue from such final order made by a [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] under sub-section (2) of section 6. (2) An appeal shall also lie from any such final order passed by [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] in appeal.

9. Limitation for appeals.

(1) Where an appeal lies under section 8, it may be presented-(a) if it lies to the [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] within thirty days, and (b) if it lies to the Board of Revenue, within sixty days, of the order appealed from, exclusive of the time requisite for obtaining a certified copy thereof. (2) The provisions of section 5 of the Indian Limitations Act, 1908 (central Act IX of 1908) shall apply to appeals under section 8.

10. Powers of the Board of Revenue.

- In every case or proceeding submitted to it for orders under the proviso to sub-section (2) of section 6 and in every appeal referred to it under section 8, the Board of Revenue, after hearing all parties desiring to be heard and after disposing of all objections, if any, lodged under section 7 or

otherwise may-(a)confirm or set aside the final order or the recommendations made by the [revenue appellate authority] [Substituted vide Rajasthan Act No. 18 of 1962.] originally or in appeal, or(b)vary the same, or(c)direct further inquiry to be made, or additional evidence to be taken in the case or proceeding, or(d)make such other order therein as may seem to it to be just and proper.

11. Power of the Board of Revenue to call for records.

- The Board of Revenue may call for the record of any case or proceeding referred to in section 5 which has been decided by any subordinate revenue court and in which no appeal lies to the Board of Revenue and if such subordinate Revenue Court appears-(a)to have exercised jurisdiction not vested in it by law, or(b)to have failed to exercise jurisdiction so vested, or(c)to have acted in the exercise of its jurisdiction illegally or with material irregularity, the Board of Revenue may pass such orders in the case or proceeding, as it thinks fit.

12. Finality of Board's order.

- Every order passed by the Board of Revenue under section 10 of section 11 shall be final and binding on all concerned.

13. Bar to jurisdiction of civil Courts.

- No case or proceeding referred to in section 5 shall lie in any Civil Court and no action taken or order made in any such case or proceeding by any Revenue Court or officer, shall be liable to be called in question in any Civil Court.

14. Power to make Rules.

- The State Government, may make rules consistently with this Act, to carry out the provisions thereof.

15. Provisions for pending new cases or proceedings.

- If any case or proceeding of the nature referred to in section 3, having been instituted on or after the 5th day of November, 1955, might be pending on the date on which the Rajasthan Jagir Decisions and Proceedings (validation) Amendment Ordinance, 1957, came into force, such case or proceeding shall be dealt with and disposed of in accordance with the provisions of sections 5 to 13 and the rules, if any, made under section 14.

15A. [Revisional powers of Government. [Inserted by Rajasthan Act No. 6 of 1960.]

(1)Notwithstanding anything contained in this Act, or in any other law, the State Government shall have power, on its own motion or on an application made to it in this behalf or on the facts

otherwise coming to its knowledge or notice, to call for the record of any case relating to the resumption of a jagir in a covenanting State or to the recognition of succession to the rights and titles of a jagirdar therein-(i)which may have been decided by any revenue court or officer, including the Board of revenue for the State, irrespective of whether such decision is covered by section 3 or section 4 or section 6 or section 8 or section 10 or section 11 or section 15 of this Act, and(ii)in which the claimant for succession is or was not the natural born son of the deceased holder or the natural born son of his pre-deceased natural born son:Provided that no action under this section shall be taken in respect of any such case which may have been so decided ten years before the date on which such action is intended to be started.(2)In any proceeding under sub-section (1), the State Government shall-(a)afford a reasonable opportunity of being heard to all persons interested in or affected by the last decision in such case.(b)examine the merits of the case, and(c)make such final order therein either confirming, varying or setting aside the said decision, as it may deem fit.]

16. [Saving. [Inserted by Rajasthan Act No. 12 of 1958.]

- Nothing contained in this Act or the rules made there under shall apply or be deemed ever to have applied to an application by the holder of a State-grant for sanction to adopt a son or to nominate a chela as his successor and to the grant of such sanction if, according to the existing Jagir law by which holder is governed, such sanction is a condition precedent to the recognition of the adoption or nomination for the purpose of succession to the State-grant; and the State Government or other authority competent under such law to entertain such an application and to grant such sanction shall notwithstanding anything contained in this Act continue to exercise the powers conferred by that law.]