

RAJASTHAN TENANCY ACT 1955

The whole of the Tenancy Act has been simplified and summarized by Delhi Law Academy in 20 pages, retaining the statutory language.

In this sample we present the first 5 pages.....

Objective

- This is an Act
 - to consolidate and amend the law relating to tenancies of agricultural lands and
 - to provide for certain measures of land reforms
- **"Agricultural year":**
 - the year commencing on first July and ending on thirtieth June next
- **"Agriculture":**
 - horticulture, cattle breeding, dairy farming, poultry farming and forestry development
- **"Agriculturist":**
 - a person who by himself or by servants or tenants
 - earns his livelihood wholly or principally by agriculture
- **"Crops":**
 - shrubs, bushes, plants and climbers such as rose bushes, mehandi bushes, plantains and papittas
 - but **not** fodder and natural produce
- **"Fragment":**
 - a piece of land less in area than the minimum prescribed by State Govt
- **"Grove-land":**
 - any specific piece of land having trees planted in such numbers
 - that they preclude such land from being used primarily for any other agricultural purpose

- **"Improvement"**
 - a dwelling house erected on the holding by the tenant for his own occupation or
 - a cattle-shed or a storehouse or other construction for agricultural purposes erected on his holding
 - any work which adds materially to the value of the holding and which is consistent with the purpose for which it was let
- shall include
 - construction of bunds, tanks, wells, water channels and other work for storage or supply of water for agricultural purposes
 - construction of works for drainage of land for its protection from floods or from erosion
 - reclaiming, clearing, enclosing, levelling or terracing of land
 - erection in the immediate vicinity of the holding of building required for convenient or profitable use of the holding
- but shall not include
 - temporary wells, water channels, bunds, enclosures or other works made by tenants in the ordinary course of cultivation
- **"land"**:
 - land which is let or held
 - for agricultural purposes or for purposes subservient thereto or
 - as grove land or for pasturage
- including
 - land occupied by houses or enclosures situated on a holding or
 - land covered with water which may be used for irrigation or growing singhara or other similar produce
- but excluding
 - *abadi* land
- shall include
 - benefits to arise out of land and
 - things attached to the earth or permanently fastened to anything attached to earth
- **"land cultivated personally"**
- land cultivated on one's own account
 - by one's own labour or

- by the labour of any member of one's family or
- by hired labour or by servants on wages payable in cash or in kind but not by way of a share in crop: under personal supervision of oneself or any member of one's family
- **"Landless person"**
 - an agriculturist by profession who cultivates or can reasonably be expected to cultivate land personally
 - but
 - who does not hold any land, in his own name or in the name of any member of his joint family or holds a fragment
- **"Pasture land"**
- land
 - used for grazing of the cattle of a village or
 - recorded in settlement records as such or
 - reserved as such in accordance with rules framed by State Govt
- **"Rent"**
 - whatever is in cash or in kind payable on account of the use or occupation of land
- shall include
 - sayer, unless the contrary intention appears
- **"Revenue"**
 - land revenue
 - that is to say, the annual demand payable directly to State Govt in respect of land or of any interest in land or use of land
- **"Tenant"**
 - person by whom rent is payable or but for a contract, would be payable
- shall include
 - a grove-holder
 - a tenant holding from a land owner
 - a mortgagee of tenancy rights
 - a sub-tenant

- but shall not include
 - a grantee at a favourable rent or an *ijaredar* or *thekadar* or a trespasser
- **"Trespasser"** shall mean
 - a person who takes or retains possession of land without authority or
 - who prevents another person from occupying land duly let out to him
- **"Nalbat"** shall mean
 - a payment in cash or in kind
 - to the owner of a well by some person
 - for using that well for irrigation

Applicability of the Act to State Govt

Section 7

- In respect of land held by tenants directly from State Govt:
- provisions of this Act shall apply
 - as if State Govt were the land holder acting through the *Tehsildar*

Khudkasht right

Section 9

- 'Khudkasht right' means
 - rights conferred on holders of *Khudkasht*
- *Khudkasht* right is not transferable
- except
 - by exchange or by partition of the *Khudkasht* or
 - by gift for the purpose of maintenance

CHAPTER III *Classes of Tenants*

Classes of tenants

Section 14

- There shall be the following classes of tenants:
 - *Khatedar* tenants
 - *Maliks*
 - Tenants of *Khudkasht*
 - *Gair Khatedar* tenants

Khatedar tenants

Section 15

- Every person
 - who, at commencement of this Act, is a tenant of land otherwise than as a sub-tenant or a tenant of *Khudkasht* or
 - who is, after commencement of this Act, admitted as a tenant otherwise than a sub-tenant or tenant of *Khudkasht* or an allottee of land under Rajasthan Land Revenue Act 1956 or
 - who acquires *Khatedari* rights under this Act or any other law
- shall be
 - a *Khatedar* tenant and
 - entitled to all rights and be subject to all liabilities of *Khatedar* tenants

No *Khatedari* rights in Indira Gandhi Canal Area

Section 15A

- land in Indira Gandhi Canal area leased out on any terms whatever
 - shall be deemed to have been let out temporarily and
- no *Khatedari* rights shall accrue
 - in any such land so leased out
