
**MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION
ACT, 1955**

18 of 1955

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MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION ACT, 1955

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An Act to provide for the abolition of Religious and Charitable inams in the Karnataka Area except Bellary District. Whereas it is expedient in the public interest to provide for the abolition of religious and charitable inams in the Karnataka Area except Bellary District and for other matters connected therewith; Be it enacted by the Karnataka State Legislature in the Sixth Year of the Republic of India as follows

CHAPTER 1

Preliminary

1. Short title, extent, application and commencement :-

(1) This Act may be called the Mysore (Religious and Charitable) Inams Abolition Act, 1955.

(2) It extends to the whole of the [Karnataka Area] except Bellary

District.

(3) It applies to.

(a) Religious inams including the Sringeri Jahgir; and

(b) Charitable inams.

¹[Explanation. 'Religious inam', or 'charitable inam', means a grant of a village, portion of a village or land entered in the register of inams, quit-rent register, alienation register, or any revenue account maintained by or under the authority of Government as Devadaya inam or Dharmadaya inam, as the case may be;]

(4) This section and Sections 2, 34 and 36 shall come into force at once and the rest of this Act shall come into force ² [in minor inams other than such Devadaya inams in unalienated villages in such area and on such date, as the Government may by notification specify, and in any inam village, on such date as the Government may, by notification specify in respect of such inam village].

1. Explanation substituted by Act No. 16 of 1960 and shall be and shall be deemed to have always been substituted.

2. Substituted for the words "in respect of any inam village, or minor inam in an unalienated village on such date as the Government may by notification appoint" by Act No. 33 of 1969.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context.

(1) All words and expressions defined in the Land Revenue Code shall have the same respective meanings as in that Code with the modifications, made by this Act;

¹ [(1-A) "Appellate Authority" x x x x x]

(2) "Date of vesting" in relation to an inam means, the date appointed by a notification issued under sub-section (4) of Section 1 to be the date on which the provisions of this Act (other than Sections 2, 34 and 36) shall come into force in such inam;

(3) "Deputy Commissioner" includes any officer, [not below the rank of an Assistant Commissioner] authorised by the Government by notification to exercise the powers of a Deputy Commissioner under this Act;

(4) "Government" means the State Government;

(5) "Inam" includes an inam village and a minor inam;

(6) "Inamdar" means a religious or charitable institution owning an inam;

(7) "Inam village" means an alienated village whether Sarvamanya or Jodi or a portion of such village;

Explanation. In respect of the Sringeri Jahgir, "inam village" means the group of inam villages specified in the Schedule to the Sringeri Jahgir Inam Settlement Act, 1897;

(8) "Kadim tenant" means a tenant as defined in Section 84 of the Land Revenue Code;

(9) "Land Revenue Code" means the [Karnataka Land Revenue Code, 1888];

(10) "Minor Inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village;

(11) "Notification" means a notification published in the Karnataka Gazette;

(12) "Permanent tenant" means a person who either under Section 79 of the [Land Revenue Code] or otherwise is entitled to a tenancy in respect of any land used for agricultural purposes, the duration of which is co-extensive with the duration of the tenure of the inamdar; but, where the inamdar is an institution of religious worship shall not include a person rendering religious service in or maintaining the institution as a pujari, archak or the holder of a similar office, and enjoying the benefits of any land

[(12-a) "Protected tenant" means a tenant of any land comprised in a minor inam, if he has held it continuously and cultivated it personally for a period of not less than twelve years prior to the 1st day of July, 1970];

(13) "Prescribed" means prescribed by rules made by the Government under this Act;

[(14) Land revenue for the purpose of determining the premium payable by a permanent tenant under Section 5, means the amount payable as land revenue for the land during the revenue year 1953-54.

Explanation. In the case of an inam village to which survey and

settlement has not been introduced, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village during the revenue year 1953-54, shall be deemed to be the land revenue of the land for the purpose of this sub-section].

[(15) 'Tribunal" means a Tribunal constituted under Section 48 of the Karnataka Land Reforms Act, 1961;]

1. Clause (1-A) omitted by Act No. 18 of 1990, w.e.f. 8-10-1990.

CHAPTER 2

Vesting of Inam in State and Its Consequences

3. Consequences of the vesting of an inam in the State :-

(1) When the notification under sub-section (4) of Section 14 in respect of any inam has been published in the Karnataka Gazette, then, notwithstanding anything contained in any contract, grant or other instrument or in any other law for the time being in force, with effect on and from the date of vesting, and save as otherwise expressly provided in this Act, the following consequences shall ensure, namely.

(a) the provisions of the Land Revenue Code, relating to alienated holdings, shall be deemed to have been repealed in their application to the inam; and the provisions of the 4[Land Revenue Code] and all other enactments applicable to unalienated villages shall apply to the said inam;

(b) all rights, title and interest vesting in the inamdar including those in all communal lands, cultivated lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries, shall cease and be vested absolutely in the State of Karnataka, free from all encumbrances;

(c) the inamdar shall cease to have any interest in the inam other than the interests expressly saved by or under the provisions of this Act;

(d) all rents and land revenue including cesses and royalties accruing in respect of lands comprised in such inam on or after the date of vesting shall be payable to the State and not to the inamdar and any payment made in contravention of this clause shall not be valid;

(e) all arrears of revenue, whether as jodi or quit-rent and cesses, remaining lawfully due on the date of vesting in respect of any such inam shall after such date continue to be recoverable from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the compensation money payable to such inamdar under this Act;

(f) no such inam shall be liable to attachment in execution of any decree or other process of any Court and any attachment existing on the date of vesting or any order for attachment passed before such date in respect of such inam, shall cease to be in force;

(g) the Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, mutchalikas, maps, plans and other documents relating to the inam which the Government may require for the administration thereof:

Provided that the Government shall not dispossess any person of any land in respect of which they consider that he is prima facie entitled to be registered as the occupant 1[or to be continued as a tenant];

(h) the inamdar whose rights have vested in the State of Karnataka under clause (b) shall be entitled only to compensation from the Government as provided in this Act;

(i) the relationship of landlord and tenant shall, as between the inamdar and a kadim tenant or a permanent tenant or any other tenant, be extinguished;

(j) the relationship of superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished;

(k) kadim tenants, permanent tenants and other tenants in the inam and persons holding under them and holders of minor inams shall, as against the Government, be entitled only to such rights and privileges and be subject to such conditions as are provided for by or under this Act; and any other rights and privileges which may have accrued to them in the inam before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the Government or such inamdar.

(2) Nothing contained in sub-section (1) shall operate as bar the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum shall be recoverable by him by any process of law which but for this Act would be available to him.

4. Kadim tenants to be registered as occupants of their holdings :-

(1) Every kadim tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands which, immediately before the date of vesting, were properly included in his holding.

(2) Nothing in this Act shall affect any right created by the kadim tenant in any land included in his holding.

5. Permanent tenants to be registered as occupants on certain conditions :-

(1) Subject to the provisions of sub-section (2), every permanent tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July, 1948, shall, except where the Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under sub-section (1), shall be liable to pay to the Government, as premium for acquisition of ownership of the land, an amount equal to twenty times such land revenue. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, the amount due shall be recoverable as arrears of land revenue due on the land in respect of which it is payable :

¹[Provided that where a permanent tenant entitled to be registered as an occupant of land under sub-section (1) is shown as a registered occupant in the settlement register and other records

referred to in Section 117 of the ² [Land Revenue Code], or where the rent paid by a permanent tenant entitled to be registered as an occupant under sub-section (1) is not more than the land revenue no premium shall be payable under this sub-section];

1. Proviso added by Act No. 16 of 1960 and shall be and shall be deemed to have always been added.

2. Now see the Karnataka Land Revenue Act, 1964 (Act 12 of 1964).

5A. Protected tenant to be registered as an occupant on certain conditions :-

1 .

(1) Subject to the provision of sub-section (2), every protected tenant shall on and from the date of vesting be entitled to be registered as an occupant in respect of all lands of which he was a protected tenant immediately before the date of vesting.

(2) In addition to the annual land revenue payable in respect of the land, a protected tenant entitled to be registered as an occupant of any land under sub-section (1) shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an amount equal to

(i) Where two crops of paddy can be raised in a year or where sugarcane can be raised. Rupees three hundred and thirty per acre.

(ii) Where one crop of paddy can be raised in a year Rupees two hundred and twenty per acre

(iii) Where semi-dry crops can be grown. Rupees one hundred and ten per acre. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment the amount due shall be recoverable as an arrear of land revenue due on the land in respect of which it is payable.]

1. Section 5-A inserted by Act No.27 of 1973, w.e.f. 27-12-1973

6. Other tenants to be tenants under Government :-

Every tenant of the inamdar other than a kadim tenant or a permanent tenant shall, with effect on and from the date of vesting, and subject to the provisions of Chapter IV, be entitled to be continued as a tenant under the Government in respect of land of which he was a tenant under the Inamdar immediately before the date of vesting:

6A. Pujari, archak, etc., to be registered as an occupant on certain conditions :-

1

(1) Where the inamdar is an institution of religious worship, a person.

(i) rendering religious service in or maintaining the institution as a pujari, archak or the holder of a similar office by whatever name called; or

(ii) rendering any service in such institution, and personally cultivating for a continuous period of not less than three years prior to the date of vesting by contributing his own physical labour or that of the members of his family and. enjoying the benefits of any land comprised in the inam of such institution without paying rent as such in money or kind to that institution in respect of such land, shall, with effect from and on the date of vesting and subject to the provisions of Section 27-A be entitled to be registered as an occupant of such land.

(2) In addition to the annual land revenue payable in respect of the land a person entitled to be registered as an occupant of any land under sub-section (1) shall be liable to pay to the State Government as premium for ownership of that land an amount equal to one hundred times the land revenue of such land plus in the case of lands classified as dry but possessing facilities for irrigation from any source of water which is the property of the Government.

(i) Where two crops of paddy can be raised in a year or where sugarcane can be raised. Rupees six hundred and sixty per acre.

(ii) Where one crop of paddy can be raised in a year Rupees four hundred and forty per acre.

(iii) Where semi-dry crops can be grown. Rupees two hundred and twenty per acre. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment the amount due shall be recovered as arrears of land revenue due on the land in respect of which it is payable.]

1. Section 6-A inserted by Act No. 27 of 1973, w.e.f. 27-12-1973.

7. Lands and buildings to vest in the holder of a minor mam

:-

(1) Subject to the provisions of sub-section (3) every holder of a minor inam shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands which immediately before the date of vesting were included in his holding other than.

(i) communal lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigations;

(ii) lands in respect of which any person is entitled to be registered under Sections 1[4, 5, 5-A or 6-A] or is entitled to be continued as a tenant under Section 6; and

(iii) lands upon which have been erected buildings owned by any person other than the holder of the minor inam.

(2) Subject to the provisions of sub-section (3) every building situated within the limits of the minor inam and which was owned immediately

(3) Notwithstanding anything contained in any law for the time being in force, the holder of a minor inam shall not be entitled to alienate the land or the building vesting in him under sub-section (1) or (2), except by way of lease for a term not exceeding five years: Provided that nothing in this sub-section shall apply to any alienation effected with the previous sanction of the prescribed authority.

8. Lands and buildings to vest in the inamdar :-

(1) Subject to the provisions of sub-section (3) every inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands other than.

(i) communal lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries, rivers, streams, tanks and irrigation works;

(ii) lands in respect of which any person is entitled to be registered under Sections ¹ [4, 5, 5-A, 6-A or 7] or is entitled to be continued as a tenant under Section 6; and

(iii) lands upon which have been erected buildings owned by and person other than the inamdar.

(2) Subject to the provisions of sub-section (3) every building

situated within the limits of the inam which was owned immediately before the date of vesting by the inamdar shall, with effect on and from such date, vest in the inamdar.

Explanation. In this section "inamdar" means an inamdar other than a holder of a minor inam referred to in Section 6.

(3) Notwithstanding anything contained in any law for the time being in force, the inamdar shall not be entitled to alienate the land or building vested in him under sub-section (1) or (2), except by way of a lease for a term not exceeding five years:

Provided that nothing in this sub-section shall apply to any alienation effected with the previous sanction of the prescribed authority.

1. Substituted for the figures and word "4, 5 or 7" by Act No. 27 of 1973, w.e.f. 27-12-1973.

9. Determination of claims for registration of occupancy and continuation of tenancy :-

(1) The ¹²[Tribunal] shall examine the nature and history of all lands in respect of which ³[a person claims to be registered as an occupant under Sections 4, 5, 5-A, 6-A, 7 and 8] as the

(2)

(a)⁴No person shall be entitled to be registered as an occupant under Sections 4, 5, ⁵[5-A, 6-A] 7 and 8 unless the claimant makes an application to the ²[Tribunal], Every such application shall be made.

⁷[(i) in respect of lands in inams which have vested in the State before the commencement of the Karnataka Inams Abolition Laws (Amendment) Act, 1973 ⁸[on or before ⁹[30th day of June, 1987];]

(ii) in respect of lands in inams which vest in the State on or after the commencement of the Karnataka Inams Abolition Laws (Amendment) Act, 1973 within ¹⁰[three years] from the date of vesting of ¹¹[the inam concerned or ¹²[30th day of June, 1987 whichever is later]]].

(b) Where no application is made within the period specified in clause (a), the right of any person to be registered as an occupant shall stand extinguished and the land shall vest in the State

absolutely. ¹³[Such land shall be disposed of in accordance with the rules relating to grant of lands;] ¹⁴[(c) The provisions of Sections 48-A, 48-C and 112 of the Karnataka Land Reforms Act, 1961 and the relevant rules framed thereunder shall mutatis mutandis, apply to an enquiry for determination of a claim under this section] ¹⁵[and the decision of the Tribunal shall be final]

¹⁶ [(3) xxx]

1. Section 9 renumbered as sub-section (1) of that section by Act No. 33 of 1969, W.e.f. 11-12-1969.

2. Substituted for the words "Deputy Commissioner" by Act No. 26 of 1979, w.e.f. 1-5-1979.

3. Substituted for the words and figures "a Kadim tenant, a permanent tenant, the holder of a minor inam, or an inamdar claims to be registered as occupant under Sections 4, 5, 7 and 8" by Act No. 27 of 1973, w.e.f. 27-12-1973.

4. Sub-section (2) added by Act No. 33 of 1969, w.e.f. 11-12-1969.

5. Inserted by Act No. 27 of 1973, w.e.f. 27-12-1973.

7. Sub-clauses (i) and (ii) substituted by Act No. 27 of 1973, w.e.f. 27-12-1973.

8. Substituted for the words "within six years, from the date of commencement of the said Amendment Act" by Act No. 23 of 1981 and shall be and shall be deemed always to have been substituted.

9. Substituted for the words and figures "31st March, 1984" by Act No. 4 of 1987 and shall be and shall be deemed always to have been substituted.

10. Substituted for the words "one year" by Act No. 26 of 1979, w.e.f. 1-5-1979.

11. Substituted for the words "the inam concerned" by Act No. 26 of 1979 and shall be and shall be deemed always to have been substituted.

12. Substituted for the words and figures "31st March, 1984" by Act No. 4 of 1987 and shall be and shall be deemed always to have been substituted.

13. Inserted by Act No. 26 of 1979, w.e.f. 1-5-1979.

14. Inserted by Act No. 26 of 1979, w.e.f. 1-5-1979.

15. Inserted by Act No. 18 of 1990, w.e.f. 8-10-1990.

16. Sub-section (3) omitted by Act No. 18 of 1990, w.e.f. 8-10-1990.

9A. Entries to made in the record of rights :-

1

(1) After the determination of Claims under section 9, the ²[Tribunal] shall the prescribed particulars of the decision to the officer maintaining the record of rights under ³[the Karnataka land

Record of Rights Act, 1958]

(2) On receipt of the particulars under sub-section (1) and notwithstanding anything contained in ⁴ [the Karnataka Land Record of Rights Act, 1958] the officer concerned shall enter such particulars in the registers.

1. Section 9-A inserted by Act No. 16 of 1960, w.e.f. 6-10-1960.

2. Substituted for the words "Deputy Commissioner" by Act No. 26 of 1979, w.e.f. 1-5-1979.

3. See Chapter XI of the Karnataka Land Revenue Act, 1964 (Act 12 of 1964)

4. See Chapter XI of the Karnataka Land Revenue Act, 1964 (Act 12 of 1964)

10. Liability to pay land revenue to Government :-

(1) Every person ¹[x x x] who becomes entitled to be registered as an occupant under Sections 4, 5, 6[5-A, 6-A] 7 and 8 in respect of any land shall, with effect on and from the date of vesting, be liable to pay to the Government as land revenue.

(a) in the case of an inam village to which survey and settlement has been introduced under Section 113 of the ²[Land Revenue Code] the amount equal to the land revenue assessment fixed on such land during such survey and settlement;

(b) in the case of an inam village to which survey and settlement has been introduced under Section 113 of the ³ [Land Revenue Code] the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after such enquiry, as he thinks fit, determine the land revenue payable under clause (b) of sub-section (1).

1. The words "whether a Kadim tenant, a permanent tenant, the holder of a minor inam or an inamdard" omitted by Act No. 27 of 1973, w.e.f. 27-12-1973.

2. Now see the Karnataka Land Revenue Act, 1964 (Act 12 of 1964).

3. Now see the Karnataka Land Revenue Act, 1964 (Act 12 of 1964).

11. Vesting of certain buildings situated in an inam :-

Every private building other than buildings which vest under Sections 7 and 8 situated within the limits of an inam shall, with effect on and from the date of vesting, vest in the person who

owned it immediately before that date. ¹[Any dispute relating thereto shall be decided by the Tribunal ² [and the decision of the Tribunal shall be final]].

1. Inserted by Act No. 26 of 1979, w.e.f. 1-5-1979.

2. Inserted by Act No. 18 of 1990, w.e.f. 8-10-1990.

12. Right to agricultural land used for non-agricultural purposes :-

Where any land used for agricultural purposes has been converted for any purpose unconnected with agriculture, the holder of such land shall be entitled to keep the land provided that such conversion was not void or illegal under any law in force at the time.

CHAPTER 3

Determination and Payment of Compensation

14. Compensation :-

The compensation payable in respect of an inam shall be determined in accordance with the provisions of this Chapter.

15. Compensation to be determined for the inam as a whole :-

The compensation shall be determined for the inam as a whole, and not separately for each of the interests therein.

16. Basic annual sum :-

¹ .A sum called "the basic annual sum" shall first be determined in respect of the inam.

1. Section 20 substituted by Act No. 26 of 1979, w.e.f. 1-5-1979

17. Component parts of basic annual sum of an inam :-

(1) The basic annual sum of an inam shall be the aggregate of the sums specified below, less the deductions specified in Section 18, namely.

(i) the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the date of vesting from lands in respect of which any person is entitled to be registered under Sections 4, 5 and 7.

(ii) the whole of the average net annual income derived by the inamdar during a period of five years immediately preceding the date of vesting from lands other than lands in respect of which any

person is entitled to be registered under Sections 4, 5, 7 and 8:

Provided that.

(a) the income from sandalwood or any other reserved forest produce shall not be included in the annual income from forests unless the right thereto was expressly conferred on the inamdar by a Competent Authority;

(b) the income from royalty on minerals or from mining leases shall not be included in the annual income unless the right to such minerals or mines was expressly conferred on the inamdar by a Competent Authority and such right was recognised under Section 38 of the Land Revenue Code;

(c) the income from ferries shall not be included in the annual income unless the right to such ferries was expressly granted to the inamdar by a Competent Authority.

(2) Where the particulars necessary to compute the average net annual income under clause (ii) of sub-section (1) are not available or appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(3) The provisions of sub-section (1) shall in their application to a minor inam be subject to the modification that in clause (i) and clause (ii) the reference to Section 7 and Section 8 respectively, shall be omitted.

18. Jodi etc., to be deducted :-

From the aggregate of the sums referred to in clauses (i) and (ii) of sub-section (1) of Section 17, ascertained as aforesaid, there shall be deducted.

(a) the whole of the jodi, quit-rent or other amount, if any, or a like nature, payable annually by the inamdar;

(b) the annual remuneration payable to village officers at the scales prescribed by the Government by or under the Karnataka Village Officers Act, 1906 where such officers were employed by the inamdar;

(c) the average annual cost of maintenance of irrigation works incurred by the inamdar during the period of five years immediately preceding the date of vesting;

(d) the average annual cost of management of the inam incurred

by the inamdar during the period of five years immediately preceding the date of vesting.]

19. Payment of compensation :-

(1) The Government shall pay to the inamdar every year so long as the institution exists as compensation for all the rights of the inamdar vesting in the State of Karnataka under this Act ¹ [the basic annual sum as a Tasdik allowance].

(2) The sum payable under sub-section (1) may be paid in such form and manner, and at such time or times and in one or more instalments as may be prescribed.

1. Section 20 substituted by Act No. 26 of 1979, w.e.f. 1-5-1979

20. Interim payment :-

¹ .After the date of vesting and before the amount payable to the inamdar concerned have been finally determined under sub-section (1) of Section 19 the Government shall pay to the inamdar such sum as may be determined in the manner prescribed.]

1. Section 20 substituted by Act No. 26 of 1979, w.e.f. 1-5-1979

21. Deputy Commissioner to determine basic annual sum :-
1

(1) The Deputy Commissioner shall determine in accordance with the foregoing provisions the basic annual sum in respect of the inam.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the basic annual sum.

(3) On the receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the applicant; and he shall also, before passing any order under sub-section (1), give the applicant reasonable opportunity of making his representation in regard thereto in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2)].

1. Section 21 omitted by Act No. 26 of 1979 and again inserted by

Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.

21A. Review by the Deputy Commissioner :-

¹ .x x x]

1. Section 21-A inserted by Act No. 29 of 1995, w.e.f. 12-10-1995.

CHAPTER 4

Provisions Applicable to Tenants Under Government

22. Application of this Chapter :-

The provisions of this Chapter shall apply to the tenants continued under Section 6.

23. Rent :-

Every tenant shall pay to the Government the rent which was being paid by him to the inamdar immediately before the date of vesting:

Provided that such rent shall in no case exceed ¹ [the rent payable according to the Karnataka Land Reforms Act, 1961.]

1. Section 27 substituted by Act No. 27 of 1973, w.e.f. 27-12-1973

24. Continuation of tenancy on the death of a tenant :-

If a tenant dies, the Government shall continue the tenancy on the same terms and conditions on which such tenant was holding it at the time of his death in favour of the heir or heirs of the deceased tenant unless such heir or heirs do not agree to continue the tenancy on the same terms and conditions on which the deceased tenant was holding the land:

Provided that such heir or heirs pay or undertake to pay the arrears of rent due.

Explanation. For the purposes of this section, a heir means any one of the following relatives of the deceased tenant:

(a) son

(b) son's son

(c) son's son's son

(d) widow

(e) daughter

(f) daughter's son

- (g) mother
- (h) father
- (i) daughter's daughter
- (j) brother
- (k) sister
- (l) brother's son
- (m) sister's son

Provided that where the deceased tenant is survived by more relatives than one, the relative specified earlier in the order set out above shall exclude all others coming after him:

Provided further that in any case in which the tenant was a manager of a joint Hindu family the person who succeeds as the manager of such family shall be deemed to be the heir.

25. Termination of the tenancy :-

(1) The tenancy of any land held by a tenant shall not be terminated unless such tenant.

- (i) has failed to pay the rent of such land for any year;
- (ii) has done any act which is destructive or permanently injurious to the land;
- (iii) has failed to cultivate the land;
- (iv) has left the land fallow; or
- (v) has used such land for a purpose other than agriculture.

(2) No subletting of the land or assignment of any interest held by a tenant shall be valid. Such subletting or assignment shall terminate the tenancy:

Provided that nothing in this sub-section shall apply to subletting of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability.

26. Procedure for eviction and recovery of rent :-

(1) If the Assistant Commissioner, after giving an opportunity to the tenant to show cause why an eviction order should not be made

against him, is satisfied that the tenant is liable to eviction under the provisions of Section 25, he may by order in writing, served on the tenant, direct him to quit the land within one month from the date of the service of the order:

Provided that where a tenant is liable to be evicted for failure to pay the rent, the Assistant Commissioner may, before directing him to quit the land, grant such reasonable time not exceeding one year as he deems fit for payment of the rent in arrears.

(2) If any person refuses or fails to comply with an order under sub-section (1), the ¹[Tahsildar] may evict that person from, and take possession of, the land and may for that purpose use such force as may be necessary.

(3) Any person aggrieved by an order under sub-section (1) may, within one month from the date of service of the order, prefer an appeal in writing to the Deputy Commissioner who may, after calling for a report from the ² [Tahsildar] and after affording an opportunity to the appellant to be heard, pass such orders thereon as he thinks fit.

1. Section 27 substituted by Act No. 27 of 1973, w.e.f. 27-12-1973

2. Section 27-A inserted by Act No. 27 of 1973, w.e.f. 27-12-1973.

27. Tenant where to be registered as an occupant :-

¹ A tenant on payment to the Government of an amount equal to one hundred times the land revenue payable in respect of that land plus in the case of lands classified as dry but possessing facilities for irrigation from any source of water which is the property of the Government.

(i) Where two crops of paddy can be raised in a year or where sugarcane can be raised. Rupees six hundred and sixty per acre.

(ii) Where one crop of paddy can be raised in a year Rupees four hundred and sixty per acre.

(iii) Where semi-dry crops can be grown Rupees two hundred and twenty per acre.

shall be registered as an occupant of such land and such amount shall be payable in not more than ten annual instalments and on or before such dates as may be fixed by the prescribed authority.]

1. Section 27 substituted by Act No. 27 of 1973, w.e.f. 27-12-1973

27A. Extent of land which a person may be registered as an

occupant :-

¹ The extent of land in respect of which a person referred to in Section 6 or Section 6-A shall be entitled to be registered as an occupant shall not together with any land held by him exceed such extent as may be prescribed]

1. Section 27-A inserted by Act No. 27 of 1973, w.e.f. 27-12-1973.

CHAPTER 5

Miscellaneous

28. Conferment of rights in certain lands on inamdar :-

(1) The Government may, having regard to the benefits derived by the inamdar before the date of vesting from lands referred to in clause (i) of sub-section (1) of Section 7 or clause (i) of sub-section (1) of Section 8 which vest in the Government, and subject to such conditions and restrictions, as may be necessary, confer by order such rights in such lands as they may deem fit:

Provided that the rights so conferred shall not affect the rights of any other person in such lands.

(2) Where rights in any land are conferred on an inamdar under sub-section (1), the Government may determine such sum as they may consider to be fair and reasonable annual value of such rights, and such sum shall be deducted from the ¹ [tasdik allowance] payable under Section 19 to such inamdar.

1. Substituted for the word and figures "or 26" by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.

28A. Control by the Divisional Commissioner :-

¹ The Divisional Commissioner shall, within his jurisdiction, have power.

(a) to give effect to the provisions of this Act and in particular to superintend the taking over of inams and to make due arrangements for the administration thereof;

(b) to issue instructions for the guidance of the Deputy Commissioner;

(c) to cancel or revise any order of the Deputy Commissioner declaring whether a particular area is part of an inam or not.

1. Sections 28-A and 28-B inserted by Act No.33 of 1969, w.e.f. 11-12-1969.

28B. Revision by Government :-

The Government may cancel or revise any order passed by the Divisional Commissioner under clause (c) of Section 28-A.]

29. Appeal from orders under Sections [x x x] 10, [21 or 26 and references to the prescribed authority :-

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³[(1) Against any decision of the Deputy Commissioner under Sections ⁴[x x x], 10, ⁵[21] ⁶[x x x] or 36, the Government may within six months from the commencement of the Karnataka Inams Abolition Laws (Amendment) Act, 8[1979] or from the date of the decision, whichever is later, and any person aggrieved by such decision may, within thirty days from the said date, appeal to the prescribed authority and the decision of the prescribed authority shall be final.]

⁷ [(2) If any question arises whether any building or land falls within the scope of sub-section (2) of Section 7 or sub-section (2) of Section 8 or Section 11 it shall be referred to the prescribed authority whose decision shall be final].

1. The figures "9" omitted by Act No. 26 of 1979, w.e.f. 1-5-1979.
2. Substituted for the word and figures "or 26" by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.
3. Sub-section (1) substituted by Act No. 33 of 1969, w.e.f. 11-12-1969.
4. The figure "9" omitted by Act No. 26 of 1979, w.e.f. 1-5-1979.
5. Inserted by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.
6. The figures and letter "21-A" omitted by Act No. 26 of 1979, w.e.f. 1-5-1979.
7. Sub-section (2) inserted by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.

30. Enquiries by the Tribunal and the Deputy Commissioner

:-

1.

(1) In respect of every enquiry under this Act by the Tribunal, the provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries by the Tribunals under the said Act shall mutatis mutandis apply ²[x x x x]

³[(2) The Deputy Commissioner may, by general or special order authorise any officer not below the rank of a Tahsildar subordinate

to him to hold enquiries on his behalf, under this Act:

Provided that the Deputy Commissioner may in respect of any enquiry held by any such officer, direct such officer to hold a fresh or further enquiry or himself hold a fresh or further enquiry if in his opinion a fresh or further enquiry is necessary.]

⁴ [(3) In respect of every enquiry under this Act by the Deputy Commissioner the provisions of the Karnataka Land Revenue Act, 1964, relating to summary enquiry shall apply as if such enquiry is a summary enquiry under the said Act.

(4) No legal practitioner shall be allowed to appear in any proceedings under this Act before the Tribunal or the Deputy Commissioner.]

1. Section 30 substituted by Act No. 26 of 1979, w.e.f. 1-5-1979.

2. The words "and the decision of the Tribunal shall be final" omitted by Act No. 19 of 1986 and shall be deemed to have come into force w.e.f. 6-12-1985.

3. Sub-section (2) and proviso inserted by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.

4. Original sub-sections (2) and (3) renumbered as sub-sections (3) and (4) by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.

31. Fee payable on applications, petitions, etc., under the Act :-

Notwithstanding anything contained in the ¹ [Karnataka Court-fees Act, 1900], or any other law for the time being in force, the fees payable on any application, memorandum of appeal or petition under this Act or rule made there under shall be such as may be prescribed.

1. Now see the Karnataka Court Fees and Suits Valuation Act, 1958 (Act 16 of 1958).

31A. Applicability of the provisions of Karnataka Act XIII of 1952 :-

¹ .For the removal of doubts, it is hereby declared that the provisions of the Karnataka Tenancy Act, 1952, for the time being in force shall, subject to the provisions of this Act, be applicable and govern the relations of the persons who are entitled to be registered as occupants under Sections 4, 5, 7 and 8 and the agriculturists who hold lands on lease from such persons as tenants immediately before the date of vesting].

1. Section 31-A inserted by Act No. 16 of 1960, w.e.f. 6-10-1960.

32. Jurisdiction of Courts barred in certain cases :-

(1) No suit, prosecution or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule thereunder.

(2)

(a) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule thereunder without the previous sanction of the Government.

(b) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions, imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder, after the expiry of six months from the date of the act complained of.

33. Repeal of Karnataka Act XIX of 1950 :-

With effect on and from the date of vesting, the Karnataka Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, shall be deemed to have been repealed in its application to the inam village concerned.

34. Power to make rules :-

(1) The Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for.

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the procedure to be followed by the Deputy Commissioner, authorities and officers appointed or having jurisdiction under this Act;

(c) the time within which applications and appeals may be

presented under this Act, in cases for which no specific provision in that behalf is made herein;

(d) the application of the provisions of the Code of Civil Procedure, 1908, and the ¹ [Indian Limitation Act, 1908], to applications, appeals and proceedings under this Act.

(3) All rules made under this section shall be published in the Karnataka Gazette and on such publication shall have effect as if enacted in this Act.

(4) All rules made under this Act shall be laid for not less than seven days before the State Legislature as soon as possible after they are made and shall be subject to such modifications as both Houses of the Legislature may make during the session in which they are so laid.

1. Now see the Limitation Act, 1963 (Centred Act 36 of 1963)

35. Penalties :-

(1) If any person wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruction to the taking by the Deputy Commissioner of charge or possession of any property which has vested

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner ¹ [x x x].

1. The words "of the District" omitted by Act No. 16 of 1960, w.e.f. 6-10-1960.

36. Power to remove difficulties :-

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