

**THE MYSORE RELIGIOUS AND CHARITABLE INSTITUTIONS (KARNATAKA AMENDMENT)
ACT, 1979.**

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Insertion of new section 12A.
3. Amendment of section 21.
4. Validation.

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STATEMENT OF OBJECTS AND REASONS

Act 18 of 1980.- The proposed insertion of section 12-A to Mysore Religious and Charitable Institutions Act, 1927 provides for collecting contribution and Reserve Fund from the annual income of Muzrai Institutions in the Old Mysore area. At present, the contribution to Muzrai Establishment fund and Reserve fund is being collected at the rate of 5% for minor muzrai institutions and 8% for major Muzrai institutions and 10% to 15% as Reserve Fund as per the Government Order issued as far back as 17th June, 1920 and 16th November, 1929 respectively. In one of the cases of Shimoga District, the High Court of Karnataka in W.P.No.297 of 1968 held that if the levy (referring to contribution and Reserve Fund) is not authorised by law, the authorities cannot collect or levy any money. It has been observed that there is no authority of law in the M.R. and C.I. Act 1927 to collect contribution or Reserve Fund. Such amounts are being collected from a pretty long time.

Hence, a new section is proposed to enable Government to collect the contribution and Reserve Fund, with retrospective effect, so as to validate the collection made so far.

This new section will empower the Government to levy the contribution and Reserve Fund from the income of the Muzrai Institutions. Contribution is required to maintain the staff of the Department and the Reserve Fund is used not only for repairs but for other unforeseen expenses also. Due to absence of specific section in the M.R. and C.I.Act, all the collections made so far cannot be said to be legal. This new section, is absolutely necessary not only to enable collection of the contribution in future but also to validate the collections made so far.

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KARNATAKA ACT No. 18 OF 1980.

(First published in the Karnataka Gazette Extraordinary on the Twenty-seventh day of May, 1980)

THE MYSORE RELIGIOUS AND CHARITABLE INSTITUTIONS (KARNATAKA AMENDMENT) ACT, 1979.

(Received the assent of the President on the Eighteenth day of May, 1980)

An Act further to amend the Mysore Religious and Charitable Institutions Act, 1927.

WHEREAS it is expedient further to amend the Mysore Religious and Charitable Institutions Act, 1927 (Mysore Act 7 of 1927) for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Thirty-first year of the Republic of India as follows :-

1. Short title and commencement.- (1) This Act may be called the Mysore Religious and Charitable Institutions (Karnataka Amendment) Act, 1979.

(2) It shall come into force at once.

2. Insertion of new section 12A.- In the Mysore Religious and Charitable Institutions Act, 1927 (Mysore Act 7 of 1927) (hereinafter referred to as the principal Act) in Chapter II, after section 12, the following section shall be and shall be deemed always to have been inserted, namely:-

"12A. Muzrai Establishment Fund.- (1) The Government may, by order, establish for the State a fund called the Muzrai Establishment Fund. The Fund shall be operated and maintained by such officer and in such manner as the Government may, from time to time, direct.

(2) The said Fund shall consist of,-

(a) contributions made under sub-section (3);

(b) sums allotted or granted by the Government or by any local authority;

(c) any other sum which may be directed to be credited to the Fund by or under the Act.

(3) (a) Every Muzrai Institution shall, every year, contribute to the Fund constituted under sub-section (1),-

(i) such percentage of its income as the Government may, from time to time, fix;

(ii) such reserve amount as the Government may, from time to time, by order, determine.

(b) The contributions payable under clause (a) shall be paid and recovered in such manner as the Government may from time to time direct."

3. Amendment of section 21.- In section 21 of the principal Act,-

(i) in the first paragraph for the words "Muzrai Officer one of the defendants", the words "Commissioner for Endowments and Muzrai Officer as defendants" shall be substituted.

(2) in the second paragraph,-

(a) the words "If no such suit has been filed or it has been filed and dismissed by the Court", and the words "the lapse of six months from the date of" shall be omitted;

(b) for the words "or after the dismissal of the suit as the case may be", the words and figures "under sections 18, 19 or 20" shall be substituted.

4. Validation.- Notwithstanding anything contained in any judgment, decree or order of any court or any other authority any Muzrai establishment Fund established, and any contribution levied and collected or purported to have been levied and collected from the Muzrai Institutions, under the principal Act or under any order or rule made thereunder or under any other order before the commencement of this Act, shall be deemed to have been validly established and levied and collected and shall have effect for all purposes as if it had been established, levied and collected in accordance with the provisions of the principal Act as amended by section 2 of this Act and accordingly no suit or other legal proceedings shall be maintained or continued in any Court or before any authority on the ground that such establishment, levy and collection were not authorised by law and no court, or authority shall enforce any decree or order directing the refund of any contribution so paid.

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