

**THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION) (KARNATAKA
AMENDMENT) ACT, 1963.**

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of section 5 of the Bombay Act XXXIX of 1954.
3. Insertion of new section 23A after section 23.

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STATEMENT OF OBJECTS AND REASONS

Act 21 of 1963.- The implementation of the Bombay Merged territories and Areas (Jagirs Abolition) Act, 1953, has been considerably delayed as a result of the stay orders issued by the various Civil Courts with the result that the tenants of these jagirdars have been prevented from exercising their right of becoming occupants in accordance with the proviso to section 5. The period of four years within which the tenants had to exercise the right to become occupants expired on 31st July 1958. In many cases tenants could not exercise this right either on account of lack of clear information whether the land in question was part of a jagir or because stay orders had been issued by Civil Courts. The period allowed generally to exercise the right to become occupants is proposed to be extended up to 31st July 1962 by an amendment of the second proviso of sub-section (1) of section 5. The time limit is also extended in cases where stay orders are in force.

This delay in conferment of occupancy rights on tenants has enabled the jagirdars to recover from their tenants rent far in excess of the occupancy price which they would otherwise have been entitled to if the implementation had not been delayed.

Section 23A which is proposed to be added to the Act by clause 3 requires the jagirdars to pass on to Government the amount unauthorisedly recovered by them from the cultivators during the stay period.

There is no provision in the Act to enable tenants of Jagir lands to convert payment of rent made by them to jagirdars during the period during which the implementation of the Act had been stayed under the orders of the Court, into those of occupancy price. This is causing hardship to the tenants in two ways, viz., acquisition of occupancy rights is delayed and payments made till the acquisition of occupancy rights are taken to be of rent and not of assessment.

It is therefore, proposed to amend the Act, for removing disabilities which the tenants of lands of proprietary jagirs have to suffer because of the issue of the orders by the Civil Courts for the stay of the implementation of the Act, and for enabling Government to recover amount of rent or land revenue unauthorisedly recovered by the jagirdars during the stay period. The present Bill provides for the necessary amendments.

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¹[KARNATAKA]¹ ACT No. 21 OF 1963.

(First published in the ¹[Karnataka Gazette] on the Sixth Day of June 1963)

**THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION)
(¹[KARNATAKA]¹ AMENDMENT) ACT, 1963.**

(Received the assent of the President on the Twenty-fifth Day of May 1963)

An Act to amend the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953, as in force in the ¹[Belgaum Area]¹.

WHEREAS it is expedient to amend the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (Bombay Act XXXIX of 1954), as in force in the ¹[Belgaum Area]¹;

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Fourteenth Year of the Republic of India as follows :-

1. Short title.- (1) This Act may be called the Bombay Merged Territories and Areas (Jagirs Abolition) (¹[Karnataka]¹ Amendment) Act, 1963.

2. Amendment of section 5 of the Bombay Act XXXIX of 1954.- In section 5 of the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953 (hereinafter referred to as the principal Act),-

(1) in the second proviso to sub-section (1),-

(a) for the words "Provided further that" the words, brackets, figures and letters "Provided further that subject to the provisions of sub-sections (1A) and (1B)" shall be substituted;

(b) for the words "four years", the words "twelve years" shall be substituted and shall be deemed always to have been substituted ;

(2) after sub-section (1), the following sub-sections shall be inserted, namely :-

"(1A) Where in respect of any jagir village, the enforcement of the provisions of this Act is stayed in compliance with a stay order issued by a Court and the stay order is subsequently vacated, then in the case of any land in such jagir village referred to in clause (b) or sub-clause (i) of clause (c) of sub-section (1), the person entitled to be an occupant of such land in accordance with the provisos to that sub-section shall be deemed to have become the occupant of such land with effect from the date on which the stay order is issued, if,-

(i) he has already paid the occupancy price in accordance with the first proviso to sub-section (1) before the issue of the stay order, or

(ii) the whole of such occupancy price is adjustable under sub-section (1B) against the amount of rent, if any, recovered or received from him by the jagirdar or the cadet during the operation of the stay order, or

(iii) he pays such occupancy price or the balance thereof remaining unpaid after the adjustment as provided in sub-section (1B), within a period of three months,-

(a) from the date on which the stay order is vacated, or

(b) where the stay order was vacated before the commencement of the Bombay Merged Territories and Areas (Jagirs Abolition) (¹[Karnataka]¹ Amendment) Act, 1963, from the date of such commencement.

(1B) If in respect of any land referred to in clause (b), or sub-clause (i) of clause (c) of sub-section (1), the jagirdar or, as the case may be, the cadet has, during the operation of such stay order recovered or received any amount as rent from the person holding such land on payment of rent then the amount of rent so recovered or received shall, after deducting therefrom an amount equal to the assessment paid by the jagirdar or cadet in respect of such land, be adjusted against the occupancy price payable by the person in accordance with the first proviso to sub-section (1) and the jagirdar or, as the case may be, the cadet shall, within the prescribed period, refund to such person the balance amount, if any, remaining after such adjustment. If the jagirdar or cadet fails to refund the balance amount, it shall be recovered from him as an arrear of land revenue and paid to such person."

3. Insertion of new section 23A after section 23.- After section 23 of the principal Act, the following new section shall be inserted, namely :-

"23A. Liability of jagirdar or cadet to pay to Government amount recovered or received by him in certain cases and determination of such amount.- (1) Where in the case of any land in a jagir village, of which any person other than the jagirdar or cadet of his family has become liable to the State Government for the payment of land revenue under section 5 or 6 with effect from the appointed date, but the enforcement of this Act having been stayed for any period in respect of such jagir village in compliance with a stay order issued in that behalf by the Court, the jagirdar, or as the case may be, the cadet has recovered or received from such person any amount as land revenue or rent of such land for any period between the appointed date and the date on which the stay order is vacated, then such jagirdar or, as the case may be, such cadet, shall pay to the State Government an amount equal to the aggregate of the amount of land revenue or rent so recovered or received within a period of three months,-

(i) from the date on which the stay order is vacated, or

(ii) where the stay order was vacated before the commencement of the Bombay Merged Territories and Areas (Jagirs Abolition) ('[Karnataka]' Amendment) Act, 1963, from the date of such commencement.

(2) If the Jagirdar or, as the case may be, the cadet fails to pay to the State Government any amount payable by him under sub-section (1), such amount shall be recoverable from him as an arrear of land revenue.

(3) If the Tahsildar *suo motu* or on an application made to him by any person, has reason to believe that in respect of any land in a jagir village within his local jurisdiction, the jagirdar or cadet has failed to pay to the State Government the amount payable by him under sub-section (1), he shall hold a summary inquiry in the manner provided in the Code and decide whether the jagirdar or cadet has failed to pay the amount to the State Government and if so, determine the amount to be recovered from the jagirdar or cadet under sub-section (2). The amount so determined shall thereupon be recovered accordingly.

(4) It shall be lawful for the Deputy Commissioner to deduct from the amount of compensation which may be awarded to such jagirdar or cadet under section 11, or 14, the amount payable by him to the State Government under this section.

(5) The amounts paid by, or recovered from a jagirdar or a cadet in accordance with the foregoing provisions shall be credited to the land revenue account of the persons from whom they had been received or recovered by the jagirdar or cadet."

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1. Adapted by the Karnataka Adaptations of Laws Order 1973 w.e.f. 01.11.1973.