

**THE KARNATAKA (BELGAUM AND GULBARGA AREAS) RELIGIOUS AND
CHARITABLE INAMS ABOLITION ACT, 1973**

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STATEMENTS OF OBJECTS AND REASONS

I

Act 26 of 1973.- Except in the Bombay and Hyderabad areas of the State laws providing for abolition of religious and charitable inams are already in force in the State. It is considered necessary to abolish such inams in these areas also, acquire all rights, title and interest of the inamdar and confer occupancy rights on the tenants. For the acquisition, only an amount equivalent to one year's net income of the inam is proposed to be paid annually so long as the religious and charitable institution exists.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A dated 15-6-1972 as No.235 at page 27.)

II

Amending Act 53 of 1976.- Section 16 of the Mysore (Bombay and Hyderabad Areas) Religious and Charitable Inams Abolition Act, 1973 provides the quantum of compensation payable as annuity at twenty-five times the land revenue. It is proposed to revise this quantum so as to be equal to the rent permitted under the Karnataka Land Reforms Act, 1973 and also make changes with reference to certain incidental matters consequent on the alteration of the States name.

(Obtained from L.A. Bill No. 35 of 74).

¹[KARNATAKA]¹ ACT NO. 26 OF 1973

(First published in the ¹[Karnataka]¹ Gazette on the Thirteenth day of December, 1973)

THE ¹[KARNATAKA]¹ ¹[(BELGAUM AND GULBARGA AREAS)]¹ RELIGIOUS AND CHARITABLE INAMS ABOLITION ACT, 1973)

(Received the assent of the President on the Twenty-Sixth day of November, 1973)

(As amended by Act 53 of 1976)

An Act to provide for the abolition of religious and charitable inams in the ¹[Belgaum and Gulbarga Areas]¹ of the State of ¹[Karnataka]¹.

WHEREAS it is expedient in the public interest to provide for the abolition of religious and charitable inams in the ¹[Belgaum and Gulbarga Areas]¹ of the State of ¹[Karnataka]¹ and for other matters connected therewith;

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Twenty-fourth year of the Republic of India as follows:-

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

CHAPTER I

PRELIMINARY

1. Short title, extent, application and Commencement.- (1) This Act may be called the ¹[Karnataka]¹ ¹[(Belgaum and Gulbarga Areas)]¹ Religious and Charitable Inams Abolition Act, 1973.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(2) It extends to the ¹[Belgaum and Gulbarga Areas]¹ of the State of ¹[Karnataka]¹.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(3) It applies to inams held by or for the benefit of charitable or religious institutions in the ¹[Belgaum and Gulbarga Areas]¹ of the State of ¹[Karnataka]¹ but does not apply to revenue free sites granted by the State Government for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profits is intended to be derived.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(4) It shall come into force on such ¹[date]¹ as the State Government may, by notification, published in the official Gazette, appoint.

1. Notification bringing the Act into force is not available.

2. Definitions.- (1) In this Act, unless the context otherwise requires,-

(a) "the Act" means the ¹[Karnataka]¹ Land Revenue Act, 1964 (¹[Karnataka]¹ Act 12 of 1964);

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(b) "appointed date" means the date appointed under sub-section (4) of section 1;

(c) ¹[Belgaum and Gulbarga Areas]¹ means the areas referred to in clauses (b) and (c) of sub-section (1) of section 7 of the States Re-organisation Act, 1956 (Central Act 37 of 1956);

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(d) "Deputy Commissioner" includes any officer not below the rank of an Assistant Commissioner authorised by the State Government by notification published in the official gazette, to exercise the powers of a Deputy Commissioner under this Act;

(e) "inam" includes an inam village and a minor inam;

(f) "inamdar" means a religious or charitable institution owning an inam;

(g) "inam land" means land held by or on behalf of a religious or charitable institution as an inam and includes land held as Mashruth-ul-Kidmat Madath-a -Mash and also lands endowed as wakf-e-tamal and Wakf-e-nama;

(h) "inam village" means a village or portion of a village or hamlet or khandriga held by or on behalf of a religious or charitable institutions as an inam:

(i) "land records" means records maintained under the provisions of or for the purposes of the Act or any other law relevant for the purposes of this Act;

(j) "minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an un-alienated village;

(k) "permanent tenant" means a person who under the Act 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 inamadar, 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, mulla, kazi, mutawalli, muthsaddi, priest or holder of a similar office by whatever name called or a person rendering any service in any such institution and enjoying the benefit of any land comprised in the inam of such institution, without paying rent as such in money or in kind to that institution in respect of such land;

(l) "protected tenant" means a tenant of any land comprised in an inam if he has held it continuously and cultivated personally for a period of not less than twelve years prior to the appointed date and includes,-

(i) in the ¹[Belgaum Area]¹ a person who was recognised to be a protected tenant under the Bombay Tenancy and Agricultural Lands Act, 1948, as was in force in that area,

(ii) in the ¹[Gulbarga Area]¹ a person who was deemed to be a protected tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950, as was in force in that area,

¹. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

prior to the coming into force of the ¹[Karnataka]¹ Land Reforms Act, 1961 (¹[Karnataka]¹ Act 10 of 1962), but, where the inamadar is an institution of religious worship shall not include a person rendering religious service in or maintaining the institution as a pujari, archak, mulla, kazi, mutawalli, muthsaddi, priest or the holder of a similar office by whatever name called or a person rendering any service in any such institution and enjoying the benefits of any land comprised in the inam of such institution, without paying rent as such in money or in kind to that institution in respect of such land.

¹. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

Explanation.- (1) If the tenant came to hold the land by inheritance or succession from another person or if he has held such land as a tenant and is an heir to such

person, the period during which such other person held such land as a tenant shall be included in calculating the period of twelve years under this clause;

(2) If the tenant holding the land held, as a tenant, at any time within the twelve years before the appointed day from the same landlord in the same village any other land which he cultivated personally, the period during which he held such other land shall be included in calculating the period of twelve years under this clause;

(3) Where any land is held by two or more persons jointly as tenants all such persons shall if any one of them cultivated and continues to cultivate such land personally be deemed to be protected tenants in respect of such land;

(4) If a tenant had sub-let a land on account of any temporary disability, he shall be deemed for purposes of his acquiring rights of protected tenant to continue in possession and cultivate the land personally for the period of the sub-lease;

(m) "prescribed" means prescribed by rules made under this Act:

(n) "religious or charitable inam" means grant of a village, portion of a village or land with total or partial exemption from the payment of land revenue made to or for the benefit of a religious or charitable institution and entered as a religious or charitable inam (by whatever name called),-

(i) in the ¹[Belgaum Area]¹, in the alienation register or inams register maintained under the law relating to land revenue; and

(ii) in the ¹[Gulbarga Area]¹ in the Book of Endowments maintained under the Hyderabad Endowment Regulation, 1958 Fasli or the land records;

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

Explanation.-If any question arises whether any grant is a religious or charitable inam, such question shall be referred to the State Government whose decision shall be final.

(2) The words and expressions used, but not defined in this Act, shall have the meanings assigned to them in the Act or the ¹[Karnataka]¹ Land Reforms Act, 1961 (¹[Karnataka]¹ Act 10 of 1962).

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

CHAPTER II

ABOLITION AND VESTING OF INAMS IN THE STATE AND ITS CONSEQUENCES

3. Abolition, vesting of inams and the consequence thereof.- (1) Notwithstanding anything contained in any contract, grant or other instrument or in any other law for the time being in force, with effect from and on the appointed date all religious or charitable inams in the ¹[Belgaum and Gulbarga Areas]¹ of the State shall stand abolished.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(2) Save as otherwise expressly provided in this Act, with effect from and on the appointed date, the following consequences shall ensue, namely:-

(a) the provisions of the Act, relating to inams or alienated holding shall be deemed to have been repealed in their application to the inam or alienated holding and the provisions of the Act and all other enactments applicable to unalienated villages or lands shall apply to the said inam or alienated holdings;

(b) all rights, title and interest vesting in the inamdar including those in all communal lands, cultivated lands, un-cultivated 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 Government, free from all encumbrances;

(c) the inamdar shall cease to have any interest in the inam other than 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 appointed date shall be paid to the State Government and not to the inamdar and any payment made in contravention of this clause shall not be valid;

(e) all arrears of land revenue, whether as jodi or quit rent and cesses remaining lawfully due on the appointed date 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 amount 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 inams shall cease to be in force;

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

Provided that the State Government shall not dispossess any person who is personally cultivating land in the inam until the Deputy Commissioner or the ¹[Karnataka] Revenue Appellate Tribunal on appeal, if any, decide that such person is not actually entitled to be registered as the occupant or to be continued as a tenant under the provisions of this Act.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

Explanation.- For the purpose of this proviso, a person shall be deemed to be personally cultivating any land when he contributes his own physical labour or that of the members of his family in the cultivation of that land;

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

(i) the relationship of landlord and tenant shall as between the inamdar and tenant, whether permanent, protected or otherwise, be extinguished;

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

(k) permanent tenants and protected tenants and other tenants in the inam and persons holding under them and holders of minor inams shall, as against the State 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 shall cease and determine and shall not be enforceable against the State Government or such inamdar.

(3) Nothing contained in sub-section (1) and sub-section (2) shall operate as a bar to 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 may be recovered by him by any process of law which, but for this Act, would be available to him.

4. Permanent tenants to be registered as occupants on certain conditions.- (1) Subject to the provisions of sub-section (2) and of section 10 every permanent tenant of the inamdar shall, with effect from and on the appointed date, be entitled to be registered as an occupant in respect of all lands of which he was permanent tenant immediately before the appointed date.

(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 State Government as premium for acquisition of ownership of that land, an amount equal to twenty times the land revenue of such land and 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 an arrear of land revenue due on the land in respect of which it is payable:

Provided that premium of such land shall not exceed fifteen times the difference between the rent and land revenue payable immediately before the appointed date by the permanent tenant to the inamdar:

Provided further that where a permanent tenant entitled to be registered as an occupant of land under sub-section (1) is shown, as an occupant in the settlement register and other records prepared under the Act or where the rent paid by a permanent tenant entitled to be registered as an occupant under sub-section (1), is equal to the land revenue, no premium shall be payable under this sub-section.

5. Protected tenants to be registered as occupants on certain conditions.- (1) Subject to the provision of sub-section (2) and of section 10 every protected tenant of the inamdar shall, with effect from and on the appointed date be entitled to be registered as an occupant in respect of lands of which he was a protected tenant immediately before the appointed date.

(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 State Government as premium for acquisition of ownership of the land, an amount equal to fifty times the land revenue of such land. 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 an arrear of land revenue due on the land in respect of which it is payable.

6. Other tenants to be tenants under State Government.- Every tenant of the inamdar other than a permanent tenant or a protected tenant shall, with effect from and on the appointed date and subject to the provisions of Chapter IV be entitled to be continued as a tenant under the State Government in respect of the land of which he was a tenant under the inamdar immediately before the date of vesting.

7. Pujari, archak, etc., to be registered as an occupant on certain conditions.-

(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, mulla, kazi, mutawalli, muthsaddi, priest 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 appointed date 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 in kind to that institution in respect of such land shall, with effect from and on the appointed date and subject to the provisions of sub-section (2) and of section 25 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, the 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 acquisition of ownership of that land an amount equal to one hundred times the land revenue of such land. 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 an arrear of land revenue due on the land in respect of which it is payable.

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

(i) communal lands, un-cultivated 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 section 4 or section 5 or section 7 or is entitled to be continued as a tenant under section 6 and also the extent of land in respect of which the said person is not entitled to be registered in view of the restrictions in section 10 or section 25 as the case may be; and

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

(2) Subject to the provisions of sub-section (3) every building situated within the limits of the minor inam and which was owned immediately before the appointed date by the holder of the minor inam shall, with effect from and on the appointed date, vest in the holder of the minor inam.

(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 lands or the building vesting in him under sub-section (1) or sub-section (2), except by way of a simple mortgage to a society or a bank registered under the ¹[Karnataka] Co-operative Societies Act, 1959 (¹[Karnataka] Act 11 of 1959) or to the State Bank of India and its subsidiaries or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) or to a company or a corporation owned by or in which not less than fifty percent of the share capital is held by the State Government or the Central Government or partly by the State

Government and partly by the Central Government and which has been set up with a view to provide agricultural credit to cultivators:

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

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

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

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

(ii) land in respect of which any person is entitled to be registered under section 4, section 5, section 7 or section 8 or is entitled to continue as a tenant under section 6 and also the extent of land in respect of which the said person is not entitled to be registered in view of the restrictions in section 10 or section 25, as the case may be; and

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

(2) Subject to the provisions of sub-section (3), every building situated within the limits of the inam which was owned immediately before the appointed date by the inamdar shall, with effect from and on the appointed date, vest in the inamdar.

(3) Notwithstanding anything contained in any law for the time being in force, an inamdar shall not be entitled to alienate the land or the building vesting in him under sub-section (1) or sub-section (2) except by way of a simple mortgage to a society or a bank registered under the ¹[Karnataka]¹ Co-operative Societies Act, 1959 (¹[Karnataka]¹ Act 11 of 1959) or to the State Bank of India and its subsidiaries or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970) or to a company or a corporation owned by or in which not less than fifty per cent of the share capital is held by the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up with a view to provide agricultural credit to cultivators:

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

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

Explanation.- In this section "Inamdar" means an inamdar other than a holder of minor inam referred to in section 8.

10. Determination of claims for registration of occupancy and continuance of tenancy.- (1) A person entitled to be registered as an occupant under section 4 or section 5 or section 7 or section 8 or section 9, as the case may be, or to be contained as a tenant under section 6 may, in such form and manner as may be prescribed, make an application to the Deputy Commissioner within twelve months from the appointed date:

Provided that the Deputy Commissioner may on sufficient cause being shown accept such application after the expiry of twelve months but in no case he shall accept any application after the expiry of three years:

Provided further that the right of any person to be registered as an occupant shall after the expiry of the said period of three years stand extinguished and the land shall vest in the State absolutely.

(2) On receipt of the application under sub-section (1) or *suo motu*, the Deputy Commissioner shall examine the nature and history of all lands in respect of which a permanent tenant, protected tenant, the person referred to in section 7, the holder of a minor inam or an inamdar claims to be registered as an occupant under section 4 or section 5 or section 7 or section 8 or section 9 as the case may be, or in respect of which any person claims to be continued as tenant under section 6 and call for such other information as he may consider necessary and decide the land in respect of which the claim shall be allowed.

(3) Notwithstanding anything contained in section 4 or section 5, the Deputy Commissioner shall not allow the claim of any person for any land in excess of the ceiling area fixed under the ¹[Karnataka] Land Reforms Act, 1961 (¹[Karnataka] Act 10 of 1962) for the time being in force.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

11. Entries to be made in the record of rights.- (1) After the determination of claims under section 10, the Deputy Commissioner shall send the prescribed particulars of the decision to the officer maintaining the record of rights under the Act.

(2) On receipt of the particulars under sub-section (1) and notwithstanding anything contained in the Act, the officer concerned shall enter such particulars in the register.

12. Liability to pay land revenue to State Government.- (1) Every person, who becomes entitled to be registered as an occupant under section 4 or section 5 or section 7 or section 8 or section 9, in respect of any land shall, with effect from and on the appointed date, be liable to pay to the State Government as land revenue,-

(a) in the case of an inam to which survey and settlement has been introduced under the Act, an amount equal to the land revenue assessment fixed on such land during such survey and settlements; and

(b) in the case of an inam to which survey and settlement has not been introduced under the Act, an 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 making such inquiry as he thinks fit, determine the land revenue payable under clause (b) of sub-section (1).

13. Vesting of certain building situated in an inam.- Every private building other than buildings which vest under sections 8 and 9 situated within the limits of an inam shall, with effect from and on the appointed date, vest in the person who owned it immediately before that date.

14. Right to agricultural land used for non-agricultural purposes.-Where any land used for agricultural purposes has been converted for any purposes not connected 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.

15. Saving or right in certain cases.- (1) Where before the appointed date an inamdar has created any right in any land which vests in the State Government, other than land registered under section 8 or section 9 (whether by way of lease or otherwise)

including rights in any mines or minerals, fisheries, forests or ferries, the transaction shall be deemed to be valid and all rights and obligations arising thereunder on or after the appointed date shall be enforceable by or against the State Government:

Provided that the transaction was not void or illegal under any law in force at the time:

Provided further that where such right was created in any land, unless it relates to land registered under section 8 or section 9, the State Government may if in its opinion it is in the public interest so to do, by giving notice to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date of the notice.

(2) The person whose right has been terminated by the State Government under the second proviso to sub-section (1) shall be entitled to an amount from the State Government equal to the estimated net income of such person from the land for the unexpired portion of the period for which the right was created having regard to all the circumstances of the case.

CHAPTER III

AMOUNT PAYABLE

16. Amount payable.- In respect of an inam vesting in the State Government under this Act, the State Government shall so long as the religious or charitable institution exists, pay to the inamdar every year an amount equal to ¹[ten]¹ times the land revenue payable on the lands comprised in such inam. In the case of lands comprised in such inams, which are classified as dry but possess facilities for irrigation from any source of water which is the property of State Government, the State Government shall pay annually to such inamdar an additional amount as specified below:-

- | | |
|--|-----------------------------|
| (i) where two crops of paddy can be raised in a year or where sugarcane can be raised. | Rupees sixty six per acre. |
| (ii) where one crop of paddy can be raised in a year . | Rupees forty four per acre. |
| (iii) where semi-dry, crops can be grown | Rupees twenty two per acre. |

¹. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

17. Deputy Commissioner to determine the amount.- (1) The Deputy Commissioner shall by order determine the amount payable to an inamdar under section 16.

(2) A copy of every order passed under sub-section (1) shall be furnished to the inamdar concerned.

CHAPTER IV

PROVISIONS APPLICABLE TO TENANTS UNDER GOVERNMENT

18. Application of this Chapter.- The provisions of this Chapter shall apply to the tenants continued under section 6.

19. Rent.- Every tenant shall pay annually to the State Government rent which was being paid by him to the inamdar immediately before the appointed date:

Provided that such rent shall in no case exceed ten times the land revenue payable in respect 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 State Government,-

- | | |
|--|-----------------------------|
| (i) where two crops of paddy can be raised in a year or where sugarcane can be raised. | Rupees sixty six per acre. |
| (ii) where one crop of paddy can be raised in a year. | Rupees forty four per acre. |
| (iii) where semi-dry, crops can be grown acre: | Rupees twenty two per |

Provided further that in the area notified by the State Government as malnad area, the rent in respect of the lands specified as dry land but exclusively used only for grazing or removing leaves shall be equal to the land revenue payable for such lands.

20. Rights of tenants not alienable.- Subject to the provisions of this Act a tenant shall not be entitled to alienate the land in respect of which he continues as a tenant under section 6 except by way of a simple mortgage to a co-operative society or a bank registered under the ¹[Karnataka]¹ Co-operative Societies Act, 1959 (¹[Karnataka]¹ Act 11 of 1959), or the State Bank of India and its subsidiaries or a bank specified in column (2) of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (Central Act 5 of 1970) or to a company or a corporation, owned or in which not less than fifty per cent of the share capital is held by the State Government or the Central Government or partly by the State Government and partly by the Central Government and which has been set up to provide agricultural credit to cultivators.

¹. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

21. Rights of tenants to be heritable-When a tenant dies the State Government shall be deemed to have continued the tenancy to the heirs of such tenant on the same terms and conditions on which such tenant was holding the land at the time of his death.

22. Termination of tenancy.-The tenancy of any land held by a tenant shall not be terminated unless such tenant,-

- (a) has done any act which is destructive or permanently injurious to the land; or
- (b) has used such land for a purposes other than agriculture; or
- (c) has sub-let the land or assigned any interest therein except to the extent provided in section 20:

Provided that nothing in clause (c) shall apply to sub-letting of any land held by a tenant who is a widow or a minor or who is subject to physical or mental disability.

23. Procedure for termination of tenancy and recovery of rent.- (1) Where a tenancy is liable to be terminated under the provision of section 22, the Assistant Commissioner shall after giving an opportunity to the tenant to show cause why his tenancy should not be terminated, by an order in writing served on the tenant, terminate the tenancy and direct the tenant to quit the land within sixty days from the date of service of the order.

(2) If any person refuses or fails to comply with an order under sub-section (1), the 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 sixty days 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 Assistant Commissioner and after affording a reasonable opportunity to the appellant to be heard, pass such orders thereon as he thinks fit.

(4) Any arrears of rent due from a tenant shall be recoverable as an arrear of land revenue.

24. Tenant when to be registered as occupant.- (1) A tenant may, at any time after the commencement of this Act apply to the Deputy Commissioner in the prescribed manner for being registered as an occupant in respect of the land of which he is a tenant.

(2) The tenant shall be liable to pay to the State Government as premium for being registered as an occupant an amount equal to one hundred times the land revenue payable on that land. Such amount shall be payable in such number of annual instalments not exceeding ten and on or before such date as may be fixed by the prescribed authority.

(3) On payment to the State Government of such amount the tenant shall, subject to the provisions of section 25, be registered as an occupant of such land.

(4) Notwithstanding anything contained in the preceding sub-sections, where the tenant is in possession of land in excess of the extent specified in section 25, he shall not be registered as an occupant unless he surrenders to the prescribed authority such excess extent.

(5) In respect of the land of which the tenant is registered as an occupant under this section he shall be liable to pay the land revenue and the provision of section 12 shall *mutatis mutandis* apply in this behalf.

25. Extent of land which a person may be registered as an occupant.-The extent of land in respect of which is a person referred to in section 7, 8, 9 or 24 shall be entitled to be registered as occupant shall not together with any land held by him exceed such extent as may be prescribed.

CHAPTER V

MISCELLANEOUS

26. Disposal of land vesting in the State Government.- Lands vesting in the State Government and in respect of which any person is not entitled to be registered as an occupant under this Act shall be disposed of in accordance with the provisions of section 77 of the ¹[Karnataka]¹ Land Reforms Act, 1961.

¹. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

27. Revision by the Divisional Commissioner.- The Divisional Commissioner may, at any time, call for and examine the record of any order passed by the Deputy Commissioner under section 17 and if he considers that such order is erroneous in so far as it is prejudicial to the interests of the State revenues, he may, after making or causing to be made such enquiry as he deems necessary and after giving the person or

persons affected a reasonable opportunity of being heard, pass such order thereon as the circumstances of the case justify including an order decreasing the amount payable or directing fresh determination by the deputy Commissioner:

Provided that no such order shall be made,-

- (1) where an appeal under section 30 has been preferred; or
- (2) after the expiry of four years from the date of the order sought to be revised.

Explanation.- In computing the period of limitation for the purposes of this section, any period during which any proceedings under this section is stayed by an order or an injunction by any court shall be excluded.

28. Control by the Divisional Commissioner.- The Divisional Commissioner shall within his jurisdiction have power,-

- (a) 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.

29. Revision by the State Government.-The State Government may cancel or revise any order passed by the Divisional Commissioner under section 28.

30. Appeal from orders under sections 10,12,17 and 23.- Against any decision of the Deputy Commissioner under sections 10, 12, 17 and 23 the State Government may, within six months from the date of the decision and any person aggrieved by such decision may, within ninety days from the date of the decision, appeal to the ¹[Karnataka] Revenue Appellate Tribunal whose decision shall be final.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

(2) If any question arises, whether any building falls within the scope of sub-section (2) of section 8 or sub-section (2) of section 9 or section 13, it shall be referred to the ¹[Karnataka] Revenue Appellate Tribunal, whose decision shall be final.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

31. Appeal to the High Court.- (1) Any person aggrieved by an order of the Divisional Commissioner under section 27 may appeal to the High Court within ninety days from the date on which the order was communicated to him.

(2) The High Court shall after giving both the parties to the appeal a reasonable opportunity of being heard pass such order thereon as it thinks fit.

32. Wrong and excess payments to be recoverable as arrears of land revenue.- Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him by virtue of any order passed under this Act or otherwise the amount which is found to be not due or which is in excess, as the case may be, which cannot otherwise be adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

33. Enquiries by the Deputy Commissioner.- (1) The Deputy Commissioner may, by general or special order, authorise any officer not below the rank of a Tahsildar subordinate to him to hold enquires 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.

(2) In respect of every enquiry under this Act by the Deputy Commissioner or any officer authorised under sub-section (1) the provisions of the Act relating to a formal enquiry shall apply, as if such enquiry is a formal enquiry under the Act.

34. Fee payable on applications, petitions, etc, under this Act.-Notwithstanding anything contained in the '[Karnataka]' Court-fees and Suits Valuation Act, 1958 ('[Karnataka]' Act 16 of 1958), the fees payable on any application, memorandum or appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

1. Substituted by Act 53 of 1976 w.e.f. 18.8.1976

35. Jurisdiction of courts barred in certain cases.- (1) No suit, prosecution or other proceeding shall lie against the State Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) No officer or servant of the State Government shall be liable in any civil or criminal proceedings in respect of any act done or purporting to be done under this Act or any rule made thereunder, if the act was done in good faith in the course of the execution of the duties or in the discharge of the functions imposed by or under this Act.

(3) In respect of any act done by any officer or servant of the State Government under colour or in excess of any such duty or function, no suit, prosecution or other proceedings shall lie against such officer or servant without the previous sanction of the State Government and no such suit, prosecution or other proceedings shall be instituted after the expiry of one year from the date of the act complained of.

(4) Notwithstanding anything contained in any law for the time being in force, a Civil Court shall not entertain any application or suit,-

(i) connected with any matter which has to be decided by the Deputy Commissioner under sections 10, 12, 17 and 23 of this Act; or

(ii) relating to an order made by the Divisional Commissioner under section 27, and in respect of which a right of appeal has been conferred by section 30 or 31.

36. Power to make rule.- (1) The State Government may, by notification and 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 and the officers or authorities 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 Limitation Act, 1963 to applications, appeals and proceedings, under this Act.

37. Penalties.- (1) If any person,-

- (a) wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any order; or
- (b) offers resistance or obstruction to the Deputy Commissioner taking charge or possession of any property which is vested in the State Government under this Act; or
- (c) furnishes information which he knows, or has reason to believe to be false or does not believe to be true,

he shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

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

38. Power to remove difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that no such power shall be exercised after the expiry of a period of two years from the commencement of this Act.

39. Laying of rules and orders before the State Legislature.- Every rule made under section 36 and every order issued under section 38 shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or order or both House agree that the rule or order should not be made, the rule or order shall from the date on which the modification or annulment is notified by the State Government in the official Gazette, have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.

* * * * *

THE KARNATAKA (BELGAUM AND GULBARGA AREAS) RELIGIOUS AND CHARITABLE INAMS ABOLITION ACT, 1973 has been amended by the following Acts, namely:-

Amendments (Chronological)

Sl. No.	Act No. and Year	Sections Amended	Remarks
1	26 of 1973	--	Notification not available.

Amendments (Section-wise)

Sections Amended	Act No. and Year	Remarks
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NOTIFICATION

Notification bringing the Act into force is not available.