

THE KARNATAKA INAMS ABOLITION LAWS (AMENDMENT) ACT, 1973.

ARRANGEMENT OF SECTIONS

Sections :

1. Short title.
2. Amendment of Mysore Act 1 of 1955.
3. Amendment of Mysore Act 18 of 1955.

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STATEMENT OF OBJECTS AND REASONS

Act 27 of 1973.- By the Mysore Inams Abolition Laws (Amendment) Act, 1969 which came into force from 11th December 1969, all minor inams in unalienated villages and in inam villages coming under the purview of the provisions of the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 and the Mysore (Religious and Charitable) Inams Abolition Act, 1955 have been abolished with effect from 1st July 1970. The said amendment Act, provided that no person shall be entitled to be registered as an occupant unless he makes to the Deputy Commissioner an application-

(a) in respect of lands in inams which have vested in the State before the date of commencement of the said Amendment Act, within such period as may be prescribed; and

(b) in respect of lands in inams which vest in the State on or after the date of commencement of the said Amendment Act within six years from the date of vesting.

In respect of (a) above the time limit prescribed by rule has expired on 21st February 1971 and in respect of (b) above, the date of vesting is notified as 1st July 1970.

There are representations from several persons affected to extend the period in respect of (a) above.

It is the experience of State Government that there is no end to such representations, if the time is continued to be extended by rules. Further taking into account the long period of six years provided from the date of vesting in respect of (b) above, Government feel that the law should be so amended that there will be no scope for further extension of time by rules for filing applications for registering as an occupant beyond one year from the date of commencement of the Mysore Inams Abolition Laws (Amendment) Act, 1973 and that the six years' period from the date of vesting be brought down to one year so that the pace of implementation of the law will be hastened.

It is also considered necessary that pujari, archak, etc., should be registered as occupant of lands in his personal cultivation on payment of a premium equal to hundred times the land revenue.

Hence this Bill.

(Obtained from L.A. Bill No. 12 of 1973.)

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¹[KARNATAKA]¹ ACT No. 27 OF 1973.

(First published in the ¹[Karnataka Gazette]¹ on the Twenty-seventh day of December 1973)

THE ¹[KARNATAKA]¹ INAMS ABOLITION LAWS (AMENDMENT) ACT, 1973.

(Received the assent of the President on the Fourteenth day of December 1973)

An Act further to amend the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 and the Mysore (Religious and Charitable) Inams Abolition Act, 1955.

WHEREAS it is expedient further to amend the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1955 (Mysore Act 1 of 1955) and the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955);

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

1. Short title.- (1) This Act may be called the ¹[Karnataka Inams]¹Abolition Laws (Amendment) Act, 1973.

2. Amendment of Mysore Act 1 of 1955.- In the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955),-

(i) in section 2, in clause (14), before the Explanation the following proviso shall be inserted namely :-

"Provided that in the case of a minor inam the said period shall be counted from the 1st day of July 1970.";

(ii) in section 6, the proviso to sub-section (2) shall be omitted.

(iii) in section 10,

(a) to sub-section (2), the following proviso shall be added namely:-

"Provided that in the case of a tenant in minor inam such presumption shall be raised if such tenant is found to be in possession of any land on the 1st day of July 1970.";

(b) for sub-clauses (i) and (ii) of clause (a) of sub-section (3), the following sub-clauses shall be substituted, namely:-

"(i) in respect of lands in inams which have vested in State before the commencement of the ¹[Karnataka Inams]¹ Abolition (Amendment) Act, 1973 within one year from the date of commencement fo the said Amendment Act; and

(ii) in respect of lands in inams which vest in the State on or after the commencement of the ¹[Karnataka Inams]¹ Abolition Laws (Amendment) Act, 1973 within one year from the date of vesting of the inam concerned";

(iv) for section 26B the following section shall be substituted, namely:-

"26B. Rent.- Every tenant shall pay to the inamdar (hereinafter in this Chapter referred to as the landlord) rent agreed to, which in no case shall exceed the rent payable according to the ¹[Karnataka Land Reforms]¹ Act, 1961.".

3. Amendment of Mysore Act 18 of 1955.- In the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955),-

(1) in section 2, after clause (12), the following clause shall be inserted, namely:-

"(12a) '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."

(2) after section 5, the following section shall be inserted namely :-

"5A. Protected tenant to be registered as occupant on certain conditions.- (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 fifty times such land revenue plus in the case of land classified as dry but possessing facilities for irrigation from any source of water which is the property of the Government,-

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| (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."

(3) in section 6, the proviso shall be omitted.

(4) after section 6, the following section shall be inserted namely :-

"6A. Pujari, archak, etc., to be registered as 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 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 27A 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,-

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| (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 an arrear of land revenue due on the land in respect of which it is payable."

(5) in section 7, in clause (ii) of sub-section (1) for the figures and word "4 or 5" the figures, letters and word "4, 5, 5A or 6A" shall be substituted.

(6) in section 8, in clause (ii) of sub-section (1) for the figures and word "4, 5 or 7", the figures, word and letters, "4, 5, 5A, 6A or 7" shall be substituted.

(7) in section 9,-

(i) in sub-section (1), 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", the words, figures and letters "a person claims to be registered as an occupant under sections 4, 5, 5A, 6A, 7 and 8" shall be substituted.

(ii) in clause (a) of sub-section (2),-

(a) after the figure "5" the figures and letters "5A, 6A" shall be inserted.

(b) for sub-clauses (i) and (ii), the following sub-clauses shall be substituted, namely :-

"(i) in respect of lands in inams which have vested in the State before the commencement of the ¹[Karnataka Inams]¹ Abolition Laws (Amendment) Act, 1973, within one year from the date of commencement of the said Amendment Act, and

(ii) in respect of lands in inams which vest in the State on or after the commencement of the ¹[Karnataka Inams]¹ Abolition Laws (Amendment) Act, 1973, within one year from the date of vesting of the inams concerned."

(8) in sub-section (1) of section 10,-

(i) the words "whether a kadim tenant, a permanent tenant, the holder of a minor inam or an inamdar" shall be omitted, and

(ii) after the figure "5", the figure and letters "5A, 6A" shall be inserted.

(9) in section 23, in the proviso, for the words and figures "the maximum rent fixed under the Mysore Tenancy Act, 1952", the words and figures "the rent payable according to the ¹[Karnataka Land Reforms]¹ Act, 1961" shall be substituted.

(10) for section 27, the following section shall be substituted, namely:-

"27. Tenant where to be registered as occupant.- 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,-

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| (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. |

shall be registered as 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."

(11)in Chapter IV, after section 27, the following section shall be inserted, namely:-

"27A. Extent of land which a person may be registered as an occupant.- The extent of land respect of which a person referred to in section 6 or section 6A 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."

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1. Substituted by Act 21 of 1978 w.e.f. 27.12.1973.