

**THE HYDERABAD JAGIRS (COMMUTATION) REGULATION (KARNATAKA AMENDMENT)  
ACT, 1969.**

**ARRANGEMENT OF SECTIONS**

Sections :

1. Short title and commencement.
2. Amendment of section 4.
3. Substitution of new section for section 5.
4. Amendment of section 7.
5. Substitution of new section for section 8.
6. Substitution of new section for section 10.
7. Insertion of new section 10A.
8. Amendments made by this Act to override existing laws, decrees, etc.

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**STATEMENT OF OBJECTS AND REASONS**

**Act 30 of 1969.-** It is considered necessary to amend section 4 of the Hyderabad Jagirs (Commutation) Regulation, 1359 Fasil, to empower the Jagir Administrator to calculate the annual gross revenue in such manner as may be prescribed by rules in cases where the figures relating to the annual gross revenue during the ten years from 1317 Fasli are not available or where the particulars available are in the opinion of the Jagir Administrator incorrect.

It has been held that the deduction on account of pan and dues of like nature are valid as section 4 (2) of the Regulation does not provide for any deduction from the gross basic sum. It is therefore necessary to provide for deduction from the average annual gross revenue payments towards hissa sarka, chowth, makasa, dharpatti, and sums of like nature and not to make deduction on account of pan, peshkush and haq-e-malikhana.

It is also considered necessary to empower the jagir Administrator to revise the awards made by him and provide for an appeal against the order of the jagir Administrator revising the award. It is proposed to amend section 7 of the Regulation to enable the recovery of excess sums paid to Jagirdars.

In order to enable payment of 90 per cent of the basic sum as annuity to religious institution in the names of which the Jagirs have been granted for service in institutions, section 10 of the Regulation is proposed to be amended.

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<sup>1</sup>[KARNATAKA]<sup>1</sup> ACT No. 30 OF 1969.

(First published in the <sup>1</sup>[Karnataka Gazette]<sup>1</sup> on the Twentieth Day of November 1969)

**THE HYDERABAD JAGIRS (COMMUTATION) REGULATION (<sup>1</sup>[KARNATAKA]<sup>1</sup>  
AMENDMENT) ACT, 1969.**

(Received the assent of the President on the Second Day of November 1969)

**An Act to amend the Hyderabad Jagirs (Commutation) Regulation, 1359F., as in force in the <sup>1</sup>[Gulburga Area]<sup>1</sup> of the <sup>1</sup>[State of Karnataka]<sup>1</sup>.**

WHEREAS it is expedient to amend the Hyderabad Jagirs (Commutation) Regulation, 1359F. (Hyderabad Regulation XXV of 1359F.), as in force in the <sup>1</sup>[Gulburga Area]<sup>1</sup> of the <sup>1</sup>[State of Karnataka]<sup>1</sup>;

BE it enacted by the <sup>1</sup>[Karnataka]<sup>1</sup> State Legislature in the Twentieth Year of the Republic of India as follows :-

**1. Short title and commencement.-** (1) This Act may be called the Hyderabad Jagirs (Commutation) Regulation (<sup>1</sup>[Karnataka]<sup>1</sup> Amendment Act, 1969.

(2) This section and section 8 shall come into force at once and the remaining sections shall be deemed to have come into force on the 25th day of January, 1950.

**2. Amendment of section 4.-** In sub-section (2) of section 4 of the Hyderabad Jagirs (Commutation) Regulation, 1359F. (Hyderabad Regulation XXV of 1359 F.) (hereinafter referred to as the principal Regulation),-

(i) after the words, figures and letter "and ending with the year 1356 F", the words "less the deductions on account of hissa sarkar, chowth, makasa, dharapti an all other dues of a like nature other than pan, peshkush and haq-e-malikana, payable annually by the Jagirdar to the Government according to the documents of title relating to the Jagirdar" shall be added;

(ii) in the proviso, for the words "the gross basic sum", the words "the average annual gross revenue" shall be substituted.

(iii) after the proviso, the following proviso shall be added, namely :-

"Provided further that where the particulars required for the calculation of the average annual gross revenue are not available or where the particulars available are in the opinion of the Jagir Administrator, incorrect in material respects the average annual gross revenue shall be calculated in such manner as may be prescribed."

**3. Substitution of new section for section 5.-** For section 5 of the principal Regulation, the following section shall be substituted, namely :-

**"5. Determination of commutation sum, appeal and revision.-** (1) (a) The commutation sum for every Jagir shall be determined by an order passed by the Jagir Administrator or by an officer authorised by him in that behalf.

(b) If at any time after the determination of commutation sum under clause (a), the Jagir Administrator or the officer authorised by him, as the case may be, is satisfied that the amount so determined was not correctly determined in respect of any particulars and requires to be revised with reference to the terms of the documents of title which have since become available, he may, *suo motu* revise the commutation sum determined by him under clause (a), either by increasing or decreasing it:

Provided that in cases where such revision involves a decrease in the commutation sum determined under clause (a), the person affected shall be given a reasonable opportunity of making his representations.

(2) Any person aggrieved by the determination of commutation sum under clause (a) or under clause (b) of sub-section (1) may, within thirty days of the communication thereof to him, appeal against the same to the Board of Revenue and the said Board shall after giving the appellant a reasonable opportunity of being heard either confirm such determination or revise it in such manner as it thinks fit.

(3) Save as provided in sub-section (2), the determination of commutation sum under this section shall be final and shall not be called in question in any court."

**4. Amendment of section 7.-** After sub-section (2) of section 7 of the principal Regulation, the following sub-section shall be added, namely :-

"(3) All amounts provisionally paid to a Jagirdar, Hissadar or Guzarayab from 1st April, 1950, towards the commutation sum of a Jagir pending the determination of commutation sum under section 5, shall be adjusted by deduction from the total commutation sum due to him, and any amount which cannot be so adjusted shall be recoverable from him as if it were an arrear of land revenue."

**5. Substitution of new section for section 8.-** For section 8 of the principal Regulation, the following section shall be substituted, namely :-

**"8. Recovery of amounts due to Government from Jagirdar or Hissadar.-** Notwithstanding anything contained in sub-section (2) of section 7, any amount, recoverable on account of a loan granted by the Government to a Jagirdar Hissadar, or any other amount including arrears of *hissa sarkar, chowth, Makasa, dharpatti* and other dues of like nature other than pan, peshkush and haq-e-malikhana payable by him to the Government may be recovered by deduction from any amount due to him under this Regulation towards his share in the commutation sum for the jagir."

**6. Substitution of new section for section 10.-** For section 10 of the principal Regulation, the following section shall be substituted, namely :-

**"10. Special provision for jagirs granted for the support or service of religious and charitable institutions.-** (1) The provisions of this Regulation shall apply, so far as may be, to any jagir granted-

- (a) in the name or for the support of any religious or charitable institution ; or
- (b) to any person for the purposes of any service or charity, such service or charity being of a public nature connected with any religious or charitable institution.

(2) (a) In the case of any jagir referred to in clause (a) of sub-section (1), the Government shall pay to the institution every year commencing from the 1st of April 1950, for the service of the institution as long as it exists, an amount equivalent to ninety per cent of the gross basic sum referred to in sub-clause (i) or as the case may be, the net basic sum referred to in sub-clause (ii) of clause (c) of sub-section (1) of section 4.

(b) In the case of any jagir referred to in clause (b) of sub-section (1), the Government shall pay to the institution, every year commencing from the 1st April 1950, for the service of the institution as long as it exists, an amount equivalent to fifty percent of the gross basic sum referred to in sub-clause (ii) of clause (c) of sub-section (1) of section 4 and thereupon the person to whom the jagir was granted for the purpose of rendering

any service or charity shall stand released of the liability to render such service or charity but he shall be entitled to receive a commutation sum as may be determined under this Regulation.

(3) The amount payable to the institution under sub-section (2) is in lieu of and not in addition to the commutation sum.

(4) The application of the amounts paid to a religious or charitable institution under sub-section (2) shall be effected in such manner as may be prescribed.

**Explanation.-** In this section-

(a) 'religious institution' means any religious establishment such as temple, shrine, mosque, darga or the like with a specific location and known address which is dedicated to, or used as of right by, the general public or any community or section thereof as a place of public religious worship;

(b) 'charitable institution' means any charitable establishment, with a specific location and known address which is dedicated to, or for the benefit of, or used as of right by, the general public or any community or section thereof, for any pious, charitable or philanthropic purpose."

**7. Insertion of new section 10A.-** After section 10 of the principal Regulation, the following section shall be inserted, namely :-

**"10A. Continuance of the payment of commutation sum in certain cases.-** Notwithstanding anything contained in this Regulation, the Government may grant a sum equivalent to the commutation sum payable for the year ending on the 1st April 1960 or a sum of twenty-five rupees per mensem whichever is less, in each of the cases specified in column (1) of the Table below, during the period mentioned in column (2) thereof.

TABLE

(1)	(2)
(1) Where the age of the person, whether male or female, was not less than 60 years on the 1st day of April, 1960.	From the 1st April, 1960 till the date of the death of the person.
(2) Where the age of the person was less than 60 years on the 1st day of April, 1960-	
(i) in the case of male, or an unmarried woman, if the person is incapable of earning a livelihood on account of being blind, deaf, dumb and mute, mentally deranged, crippled or paralytic.	From the 1st April, 1960 till the date of the death of the person.
(ii) in the case of a widow. remains a widow.	From the 1st April, 1960 till she
(3) Where the person is a minor-	
(i) in the case of male, if such commutation sum is his only	From the 1st April, 1960 till the date of attainment of 18 years.

source of income.

(ii) in the case of a female. From the 1st April, 1960 till the date of marriage or the date of attainment of 18 years, whichever is earlier".

**8. Amendments made by this Act to override existing laws, decrees, etc.-** The amendments made by this Act to the principal Regulation shall have effect notwithstanding anything inconsistent therewith in any existing law or judgement, decree or order of a Court or other authority.

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