

# THE KARNATAKA INAMS ABOLITION LAWS (AMENDMENT) ACT, 1979.

## ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Amendment of Mysore Act 1 of 1955.
3. Amendment of Mysore Act 18 of 1955.
4. Saving and pending proceedings.

\* \* \* \*

## STATEMENT OF OBJECTS AND REASONS

**Act 26 of 1979.-** According to the Karnataka Inams Abolition Laws (Amendment) Act, 1973 which came into force on 27th day of December, 1973, the last day for filling the claim petitions was 26th December 1974, the implementation of the various provisions of the Act has however, been very slow. The experience gained in the implementation of the Karnataka Land Reforms Act, 1961 has given hopes for implementing the Karnataka Inams Abolition Laws, in the Mysore area other than Bellary District, in a speedier manner, by extending certain provisions of the former Act to the cases under Inams Abolition Laws. It is considered necessary that the period of filing the claim petitions be extended for a further period of six months from the passing of the Amendment Act to amend the provisions of Inams Abolition Act so as to bar legal practitioners from appearing before the Enquiry Officers in the enquires under the Act, to delete the provisions for appeals under the Act, to empower the Assistant Commissioners to conduct the enquiry under the Act to enable the Tahsildars to take possession of the land where no applications are made or where the applications have been rejected and to bring such land for disposal under the Karnataka Land Grant Rules, 1969. Apart from this, enquiries under the Act are also made summary instead of being formal and the occupancy rights are proposed to be conferred on the poojaries, archaks, etc., only when they have been personally cultivating the land for a continuous period of three years prior to the date of vesting.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A, as No. 105 dated 1-2-1979.)

\* \* \* \*

KARNATAKA ACT No. 26 OF 1979.

*(First published in the Karnataka Gazette (Extraordinary) on the First day of May, 1979)*

**THE KARNATAKA INAMS ABOLITION LAWS (AMENDMENT) ACT, 1979.**

*(Received the assent of the President on the Ninth day of April, 1979)*

**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, 1954 (Mysore Act 1 of 1955) and the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) for the purposes hereinafter appearing;

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

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Inams Abolition Laws (Amendment) Act, 1979.

(2) it shall come into force at once.

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

(1) in section 2, in sub-section (1),-

(a) in clause (3), for the words "not below the rank of a Deputy Commissioner" the words "not below the rank of an Assistant Commissioner" shall be substituted;

(b) after clause (15), the following clause shall be inserted, namely:-

"(16) 'Tribunal' means a Tribunal constituted under section 48 of the Karnataka Land Reforms Act, 1961":

(2) in section 10,-

(A) in the heading, for the figures, letter and word "9 and 9A", the word and figures "and 9" shall be substituted;

(B) in sub-section (1), for the words "Deputy Commissioner" the word "Tribunal" shall be substituted and the words "or in respect of which any person claims to be continued as tenant under section 9A" shall be omitted;

(C) in sub-section (3),-

(a) in clause (a),-

(i) for the words "Deputy Commissioner" the word "Tribunal" shall be substituted;

(ii) in sub-clause (i), for the words "one year", the words "six years" shall be and shall be deemed always to have been substituted;

(iii) in sub-clause (ii), for the words "one year" the words "three years" and for the words "the inam concerned" the figures, letters and words "the inam concerned or 31st December 1979, whichever is later" shall be and shall be deemed always to have been substituted;

(b) in clause (b), at the end, the following shall be inserted, namely:-

"Such land shall be disposed of in accordance with the rules relating to grant of lands.";

(c) after clause (b), the following clause shall be inserted namely:-

"(c) The provisions of sections 48A, 48C and 112 of the Karnataka Land Reforms Act, 1961 and the relevant rules framed thereunder shall *mutatis mutandis* apply to an enquiry for determination of a claim under this section and the decision of the Tribunal shall be final.";

(3) in section 10A, for the words "Deputy Commissioner" the word "Tribunal" shall be substituted;

(4) in section 12, at the end, the following shall be inserted, namely:-

"Any dispute relating thereto shall be decided by the Tribunal and such decision shall be final."

(5) section 20A, shall be and shall be deemed always to have been omitted;

(6) in section 28,-

(a) for the heading, the following shall be substituted, namely:-

**"28. Appeal from orders under section 11.":-**

(b) in sub-section (1), the words and figure "section 10 or" shall be omitted and for the figures "1969" the figures "1979" shall be substituted:

(c) sub-section (2) shall be omitted:

(7) in section 31, in sub-section (1), the words figures and letter "or section 20A" shall be and shall be deemed always to have been omitted and for the figures "1969" the figures "1979" shall be substituted:

(8) for section 32, the following section shall be substituted, namely:-

**"32. Enquires by the Tribunal and the Deputy Commissioner.-** (1) In respect of every enquiry under this Act by the Tribunal, the provisions of the Karnataka Land Reforms Act, 1961 applicable to enquires by the Tribunal under the said Act shall *mutatis mutandis* apply and the decision of the Tribunal shall be final.

(2) In respect of every enquiry under this Act by the Deputy Commissioner the provisions of the Karnataka Land Revenue Act, 1964, relating to summary enquiry shall apply as if such enquiry is a summary enquiry under the said Act.

(3) No legal practitioner shall be allowed to appear in any proceedings under this Act before the Tribunal or the Deputy Commissioner."

**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,-

(a) in clause (3), for the words "not below the rank of a Deputy Commissioner", the words "not below the rank of an Assistant Commissioner" shall be substituted;

(b) after clause (14), the following clause shall be inserted, namely:-

"(15) "Tribunal" means a Tribunal constituted under section 48 of the Karnataka Land reforms Act, 1961";

(2) in section 9,-

(A) in sub-section (1), for the words "Deputy Commissioner", the word "Tribunal" shall be substituted;

(B) in sub-section (2),-

(a) in clause (a),-

(i) for the words "Deputy Commissioner", the word "Tribunal" shall be substituted;

(ii) in sub-clause (i), for the words "one year", the words "six years" shall be and shall be deemed always to have been substituted;

(iii) in sub-clause (ii), for the words "one year" the words "three years" and for the words "the inam concerned", the words "the inam concerned on 31st December 1979, whichever is later" shall be and shall be deemed always to have been substituted;

(b) in clause (b), at the end the following shall be inserted, namely:-

"Such land shall be disposed of in accordance with the rules relating to grant of lands.";

(c) after clause (b), the following clause shall be inserted namely:-

"(c) The provisions of section 48A, 48C and 112 of the Karnataka Land Reforms Act, 1961 and the relevant rules framed thereunder shall *mutatis mutandis* apply to an enquiry for determination of a claim under this section and the decision of the Tribunal shall be final.";

(3) in section 9A, for the words "Deputy Commissioner", the words "Tribunal" shall be substituted;

(4) in section 11, at the end the following shall be inserted, namely:-

"Any dispute relating thereto shall be decided by the Tribunal and such decision shall be final.";

(5) sections 16, 17 and 18 shall be omitted;

(6) in section 19, in sub-section (1), for the words "the basic annual sum as a tasdik allowance", the words "an amount equal to the amount that would have been payable to a religious and charitable institution under clause (iii) of the second proviso to section 51 of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) as if the inamdar were a land holder and his rights in the inam lands had become extinguished and vested in the State Government under section 44 of the said Act." shall be substituted;

(7) for section 20 the following section shall be substituted, namely:-

**"20. Interim payment.-** After the date of vesting and before the amount payable to the inamdar concerned have been finally determined under sub-section (1) of section 19 the Government shall pay to the inamdar such sum as may be determined in the manner prescribed,";

(8) section 21 shall be omitted;

(9) section 21A shall be and shall be deemed always to have been omitted;

(10) in section 28, in sub-section (2), for the words "tasdik allowance" the word "amount" shall be substituted;

(11) in section 29,-

(a) in the heading the figures "9" and "21" shall be omitted and the words "and references to the prescribed authority" shall be omitted;

(b) in sub-section (1), the figures "9" and "21" and the figures and letters "21A" shall be omitted and for the figures "1969" the figures "1979" shall be substituted;

(c) sub-section (2) shall be omitted;

(12) for section 30 the following section shall be substituted, namely:-

**"30. Enquiries by the Tribunal and the Deputy Commissioner.-** (1) In respect of every enquiry under this Act by the Tribunal, the provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries by the Tribunal under the said Act shall *mutatis mutandis* apply and the decision of the Tribunal shall be final.

(2) In respect of every enquiry under this Act by the Deputy Commissioner the provisions of the Karnataka Land Revenue Act, 1964 relating to summary enquiry shall apply as if such enquiry is a summary enquiry under the said Act.

(3) No legal practitioner shall be allowed to appear in any proceedings under this Act before the Tribunal or the Deputy Commissioner."

**4. Savings and pending proceedings.-** (1) All applications relating to matters specified in sub-section (1) of section 10 of the Mysore Act 1 of 1955 and in sub-section (1) of section 9 of the Mysore Act 18 of 1955,-

(a) pending before the Deputy Commissioner immediately before the date of commencement of this Act shall, with effect from the said date stand transferred to the concerned Tribunal and shall be disposed of by it as if they had been instituted and commenced before it;

(b) having been disposed of by the Deputy Commissioner are pending in appeal or revision, such appeal or revision shall be continued as if this Act had not been passed:

Provided that if the matter is remanded by the appellate or revisional authority it shall be heard and disposed of by the Tribunal.

(2) Every order made by a Deputy Commissioner, prior to the commencement of this Act under section 20A of the Mysore Act 1 of 1955 or under section 21A of the Mysore Act 18 of 1955 shall be *null and void* and shall have no effect:

Provided that nothing in this sub-section shall affect the payment of any amount made in pursuance of such order prior to the commencement of this Act.

\* \* \* \*