

THE KARNATAKA INAMS ABOLITION LAWS (AMENDMENT) ACT, 1969.

ARRANGEMENT OF SECTIONS

Sections :

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

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STATEMENT OF OBJECTS AND REASONS

Act 33 of 1969.- There are about 60,000 minor inam holdings in Mysore and Bangalore Divisions. It is considered necessary to make suitable provision in Act 1 of 1955 and Act 18 of 1955 enabling the Government to apply the said Acts, to all minor inams without any need for enumerating all the minor inams in a Notification under section 1(4) of the Acts.

1. Provision is also made in the said Acts enabling Government to fix different dates of vesting minor inams in different areas.

2. It is also considered necessary to make provision in Act 1 of 1955 requiring claimants for occupancy rights to make applications to the Deputy Commissioner for conferment of such rights within a stipulated time.

3. It is discovered that in some cases either excess payment towards compensation has been made or less amount than what is actually due to the claimant has been paid. It is considered necessary to insert suitable provision in both the Acts enabling the Deputy Commissioner to revise the amount of compensation determined by him, either by increasing or decreasing it and to recover excess compensation paid as arrears of land revenue.

4. In both the Acts, it is considered desirable to insert suitable provisions empowering the Divisional Commissioners to superintend the taking over of inams, to guide the Deputy Commissioners and to cancel or revise an order of the Deputy Commissioner declaring whether or not a particular area as part of an inam and empowering the Government to cancel or revise any order passed by the Divisional Commissioner.

5. It is further considered necessary to make provisions enabling the Government to prefer an appeal to the appropriate authority against any decision of the Deputy Commissioner under sections 10 and 11 of Act 1 of 1955 and sections 9, 10, 21, 21A or 26 of Act 18 of 1955.

6. At present there is no provision in section 31 of Act 1 of 1955 enabling the State Government to prefer an appeal to the High Court against an order of the Deputy Commissioner under section 20(1) or 20A. It is considered necessary to make such a provision.

7. It is considered desirable to empower the Deputy Commissioner to hold a fresh or further enquiry where necessary.

8. In Act 18 of 1955, there is no definition of the expression "land revenue" as in Act 1 of 1955. It is necessary to define that expression for determining the premium payable by permanent tenants and also for determining the compensation award.

9. So far as Act 18 of 1955 is concerned, it is desirable to provide that Government should have power to exclude in the notification "applying the rest of the Act" such Devadaya minor inams as may be specified by Government.

Hence this Bill.

(Obtained from L.A. Bill No. 1 of 1968.)

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¹[KARNATAKA]¹ ACT No. 33 OF 1969.

(First published in the ¹[Karnataka Gazette]¹ on the Eleventh Day of December 1969)

THE ¹[KARNATAKA]¹ INAMS ABOLITION LAWS (AMENDMENT) ACT, 1969.

(Received the assent of the President on the Twenty-seventh Day of November 1969)

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 I of 1955), and the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955) (hereinafter referred to in section 4 as the Inams Abolition Acts);

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

1. Short title.- (1) This Act may be called the ¹[Karnataka]¹ Inams Abolition Laws (Amendment) Act, 1969.

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 sub-section (4) of section 1, for the words "in respect of any inam village, or minor inam in any unalienated village, on such date as the Government may by notification appoint", the words "in all minor inams in unalienated village, on such date as the Government may by notification, appoint, and in any inam village, on such date as the Government may, by notification, specify in respect of such inam village", shall be substituted;

(2) after sub-section (2) of section 10, the following sub-section shall be added, namely:-

"(3) (a) No person shall be entitled to be registered as an occupant under sections 4, 5, 6, 7 and 9 unless the claimant makes an application to the Deputy Commissioner. Every such application shall be made,-

(i) in respect of lands in inams which have vested in the State before the date of commencement of the ¹[Karnataka]¹ Inams Abolition Laws (Amendment) Act, 1969, within such period as may be prescribed; and

(ii) in respect of lands in inams which vest in the State on or after the date of commencement of the ¹[Karnataka]¹ Inams Abolition Laws (Amendment) Act, 1969, within six years from the date of vesting of the inam concerned;

(b) where no application is made within the period specified in clause (a), the right of any person to be registered as an occupant shall stand extinguished and the land shall vest in the State absolutely";

(3) after section 20, the following section shall be inserted and shall be deemed always to have been inserted namely:-

"20A. Review by the Deputy Commissioner.- (1) If at any time after the determination of total compensation under section 20, the Deputy Commissioner is satisfied that the amount so determined was not correctly determined and requires to be revised with reference to any new and important matter which has since come to his notice, or on account of some mistake or error apparent on the face of the record or for

any other sufficient reason, he may, *suo motu* revise the amount of compensation determined by him under section 20, either by increasing or decreasing it:

Provided that in cases where such revision involves a decrease in the amount of compensation determined, the person or persons affected shall be given a reasonable opportunity of making representation in regard thereto in writing or orally.

(2) Where by an order made under sub-section (1), the amount of compensation is decreased, the excess amount if any, already paid, shall be refunded by the persons to whom the compensation has been paid, within such time as may be specified by the Deputy Commissioner and if such amount is not so refunded within the time so specified, it shall be recoverable as if it were arrears of land revenue.";

(4) after section 27, the following sections shall be and shall be deemed always to have been inserted, namely:-

"27A. Control by the Divisional Commissioner.- The Divisional Commissioner shall, within his jurisdiction have power,-

(a) to give effect to the provisions of this Act and in particular 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.

27B. Revision by Government.- The Government may cancel or revise any order passed by the Divisional Commissioner under clause (c) of section 27A.";

(5) for sub-section (1) of section 28, the following sub-section shall be and shall be deemed always to have been substituted, namely:-

"(1) Against any decision of the Deputy Commissioner under section 10 or section 11, the Government may, within six months from the date of commencement of the '[Karnataka]' Inams Abolition Laws (Amendment) Act, 1969 or from the date of the decision, which ever is later, and any person aggrieved by such decision may, within thirty days from the said date, appeal to the prescribed authority and the decision of the prescribed authority shall be final.";

(6) in sub-section (1) of section 31, for the words, brackets and figures "Any person aggrieved by any order of the Deputy Commissioner made under sub-section (1) of section 20," the words, brackets, figures and letters "Against any order of the Deputy Commissioner made under sub-section (1) of section 20 or section 20A, the Government may within six months from the date of the commencement of the '[Karnataka]' Inams Abolition Laws (Amendment) Act, 1969, or from the date of such order whichever is later and any person aggrieved by such order" shall be and shall be deemed always to have been substituted.;

(7) to sub-section (1) of section 32, the following proviso shall be added and shall be deemed always to have been added, namely:-

"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.".

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 sub-section (4) of section 1, for the words "in respect of any inam village, or minor inam in an un-alienated village on such date as the Government may by notification appoint", the words "in minor inams other than such Devadaya inams in unalienated villages in such area and on such date, as the Government may by notification specify, and in any inam village, on such date as the Government may, by notification specify in respect of such inam village" shall be substituted;

(2) after clause (13) of section 2, the following clause shall be added, namely:-

"(14) land revenue for the purposes of determining the premium payable by a permanent tenant under section 5, means the amount payable as the land revenue for the land during the revenue year 1953-54.

Explanation.- In the case of an inam village to which survey and settlement has not been introduced, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village during the revenue year 1953-54, shall be deemed to be the land revenue of the land for the purposes of this sub-section.";

(3) section 9 shall be renumbered as sub-section (1) of that section and after the said sub-section (1), the following sub-section shall be added, namely:-

"(2) (a) No person shall be entitled to be registered as an occupant under sections 4, 5, 7 and 8 unless the claimant makes an application to the Deputy Commissioner. Every such application shall be made,-

(i) in respect of lands which have vested in the State before the date of commencement of the '[Karnataka]' Inams Abolition Laws (Amendment) Act, 1969 within such period as may be prescribed; and

(ii) in respect of lands in such inams which vest in the State on or after the date of commencement of the '[Karnataka]' Inams Abolition Laws (Amendment) Act, 1969, within six years from the date of vesting of the inam concerned.

(b) Where no application is made within the period specified in clause (a), the right of any person to be registered as an occupant shall stand extinguished and the land shall vest in the State absolutely.";

(4) after section 21, the following section shall be inserted and shall be deemed always to have been inserted namely :-

"21A. Review by the Deputy Commissioner.- If at any time after the determination of the basic annual sum under section 21, the Deputy Commissioner is satisfied that the basic annual sum so determined was not correctly determined and requires to be revised with reference to any new and important matter which has since come to his notice or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, he may, *suo motu*, revise the basic annual sum determined by him under section 21, either by increasing or decreasing it :

Provided that in cases where such revision involves a decrease in the basic annual sum determined, the person or persons affected shall be given a reasonable opportunity of making representation in regard thereto, in writing or orally.";

(5) after section 28, the following sections shall be and shall be deemed always to have been inserted, namely :-

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

(a) to give effect to the provisions of this Act and in particular 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.

28B. Revision by Government.- The Government may cancel or revise any order passed by the Divisional Commissioner under clause (c) of section 28A."

(6) for sub-section (1) of section 29, the following sub-section shall be and shall be deemed always to have been substituted, namely:-

"(1) Against any decision of the Deputy Commissioner under sections 9, 10, 21, 21A or 36, the Government may, within six months from the commencement of the '[Karnataka]' Inams Abolition Laws (Amendment) Act, 1969 or from the date of the decision, whichever is later, and any person aggrieved by such decision may, within thirty days from the said date, appeal to the prescribed authority and the decision of the prescribed authority shall be final.";

(7) to sub-section (1) of section 30, the following proviso shall be added and shall be deemed always to have been added, namely;-

"Provided that the Deputy Commissioner may in respect of any inquiry 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."

4. Validation.- Anything done or any action taken or purported to be done or taken under the Inams Abolition Acts shall notwithstanding any judgment, decree or order of any Court or Tribunal, be deemed to have been validly done or taken, and shall have effect for all purposes as if it had been done or taken, under the relevant provisions of the Inams Abolition Acts, as amended by this Act, and accordingly no suit or other legal proceedings shall be entertained or continued in any Court or Tribunal on the ground that any such thing was done or action taken under provisions which were not legal at that time and in particular (but without prejudice to the generality of the foregoing provision) on the ground that the thing done or action taken was done or taken in pursuance of provisions which were outside or inconsistent with, the provisions of the Inams Abolition Acts.

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