

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

26 of 1973

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STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 26 OF 1973] Karnataka Gazette, Extraordinary, dated 15-6-1972 Except in the Bombay and the 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.

CHAPTER 1

PRELIMINLY

1. Short title, extent, application and commencement :-

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

2. Definitions :-

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

CHAPTER 2

Abolition and vesting of inams in the State and its consequences

3. Abolition, vesting of inams and the consequence thereof :-

(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.

5. Protected tenants to be registered as occupants on certain conditions :-

(1) Subject to the provisions 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 that 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 :-

(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 subsection (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 :-

(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.

9. Lands and Buildings to vest in inamdar :-

(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 Karnataka Co-operative Societies Act, 1959 (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 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.

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 :-

(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 Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) for the time being in force.

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 :-

(2) The Deputy Commissioner shall, after making such inquiry as he thinks fit, determine the land revenue payable under Clause (b) of subsection (1).

13. Vesting of certain buildings 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. Savings of right in certain cases :-

(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 3

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] 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:

1. Substituted for the words "Bombay and Hyderabad Areas" by Act No. 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 4

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:

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 Karnataka Co-operative Societies Act, 1959 (Karnataka 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.

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 purpose other than agriculture; or

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 a person referred to in Sections 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 5

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 Karnataka Land Reforms Act, 1961.

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 a fresh determination by the Deputy Commissioner:

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 :-

(1) 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 Karnataka Revenue Appellate Tribunal whose decision shall be final.

(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 Karnataka Revenue Appellate Tribunal, whose decision shall be final.

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 :-

(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.

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.

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.

37. Penalties :-

(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 Houses 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.