

KARNATAKA CERTAIN INAMS ABOLITION RULES, 1979

CONTENTS

1. Title and commencement
2. Definitions
3. Maintenance of a register regarding arrears of land revenue etc.
4. Application for registration of occupancy rights
- 4A. Application for grant by holders of enfranchised inam lands
5. Certificate of registration
6. Determination of the Amount payable
7. Determination of proportionate land revenue, jodi, quit rent or peshkush
8. Payment of amount
9. Interim Payment
10. Application for supply of data under Section 17
11. Determination and Apportionment of amount and Disposal of Claim of Creditors
12. Places of Publication of Notices
13. Application of the Limitation Act, 1963
14. Fee for application etc.
15. Application of rules for payment of amount in bonds

KARNATAKA CERTAIN INAMS ABOLITION RULES, 1979

Whereas, the draft of the rules called the Karnataka Certain Inams Abolition Rules, 1978 was published as required by Section 35 of the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978) in Notification No. GSR 358 (RD 40 IMA 78), dated 20th November, 1978, in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 30th November, 1978, inviting objections and suggestions from all persons likely to be affected giving 30 days time from the date of issue of notification. And, whereas, copies of the said Gazette were made available to the public. And, whereas, no objections or suggestions have been received on the said draft. Now, therefore, in exercise of the powers conferred by Section 35 of the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978) the Government of Karnataka, hereby makes the following rules, namely

1. Title and commencement :-

- (1) These rules may be called the Karnataka Certain Inams

Abolition Rules, 1979.

(2) They shall come into force at once.

2. Definitions :-

In these rules unless the context otherwise requires.

(a) "Act" means the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978);

(b) "Form" means a form appended to these rules;

(c) "Section" means a section of the Act.

3. Maintenance of a register regarding arrears of land revenue etc. :-

Immediately after the publication of the notification under sub-section (3) of Section 1, the Deputy Commissioner shall cause a register to be prepared and maintained showing in respect of each inam village or minor inam the arrears of all land revenue, whether as jodi or quit rent and cesses remaining lawfully due for the purpose of clause (e) of sub-section (2) of Section 4.

4. Application for registration of occupancy rights :-

The application under Section 11 shall be in Form I, every application shall be restricted to a single inam. Where the application is made by any person other than the inamdar the inamdar shall be made a respondent to the application. If the application is made by the inamdar the Tahsildar shall be made a respondent in such application.

4A. Application for grant by holders of enfranchised inam lands :-

¹ (1) An inamdar including the holder of a minor inam entitled to the grant of enfranchised inam land shall make an application to the Tahsildar for such grant in Form 1-A;

(2) On receipt of the application under sub-rule (1), the Tahsildar may call upon the applicant to furnish any further particulars that may be required within such time as he may allow for the purpose;

(3) The Tahsildar shall ascertain from the Tribunal whether any applications have been made or declaration filed in respect of the same land or any portion thereof by any person other than the Inamdar claiming the registration of occupancy rights and if so the results thereof, and whether the order of the Tribunal, if any, on

such application has become final. The Tahsildar shall also ascertain the names and addresses of the parties in all such applications filed before the Tribunal;

(4) On receipt of the particulars referred to in sub-rules (2) and (3), the Tahsildar shall fix a date for hearing, notice of which shall be given to the applicant and to all other interested persons mentioned in the applications, and also the parties in the applications, if any, filed before the Tribunal in respect of the same land;

(5) The notice under sub-rule (4) shall be served in the manner prescribed for service of notices under the Karnataka Land Revenue Act, 1964;

(6) On the date fixed for hearing or such other date to which the case may be adjourned, the Tahsildar shall after holding an inquiry in the manner prescribed for a formal inquiry under the Karnataka Land Revenue Act, 1964 may, if satisfied that the applicant is entitled, grant such land to the appellant:

Provided that where the particulars referred to in sub-rules (2) and (3) disclose that an application or declaration for registration of occupancy rights by any person other than the inamdar is pending before the Tribunal in respect of the same land or any portion thereof, the Tahsildar shall hold the inquiry only after such application or declaration is finally disposed of:

Provided further that the Tahsildar shall not grant to the Inamdar any land for which the right of occupancy has been conferred on any person other than the Inamdar by the Tribunal.

(7) Every decision or order under sub-rule (6) shall contain a full statement of the grounds on which it is made and shall be written and signed by the Officer, in which case a certificate to that effect shall be made and signed by such Officer in his own hand.]

1. Rule 4-A inserted by GSR 254, dated 27-10-1984, w.e.f. 30-10-1984.

5. Certificate of registration :-

The Certificate of registration to be issued to a person as an occupant of a land shall be in Form II.

6. Determination of the Amount payable :-

(1) The Deputy Commissioner shall prepare a statement of the

amount payable in respect of each inam. The Amount payable shall be specified in figures and words in his own handwriting and he shall affix his signature against each entry.

(2) Fraction of a rupee less than fifty paise shall be disregarded and fraction of a rupee equal to or exceeding fifty paise shall be regarded as one rupee.

(3) Where the particulars necessary to compute the average net annual income under clause (iii) of sub-section (1) of Section 14 are not available for the full period of five years, the average net annual income derived by the inamdar during the period immediately preceding the date of vesting, for which the particulars are available shall be the average net annual income. Where the particulars are not available or where the particulars appear in material respects to be incorrect, the computation of the average net annual income shall be made after local enquiry and on the basis of the annual income derived from similar lands situated in the same locality.

7. Determination of proportionate land revenue, jodi, quit rent or peshkush :-

The proportionate land revenue, jodi, quit rent or peshkush for the purpose of sub-section (2) of Section 14 in respect of any land shall be determined by multiplying the land revenue of the land in question by the fraction got by dividing the land revenue, jodi, quit rent or peshkush payable to Government by the inamdar in respect of the inam as a whole by a sum of the land revenue of all the lands comprised in the inam.

Illustration. If the land revenue of all lands comprised in the inam is A rupees and the land revenue jodi, quitrent or peshkush payable to Government in respect of the inam as whole is B rupees. The proportionate land revenue, jodi, quit rent or peshkush in respect of a land assessed to a land revenue of C rupees will be $C \times B / A$ rupees.

8. Payment of amount :-

(1) The amount payable in respect of any inam other than religious or charitable inams does not exceed Rs. 12,000, it shall be paid in.....cash in full or at the request of the claimant in annual instalments not exceeding ten or in bonds as specified in clause (ii) of sub-section (2) of Section 15.

(2) In case the amount exceeds Rs. 12,000, the amount shall be paid at the request of the claimant in annual instalments not exceeding ten or in bonds as specified in clause (ii) of sub-section (2) of Section 15.

(3) Whenever an annual instalments becomes payable under sub-rule (1) or (2), the amount which will have accrued by way of interest on the entire amount remaining due, and payable in instalment shall be paid along with that instalment.

(4) The interest shall be paid half yearly from the date of vesting at the taluk treasury specified on the bond for payment.

9. Interim Payment :-

(1) An application for interim payment shall contain particulars relating to the name, extent and situation and other particulars of the inam, the jodi, quit rent or khayamugutta, the names of co-sharers if any and the share of the applicant.

(2) An application under sub-rule (1) shall be duly verified in the manner provided for the verification of plaints in the Code of Civil Procedure, 1908 (Central Act V of 1908).

(3) Any interim amount paid shall be deducted from the total amount payable.

(4) The Interim payment shall be paid in cash.

(5) The person in whose favour an order of payment of interim amount has been passed shall if so required by the Deputy Commissioner, Execute a bond undertaking to repay the excess if any over the amount determined as the total amount payable.

10. Application for supply of data under Section 17 :-

An application under sub-section (2) of Section 17 for a copy of the data on the basis of which the Deputy Commissioner proposes to determine the total amount payable shall be made by the inamdar or other persons interested, within two months from the date notified by the Deputy Commissioner in this behalf.

11. Determination and Apportionment of amount and Disposal of Claim of Creditors :-

(1) The Deputy Commissioner shall determine the aggregate amount payable in respect of an inam to all the following persons considered as a single group.

(i) the persons who immediately before the date of vesting owned the inam (who are hereinafter called the owners) or in case of an inam which was the property of a Joint Hindu Family, immediately before the date of vesting the members of such family who were entitled to a share in the inam (who are hereinafter called the sharers);

(ii) Other persons who immediately before the date of vesting were entitled to maintenance out of the inam and its income either under the law governing the parties or under any decree or order of a Court, award or other instrument or contract in writing, which immediately before the date of vesting was binding on the owners (Such other persons being hereinafter called 'Maintenance holders').

(2) The Deputy Commissioner shall next determine if any, creditors are lawfully entitled under Section 21 to have their debts paid from and out of the assets of the inam and the amount to which each of them is so entitled and the remainder of the aggregate amount payable shall be divisible among the owners, sharers and maintenance holders as hereinafter provided.

(3) The Deputy Commissioner shall, in determining the amount payable to the maintenance holders and apportioning the same among them, have regard as far as possible, to the following considerations, namely.

(i) the amount payable in respect of the inam;

(ii) the number of persons to be maintained out of the inam;

(iii) the nearness of relationship of the person claiming to be maintained;

(iv) the other sources of the income of the claimant;

(v) the circumstances of a family of the claimant.

(4) The division of the remainder of the amount payable to the owners and sharers shall be effected as follows.

(a) in respect of owners, in proportion to their respective interest in the inam immediately before the date of vesting;

(b) in respect of sharers, as if they owned such amount as Joint Hindu Family and a partition thereof had been effected among them on the date of vesting.

12. Places of Publication of Notices :-

(1) After the assessment roll of the total amount has been drawn up, the Deputy Commissioner shall cause a notice to be published in his office and in such place as he deems necessary.

(2) Copies of the notice shall be affixed on the notice board of the office of the Deputy Commissioner of District, Sub-Division Office, Taluk Office, Panchayat Office, in the Village Chavadi, and at a public place in the village in which the inam is situated.

(3) A copy of the notice along with a certified extract of the draft assessment roll of the basic annual sum shall be served on the Inamdar in the manner specified in the Code of Civil Procedure, 1908 (Central Act V of 1908).

13. Application of the Limitation Act, 1963 :-

The provision of Sections 4 and 5 of the Limitation Act, 1963 shall apply to all applications, appeals and proceedings under the Act as they apply to proceedings before the Court.

14. Fee for application etc. :-

The fee payable under the Act or these rules shall be as follows.

(a) On every application-Two Rupees

(b) On every memorandum of appeal or petition-Three Rupees

(c) On every Vakalatnama-Three Rupees.

15. Application of rules for payment of amount in bonds :-

In respect of payment of amount in bonds under sub-section (2) of Rule 8, the rules framed under the Karnataka Land Reforms Act, 1961 shall mutatis mutandis apply.