

**MYSORE (PERSONAL AND MISCELLANEOUS) INAMS  
ABOLITION ACT, 1954**

**1 of 1955**

**[19th March, 1955]**

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**SCHEDULE 1 :-** SCHEDULE 1

**MYSORE (PERSONAL AND MISCELLANEOUS) INAMS  
ABOLITION ACT, 1954**

**1 of 1955**

**[19th March, 1955]**

An Act to provide for the abolition of personal inams and certain miscellaneous inams in the Karnataka Area except Bellary District.

Whereas it is expedient in the public interest to provide for the abolition of personal inams and certain miscellaneous inams in the Karnataka Area except Bellary District and for other matters connected therewith: It is hereby enacted as follows.

## CHAPTER 1

### Preliminary

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

(1) This Act may be called the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954.

(2) It extends to the whole of the <sup>1</sup>[Karnataka Area] except Bellary District.

(3) It applies to.

(a) Personal inams including the Yelandur Jahgir but excluding any enfranchised inam in respect of which full land revenue assessment is payable;

(b) Khayamgutta villages;

(c) Kodagi or Bawadi Daswandam inams;

(d) Miscellaneous service inams including artisan inams, and excluding village service inams held by Shanbhogs and Patels, Thotis, Talaris and Nirgantis.

<sup>2</sup>[Explanation. 'Personal Inam', 'Kodagi or Bawadi Daswandam inams', 'Artisan inam' or 'Miscellaneous Service Inams' means a grant of a village, portion of a village, land or total or partial exemption of land revenue, entered in the register of inams, quit-rent register, alienation register, or any revenue account maintained by or under the authority of Government.

(i) in the case of personal inam, as personal inam, Brahmadaia inam, Agrahara inam, Shrotrium inam, Khayamgutta, Bhatamany, Bharta Vrithi or Bramhadaya, Nanparvarsh inam, Raktakodigior Netra Vattada inam, Ambiga inam, Anche Javan inam, Gollur inam, Palki inam, Sangitagar inam, Kaviswara inam, Fireworks inam, Bhataraju inam, Bombe or Bommalata inam, Killekyatara inam, Ghante Kodigi inam, Mondii inam, Budubudike inam, Punchangi inam and Pitteddala inam;

(ii) in the case of Kodagi or Bawadi Daswandam inam, as Kodgi

inam or Bawadi Daswandam inam;

(iii) in the case of artisan inam, as Barber or Hajam inam, Blacksmith or Lohar inam. Washerman or Dhobi inam, Carpenter or Badagi inam, Nirganti or Kolavar or Munugu inam, potter or Kumbar inam, Cobbler or Chamber inam, Scavenger or Madigar inam;

(iv) in the case of Miscellaneous Service inam, as Devadaya Service inam, Bhuta inam, Uttar, Pujari inam, Nandadipa inam, Naivedya inam, Mantrapushpa inam, Parayana inam, Huvina inam, Vyasa Puje inam, Rathotsava inam or Teru, Many, Dadder inam, Rakhavale inam, Tafe inam, Maha Purush inam, Karokal inam, Karadivadya inam, Jangam or Puravasaga inam, Lingadavira inam, Asadi inam, Potruju inam, Saraga inam, Dasari or Konlikar inam, Bhajantri inam, Sranganada inam, Karadivadya inam, Jangam or Puravaraga inam, Lingadavira inam, Asadi inam, Potruju inam, Saraga inam Pindemanya, Sagavali inam, Karagada inam, Kannadi inam, Gollur inam, Sweeper inam, Masalchi inam, Jain Basti

(4) This section and Sections 2, 27, 38 and 40 shall come into force at once and the rest of this Act shall come into force <sup>3</sup> [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].

1. See the Karnataka Adaptations of Laws Order, 1956.

2. Substituted by Act No. 16 of 1960 and shall be and shall be deemed to have always been substituted.

3. Clause (1-a) omitted by Act No. 18 of 1990, w.e.f. 8-10-1990.

## **2. Definitions :-**

(1) In this Act, unless there is anything repugnant in the subject or context.

(1) All words and expressions defined in the Land Revenue Code shall have the same respective meanings as in that Code with the modifications made by this Act;

<sup>1</sup>[(1a) x x x x]

(2) "Date of vesting" in relation to an inam means, the date appointed by a notification issued under sub-section (4) of Section 1 to be the date on which the provisions of this Act (other than

Sections 1, 2, 27, 38 and 40) shall come into force in such inam;

(3) "Deputy Commissioner includes any officer 2[not below the rank of an Assistant Commissioner] authorised by the Government by notification to exercise the powers of a Deputy Commissioner under this Act;

(4) "Government means the State Government;

(5) Inam includes an inam village and a minor inam;

(6) Inamdar means a person holding in trust or owing for his own benefit an inam village or a minor inam or a share therein and includes the successors in interest of an inamdar; and

(i) where an inamdar is a minor or of unsound mind or an idiot, his guardian, committee or other legal curator;

(ii) where an inamdar is a joint Hindu family, such joint Hindu family;

(7) "Inam village" means an alienated village whether Sarvamanya, Jodi or Khayamgutta or a portion of such village;

(8) Kadim Tenant means a tenant as defined in Section 4 of the Land Revenue Code;

(9) "Land Revenue Code" means the Karnataka Land Revenue Code, 1888;

(10) "Minor inam" means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village;

(11) "Notification" means a notification published in the Karnataka Gazette;

(12) "Permanent tenant" means a person who either under Section 79 of the Land Revenue Code or otherwise is entitled to a tenancy in respect of any land used for agricultural purposes, the duration of which is co-extensive with the duration of the tenure of the inamdar;

(13) "Prescribed" means prescribed by rules made by the Government under this Act;

(14) "Quasi-permanent tenant" means a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land himself with his own stock or by

his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period of not less than six years prior to the first day of July, 1948:

<sup>2</sup>[Provided, that in the case of a minor inam the said period shall be counted from the 1st day of July, 1970]

Explanation. A person who under the terms of a contract.

(i) is entitled to grow subsidiary or ground crops on land on which areca, coconut or mango trees are grown;

(ii) only for care or maintenance of areca, coconut or mango trees, is put in possession of the land on which the said trees are to be or are grown;

(iii) for raising, care or maintenance of casuarina trees, is put in possession of the land on which the said trees are to be or are grown; shall not be deemed to be a quasi-permanent tenant in respect of such land;

(15) "Special Tribunal" means a Special Tribunal constituted under Section 27.

<sup>3</sup> [(16) 'Tribunal' means a Tribunal constituted under Section 48 of the Karnataka Land Reforms Act, 1961.]

(2) "Land Revenue" for purposes of determining the premium payable by a permanent tenant and a quasi permanent tenant under Sections 5 and 6, and the compensation payable to the inamdar under Section 17, means the amount payable as 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 under Section 113 of the Land Revenue Code 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.

1. Clause (1-a) omitted by Act No. 18 of 1990, w.e.f. 8-10-1990.

2. Proviso to clause (14) inserted by Act No. 27 of 1973, w.e.f. 27-12-1973.

3. Clause (16) inserted by Act No. 26 of 1979, w.e.f. 1-5-1979.

## CHAPTER 2

Vesting of Inam in the State and its Consequences

### **3. Consequence of the vesting of an inam in the State :-**

(1) When the notification under sub-section (4) of Section 1 in respect of any inam

(a) the provisions of the Land Revenue Code relating to alienated holdings shall, except as respects minor inams to which this Act is not applicable, be deemed to have been repealed in their application to the inam; and the provisions of the Land Revenue Code and all other enactments applicable to unalienated villages shall apply to the said inam;

(b) all rights, title and interest vesting in the inamdar including those in all communal lands, uncultivated lands, whether assessed or not, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries shall cease and be vested absolutely in the State of Karnataka, free from all encumbrances;

(c) the inamdar shall cease to have any interest in the inam other than the interests expressly saved by or under the provisions of this Act;

(d) all rents and land revenue including cesses and royalties accruing in respect of lands comprised in such inam on or after the date of vesting shall be payable to the State and not to the inamdar and any payment made in contravention of this clause shall not be valid;

(e) all arrears of revenue, whether as jodi, quit-rent, or khayamgutta and cesses, remaining lawfully due on the date of vesting in respect of any such inam shall after such date continue to be recoverable from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery, be realised by the deduction of the amount of such arrears and cesses from the compensation money payable to such inamdar under this Act;

(f) no such inam shall be liable to attachment or sale in execution of any decree or other process of any Court and any attachment existing on the date of vesting or any order for attachment passed before such date in respect of such inam shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882, cease to be in force;

(g) the Government may, after removing any obstruction that may be offered, forthwith take possession of the inam and all accounts, registers, pattas, mutchalikas, maps, plans and other documents relating to the inam which the Government, may require for the administration thereof:

Provided that the Government shall not disposes any person of any land in respect of which they consider that he is prima facie entitled to be registered as the occupant or as the holder of a minor inam <sup>1</sup> [or to be continued as a tenant;]

(h) the inamdar and any other person whose rights have vested in the State of Karnataka under clause (b) shall be entitled only to compensation from the Government as provided in this Act;

(i) the relationship of landlord and tenant shall, as between the inamdar and a kadim tenant or permanent tenant or quasi-permanent tenant, be extinguished;

(j) the relationship of superior holder and inferior holder shall, as between the inamdar and the holder of a minor inam, be extinguished;

(k) Kadim tenants, permanent tenants and quasi-permanent tenants in the inam and persons holding under them and holders of minor inams shall, as against the Government, be entitled only to such rights and privileges and be subject to such conditions ,35 are provided for by or under this Act; and any other rights and privileges which may have accrued to them in the inam before the date of vesting against the inamdar shall cease and determine and shall not be enforceable against the Government or such inamdar.

(2) Nothing contained in sub-section (1) 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 shall be recoverable by him by any process of law which but for this Act would be available to him.

1. Proviso to sub-section (2) inserted by Act No. 1 of 1959 and shall be and shall be deemed always to have been substituted.

#### **4. Kadim tenants to be registered as occupants of their holdings :-**

(1) Every kadim tenant of the inamdar shall, with effect on and from the date of vesting be entitled to be registered as an occupant



in respect of all lands which immediately before the date of vesting were properly included in his holding.

(2) Nothing in this Act shall affect any right created by the kadim tenant in any land included in his holding.

#### **5. Permanent tenants to be registered as occupants on certain conditions :-**

(1) Subject to the provisions of sub-section (2), every permanent tenant of the inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a permanent tenant immediately before the date of vesting:

Provided that no person who has been admitted into possession of any land by an inamdar on or after the first day of July 1948, shall, except where the Deputy Commissioner after an examination of all the circumstances otherwise directs, be entitled to be registered as an occupant in respect of such land.

(2) In addition to the annual land revenue payable in respect of the land, a permanent tenant entitled to be registered as an occupant of any land under sub-section (1), shall be liable to pay to the Government, as premium for acquisition of ownership of that land, an amount equal to twenty times such land revenue. 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 recoverable as arrears of land revenue due on the land in respect of which it is payable:

<sup>1</sup>[Provided that where a permanent tenant entitled to be registered as an occupant of land under sub-section (1) is shown as a registered occupant in the settlement register and other records referred to in Section 117 of the Land Revenue Code or where the rent paid by a permanent tenant entitled to be registered as an occupant under sub-section (1) <sup>2</sup> [is not more than the land revenue], no premium shall be payable under this sub-section].

1. Proviso to sub-section (2) inserted by Act No. 1 of 1959 and shall be and shall be deemed always to have been substituted.

2. Substituted for the words "is equal to the land revenue" by Act No. 16 of 1960 and shall be and shall be deemed to have always been substituted.

#### **6. Quasi-permanent tenants to be registered as occupants**

**on certain conditions :-**

(1) Subject to the provisions of sub-section (2), every quasi-permanent tenant shall, with effect on and from the date of vesting, be entitled to be registered as an occupant in respect of all lands of which he was a quasi-permanent tenant, provided. (i) he continued to be a tenant of such lands until the date of vesting; or (ii) he had been unlawfully dispossessed of such lands by the inamdar between the 30th day of June, 1948 and the date of vesting: Provided further that if by the operation of this sub-section the inamdar is left with less than two and a half acres of garden land or five acres of wet land or ten acres of dry land in respect of which he is entitled to be registered as an occupant, the right of quasi-permanent tenants to be registered as occupants under this sub-section shall be limited to the extent which shall be determined as follows.

(1) The total area of lands in respect of which quasi-permanent tenants would have been entitled to be registered as occupants shall be divided among the quasi-permanent tenants and the inamdar in such manner as may be prescribed by rules so that the inamdar may get not less than two and a half acres of garden land or five acres of wet land or ten acres of dry land.

(2) In addition to the annual land revenue payable in respect of the land, a quasi-permanent tenant entitled to be registered as an occupant under sub-section (1) shall be liable to pay to the Government, as premium for acquisition of ownership of that land an amount equal to such number of multiples of the land revenue payable in respect of the land or such basic value per acre of the land, whichever is more as is specified in Columns 3 and 4 respectively of the Schedule as applicable to dry land, wet land and garden land, as the case may be situated in the area specified in the corresponding entry in Column 2 of the said Schedule. 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 recoverable as an arrear of land revenue due on the land in respect of which it is payable. [x x x x.] CASE LAW S. 6 Special Deputy Commissioner Order. Venkataswami, J. The Special Deputy Commissioner is a quasi-judicial Tribunal and it is his duty to discuss the evidence adduced by the parties before recording his findings. Gawramma v MRAT, (1974)1 Kar. L.J. Jr. 39, Sh. N. 138. Ss. 6 and 10 Enquiry. Venkataswami, J. Under Sections 2(1)(14), 6 and 10(2) certain

ingredients have to be established before a person can be registered under Section 6 of the Act. Where the Special Deputy Commissioner and the Appellate Tribunal have not addressed themselves to this aspect of the matter, the orders cannot be sustained. It is settled law that applications for registration of rival claimants in respect of one and the same land should be heard and disposed of together. *Nadiga Chikkappa v MRAT*, (1974)1 Kar. L.J. Jr. 119, Sh. N. 293.

**7. Lands and buildings to vest in the holder of a minor inam to which the Act is applicable :-**

(1) Every holder of a minor inam to which this Act is applicable shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands which immediately before the date of vesting were included in his holding other than.

(i) communal lands, waste lands, gomal lands, forest lands, tank beds mines, quarries, rivers, streams, tanks and irrigation works;

(ii) lands in respect of which any person is entitled to be registered under Section 4 or 5; and

(iii) lands upon which have been erected buildings owned by any person other than the holder of the minor inam: Provided that no holder of an unenfranchised minor inam shall be registered as an occupant under this sub-section unless he pays to the Government, as premium, an amount equal to twenty-five times the difference between the jodi or quit-rent, if any, paid by him and the land revenue payable in respect of such lands.

(2) Every building situated within the limits of the minor inam (to which this Act is applicable) and which was owned immediately before the date of vesting by the holder of the minor inam, shall, with effect on and from such date, vest in the holder of the minor inam.

**8. Holders of minor inams to which the Act is not applicable to be registered as holders of minor inam lands included in their holding :-**

(1) Every holder of a minor inam village to which this Act is not applicable, shall, with effect on and from the date of vesting, be entitled to be registered as the holder of minor inam lands, which immediately before the date of vesting, were included in his

holding.

(2) In respect of any land of which a person is registered as a holder under sub-section (1), all rights and obligations of the inamdar shall on and from the date of vesting, be enforceable by or against the Government.

### **9. Lands and buildings to vest in the inamdar :-**

(1) Every inamdar shall, with effect on and from the date of vesting, be entitled to be registered as an occupant of all lands other than.

(i) communal lands, waste lands, gomal lands, forest lands, tank beds, mines, quarries rivers, streams, tanks and irrigation works;

(ii) lands in respect of which any person is entitled to be registered under Sections 4, 5, 6, 7 or 8; and

(iii) lands upon which have been erected buildings owned by any person other than the inamdar.

(2) Every building situated within the limits of the inam which was owned immediately before the date of vesting by the inamdar shall, with effect on and from such date, vest in the inamdar.

Explanation. In this section 'inamdar' means an inamdar other than a holder of a minor inam referred to in Section 7.

### **9A. . :-**

Other Tenants of Inamdar. Every tenant of the inamdar, other than the tenants entitled to be registered as occupants under Sections 4, 5 and 6, shall, with effect on and from the date of vesting and subject to the provisions of Chapter III-A, be entitled to continue as a tenant of the land in respect of which he was a tenant immediately before the date of vesting].

### **10. Determination of claims under Sections 4, 5, 6, 7, 8 and 9 :-** **12**

(1) The <sup>3</sup>[Tribunal] shall examine the nature and history of all lands in respect of which a kadim tenant, a permanent tenant, a quasi-permanent tenant, the holder of a minor inam or an inamdar claims to be registered as occupant under Sections 4, 5, 6, 7 and 9 or <sup>4</sup>[x x x] as the case may be, and decide in respect of which lands the claims should be allowed.

(2) A tenant found to be in possession of any land on the first day of July, 1948 shall be presumed to be a quasi-permanent tenant as defined in clause (14) of sub-section (1) of Section 2 unless the inamdar proves that such tenant is not a quasi-permanent tenant as defined in clause (14) of sub-section (1) of Section 2.

<sup>5</sup>[Provided that in the case of a tenant in minor inam such presumption shall be raised if such tenant is found to be in possession of any land on the 1st day of July, 1970].

<sup>6</sup>[(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 <sup>3</sup>[Tribunal.] Every such application shall be made].

<sup>8</sup>[(i) in respect of lands in inams which have vested in the State before the date of commencement of the Karnataka Inams Abolition (Amendment) Act, 1973 with in <sup>9</sup>[six years] from the date of commencement of the said Amendment Act; and

(ii) in respect of lands in inams which vest in the State on or after the commencement of the Karnataka Inams Abolition Laws (Amendment) Act, 1973 within <sup>10</sup>[three years] from the date of vesting of <sup>11</sup>[the inam concerned or 31st December, 1979 whichever is later].

(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, <sup>12</sup>[such land shall be disposed of in accordance with the rules relating to grant of lands].

<sup>13</sup>[(c) The provisions of Sections 48-A, 48-C 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 <sup>14</sup>[and the decision of the Tribunal shall be final.]

<sup>15</sup> [(4) x x x x x].

1. Substituted for the heading by Act No. 7 of 1956, w.e.f. 5-7-1956.

2. Substituted for the figures, letter and word "9 and 9-A" by Act No. 26 of 1979, w.e.f. 1-5-1979.

3. Substituted for the words "Deputy Commissioner" by Act No. 26 of 1979, w.e.f. 1-5-1979.
4. The words "or in respect of which any person claims to be continued as tenant under Section 9-A omitted by Act No. 26 of 1979, w.e.f. 1-5-1979.
5. Proviso added by Act No. 27 of 1973, w.e.f. 27-12-1973.
6. Sub-section (3) added by Act No. 33 of 1969, w.e.f. 11-12-1969.
8. Sub-clauses (i) and (ii) of clause (a) substituted by Act No. 27 of 1973, w.e.f. 27-12-1973.
9. Substituted for the words "one year" by Act No. 26 of 1979 and shall be and shall be deemed always to have been substituted.
10. Substituted for the words "one year" by Act No. 26 of 1979 and shall be and shall be deemed always to have been substituted.
11. Substituted for the words "the inam concerned" by Act No. 26 of 1979 and shall be and shall be deemed always to have been substituted.
12. Inserted by Act No. 26 of 1979, w.e.f. 1-5-1979.
13. Clause (c) inserted by Act No. 26 of 1979, w.e.f. 1-5-1979.
14. Inserted by Act No. 18 of 1990, w.e.f. 8-10-1990.
15. Sub-section (4) omitted by Act No. 18 of 1990, w.e.f. 8-10-1990.

#### **10A. Entries to be made in the record of rights :-**

**1**

(1) After the determination of claims under Section 10, the <sup>2</sup>[Tribunal] shall send the

(2) On receipt of the particulars under sub-section (1), and notwithstanding anything contained in the <sup>3</sup> [Karnataka Land Record of Rights Act, 1958], the Officer concerned shall enter such particulars in the registers.

1. Section 10-A inserted by Act No. 1 of 1959 w.e.f. 22-1-1959.
2. Substituted for the words "Deputy Commissioner" by Act No. 26 of 1979, w.e.f. 1-5-1979
3. Now see Chapter IX of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964)

#### **11. Liability to pay land revenue to Government :-**

(1) Every person whether a kadim tenant a permanent tenant, a quasi-permanent tenant, the holder of a minor inam or an inamdar who becomes entitled to be registered as an occupant under Sections 4, 5, 6, 7 and 9, in respect of any land shall, with effect on and from the date of vesting be liable to pay to the Government as land revenue.

(a) in the case of an inam village to which survey and settlement has been introduced under Section <sup>1</sup>[113 of the Land Revenue Code], the amount equal to the land revenue assessment fixed on such land during such survey and settlement;

(b) in the case of an inam village to which survey and settlement has not been introduced under Section <sup>2</sup> [113 of the Land Revenue Code, the amount equal to the land revenue assessment levied on the same extent of similar land in an adjoining unalienated village.

(2) The Deputy Commissioner shall, after such enquiry, as he thinks fit, determine the land revenue payable under clause (b) of sub-section (1).

1. Now see Chapter IX of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964)

2. Now see Chapter IX of the Karnataka Land Revenue Act, 1964 (Act No. 12 of 1964)

### **12. Vesting of certain buildings situated in an inam :-**

Every private building other than the buildings which vest under Sections 7 and 9, situated within the limits of an inam shall, with effect on and from the date of vesting, vest in the person who owned it immediately before that date <sup>1</sup>[any dispute relating thereto shall be decided by the Tribunal <sup>2</sup> [and such decision shall be final]].

1. Inserted by Act No. 26 of 1979, w.e.f. 1-5-1979

2. Inserted by Act No. 18 of 1990, w.e.f. 8-10-1990

### **13. Right to agricultural land used for non-agricultural purposes :-**

Where any land used for agricultural purposes has been converted for any purpose unconnected 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.

### **14. Saving of rights in certain cases :-**

(1) Where before the date of vesting, an inamdar has created any right in any land which vests in the State other than land registered under Section 7 or 9, (whether by way of lease or otherwise) including rights in any forest, mines or minerals, quarries, fisheries or ferries, the transactions shall be deemed to be valid and all rights and obligations arising thereunder on or after

the date of vesting, shall be enforceable by or against the Government:

Provided that the transaction was not void or illegal under any law in force at time:

Provided also that where such right was created in any land, unless it relates to land registered under Section 7 or 9, the Government may, if, in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person whose right has been terminated by the Government under the foregoing proviso shall be entitled to compensation from the Government equal to the estimated net income to 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.

**14A. Bar to enforce right created in forest :-**

**1** Notwithstanding anything contained in Section 14 or in any judgment, decree or order of any Court or in any contract, agreement or instrument having force by virtue of any law or in any permission, approval or sanction given or order made by Government or any Officer or authority.

(a) any right in any forest created by a transaction which is deemed to be valid under sub-section (1) of Section 14, and

(b) no suit or other proceeding shall be instituted maintained or continued against the Government in any Court or before any authority for enforcement of such right or obligation or recovery of any amount by way of reimbursement damages or indemnification;

(c) all suits or proceedings pending on the said date against the Government for the enforcement of such rights or obligations or recovery of any such amount shall abate.]

1. Section 14-A inserted by Act No. 10 of 1996, w.e.f. 19-4-1996.

**CHAPTER 3**

Determination, Apportionment and Payment of Compensation

**15. Compensation how determined :-**

The compensation payable in respect of an inam shall be determined in accordance with the provisions of this chapter.



**16. Compensation to be determined for the inam as a whole**

**:-**

The compensation shall be determined for the inam as a whole and not separately for each of the interests therein.

**17. Amount of compensation payable :-**

(1) Save as otherwise provided in Section 26, the total compensation payable in respect of any inam shall be the aggregate of the sums specified below.

(i) a sum equal to twenty times the amount of land revenue payable in respect of land held by kadim tenants and permanent tenants entitled to be registered under Sections 4 and 5, respectively

Explanation. Where the land revenue is paid in kind the amount of land revenue for purpose of this clause shall be determined on the basis of the market value prevailing on the 1st day of January, 1954, of the crop or crops paid as land revenue:

(ii) a sum equal to seventy-five per centum 75% of the amount payable by the quasi-permanent tenants of the inamdar under sub-section (2) of Section 6 in respect of lands of which they are entitled to be registered as occupants under sub-section (1) of the said Section 6;

(iii) a sum calculated at the rates specified below in respect of lands referred to in clause (iii) of sub-section (1) of Section 7 or of Section 9.

(a) seventy-five rupees per acre within the municipal limits of the Cities of Bangalore, Mysore and Davangere and within an area of one mile from such limits;

(b) forty rupees per acre within the municipal limits of the towns of Kolar, Tumkur, Chitradurga, Shimoga, Bhadravati, Chickmagalur, Hassan and Mandya and the limits of the Kolar Gold Fields Sanitary Board Area, and within an area of one mile from such limits; and

(c) twenty rupees per acre in all other areas;

(iv) a sum equal to twenty times the jodi, quit-rent or other amount, if any, of like nature, derived by the inamdar concerned from persons holding minor inams under such inamdar; and

(v) a sum equal to ten times the average net annual income

derived by the inamdar during a period of five years immediately preceding the date of vesting, from lands other than lands referred to in clause (iii) and lands in respect of which any person is entitled to be registered under Sections 4, 5, 6, 7, 8 and 9:

Provided that.

(a) the income from sandalwood or any other forest produce shall not be included in the annual income from forests unless the right thereto was expressly conferred on the inamdar by a Competent Authority;

(b) the income from royalty on minerals or from mining leases shall not be included in the annual income unless the right to such minerals or mines was expressly conferred on the inamdar by a Competent Authority and such right was recognised under Section 38 of the Land Revenue Code;

(c) the income from ferries shall not be included unless the right to such ferries was expressly granted to the inamdar by a Competent Authority.

(2) Where the particulars necessary to compute the average net annual income under clause (v) of sub-section (1) are not available for the full period or where the particulars available appear in material respects to be incorrect, the computation may be made in such manner as may be prescribed.

(3) The provisions of sub-section (1) shall in their application to a minor inam be subject to the modification that clause (ii) shall be omitted and that in clause (iii) and clause (v) the reference to Section 9 and Sections 6, 8 and 9, respectively shall be omitted.

### **18. Payment of compensation :-**

(1) The compensation shall be due as from the date of vesting and shall carry interest at the rate of 2 3/4 % per annum from the date of vesting to the date of payment.

(2) The compensation payable under this Act may, in accordance with rules made in this behalf be paid in one or more of the following modes, namely.

(i) in cash in full or in annual instalments not exceeding ten;

(ii) in bonds either negotiable or not negotiable carrying interest at the rate specified in sub-section (1) and of guaranteed face value

maturing within a specified period not exceeding ten years.

<sup>1</sup> [Provided that the amount payable under the bonds issued under is clause may be repaid in such number of instalments not exceeding as may be prescribed].

1. Proviso added by Act No. 1 of 1959, w.e.f. 22-1-1959.

### **19. Interim payment :-**

**1**

(1) Where the amount of compensation is not paid to an inamdar within a period of six months from the date of vesting, the Government shall, subject to such restrictions and conditions as to security, repayment or otherwise as may be prescribed direct the payment to each such inamdar of interim compensation which shall be equal to <sup>2</sup>[one-fifth] of the estimated amount of compensation.

<sup>3</sup> [(2) Interest at the rate specified in sub-section (1) of Section 18 on the estimated amount of compensation or on the balance of the estimated amount of compensation after deducting the interim payment under sub-section (1), may be paid every year until the compensation is determined under Section 20.

(a) if there are no persons interested in the compensation other than such inamdar, to such inamdar;

(b) if there are persons other than the inamdar interested in the compensation who have made claims under Section 21, to such person or persons and in such proportions as all the persons interested in the compensation may by agreement in writing specify.

(3) The interim compensation payable under sub-section (1) and the interest payable under sub-section (2) may be paid in the prescribed manner].

1. Section 19 renumbered as sub-section (1) of that section by Act No. 1 of 1959, w.e.f. 22-1-1959.

2. Substituted for the word "one-tenth" by Act No. 1 of 1959, w.e.f. 22-1-1959.

3. Sub-sections (2) and (3) added by Act No. 1 of 1959, w.e.f. 22-1-1959.

### **20. Deputy Commissioner to determine total compensation :-**

(1) the Deputy Commissioner shall determine in accordance with

such of the foregoing provisions as may be applicable to the inam, the total compensation payable in respect of the inam.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the total compensation.

(3) On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid, to the applicant; and he shall also before passing any order under sub-section (1), give the applicant reasonable opportunity of making his representation in regard thereto, in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2).

#### **20A. Review by the Deputy Commissioner :-**

**1** .x x x x x.

1. Section 20-A omitted by Act No. 26 of 1979 and shall be and shall be deemed always to have been omitted.

#### **21. Notice to persons interested in compensation :-**

(1) As soon as may be after the date of vesting, the Deputy Commissioner shall.

(a) publish copies of the notification under sub-section (4) of Section 1, at a convenient place in and in the vicinity of the inam;

(b) cause public notice requiring that claims of all persons interested in the compensation or in any portion thereof, including the inamdar, the members of his family claiming and such portion whether by way of a share or by way of maintenance or otherwise, and creditors whose debts are secured by the mortgage of, or as a charge on, the inam or any part thereof, other than lands and buildings which vest in the inamdar under Sections 7, 9 or 12, shall be made to him together with the nature and particulars of such claims in person or by agent at a time and place therein mentioned, such time not being earlier than sixty days from the date of publication of notice. Such notice shall also be published in the Karnataka Gazette.

(2) Every claim against the compensation which is not made to the

Deputy Commissioner within the time aforesaid shall cease to be enforceable except in cases where the Deputy Commissioner for sufficient cause permits a claim to be made beyond the period aforesaid.

**22. Apportionment of compensation by the Deputy Commissioner :-**

The Deputy Commissioner shall, after giving notice to all persons who claim under Section 21 and to any others whom he considers to be interested, make enquiry into the validity of the claims received by him, and determine the persons, who, in his opinion, are entitled to the compensation and the amount to which each of them is entitled.

**23. Procedure for apportionment of compensation :-**

(1) As a preliminary to such determination, the Deputy Commissioner shall apportion the compensation among the inamdar and any other persons whose rights or interests in the inam have passed to and vested in the Government under clause (b) of sub-section (1) of Section 3 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interests shall be ascertained in such manner as may be prescribed.

**24. Claims of creditors :-**

(1) After the compensation has been apportioned among the persons referred to in Section 23 or where it is more convenient to do so, pending the apportionment, the Deputy Commissioner shall take into consideration the applications of the secured creditors referred to in Section 21 and decide the amount to which each creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

(2) The amount of compensation payable by the Government to secured creditors on account of holding any mortgage or charge notwithstanding anything contained in any law for the time being in force shall not exceed the amount of compensation payable in respect of the inam or portion thereof.

**25. Devolution of interest in compensation :-**

Where it is alleged that the interest of any person entitled to

receive payment of any portion of the compensation has devolved on any other person or persons, whether by act of parties or by operation of law, the Deputy Commissioner shall determine whether there has been any devolution of the interest and, if so, on whom it has devolved.

**26. Compensation to holder of minor unenfranchised inam :-**

(1) If the holder of an unenfranchised minor inam in an inam village is not registered as an occupant under Section 7, he shall be paid as compensation an amount equal to ten times the average net annual income derived by him from the lands during a period of five years immediately preceding the date of vesting.

(2) The provisions of Sections 18, 19, 21, 22, 23, 24 and 25 shall mutatis mutandis, be applicable to the apportionment and payment of the compensation payable under this section.

**CHAPTER 3A**

Provisions Applicable to Tenants Continued Under Section 9-A

**26A. Application of this Chapter :-**

The provisions of this chapter shall apply to tenants continued under Section 9-A.

**26B. Rent :-**

<sup>1</sup> Every tenant shall pay to the inamdar (hereinafter in this Chapter referred to as the landlord) rent agreed to which in no case shall exceed the rent payable according to the Karnataka Land Reforms Act, 1961.]

1. Section 26-B substituted by Act No. 27 of 1973, w.e.f. 27-12-1973.

**26C. . :-**

Continuation to tenancy on the death of a tenant If a tenant dies, the landlord shall continue the tenancy on the same terms and conditions on which such tenant was holding it at the time of his death in favour of the heir or heirs of the deceased tenant unless such heir or heirs do not agree to continue the tenancy on the same terms and conditions on which the deceased tenant was holding the land:

Explanation. For the purpose of this section, an heir means any one of the following relatives of the deceased tenant.

- (a) Son
- (b) Son's son
- (c) Son's son's son
- (d) Widow
- (e) Daughter
- (f) Daughter's son
- (g) Mother
- (h) Father
- (i) Daughter's daughter
- (j) Brother
- (k) Sister
- (1) Brother's son
- (m) Sister's son:

Provided that where the deceased tenant is survived by more relatives than one, the relative specified earlier in the order set out above shall exclude all others coming after him:

Provided further that in any case in which the tenant was a manager of a joint Hindu family the person who succeeds as the manager of such family shall be deemed to be the heir.

**26D. Termination of the tenancy :-**

The tenancy of any land held by a tenant shall not be terminated unless such tenant.

- (i) has failed to pay the rent of such land for any year;
- (ii) has done any act which is destructive or permanently injurious to the land;
- (iii) has failed without reasonable cause to cultivate the land for a period of two consecutive years;
- (iv) has without reasonable cause left the land fallow;
- (v) has sublet the land or assigned his interest in the land; or
- (vi) has used such land for a purpose other than agriculture:

Provided that nothing in this section shall apply to subletting of any land held by a tenant who is a member of the Armed Forces of the Union or a widow or a minor or who is subject to physical or mental disability or who being not more than twenty-one years of age is a student:

Provided also that when eviction is sought under clause (i) or (ii), the tenant shall be entitled to relief in accordance with the provisions of Section 25 or 24, as the case may be, of the Mysore Tenancy Act, 1952, for the time being in force.

**26E. Application of Karnataka Act XIII of 1952 :-**

**12** [x x x x x]].

1. Section 26-E omitted by Act No. 16 of 1960 and shall be and shall be deemed to have been omitted w.e.f. 5-7-1956.

2. Sections 27-A and 27-B inserted by Act No. 33 of 1969 and shall be and shall be deemed always to have been inserted, w.e.f. 1-7-1970 vide Notification No. RD 11 MA 70, dated 4-4-1970.

CHAPTER 4

Appeal, Reference and Revision

**27. Constitution of Special Tribunals for certain purposes and their powers :-**

(1) The Government shall constitute as many Special Tribunals as may be necessary for the purposes of this Act.

(2) Each Special Tribunal shall consist of an officer who is a District Judge.

(3) Each Special Tribunal shall hold its sittings at such times and places, and shall have such jurisdiction and over such local areas, as the Government, may by notification from time to time, determine.

(4) No order of the Government constituting a Special Tribunal under this section shall be called in question in any manner whatsoever.

(5) The Special Tribunal shall have the same power regarding summoning and attendance of witnesses and compelling the production of documents as a Civil Court has under the Code of Civil Procedure, 1908.

**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 27-A.

**28. Appeal from orders under Section 11 :-**

<sup>12</sup>[(1) Against any decision of the Deputy Commissioner under <sup>3</sup> [x x x] Section 11, the Government may, within six months from the date of commencement of the Mysore Inams Abolition Laws (Amendment) Act, [1979] 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.]

[(2) x x x x x.]

1. Substituted for the words, brackets and figures Any person aggrieved by any order of the Deputy Commissioner made under sub-section (1) of Section 20" by Act No. 26 of 1979 and shall be and shall be deemed always to have been substituted.

2. The words figures and letter "or Section 20-A" omitted by Act No. 26 of 1979 and shall be and shall be deemed always to have been omitted

3. Substituted for the figures "1969" by Act No. 26 of 1979, w.e.f. 1-5-1979

**29. References to the Special Tribunal :-**

The Deputy Commissioner may for reasons to be recorded in writing either suo motu, or on the application of any person interested in the compensation, refer any case relating to the apportionment of compensation to the decision of the Special Tribunal.

**30. Appeals to the Special Tribunal :-**

Any person aggrieved by any decision of the Deputy Commissioner

under Sections 22, 23, 24 or 25 may, within thirty days from the date of decision, or such further time as the Special Tribunal may for sufficient cause allow, appear to the Special Tribunal.

### **31. Powers of the High Court :-**

(1) <sup>1</sup>[Against any order of the Deputy Commissioner made under sub-section (1) of Section 20] <sup>2</sup>[x x x x] the Government may within six months from the date of the commencement of the Mysore Inams Abolition Laws (Amendment) Act, <sup>3</sup> [1979] or from the date of such order whichever is later and any person aggrieved by such order] or by any decision of the Special Tribunal under Section 29 or Section 30 may, within three months from the date of the order or decision or such further time as the High Court may for sufficient cause allow appeal to the High Court and the High Court shall pass such order on the appeal as it thinks fit.

(2) The High Court may also in its discretion at any time either suo motu or on the application of any person, call for and examine the records of any order passed or proceedings taken by the Deputy Commissioner (except those referred to in Section 28) or by the Special

Provided that the total compensation payable in respect of any inam shall not be reduced by the High Court without giving every inamdar concerned and every person who has made an application under sub-section (2) of Section 20, a reasonable opportunity of being heard.

(3) Save as otherwise provided in this Act, no order passed by the Deputy Commissioner or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the High Court as aforesaid or to be questioned in any Court of law.

1. Substituted for the words, brackets and figures Any person aggrieved by any order of the Deputy Commissioner made under sub-section (1) of Section 20" by Act No. 26 of 1979 and shall be and shall be deemed always to have been substituted.

2. The words figures and letter "or Section 20-A" omitted by Act No. 26 of 1979 and shall be and shall be deemed always to have been omitted

3. Substituted for the figures "1969" by Act No. 26 of 1979, w.e.f. 1-5-1979

### **CHAPTER 5**

#### **Miscellaneous**

## **32. Enquiries by the Tribunal and the Deputy Commissioner**

:-

**1**

(1) In respect of every enquiry under this Act by the Tribunal, the provisions of the Karnataka Land Reforms Act, 1961 applicable to <sup>2</sup> [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].

1. Section 32 substituted by Act No. 26 of 1979 w.e.f. 1-5-1979.

2. Inserted by Act No. 18 of 1990, w.e.f. 8-10-1990.

## **33. Fee payable on applications petitions etc., under the Act**

:-

Notwithstanding anything contained in the <sup>1</sup> [Mysore Court-fees Act, 1900] or any other law for the time being in force, the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

1. Now see the Karnataka Court Fees and Suits Valuation Act, 1958 (Act No. 16 of 1958)

## **34. Applicability of provisions of the Act to Yelandur Jahgir**

:-

(1) The provisions of this Act shall apply to the Yelandur Jahgir as if the said Jahgir is an inam village.

(2) With effect from the date of vesting of the Yelandur Jahgir in the State, the Yelandur Jahgir Act, 1885 (Karnataka Act 1 of 1885) shall stand repealed.

## **34A. Applicability of the provisions of Karnataka Act XIII of 1952 :-**

<sup>1</sup> For the removal of doubts, it is hereby declared that the provisions of the Karnataka Tenancy Act, 1952, for the time being in force shall, subject to the provisions of Chapter III-A, be applicable and shall govern the relations of the persons who are

entitled to be registered as occupants under Sections 4, 5, 6, 7 and 9 and of persons entitled to be registered as holders of minor inams under Section 8, and the agriculturists who hold lands on lease from such persons as tenants immediately before the date of vesting.]

1. Section 34-A inserted by Act No. 16 of 1960 and shall be and shall be deemed to have been inserted, w.e.f. 5-7-1956.

**35. Jurisdiction of Courts barred in certain cases :-**

(1) No suit, prosecution or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule thereunder.

(2)

(a) No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule thereunder without the previous sanction of the Government.

(b) No officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done

(3) No suit, prosecution or other proceeding shall be instituted against any officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder after the expiry of six months from the date of the act complained of.

**36. . :-**

<sup>1</sup> [x x x x]

1. Section 36 omitted by Act No. 7 of 1956, w.e.f. 5-7-1956

**37. Repeal of Karnataka Act XIX of 1950 :-**

With effect on and from the date of vesting, the Karnataka Alienated Villages (Protection of Tenants and Miscellaneous Provisions) Act, 1950, shall be deemed to have been repealed in its application to the inam village concerned.

**38. Power to make rules :-**

(1) The Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for.

(a) all matters expressly required or allowed by this Act to be prescribed

(b) the procedure to be followed by the Deputy Commissioner Special Tribunals, authorities and officers appointed, or having jurisdiction under this Act;

(c) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf is made herein;

(d) the application of the provisions of the Code of Civil Procedure, 1908, and the Indian Limitation Act, 1908, to applications, appeals and proceedings under this Act.

(3) All rules made under this section shall be published in the Karnataka Gazette.

### **39. Penalties :-**

(1) If any person willfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruction to the taking by the Deputy Commissioner in charge of possession of any property which has vested in the State under this Act or furnishes information which he knows or has reason to believe to be false or does not believe to be true, he shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Deputy Commissioner <sup>1</sup> [x x x].

1. The words "of the District" omitted by Act No. 1 of 1959, w.e.f. 22-1-1959.

### **40. Power to remove difficulties :-**

If any difficult arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

