
Hyderabad Abolition Of Inams (Amendment) Act, 1959

64 of 1959

[29 October 1959]

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Hyderabad Abolition Of Inams (Amendment) Act, 1959

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PREAMBLE

An Act to provide for the abolition of certain inams and cash grants prevailing in the Hyderabad area of the State of Bombay and to amend for that purpose and for certain other purposes the Hyderabad Abolition of Inams Act, 1954.

Whereas it is expedient in the public interest to provide for the abolition of certain inams and cash grants prevailing in the Hyderabad area of the State of Bombay and to amend for that purpose and for certain other purposes hereinafter appearing the Hyderabad Abolition of Inams Act, 1954; it is hereby enacted in the Tenth Year of the Republic of India as follows .--

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1. For Statement of Objects and Reasons, see Bombay Government

1. Short Title And Commencement :-

(1) This Act may be called the Hyderabad Abolition of Inams (Amendment) Act, 1959.

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

2. Amendment Of Long Title Of Hyd. Act No. Viii Of 1955 :-

In the long title of the Hyderabad Abolition of Inams Act, 1954 (hereinafter referred to as "the Principal Act"), after the word "Inams" the words "and Cash Grants" shall be inserted.

3. Amendment Of Preamble To Hyd. Act No. Viii Of 1955 :-

In the preamble to the principal Act, after the word "inams" the words "and cash grants" shall be inserted.

4. Amendment Of Section 1 Of Hyd. Act No. Viii Of 1955 :-

In section 1 of the principal Act, -

(1) in sub-section (1), after the word "Inams" "the words" and "Cash Grants" shall be inserted;

(2) after sub-section (2), the following sub-section shall be inserted, namely .--

"(2A) on the coming into force of the Hyderabad Abolition of Inams (Amendment), Act, 1959, this Act shall apply also to cash grants and inams of the nature of community service inams and watans."

5. Amendment Of Section 2 Of Hyd. Act No. Viii Of 1955 :-

In section 2 of the principal Act, in sub-section (1), -

(1) before clause (a), the following clause shall be inserted, namely-

"(a1) cash grant means a grant of money or assignment of land revenue on the part of Government whether for the performance of certain duties, past or present, or for any reason whatever, but does not include -

(i) a cash grant held by or for the benefit of a charitable or religious institution,

(ii) a cash grant payable for rendering service useful to Government other than service appertaining to the office of Desai or of a village

accountant commonly known as Kulkarni or Patwari,

(iii) any pension granted to an ex-servant of Government in consideration of the service rendered by him to Government, or

(iv) a cash grant which has been discontinued under the Hyderabad (Abolition of Cash Grants) Act, 1952, and to which the provisions of that Act, apply, or

(v) commutation sum payable to a Jagirdar under the Hyderabad Jagirs (Commutation) Regulation, 1359 Fasli;

(2) after clause (a), the following clause shall be inserted, namely .--

"(aa) community service inam means an inam held for performing service useful to the village community and includes an inam held for such service even where such service has ceased to be demanded;

(ab) commutation settlement means a settlement made or confirmed under the law applicable to a watan relieving the holder, his heirs and successors of the liability of performing the services appertaining to such watan;"

(3) in clause (b), for sub-clause (i) the following clause shall be substituted, namely .--

"(i) in sub-section (1), sub-section (2) with reference to clauses (a), (b), (c), (e) and (f), and sub-section (3) of section 3 and section 34, means, -

(A) in the case of inams other than those specified in clauses (i) and (ii) of sub-section (2A) of section 1, the date of the publication of this Act in the Official Gazette, and

(B) in the case of inams and cash grants to which this Act shall apply under sub-section (2A) of section 1, the date of the coming into force of the Hyderabad Abolition of Inams (Amendment) Act, 1959;"

(4) after clause (b), the following clause shall be inserted namely .-

"(ba) holder of cash grant means a person holding a cash grant or a share therein and includes, -

(i) his successor in interest,

(ii) where such person is a minor or of unsound mind or and idiot, his lawful guardian, and

(iii) where any cash grant is held by a joint Hindu family, such joint Hindu family;"

(5) in clause (c), -

(i) after the words "other competent grantor" the words "whosoever, whether subject to the sovereignty of the Nizam or

not," shall be inserted and shall be deemed always to have been inserted, and

(ii) for the words "and coupled with" the words "and whether or not coupled with" shall be substituted;

(6) for clause (g) the following clause shall be substituted, namely.-
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"(g) occupied land means inam land, which is not uncultivated land, waste land, pasture land or forest land or not comprising a mine, quarry, tank, irrigation works, stream or river and which is in the actual or constructive possession of an inamdar.

Explanation.--For the purposes of this Act, land shall be deemed to be uncultivated if it has not been cultivated for a period of three years immediately before the date of vesting;

(7) in clause (h), after the words "oral agreement" the words "and includes a shikmidar" shall be inserted;

(8) for clause (j), the following shall be substituted, namely .--

"(j) tenant means a tenant as defined in the Hyderabad Tenancy and Agricultural Lands Act, 1950, and includes a protected tenant but does not include a permanent tenant";

(9) for clause (k), the following shall be substituted, namely .--

"(k) watan means an inam held as a watan for service appertaining to the office of a village accountant commonly known as Kulkarni or Patwari or known by any other similar name or for service appertaining to the office of a District (Pargana) Officer commonly known as Sardeshmukh, Deshmukh, Deshpande or Desai or known by any other similar name whether any commutation settlement in respect of such watan has or has not been effected;"

6. Insertion Of Section 2A In Hyd. Act No. Viii Of 1955 :-

After section 2 of the principal Act, the following section shall be inserted, namely -

"2A. Power of State Government or authorised officer to decide certain questions relating to inams and appeals.--(1) If any question arises, -

(i) whether any land is an inam,

(ii) whether any inam is held with or without conditions of service and whether or not coupled with the remission of the whole or part of the land revenue.

(iii) whether any inam is a community service inam or watan,

(iv) whether a commutation settlement in respect of any watan has or has not been effected,

(v) whether any land held as inam is or is not alienable without the permission of the Competent Authority, or

(vi) whether any person is a kabiz-e-kadim, permanent tenant or tenant, the State Government or an officer authorised by that Government shall decide the question.

(2) Where any question is decided by an officer so authorised by the State Government, any person aggrieved by such decision may file an appeal to the State Government within ninety days from the date of such decision.

(3) Where from a decision of such officer no appeal is filed under sub-section (2), the State Government may, after the expiry of the period for appeal, but not later than one year from such decision, call for the record of the proceedings of such officer for the purpose of satisfying itself as to the legality, propriety or regularity of such proceedings or decision and may pass such order thereon as it thinks fit.

(4) The decision of the State Government under sub-section (1), or sub-section (2) in appeal, or under sub-section (3) and subject thereto the decision of the officer, shall be final".

7. Amendment Of Section 3 Of Hyd. Act No. Viii Of 1955 :-

In section 3 of the principal Act, -

(1) in sub-section (1), after the word, brackets and figure "sub-section (2)" the words, brackets, figure and letter "or sub-section (2A)" shall be inserted;

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

(a) in clause (b), for the words "protected tenant and nonprotected tenant" the words "and tenant" shall be substituted;

(b) to clause (c), the following Explanation shall be added, namely -

"Explanation.--In the case of an inam land in respect of which the settlement of assessment has not been made under the Land Revenue Act, 1317 Fasli, the amount of land revenue thereon shall be assessed under section 52 of that Act with effect from the date of vesting under this section."

(c) in clause (h), for the words, "protected tenant or non-protected tenant" the words "or tenant" shall be substituted;

(d) in clause (i), for the words, "protected tenant, and a nonprotected tenant" the words "and a tenant" shall be substituted;

(e) after clause (i), the following clause shall be inserted, namely

"(j) in the case of an inam to which this Act applies under sub-section (2-A) of section 1, the inamdar shall stand released of the liability to render service, if any."

8. Substitution Of Section 4 To 11 Of Hyd. Act No. Viii Of 1955 By New Sections :-

For sections 4 to 11 (both inclusive) of the principal Act, the following sections shall be substituted, namely .--

4. Abolition of cash grants and consequences thereof.--With effect on and from the date of the commencement of the Hyderabad Abolition of Inams (Amendment) Act, 1959 -

(1) all cash grants shall be discontinued and shall cease to have effect, and

(2) the holder of a cash grant shall stand released of the liability to render service, if any, attached to the cash grant.

(3) in the case of a cash grant consisting of assignment of land revenue, all the rights of the holder thereof (including the right to recover or appropriate land revenue under such grant in respect of any land) shall be extinguished and the land revenue in respect of such land shall be payable to the State Government in accordance with the provisions of the Land Revenue Act, 1317 Fasli.

5. Occupancy rights in respect of lands comprised in an inam held in perpetuity and which was alienable.--

(1) in the case of an occupied land comprised in an inam including a community service inam or watan, which under the terms of the grant or commutation settlement was to continue in perpetuity and was alienable without the permission of any Competent Authority .-

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(i) if it is in the possession of a kabiz-e-kadim, or of a permanent tenant or tenant holding from the inamdar, such kabiz-e-kadim, permanent tenant or tenant, and

(ii) in other cases, the inamdar shall be primarily liable to the State Government for the payment of land revenue due in respect of the land held by him and shall, subject to the provisions of sub-sections (2), (3), (4) and (5), be entitled to all the rights and be liable to all the obligations in respect of such land as an occupant under the Land Revenue Act, 1317 Fasli and the rules made there under.

(2) In the case of land referred to in clause (i) of sub-section (1), -

(a) the permanent tenant shall be liable to pay occupancy price equal to twice the amount of the full assessment of the land in his possession, and

(b) the tenant shall be liable to pay occupancy price equal to six times the amount of the full assessment of the land in his possession to the inamdar within the prescribed period and in the manner provided in sub-section (3):

Provided that in the case of a tenant, the occupancy price may be paid in three equal installments at such intervals as may be prescribed.

(3) The permanent tenant or, as the case may be, the tenant shall deposit the amount of the occupancy price payable by him under sub-section (2), with the Collector within the period prescribed under that sub-section.

(4) If the permanent tenant or the tenant fails to deposit the amount of the occupancy price under sub-section (3), it shall be recoverable as an arrear of land revenue and if it is not so recovered within a period of one year from the expiry of the period prescribed under sub-section (2), the permanent tenant, or as the case may be, the tenant shall be deemed to be unlawfully occupying Government land and shall be liable to be summarily evicted therefrom in accordance with the provisions of the Land Revenue Act, 1317 Fasli.

(5) On the deposit under sub-section (3), or recovery under sub-section (4), of the entire amount of the occupancy price payable by a permanent tenant or tenant, it shall be paid to the inamdar in the prescribed manner.

(6) Where under sub-section (4), a permanent tenant or tenant is deemed to be unlawfully occupying any land, such land shall be deemed to be vested in the inamdar as the occupant thereof free from encumbrances, if any, created thereon by the permanent tenant or as the case may be, the tenant and the inamdar shall be primarily liable to the State Government for the payment of the land revenue in respect of such land in accordance with the provisions of the Land Revenue Act, 1317 Fasli and the rules made there under.

6. Occupancy rights in respect of occupied lands to which section 5 does not apply.--

(1) In the case of an occupied land comprised in an inam other than land to which the provisions of section 5 apply.

(a) Where such land is in the possession of the inamdar, or kabiz-e-kadim or of a permanent tenant or tenant holding from the inamdar, then such inamdar, kabiz-e-kadim, permanent tenant or tenant shall, in respect of the land which is in his possession, be primarily liable to the State Government for the payment of land

revenue and shall, subject to the provisions of sub-sections (2), (3), (4) and (5), be entitled to all the rights and be liable to all the obligations as an occupant in respect of such land under the Land Revenue Act, 1317 Fasli and the rules made there under;

(b) the rest of the land, in respect of which under clause (a) neither the inamdar nor the kabiz-e-kadim nor the permanent tenant nor the tenant is primarily liable for the payment of land revenue, shall be at the disposal of Government and any person in possession of such land shall be deemed to be unlawfully occupying Government land and shall be liable to be evicted therefrom in accordance with the provisions of the Land Revenue Act, 1317 Fasli.

(2) In respect of the land for which the inamdar, kabiz-e-kadim permanent tenant or tenant is liable under sub-section (1) for the payment of land revenue,-

(a) the inamdar or, as the case may be, the kabiz-e-kadim shall be liable to pay an occupancy price equal to six times the amount of the full assessment of the land,

(b) the permanent tenant shall be liable to pay an occupancy price equal to eight times the amount of the full assessment of the land, and

(c) the tenant shall be liable to pay an occupancy price equal to twelve times the full assessment of the land, to the State Government within the prescribed period either in lump sum or by such installments as may be prescribed.

(3) The occupancy granted under sub-section (1) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such sum to the State Government as the State Government may, by general or special order, determine.

(4) If any person liable to pay to the State Government the occupancy price under sub-section (2) fails to pay the same within the period prescribed under that sub-section, it shall be recoverable as an arrear of land revenue and if it is not recovered within a period of one year from the expiry of the period prescribed under sub-section (2), the person shall be deemed to be unlawfully occupying Government land and shall be liable to be summarily evicted in accordance with the provisions of the Land Revenue Act, 1317 Fasli.

(5) If the occupancy price payable by a permanent tenant or tenant under sub-section (2) is paid by him or recovered from him under sub-section (4) then,

(a) a sum equal to one-fourth of the amount paid by, or recovered

from, the permanent tenant, and

(b) a sum equal to one-half of the amount paid by, or recovered from, the tenant shall be paid to the inamdar.

(6) Nothing in this section shall entitle the inamdar, kabiz-e-kadim, permanent tenant, tenant or any other person to claim compensation for the modification or extinguishment of any of his rights to, or interest in, the land to which this section applies".

9. Substitution Of Chapter Iii Of Hyderabad Act No. Viii Of 1955 By A New Chapter :-

For Chapter III of the principal Act, the following shall be substituted, namely .--

"CHAPTER III

Compensation and award thereof

7. Compensation in respect of cash grant.--

(1) In the case of a cash grant, a sum of money equal to seven times the amount of cash grant shall be paid to the holder of cash grant as compensation for the abolition of such cash grant:

Provided that if under the terms of a grant any cash grant -

(a) is received by a widow for the purpose of maintenance, she shall be paid an amount equal to the amount of cash grant for the remainder of her life;

(b) is received by such holder for the purpose of education, he shall be paid an amount equal to the amount of cash grant during a like period, and subject to the like conditions, as are contained in the grant;

(c) is received by such holder who is -

(i) a male minor, he shall be paid an amount equal to the amount of cash grant till he attains the age of twenty-one years,

(ii) an unmarried female, she shall be paid an amount equal to the amount of cash grant till she marries, or the amount calculated in accordance with the provisions of this section, whichever is greater;

(d) is received by the holder of cash grant in respect of whom, upon application made to it in the prescribed manner, before the expiry of such period as may be prescribed, the State Government is satisfied after such inquiry (if any) as it thinks fit that he has no other source of income or that as it thinks fit that he has no other source of income or that if he has any other source of income it is insufficient for his livelihood, or that on account of old age, mental or physical infirmity or other reason he is incapable of earning of livelihood or maintaining himself in a reasonable manner, there

shall be paid to such holder as compassionate payment an amount equal to the amount of cash grant during his life time or for such lesser period as the State Government in the circumstances thinks just.

(2) For the purpose of sub-section (1), "the amount of cash grant" shall mean the amount paid or payable to the holder of cash grant whether as a grant of money or assignment of land revenue for the year immediately before the date of vesting.

8. Compensation in respect of property referred to in section 8(2) (b).--Any inamdar having any right or interest in any property referred to in clause (b) of sub-section (2) of section 3 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely.--

(i) if the property in question is waste or uncultivated but cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose;

(ii) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Land Revenue Act, 1317 Fasli or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the value of the right or interest held by the claimant;

(iii) in the case of minerals, the amount of compensation shall be equivalent to the average of the net annual income received by the inamdar in respect of minerals during the three years immediately preceding the date of vesting;

(iv) in the case of forests, the amount of compensation shall be equivalent to seven times the average of the net annual income of forest revenue including grazing fee received by the inamdar during the twenty years immediately preceding the date of vesting; such annual income being calculated on the basis of data regarding average yield for the said twenty years;

(v) if there are any structures on the land or trees on land other than and to which clause (iv) applies, the amount of compensation

shall be equal to the value of such structures or trees, as the case may be.

Explanation.--For the purposes of this section, "value" shall mean the value as estimated in accordance with the provisions of sections 18 and 19 of the Land Acquisition Act, 1309 Fasli in so far as the said provisions may be applicable.

9. Method of awarding compensation to inamdar.--

(1) Any inamdar or holder of cash grant entitled to compensation under section 7 or 8, shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

(2) On receipt of an application under sub-section (1), the Collector shall, after making formal enquiry, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.

10. Method of awarding compensation for abolition, etc. of rights of other person in property.--

(1) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been expressly denied or provided for in this Act, such person may apply to the Collector for compensation.

(2) The application under sub-section (1) shall be made to the Collector in the prescribed form within the prescribed period. The Collector shall, after holding a formal inquiry, make an award determining the compensation in the manner and according to the method provided for in sections 18 and 19 of the Land Acquisition Act, 1309 Fasli.

(3) Nothing in this section shall entitle any person to compensation on the ground that any inam land which was wholly or partially exempt from payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Land Revenue Act, 1317 Fasli.

11. Previous approval in respect of certain awards and provisions of Land Acquisition Act applicable.--

(1) Where the officer making an award under section 9 or 10 is a Collector under this Act but not a Collector appointed under section 6 of the Land Revenue Act, 1317 Fasli and the amount of such award exceeds five thousand rupees, then the award shall not be

made without the previous approval of,-

(a) the Collector appointed under section 6 of the Land Revenue Act, 1317 Fasli, if the amount of the award does not exceed twenty-five thousand rupees, or

(b) the Commissioner, if the amount of the award exceeds twenty-five thousand rupees but does not exceed one lakh of rupees, or

(c) the State Government, if the amount of the award exceeds one lakh of rupees.

(2) Where the officer making an award under section 9 or 10 is a Collector under this Act and also a Collector appointed under section 6 of the Land Revenue Act, 1317 Fasli, and the amount of such award exceeds twenty-five thousand rupees, then such award shall not be made without the previous approval of -

(a) the Commissioner, if the amount of the award does not exceed one lakh of rupees, or

(b) the State Government, if the amount of the award exceeds one lakh of rupees.

(3) Every award under section 9 or 10 shall be in the form prescribed in section 21 of the Land Acquisition Act, 1309 Fasli and the provisions of the said Act shall so far as may be apply to the making of such award.

12. Appeal against the Collectors award.--

An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957, notwithstanding anything contained in the said Act.

13. Procedure before Revenue Tribunal.--

(1) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(2) In deciding an appeal under this Act, the Bombay Revenue Tribunal shall exercise all the powers which a court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

14. Limitation.--

Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

15. Finality of award and decision of Revenue Tribunal.--

The award made by the Collector subject to an appeal to the

Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

16. Mode of payment of amount of compensation.--

The amount of compensation payable under the provisions of this Act shall be payable in cash :

Provided that if in the case of any inamdar or holder of cash grant the amount of compensation, other than that payable under the proviso to section 7, exceeds ten thousand rupees, then the excess over ten thousand rupees may be payable in transferable bonds carrying interest at the rate of three per cent, per annum from the date of the issue of such bonds and repayable during a period of twenty years from the date of the issue of such bonds by equated annual installments of the principal and interest. Such bonds shall be of such denomination and shall be in such form as may be prescribed."

10. Substitution Of Chapter Iv Of Hyd. Act No. Viii Of 1955

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For Chapter IV of the principal Act, the following shall be substituted, namely .--

"CHAPTER IV

Recovery of Records

17. Inamdars to deliver records to authorised officers.--

(1) Whenever an officer authorised by the State Government in this behalf so directs, an inamdar shall deliver to him or such officer as may be specified in the direction, the records relating to the inam maintained by the inamdar.

(2) If the inamdar fails without reasonable cause to deliver any such records he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver any such records the inamdar shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure."

11. Substitution Of Section 30 Of Hyd. Act No. Viii Of 1955

:-

For section 30 of the principal Act, the following section shall be substituted, namely .--

"30. Inquiries and proceedings to be judicial proceedings.--All

inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be Judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

12. Amendment Of Section 35 Of Hyd. Act No. Viii Of 1955
:-

In section 35 of the principal Act, in sub-section (2), clauses (b), (c) and (d) shall be deleted.

13. Insertion Of Section 38 In Hyd. Act No. Viii Of 1955 :-

After section 37 of the principal Act, the following section shall be inserted, namely .--

"38. Atiyat Enquiries Act, 1952 not to apply to cash grants to which this Act applies .--

The Hyderabad Atiyat Enquiries Act, 1952 shall cease to apply to any cash grant to which this Act applies. "