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**MADRAS LEGISLATIVE ASSEMBLY**

**THE MADRAS IRUVARAM INAM  
ESTATES (ABOLITION AND  
CONVERSION INTO RYOTWARI)  
BILL, 1962**

**(L.A. BILL No. 2 OF 1962)**

**(REPORT OF THE JOINT SELECT COMMITTEE)**

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THE MADRAS IRUVARAM INAM ESTATES (ABOLITION  
AND CONVERSION INTO RYOTWARI) BILL, 1962  
(L.A. BILL No. 2 OF 1962).

Composition of the Joint Select Committee

CHAIRMAN.

Hon. Sri R. VENKATARAMAN.

MEMBERS.

Hon. Sri V. RAMAIAH.

Sri A. P. DHARMALINGAM.

Sri M. V. KARIVENKADAM.

Sri K. T. KOSALEAM.

Sri R. KRISHNASWAMY NAIDU.

Sri S. MADHAVAN.

Sri K. S. MANI.

Sri K. B. PALANI.

Sri K. PONNIAH.

Sri A. RAGHAVA REDDY.

Sri P. RAMACHANDRAN.

Sri V. SANKARAN.

Sri A. K. SUBBIAH.

Sri R. V. SWAMINATHAN.

Sri K. ANBAZHAGAN.

Sri K. BALASUBRAMANIA AYYAR.

Sri T. V. DEVARAJA MUDALIAR.

Sri S. JAYARAMA REDDIAR.

Sri J. PONNUSWAMY VILLAVARAYAR.

Dr. P. V. RAJAMANNAR.

Sri K. RAJARAM NAIDU.

SECRETARIAT.

Sri T. HANUMANTHAPPA—*Secretary.*

Sri G. M. ALAGARSWAMY—*Deputy Secretary.*

REPORT OF THE JOINT SELECT COMMITTEE ON THE  
MADRAS IRUVARAM INAM ESTATES (ABOLITION  
AND CONVERSION INTO RYOTWARI) BILL, 1962  
(L.A. BILL No. 2 OF 1962).

To

THE HON. THE LEGISLATIVE ASSEMBLY

The Joint Select Committee appointed to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) has the honour to make the following report :

2. The Bill was published in English in Part IV—Section 3 of the *Fort St. George Gazette Extraordinary*, dated the 27th April 1962 and in Tamil in the *Fort St. George Gazette*, dated the 9th May 1962.

3. The Joint Select Committee was appointed by a resolution of the Assembly, dated the 27th April 1962 and of the Council, dated the 7th May 1962.

4. The Joint Select Committee met on 17 days. The Joint Select Committee met in the Lounge Room, Fort St. George, Madras-9 on the 8th May 1962 and 30th July 1962, in the Committee Room, Legislators' Hostel, Mount Road, Madras-2, on the 16th, 17th and 18th August 1962 and 2nd November 1962, at the District Board Hall, Madurai, on the 6th and 7th December 1962, at the District Board Hall, Coimbatore, on the 8th December 1962 and again in the Committee Room, Legislators' Hostel, Mount Road, Madras-2, on the 23rd, 24th January 1963, 17th, 18th, 19th and 20th July 1963 and 29th July 1963.

5. At its meeting on the 8th May 1962, the Committee elected Sri R. Venkataraman to be the Chairman of the Committee. The Committee also decided to invite memoranda from those interested in the Bill. The Committee received 32 written memoranda. At its second sitting on 30th July 1962, the Committee decided to meet for recording evidence.

6. At its sittings on the 16th, 17th and 18th August 1962, the Committee recorded evidence from individuals and associations interested in the legislation.

7. On 2nd November 1962 the Committee met and decided to visit Madurai and Coimbatore for recording further evidence. Accordingly the Committee met in Madurai on the 6th and 7th December 1962 and Coimbatore on the 8th December 1962 and recorded evidence.

8. At its meeting held on 23rd and 24th January 1963, the Committee considered the Bill clause-by-clause.

9. The Committee met again on the 17th, 18th, 19th, 20th and 29th July 1963 and considered the re-drafted clauses of the Bill.

10. At its meeting on 8th August 1963, the Committee decided to present its report to the House and authorised the Chairman to sign the report on their behalf.

11. The Committee has made many changes and some of the important changes made by it are given below :—

### Preamble and the Long Title.

The Bill as introduced applied only to inam villages which became estates by virtue of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936), viz., whole inam villages.

The Committee decided to bring within the scope of this Bill also part inam villages and the inam estates (both whole inam grants and part inam grants) in the merged territory of Pudukkottai.

The Preamble and the Long Title have been amended suitably.

### Clause 1.

The Bill as introduced was called "Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Act, 1962". In view of extending the scope of the Bill the title has been changed. The Bill is now called the "Madras Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963."

### Clause 2.

This clause deals with definitions. The following terms which were not defined in the original Bill have been defined :—

"Agriculture," "existing inam estate," "new inam estate," "part village inam estate," "private land," "Pudukkottai inam estate," "rent," "ryot," "ryoti land," and "village."

*Sub-clause (8) [original sub-clause (7)].—*"Landholder".—The definition of this term has been adopted from the Estates Land Act in relation to an existing inam estate, and as applicable to a new inam estate. An explanation has been added, providing for the Settlement Officer to decide if there is a dispute between two or more persons in respect of a new inam estate as to which of them is a landholder for the purposes of this Act.

*Sub-clause (9).*—The term “new inam estate” has been defined so as to include a part village inam estate or a Pudukkottai inam estate.

*Sub-clause (11)*—“*Part village inam estate*”.—This has been defined to include a part of the village (including a part of a village in the merged territory of Pudukkottai) and also where its grant is expressed to be a specified fraction of, or a specified number of shares in, a village, notwithstanding the extent of such part mentioned in the grant. If the grant is expressed only in terms of acreage or cawnies, the subject-matter of such grant has been excluded from the scope of the definition but it will be within the scope of the Madras Minor Inams Abolition Bill. Even if the grant is of different parts in a part inam village to different persons, it would be deemed to be a “part inam village.”

*Sub-clause (13)*—“*Private land*”.—The term has been defined in relation to an “existing inam estate.” The term “private land” would have the same meaning as in the Madras Estates Land Act and in relation to a “new inam estate,” it shall mean “domain or home-farm land of the landholder, by whatever designation known, such as, *kambattam*, *khas*, *sir* or *pannai*; or land which is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the 1st day of April 1960, provided that the landholder has retained the kudivaram and has not converted the land into ryoti land since then.” It has also been provided that if the entire kudivaram was acquired by the landholder before 1st April 1960 for valuable consideration from a person owning the kudivaram alone and if the landholder has retained the kudivaram ever since and has not converted the land into ryoti land; and if the kudivaram was acquired at a sale for arrears of rent, the land shall not be deemed to be private land unless it is cultivated by the landholder himself for a continuous period of twelve years since the acquisition of the land and before 1st April 1960.

*Sub-clause (14).*—The term “Pudukkottai inam estate” has been defined to be a village specified in Schedule I and also such other villages as the Government may, from time to time, specify.

*Sub-clause (16).*—The term “ryot” has been defined in relation to an existing inam estate and a new inam estate. In relation to an existing inam estate the term shall have the same meaning as in the Madras Estates Land Act. In relation to a new inam estate, the term means a person who should have occupied the ryoti land for a continuous period of twelve years immediately prior to 1st April 1960. A person unauthorisedly

occupying the ryoti land has also been included if the landholder has received or recovered any payment as rent and if he has not taken any steps to evict him within two years from the date of such receipt or recovery of payments.

*Clause 8.*

*Sub-clause (2).*—The original clause provided that the Tribunal should consist of a Judicial Officer not below the rank of a District Judge or Additional District Judge. The Committee was of the opinion that it would be enough if the Tribunal consisted of a Judicial Officer not below the rank of a Subordinate Judge. The sub-clause has been amended accordingly.

*Clause 9.*

This clause specifies the classes of lands in respect of which the landholder will be entitled to ryotwari patta.

In the case of an existing inam estate it has been provided that the land should belong to the landholder as private land within the meaning of sub-clause (b) of clause 10 of section 3 of the Madras Estates Land Act, 1908, or should have been recorded as private land in a record prepared under the Madras Estates Land Act and that it had not been subsequently converted into ryoti land or had not finally been held to be ryoti land under the Madras Estates Land (Reduction of Rent) Act, 1947 and proved to have been cultivated by the landholder himself for a continuous period of three years within a period of twelve years immediately prior to 1st April 1960.

It has also been provided that under what conditions, the landholder will be entitled to a ryotwari patta for lands acquired by inheritance or succession, for lands which were properly included or which ought to have been properly included and which have been acquired by the landholder by purchase, exchange or gift, etc., and also the lands which have been voluntarily abandoned by a ryot.

In the case of a new inam estate, it has been provided that the landholder will be entitled to a ryotwari patta in respect of all lands which, immediately before the notified date, belonged to him as private land if such private land has been proved to have been cultivated by the landholder himself for a continuous period of three years within a period of twelve years immediately prior to 1st April 1960 in respect of all lands in the holding of a ryot which have been acquired by the landholder by inheritance or succession, in respect of lands which have been acquired by the landholder by purchase, exchange or gift and also in respect of lands which have been voluntarily abandoned or relinquished by a ryot.

Provision has also been made for the grant of ryotwari patta in the case of an inam estate or part thereof, subject to the conditions of rendering service to a religious institution.

*Clause 10.*

This clause specifies the classes of lands in respect of which a ryot will be entitled to ryotwari patta.

In the case of an existing inam estate, every ryot will be entitled to a patta in respect of all lands which were finally held to be ryoti lands under the Madras Estates Land (Reduction of Rent) Act, 1947, and all ryoti lands which were properly included or ought to have been properly included in his holding.

In the case of a new inam estate, every ryot will be entitled to a patta in respect of all ryoti lands in his holding except lands in respect of which a landholder or some other person is entitled to a ryotwari patta and that no person who has been admitted after 1st April 1960 shall ordinarily be entitled to a patta.

It has also been provided that a ryot will not be entitled to a ryotwari patta in respect of lands which he has abandoned voluntarily.

*Clause 11.*

A new clause has been added for the grant of ryotwari patta on the basis of personal cultivation in cases where neither the landholder nor the ryot is entitled to a ryotwari patta in respect of any land in an inam estate and as such where the land would vest in the Government.

*Clause 12.*

Sub-clause (2) of the original clause 11 provided that a person aggrieved against the decision of the Settlement Officer under this clause, may appeal within two months from the said date, to the Tribunal. The Committee considered that the time granted for an appeal was insufficient and decided that it should be increased to three months. The sub-clause has been amended accordingly.

*Clause 30.*

A new clause has been added providing that the ryotwari assessment imposed on all lands in an inam estate in respect of which any person including the landholder is entitled to a ryotwari patta under clause 11 shall be excluded while determining the basic annual sum, and the miscellaneous revenue derived from all such lands shall alone be included while determining the basic annual sum.



*Clause 33.*

*Sub-clauses (8), (9) and (10).*—Provision has been made in these sub-clauses that where a service-holder is entitled to a patta under section 9 in respect of any land, he shall have the option either to pay to the religious institution a specified amount and on such payment the land shall be discharged from the conditions of the service or to hold the land and continue to render the service subject to certain conditions. Such option shall be exercised within such time and in such manner as may be prescribed.

*Clause 65.*

A new clause has been added providing that when it becomes necessary to determine whether any land is a ryoti land or private land, it shall be presumed until the contrary is proved that such land is a ryoti land thereby throwing the burden on the landholder to prove that the land is a private land and not a ryoti land.

*Clause 75.*

A new clause has been added that after a ryotwari settlement is brought into force in any land under this Act and after a ryotwari patta is granted to any person, the authorised officer shall calculate or re-calculate the ceiling area of such a person and also shall take into account the extent of the land in respect of which a ryotwari patta has been granted under this Act.

It has also been provided that the ryotwari patta granted under this Act shall be deemed to have taken effect from 6th April 1960. There is also a provision that for the purposes of calculating the "standard acre" under the Madras Land Reforms (Fixation of Ceiling on Land) Act, "land revenue" shall mean the ryotwari assessment payable in pursuance of the ryotwari settlement referred to in this Act.

12. The clauses have been renumbered wherever necessary and consequential changes in the references to clauses and sub-clauses have also been made.

13. A copy of the Bill as amended by the Joint Select Committee is annexed.

14. Some of the Members have given minutes of dissent which are appended.\*

Fort St. George, Madras,  
11th August 1963.

R. VENKATARAMAN,  
*Chairman.*

**THE MADRAS IRUVARAM INAM ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962.**

*(As amended by the Joint Select Committee.)*

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**PRELIMINARY.**

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- 7 Powers of control of the Board of Revenue.
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- 11 Grant of ryotwari patta on the basis of personal cultivation in certain cases.
- 12 Determination of lands in which any person is entitled to ryotwari patta.
- 13 Liability to pay assessment, etc., to Government.
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- 19 Survey of inam estates.
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- 22 Compensation how determined.
- 23 Compensation to be determined for inam estate as a whole.
- 24 Basic annual sum.

*Basic annual sum for inam estates.*

- 25 Component parts of basic annual sum in inam estates.
- 26 Computation of ryotwari demand and deduction therefrom.
- 27 Computation of net miscellaneous revenue.
- 28 Assessment and jodi, etc., to be deducted.
- 29 A person deemed to be landholder in certain cases.
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- 31 Scale of compensation except in the case governed by section 32.

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- 33 Inam estate or part thereof held by service-holder how dealt with.

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CLAUSES :

- 34 Determination of basic annual sum and total compensation.

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- 35 Compensation, etc., to be paid in prescribed manner.

*Deposit and apportionment of compensation.*

- 36 Compensation to be deposited in office of Tribunal.  
 37 Claims to be made within six months.  
 38 Duty of Tribunal.  
 39 Compensation to be apportioned by Tribunal.  
 40 Apportionment in the case of certain impartible inam estates.  
 41 Claims of creditors.  
 42 Grant of ryotwari patta to maintenance-holders in certain impartible inam estates.  
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CHAPTER VII.

INTERIM PAYMENTS.

- 45 Interim payments to principal landholder and others.

CHAPTER VIII.

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- 46 Appeals.  
 47 Restrictions on the jurisdiction of the Tribunal and Special Appellate Tribunal in certain cases.  
 48 Disbursement of compensation.  
 49 Interim payments to institutions.  
 50 Limitation for claims by persons entitled to payment.  
 51 Unclaimed and undisbursed amounts how dealt with.  
 52 Amounts which may be deducted under section 36 recoverable as arrear of land revenue.  
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 54 Recovery of amount paid on cancellation of notifications issued under section 1 (4).  
 55 Recovery of excess collections made by a darmila inamdar.

## CHAPTER IX.

## MISCELLANEOUS.

## CLAUSES :

- 56 Collection of arrears of rent which accrued before the notified date.
- 57 Apportionment of amounts collected under section 56.
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- 59 Stay of execution proceedings and prohibition of certain transfers.
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- 63 Maintenance by Government of institutions maintained by landholder.
- 64 Removal of doubts in regard to existing inam estates in Chingleput district.
- 65 Presumption that a land in an inam estate is ryoti land.
- 66 Decision of questions regarding forests.
- 67 Rights of owner or occupier not to be affected by temporary discontinuance of possession or occupation.
- 68 Res judicata.
- 69 Saving of limitation.
- 70 Limitation.
- 71 Finality of orders passed under this Act.
- 72 Jurisdiction of Courts barred in certain cases.
- 73 Power to make rules.
- 74 Repeals.
- 75 Special provision relating to fixation of ceiling area in respect of lands in an inam estate.
- 76 Power to remove difficulties.

SCHEDULE I.

SCHEDULE II.

**THE MADRAS IRUVARAM INAM ESTATES  
(ABOLITION AND CONVERSION INTO RYOTWARI)  
BILL, 1962.**

*[As amended by the Joint Select Committee.]*

**[Note.—The changes made are sidelined or underlined  
and the portions omitted are indicated by dots.]**

*A Bill to provide for the acquisition of the rights of landholders  
in . . . inam estates in the State of Madras and the  
introduction of the ryotwari settlement in such estates.*

. . . . .

**BE it enacted by the Legislature of the State of Madras in  
the Fourteenth Year of the Republic of India as follows :—**

**CHAPTER I.**

**PRELIMINARY.**

**1. Short title, extent, application and commencement.—**

**(1) This Act may be called the Madras . . . Inam Estates  
(Abolition and Conversion into Ryotwari) Act, 1963.**

**(2) It extends to the whole of the State of Madras,  
except—**

. . . . .

**(i) the Shencottah taluk of the Tirunelveli district;**

**(ii) the Kanyakumari district; and**

**(iii) the territories specified in the Second Schedule  
to the Andhra Pradesh and Madras (Alteration of Boundaries)  
Act, 1959 (Central Act 56 of 1959).**

**(3) It applies to all inam estates.**

**(4) This section and sections 2, 4, 5, 7, 8, 59, 64, 73, 75  
and 76 shall come into force at once; and the rest of this Act  
shall come into force in regard to an . . . existing inam  
estate or a part village inam estate or a Pudukkottai inam  
estate, on such date as the Government may, by notification,  
appoint ;**

Provided that where the operation of any such notification has been stayed or interrupted by order of court or Tribunal or other authority constituted under any law for the time being in force, the date from which the Government have been in uninterrupted possession of such estate shall be deemed to be the date so appointed.

(5) The Government may, by notification, cancel or modify any notification issued under sub-section (4) in respect of any . . . inam estate, but the cancellation shall not be deemed to affect the power of the Government under sub-section (4) again to extend the rest of this Act to that . . . inam estate.

(6) Where a notification is cancelled under sub-section (5), the rest of this Act shall be deemed never to have applied to the . . . inam estate concerned, and every proceeding taken thereunder and pending in respect of such . . . inam estate shall abate.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(1) “ agriculture ” with its grammatical variations and cognate expressions shall include horticulture;

(2) “ Director ” means the Director of Settlements appointed under section 4;

(3) “ Estates Land Act ” means the Madras Estates Land Act, 1908 (Madras Act I of 1908);

(4) “ existing inam estate ” means an inam village which became an estate by virtue of the Madras Estates Land (Third Amendment) Act, 1936 (Madras Act XVIII of 1936);

(5) “ Government ” means the State Government;

(6) “ impartible . . . inam estate ” means an . . . inam estate governed immediately before the notified date, by the Madras Impartible Estates Act, 1904 (Madras Act II of 1904);

(7) “ inam estate ” means an existing inam estate or a new inam estate;

(8) “ landholder ”—

(i) in relation to an existing inam estate shall have the same meaning as in clause (5) of section 3 of the Estates Land Act; and

(ii) in relation to a new inam estate shall mean a person owning a new inam estate or part thereof and shall include every person entitled to collect the rents of the whole or any portion of the new inam estate by virtue of any transfer from the owner or his predecessor-in-title or of any order of a competent Court or of any provision of law.

*Explanation I.*—For the purposes of sub-clause (i) and sub-clause (ii) of this clause “landholder” shall include—

(a) a joint Hindu family where the right to collect the rents of the whole or any portion of the inam estate vests in such family; and

(b) a darmila inamdar other than a darmila inamdar governed by the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

*Explanation II.*—For the purposes of sub-clause (ii), where there is a dispute between two or more persons as to which of them is the landholder for all or any of the purposes of this Act or between two or more joint landholders as to which of them is entitled to proceed and be dealt with as such landholder; the person who shall be deemed to be the landholder for such purposes shall be the person whom the Settlement Officer subject to any decree or order of a competent Civil Court may recognise or nominate as such landholder in accordance with rules to be framed by the Government in this behalf;

(9) “new inam estate” means a part village inam estate or a Pudukkottai inam estate;

(10) “notified date” in relation to an . . . . inam estate means the date appointed by a notification issued under sub-section (4) of section 1 as the date on which the provisions of this Act (other than sections 2, 4, 5, 7, 8, 59, 64, 73, 75 and 76) shall come into force in regard to the inam estate, or where the operation of any such notification has been stayed or interrupted by order of court or Tribunal or other authority constituted under any law for the time being in force, the date from which the Government have been in uninterrupted possession of the . . . . inam estate, and the word “notified” shall be construed accordingly;

(11) “part village inam estate” means a part of a village (including a part of a village in the merged territory of Pudukkottai) the grant of which part has been made, confirmed or recognised by the Government, notwithstanding that



subsequent to the grant, such part has been partitioned among the grantees or the successors-in-title of the grantee or grantees.

*Explanation I.*—(a) Where the grant of a part of a village as an inam is expressed to be a specified fraction of, or a specified number of shares in, a village, such part shall be deemed to be a part village inam estate notwithstanding that such grant refers also to the extent of such part in terms of acreage or cawnies, or of other local equivalent.

(b) Where a grant as an inam is expressed to be only in terms of acreage or cawnies, or of other local equivalent, the area which forms the subject-matter of the grant shall not be deemed to be a part village inam estate.

*Explanation II.*—A part of a village granted in inam shall be deemed to be a part village inam estate notwithstanding that different parts of such part village were granted, confirmed or recognised on different dates or by different title-deeds or in favour of different persons;

(12) “ principal landholder ” means the person who held the . . . inam estate immediately before the notified date; and (a) in the case of an . . . inam estate held by a joint Hindu family immediately before that date means such joint family; and (b) in the case of an impartible . . . inam estate means the person entitled to the possession of such estate immediately before that date;

(13) “ private land ”—

(i) in relation to an existing inam estate shall have the same meaning as in sub-clause (b) of clause (10) of section 8 of the Estates Land Act; and

(ii) in relation to a new inam estate shall mean—

(a) the domain or home-farm land of the landholder, by whatever designation known, such as, *kambuttam*, *khas*, *sir* or *pannai*; or

(b) land which is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the 1st day of April 1960, provided that the landholder has retained the *kudiwaram* ever since and has not converted the land into *ryoti* land; or

(c) land the entire *kudiwaram* in which was acquired by the landholder before the 1st day of April 1960 for valuable consideration from a person owning the *kudiwaram* but not

the melwaram, provided that the landholder has retained the kudiwaram ever since and has not converted the land into ryoti land and provided further that where the kudiwaram was acquired at a sale for arrears of rent the land shall not be deemed to be private land unless it is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock for a continuous period of twelve years since the acquisition of the land and before the 1st day of April 1960;

(14) "Pudukkottai inam estate" means an inam village in the merged territory of Pudukkottai and specified in Schedule I and includes such other whole inam village in the said territory as the Government may, by notification, from time to time, specify;

(15) "rent"—

(i) in relation to an existing inam estate shall have the same meaning as in clause (11) of section 3 of the Estates Land Act; and

(ii) in relation to a new inam estate shall mean whatever is lawfully payable in money or in kind or in both to a landholder by a ryot for the use or occupation of land for the purpose of agriculture and shall include whatever is lawfully payable on account of water supplied by the landholder or taken without his permission for cultivation of land where the charge for water has not been consolidated with the charge for the use or occupation of the land, and shall include—

(a) any local tax, cess, fee or sum lawfully payable to a landholder by a ryot as such in addition to the rent due according to law or usage having the force of law and also money recoverable under any enactment for the time being in force as if it was rent; and

(b) sums lawfully payable to a landholder by a ryot as such on account of pasturage fees and fishery rents;

(16) "ryot"—

(i) in relation to an existing inam estate shall have the same meaning as in clause (15) of section 3 of the Estates Land Act; and

(ii) in relation to a new inam estate shall mean a person who holds for the purpose of agriculture ryoti land in such estate on condition of paying to the landholder the rent which is legally due upon it,

*Explanation.*—In relation to a new inam estate—

(i) a person who has occupied ryoti land for a continuous period of twelve years immediately before the 1st day of April 1960 shall be deemed to be a ryot for all the purposes of this Act;

(ii) a person unauthorisedly occupying ryoti land from whom the landholder received or recovered any payment for a continuous period of two years immediately before the 1st day of April 1960 shall be deemed to be a ryot for all the purposes of this Act unless within two years from the date of receipt or recovery of payment or the first of such payments, if more than one, the landholder has filed a suit in a civil court for ejection against such person;

(17) " ryoti land "—

(i) in relation to an existing inam estate shall have the same meaning as in clause (16) of section 3 of the Estates Land Act; and

(ii) in relation to a new inam estate shall mean cultivable land in such estate other than private land but does not include—

(a) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;

(b) threshing-floor, cattle-stands, village-sites and other lands situated in any new inam estate which are set apart for the common use of the villagers;

(c) lands granted on service-tenure either free of rent or on favourable rates of rent granted before the passing of this Act so long as the service-tenure subsists:

(18) " Settlement Officer " in relation to any . . . inam estate or part of an . . . inam estate means the officer appointed therefor under sub-section (1) of section 5;

(19) " Tribunal " means a Tribunal constituted under section 8 and having jurisdiction;

(20) " village "—

(i) in relation to an existing inam estate shall have the same meaning as in clause (19) of section 3 of the Estates Land Act; and

(ii) in relation to a new inam estate shall mean any local area which is designated as a village in the revenue accounts and for which the revenue accounts are separately maintained by one or more karnams or which is now recognised by the Government or may hereafter be declared by the Government for the purposes of this Act to be a village, and shall include any hamlet or hamlets which may be attached thereto.

## CHAPTER II.

### CONSEQUENCES OF NOTIFICATION OF INAM ESTATE.

3. *Consequences of notification of . . . inam estate.*—  
With effect on and from the notified date and save as otherwise expressly provided in this Act—

(a) the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) in so far as it relates to matters other than reduction of rents and the collection of arrears of rent, the Madras Estates Land Act, 1908 (Madras Act I of 1908), the Pudukkottai (Settlement of Inams) Act, 1955 (Madras Act XXIII of 1955) and all other enactments applicable to the . . . inam estate as such shall be deemed to have been repealed in their application to the . . . inam estate;

(b) the entire . . . inam estate (including all communal lands and porambokes, other non-ryoti lands, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries), shall stand transferred to the Government and vest in them, free of all encumbrances, and the Madras Revenue Recovery Act, 1864 (Madras Act II of 1864), the Madras Irrigation Cess Act, 1865 (Madras Act VII of 1865), and all other enactments applicable to ryotwari areas shall apply to the . . . inam estate;

(c) all rights and interests created in or over the . . . inam estate before the notified date by the principal or any other landholder, shall as against the Government cease and determine;

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

Provided that the Government shall not dispossess any person of any land in the . . . inam estate in respect of which they consider that he is *prima facie* entitled to a ryotwari patta pending the decision of the Settlement Officer and the Tribunal and the Special Appellate Tribunal, on appeal, if any, as to whether such person is actually entitled to such patta;

(e) the principal or any other landholder and any other person, whose rights stand transferred under clause (b) or cease and determine under clause (c), shall be entitled only to such rights and privileges as are recognized or conferred on him by or under this Act;

(f) the relationship of landholder and ryot, shall, as between them, be extinguished;

(g) any rights and privileges which may have accrued in the . . . inam estate, to any person before the notified date, against the principal or any other landholder thereof, shall cease and determine, and shall not be enforceable against the Government or such landholder, and every such person shall be entitled only to such rights and privileges as are recognized or conferred on him by or under this Act.

4. *Appointment and functions of the Director of Settlements.*—As soon as may be after the publication of this Act in the *Fort St. George Gazette*, the Government shall appoint a Director of Settlements to carry out survey and settlement operations in . . . inam estates and introduce ryotwari settlement therein. The Director shall be subordinate to the Board of Revenue.

5. *Appointment and functions of the Settlement Officer.*—(1) As soon as may be after the publication of this Act in the *Fort St. George Gazette*, the Government shall appoint one or more Settlement Officers to carry out the functions and duties assigned to them by or under this Act.

(2) Every Settlement Officer shall be subordinate to the Director and shall be guided by such lawful instructions as he may issue, from time to time; and the Director shall also have power to cancel or revise any of the orders, acts or proceedings of the Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

6. *Managers of . . . inam estates.*—(1) With effect on and from the notified date, the Government shall appoint one or more persons to manage the . . . inam estate.

(2) Every manager shall be subordinate to the District Collector and shall be guided by such lawful instructions as he may issue, from time to time; and the District Collector shall also have power to cancel or revise any of the orders, acts or proceedings of the manager.

7. *Powers of control of the Board of Revenue.*—The Board of Revenue shall have power—

(a) to give effect to the provisions of this Act and in particular to superintend the taking over of . . . inam estates and to make due arrangements for the interim administration thereof;

(b) to issue instructions for the guidance of the Director, District Collectors, Settlement Officers and Managers of inam estates; and

(c) to cancel or revise any of the orders, acts or proceedings of the Director or of any District Collector, including those passed, done or taken in the exercise of revisional powers.

8. *Constitution of Tribunals for certain purposes.*—(1) The Government shall constitute as many Tribunals as may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of Subordinate Judge.

(3) Each Tribunal shall have such jurisdiction, and over such . . . inam estates or parts thereof, as the Government may, by notification from time to time, determine.

(4) Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit or when hearing an appeal.

## CHAPTER III

### GRANT OF RYOTWARI PATTAS.

9. *Lands in which landholder is entitled to ryotwari patta.*—

(1) In the case of an existing inam estate, the landholder shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of—

(a) all lands which immediately before the notified date—

(i) belonged to him as private land within the meaning of sub-clause (b) of clause (10) of section 3 of the Estates Land Act, or

(ii) stood recorded as private land in a record prepared under the provisions of Chapter XI or Chapter XII of the said Act :

Provided that the private land referred to in sub-clauses (i) and (ii)—

(1) has not been subsequently converted into ryoti land or has not been finally held to be ryoti land under section 3-A of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947); and

(2) is proved to have been cultivated by the landholder himself, by his own servants or by hired labour with his own or hired stock, in the ordinary course of husbandry, for a continuous period of three years within a period of twelve years immediately before the 1st day of April 1960; and

(b) (i) all lands which were properly included or which ought to have been properly included in the holding of a ryot and which have been acquired by the landholder by inheritance or succession under a will, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour with his own or hired stock, in the ordinary course of husbandry, from the date of such acquisition or the 1st day of July 1950 whichever is later and has been in direct and continuous possession of such lands from such later date;

(ii) all lands which were properly included, or which ought to have been properly included, in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, including purchase at a sale for arrears of rent, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, from the 1st day of July 1950 and has been in direct and continuous possession of such lands from that date;

(iii) all lands [not being (i) lands of the description specified in sub-clauses (a), (b) and (c) of clause (16) of section 3 of the Estates Land Act, or (ii) forest lands] which have been voluntarily abandoned or relinquished by a ryot, or which have never been in the occupation of a ryot, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, from the 1st day of July 1950 and has been in direct and continuous possession of such lands from that date.

(2) In the case of a new inam estate the landholder shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of—

(a) all lands which immediately before the notified date belonged to him as private land :

Provided that in the case of private land specified in clause (13) (ii) (a) of section 2, such land is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, for a continuous period of three years within a period of twelve years immediately before the 1st day of April 1960; and

(b) (i) all lands in the holding of a ryot and which have been acquired by the landholder by inheritance or succession under a will, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour with his own or hired stock, in the ordinary course of husbandry, from the date of such acquisition or the 1st day of April 1960 whichever is later and has been in direct and continuous possession of such lands from such later date;

(ii) all lands in the holding of a ryot and which have been acquired by the landholder by purchase, exchange or gift, including purchase at a sale for arrears of rent, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, from the 27th day of September 1955 or from the date of such acquisition whichever is later and has been in direct and continuous possession of such lands from such later date :

Provided that nothing in this sub-clause shall apply to any acquisition by purchase, exchange or gift including purchase at a sale for arrears of rent by the landholder on or after the 1st day of April 1960.

(iii) all lands [not being (i) lands of the description specified in items (a), (b) and (c) of sub-clause (ii) of clause (17) of section 2, or (ii) forest lands] which have been voluntarily abandoned or relinquished by a ryot, or which have never been in the occupation of a ryot, provided that the landholder has cultivated such lands himself, by his own servants or by hired labour, with his own or hired stock, in the ordinary course of husbandry, from the 27th day of September 1955 and has been in direct and continuous possession of such lands from that date.



(3) In the case of an inam estate or part thereof held immediately before the notified date by an individual on condition of rendering service to a religious institution, the grant of ryotwari patta under sub-section (1) or (2) shall be subject to the provisions of section 33.

*Explanation.*—'Cultivate' in this section includes the planting and rearing of topes, gardens and orchards, but does not include the rearing of topes of spontaneous growth.

10. *Lands in respect of which a ryot is entitled to ryotwari patta.*—(1) In the case of an existing inam estate every ryot shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of—

(i) all his lands which were finally held to be ryoti lands under section 3-A of the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947); and

(ii) all ryoti lands which immediately before the notified date, were properly included or ought to have been properly included in his holding and which are not lands in respect of which a landholder or some other person is entitled to a ryotwari patta under any other provision of this Act :

Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of July 1950 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.

(2) (a) In the case of a new inam estate every ryot shall, with effect on and from the notified date, be entitled to a ryotwari patta in respect of all ryoti land in his holding except lands in respect of which a landholder or some other person is entitled to a ryotwari patta under any other provision of this Act :

Provided that no person who has been admitted into possession of any land by a landholder on or after the 1st day of April 1960 shall, except where the Government, after an examination of all the circumstances otherwise direct, be entitled to a ryotwari patta in respect of such land.

(b) A ryot as defined in clause (16) (ii) of section 2 shall be entitled to a ryotwari patta to the exclusion of the ryots, if any, specified in paragraphs (i) and (ii) of the Explanation to the said clause (16) (ii) and a ryot specified in paragraph (i) of the said Explanation shall be entitled to a ryotwari patta to the exclusion of the ryot, if any, specified in paragraph (ii) of the said Explanation.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no ryot shall be entitled to a ryotwari patta in respect of any land under sub-section (1) or sub-section (2) if such ryot has voluntarily abandoned or relinquished his rights in respect of such land on or before the date of the decision of the Settlement Officer under sub-section (1) of section 12.

*Explanation.*—No person to whom a right to collect the rent of any land has been leased before the notified date, including an *ijaradar* or a farmer of rent, shall be entitled to a ryotwari patta in respect of such land under this section.

11. *Grant of ryotwari patta on the basis of personal cultivation in certain cases.*—(1) Where no person is entitled to a ryotwari patta in respect of a land in an inam estate, under section 9 or 10 and the land vests in the Government, the persons specified below shall be entitled to a ryotwari patta in respect of that land with effect on and from the notified date in the following order of preference :—

(i) *firstly*, a person who had been personally cultivating such land for a continuous period of twelve years immediately before the 1st day of April 1960;

(ii) *secondly*, if there is no such person as is referred to in clause (i), then, a person who had been lawfully admitted into possession of such land on or after the 27th day of September 1955 and who had been personally cultivating such land ever since; and

(iii) *thirdly*, if there is no such person as is referred to in clauses (i) and (ii), then, a person who had been personally cultivating that land on the 26th day of September 1955 and for a period of twelve years immediately before that date :

Provided that no person shall be entitled to a ryotwari patta in respect of any land under clause (i) or (iii) of this sub-section if such person has voluntarily abandoned or relinquished his rights in respect of such land on or before the date of the decision of the Settlement Officer under sub-section (1) of section 12 :

Provided further that no ryotwari patta shall be granted in respect of any land falling under any of the categories specified below :—

(a) forests;

(b) beds and bunds of tanks and of supply, drainage surplus or irrigation channels;

(c) threshing floor, cattle stands, village sites, cart-tracks, roads, temple sites and such other lands as are set apart for the common use of the villagers;

(d) rivers, streams and other porambokes.

(2) Among the persons specified in sub-section (1) those specified in clause (i) of that sub-section shall be entitled to a ryotwari patta to the exclusion of the persons specified in clauses (ii) and (iii) of that sub-section and those specified in clause (ii) of that sub-section shall be entitled to a ryotwari patta to the exclusion of the persons specified in clause (iii) of that sub-section.

12. *Determination of lands in which any person is entitled to ryotwari patta.*—(1) The Settlement Officer shall examine the claims of any person for a ryotwari patta under section 9 or section 10 or section 11, as the case may be, and decide in respect of which lands the claim should be allowed.

(2) Against a decision of the Settlement Officer under sub-section (1), the Government may, within one year from the date of the decision, and any person aggrieved by such decision may, within three months from the said date, appeal to the Tribunal :

Provided that the Tribunal may, in its discretion, allow further time not exceeding six months for the filing of any such appeal :

Provided further that the Tribunal may, in its discretion, entertain an appeal by the Government at any time if it appears to the Tribunal that the decision of the Settlement Officer was vitiated by fraud or by mistake of fact.

13. *Liability to pay assessment, etc., to Government.*—(1) Every person, . . . . . who becomes entitled to a ryotwari patta under this Act in respect of any land shall, for each fasli year commencing with the fasli year in which the . . . . . inam estate is notified, be liable to pay to the Government such assessment, as may be lawfully imposed on the land.

(2) If, in respect of any such land, the ryot was liable immediately before the notified date to make any payment to the landholder otherwise than by way of rent, whether periodically or not, the ryot shall continue to make such payments as accrue on or after that date to the Government.

**14. Ryotwari patta in service-tenure lands.**—(1) Where any land (not consisting of an entire village or not being a part village inam estate) granted on service-tenure, whether to an individual or institution falls under sub-clause (c) of clause (16) of section 3 of the Estates Land Act or under item (c) of sub-clause (ii) of clause (17) of section 2 of this Act, then,—

(a) if the service to be rendered is personal or private service to the landholder, not being a religious, educational or charitable institution, the land shall be discharged from the condition of such service and the holder of such land shall be entitled to a ryotwari patta in respect of the land with effect on and from the notified date;

(b) in all other cases, the holder of such land shall have the same rights in the land, and be subject to the same liabilities as the inamdar of a minor-service inam in a ryotwari village has in respect of his land :

Provided that no ryotwari patta shall be granted in respect of any land which is forest or which falls under sub-clause (a) or (b) of clause (16) of section 3 of the Estates Land Act or item (a) or (b) of sub-clause (ii) of clause (17) of section 2 of this Act.

(2) The provisions of clause (b) of sub-section (1) shall apply also to dasabandam inam lands in . . . inam estates.

## CHAPTER IV.

### BUILDINGS IN . . . INAM ESTATES.

**15. Vesting of buildings situated in . . . inam estates.**—

(1) Every building situated within the limits of an . . . inam estate, which immediately before the notified date, belonged to any landholder thereof and was then being used by him as an office in connection with its administration and for no other purpose, shall vest in the Government, free of all encumbrances, with effect on and from the notified date.

(2) Every building so situated which, immediately before the notified date, belonged to any such landholder and the whole or principal part whereof was then in the occupation of any religious, educational or charitable institution shall also vest in the Government, free of all encumbrances, with effect on and from the notified date :

Provided that when such institution ceases to exist, the building shall revert to such landholder, or if he is dead, to his heirs or legal representatives.

(3) Where any building so situated—

(a) which belonged to any such landholder on the 1st day of July 1960 ; and

(b) (i) which on that date was being used by him as an office in connection with the administration of the . . . inam estate, and for no other purpose, or

(ii) the whole or principal part whereof was on that date in the occupation of any religious, educational or charitable institution,

has, after the 1st day of July 1960 and before the notified date, been sold or made a gift of by the landholder or ceased to be used by him as an office as aforesaid, or ceased to be in the occupation of such institution, the value of the building shall be assessed by the Tribunal in such manner as may be prescribed; and the Tribunal shall pay to the Government such value from out of the compensation deposited in its office under sub-section (1) of section 36.

(4) Every building other than a building referred to in sub-sections (1), (2) and (3) shall, with effect on and from the notified date, vest in the person who owned it immediately before that date; but the Government shall be entitled, for each fasli year commencing with the fasli year in which the . . . inam estate is notified,

(i) in every case to levy the appropriate assessment thereon; and

(ii) in the case of a building which vests in a person other than a landholder, also to the payments which such person was liable immediately before the notified date to make to any landholder in respect thereof, whether periodically or not and whether by way of rent or otherwise, in so far as such payments, may accrue due on or after the notified date.

(5) In this section, " building " includes the site on which it stands and any adjacent premises occupied as an appurtenance thereto.

(6) If any question arises whether any building or land falls or does not fall within the scope of sub-section (1), (2), (3), (4) or (5), it shall be referred to the Government whose decision shall be final.

(7) Any person holding a mortgage or charge on any building referred to in sub-section (1) or sub-section (2) shall, for the purpose of section 37, be a secured creditor and be entitled to priority over any person holding a mortgage or charge subsequently created by the landholder over any part of the . . . inam estate.

PROTECTION OF CERTAIN RIGHTS AND ENFORCEABILITY  
OF CERTAIN OBLIGATIONS.

16. *Rights of persons admitted into possession of ryoti land for non-agricultural purpose.*—Where any person has been admitted into possession of any ryoti land by any landholder for a non-agricultural purpose, that person shall be entitled to remain in possession of the land subject however to the payment by him to the Government of the ryotwari or other assessment or the ground-rent which may be imposed upon the land for each fasli year commencing with the fasli year in which the . . . inam estate is notified :

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

Provided further that a person who has been admitted into possession of any ryoti land (i) on or after the 1st day of July 1950 in the case of an existing inam estate, and (ii) on or after the 1st day of April 1960, in the case of a new inam estate, shall be entitled to no rights in respect of such land except where the Government otherwise direct.

17. *Persons admitted into possession of non-ryoti land, how dealt with.*—(1) Except where the Government otherwise direct, no person admitted by a landholder into possession of any communal land or forest or other land which is not a ryoti land, shall be entitled to any rights in, or to remain in possession of, such land :

Provided that nothing contained herein shall apply to lands for which the landholder is entitled to a ryotwari patta under section 9.

(2) A direction under sub-section (1) allowing any person to remain in possession of any such land may specify—

(i) the assessment or ground-rent payable to the Government on the land for each fasli year commencing with the fasli year in which the . . . inam estate is notified, and

(ii) such special terms and conditions, including the period for which such person may remain in possession of the land as the Government may consider necessary in the public interest.

*Explanation.*—In this section, “communal land” means any land of the description mentioned in sub-clause (a) or sub-clause (b) of clause (16) of section 3 of the Estates Land Act and in item (a) or item (b) of sub-clause (ii) of clause (17) of section 2 of this Act.

**18. Rights of certain lessees and others.**—(1) In cases not governed by any other provision of this Act, where on or after (i) the 1st day of July 1950 in the case of an existing inam estate; and (ii) the 1st day of April 1960 in the case of a new inam estate, but before the notified date, a landholder has created, by way of lease or otherwise, rights in any mines or minerals, quarries, fisheries or ferries, the transaction shall be deemed to be valid; and all rights and obligations arising thereunder, on or after the notified date, shall be enforceable by or against the Government:

Provided that the transaction was not void or illegal under any law in force at the time and that any such right was created for a period not exceeding one year.

(2) (a) Where any such right was created before (i) the 1st day of July 1950 in the case of an existing inam estate; and (ii) the 1st day of April 1960 in the case of a new inam estate, for a period exceeding one year, 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.

(b) The person whose right has been so terminated shall be entitled to compensation from the Government which shall be determined by the Board of Revenue in such manner as may be prescribed, having regard to the value of the right and the period for which the right was created.

(c) where any such right created before (i) the 1st day of July 1950 in the case of an existing inam estate; and (ii) the 1st day of April 1960 in the case of a new inam estate is not determined under this sub-section, the transaction whereby such right was created shall be deemed to be valid

and all rights and obligations arising thereunder, on or after the notified date, shall be enforceable by or against the Government :

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

(3) The Government may, if in their opinion, it is in the public interest to do so, impose reasonable restrictions on the exercise of any right continued under this section.

*Explanation.*—Any rights granted in perpetuity shall cease and determine and be dealt with under section 3 (c) and not under this section.

## CHAPTER V.

### 11. SURVEY AND SETTLEMENT OF . . . . INAM ESTATES.

19. Survey of . . . . inam estates.—(1) Any . . . . inam estate or part thereof may be surveyed or, if it has been surveyed before the notified date, may be re-surveyed, as if it were Government land, in accordance with the provisions for the survey of such land contained in the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923) :

Provided that any re-survey made under this subsection may be limited to what is necessary for the introduction of the ryotwari settlement in the . . . . inam estate or part thereof.

(2) The cost of the survey or re-survey, except so much thereof as is payable by any person under the provisions of section 8 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923), shall be borne by the Government.

20. Manner of effecting ryotwari settlement of . . . . . inam estate.—(1) The Settlement Officer shall effect a ryotwari settlement of the . . . . inam estate or part thereof, in accordance with a settlement notification framed and published by the Government for the purpose.

(2) (i) In the case of the City of Madras the said notification shall embody the principles adopted in making ryotwari settlement in the adjoining district and shall adopt such rates of assessment as may be specified by the Government having regard to the rates under the Madras City Land-Revenue Act, 1851 (Central Act XII of 1851) and the settlement notification in force in the adjoining district; and



(ii) in the case of other areas in the State the said notification shall embody the principles adopted in making ryotwari settlements in ryotwari areas and shall adopt—

(a) the rates of assessment set out in the re-settlement notification in force on the date of the publication of this Act in the *Fort St. George Gazette*, in the district in which the inam estate is situated, or

(b) if more than one such notification is in force in the district, or if the . . . inam estate is situated in more than one district, the rates set out in one of those notifications, which the Government consider to be most appropriate to the case.

(3) All rates of assessment imposed at a ryotwari settlement shall be liable to revision from time to time as laid down in the settlement notification referred to in sub-sections (1) and (2).

(4) Neither the settlement notification, nor any order passed in pursuance thereof shall be liable to be questioned in any court of law.

(5) Nothing in this section shall be construed—

(i) as entitling any person to a ryotwari patta for any land in respect of which he has not made any claim under section 12; or

(ii) as empowering the appropriate officer or authority to reopen any decision made under section 12.

21. Determination of land revenue before ryotwari settlement is brought into force.—The land revenue payable to the Government for each fasli year commencing with the fasli year in which the . . . inam estate is notified shall, until a ryotwari settlement effected in pursuance of section 20 has been brought into force in the . . . inam estate, be calculated as follows :—

(a) In respect of any land in an existing inam estate held for the purpose of agriculture, not being private land, the land revenue shall be—

(i) where the rent payable to the landholder immediately before the notified date has been determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), the rent so determined; or

(ii) where the rent has not been so determined, the rent which would have been payable to the landholder in respect of the fasli year in which the . . . inam estate is notified; or

(iii) where no rent was payable, the rent which would have been payable to the landholder immediately before the notified date, by a ryot holding similar land with similar advantages, in the neighbourhood :

Provided that in cases falling under sub-clauses (i) and (ii), the land revenue in respect of the fasli year in which the . . . inam estate is notified shall be the rent due to the landholder less any payment made to him before the notified date and authenticated in the prescribed manner :

Provided further that in cases falling under sub-clause (ii), where after the rent has been determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), it is found that the land revenue paid exceeds the rent so determined, such excess shall be adjusted towards the land revenue payable in the subsequent fasli year or years.

(b) In respect of other lands in the existing inam estate and in respect of all lands in the new inam estate, the land revenue payable shall be calculated at such rate or rates as the Government may, by general or special order, determine.

## CHAPTER VI.

### DETERMINATION, APPORTIONMENT AND PAYMENT OF COMPENSATION.

#### *General provisions.*

22. Compensation how determined.—The compensation payable in respect of an . . . inam estate shall be determined in accordance with the following provisions.

23. Compensation to be determined for . . . inam estate as a whole.—The compensation shall be determined for the . . . inam estate as a whole, and not separately for each of the interests therein.

24. Basic annual sum.—A sum called the basic annual sum shall first be determined in respect of the . . . inam estate.

*Basic annual sum for . . . inam estates.*

25. *Component parts of basic annual sum in . . . inam estates.*—The basic annual sum shall be the aggregate of the sums specified below, less the deductions specified in section 28:—

(i) the whole of the gross annual ryotwari demand in respect of all lands in the . . . inam estate in respect of which any person other than the landholder is entitled to a ryotwari patta, as ascertained under section 26, less the deduction specified therein:

(ii) the whole of the average net annual miscellaneous revenue derived from all other sources in the . . . inam estate specified in clause (b) of section 3, but not including lands in respect of which the landholder is entitled to a ryotwari patta, as ascertained under section 27.

26. *Computation of ryotwari demand and deduction therefrom.*—(1) The gross annual ryotwari demand in respect of the lands referred to in clause (i) of section 25, shall be the total of the ryotwari assessments imposed in pursuance of a settlement effected under section 20 on the lands occupied by any person other than the landholder on the notified date.

(2) From the gross annual ryotwari demand as computed above, there shall be deducted 3½ per cent of such demand on account of the maintenance of irrigation works serving the . . . inam estate:

Provided that no such deduction shall be made, if there is no irrigation work serving the . . . inam estate, or if the landholder is under no legal obligation to maintain any such work serving the . . . inam estate:

Provided further that where the obligation of the landholder to maintain every one of the irrigation works serving the . . . inam estate is shared by him either with the Government or with the landholder of some other inam estate, the percentage of such deduction shall be reduced by such extent as the Government may deem reasonable.

*Explanation.*—For the purposes of sub-section (1), the expression "ryotwari assessment", in respect of any land which has been registered as wet at the settlement referred to in that sub-section under an irrigation work belonging to, constructed or maintained by or on behalf of the Government, and which was liable to pay water-cess under any law governing the levy of such cess in the State of Madras for irrigation from the said work before the said settlement, shall be taken

to be the appropriate assessment determined in the prescribed manner, which the land would bear in the absence of facilities for irrigation from the said work.

27. Computation of net miscellaneous revenue.—The average net annual miscellaneous revenue from the sources referred to in clause (ii) of section 25, shall be the average of the net annual income derived by the Government from such sources during the fasli year commencing on the notified date, if such date was the 1st day of July, or on the 1st day of July immediately succeeding the notified date, if such date was not the 1st day of July and the next fasli year in case ryotwari settlement is effected in that year or the next two fasli years in other cases.

28. Assessment and jodi, etc., to be deducted.—From the aggregate of the sums referred to in clauses (i) and (ii) of section 25, ascertained as aforesaid, there shall be deducted—

(a) the whole of the assessment levied on any land in an inam estate under the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956). . . .

(b) the whole of the jodi, quit-rent or other amount, if any, of a like nature, payable annually by the landholder to the Government; and

(c) the whole of the jodi, kattubadi or other amount, if any (excluding local cesses and taxes), payable annually by the landholder immediately before the notified date, to a landholder of some other . . . inam estate, including the value, as ascertained in the prescribed manner, of whatever was deliverable in kind annually :

Provided that the amount deducted under clauses (a), (b) and (c) shall in no case exceed one-half of the net amount computed in accordance with section 26.

29. A person deemed to be landholder in certain cases.—

(1) For the purpose of sections 25, 26 and 28, any person who had, immediately before the notified date, any right or interest in any land in an . . . inam estate as a landholder, shall be deemed to be a landholder of such . . . inam estate.

(2) The ryotwari assessment imposed on, and the miscellaneous revenue derived from, all lands in an . . . inam estate in respect of which, any landholder mentioned in sub-section (1) is entitled to ryotwari patta under any provision of this Act, shall be excluded in determining the basic annual sum.

30. *Special provision in respect of lands falling under section 11.*—Notwithstanding anything contained in sections 25 to 29,—

(i) the ryotwari assessment imposed on all lands in an inam estate in respect of which any person including a landholder is entitled to a ryotwari patta under section 11 shall be excluded in determining the basic annual sum;

(ii) the miscellaneous revenue derived from all lands in an inam estate in respect of which any person (other than a landholder) is entitled to a ryotwari patta under section 11 shall be included in determining the basic annual sum.

#### *Scale of compensation.*

31. *Scale of compensation except in the case governed by section 32.*—The total compensation payable in respect of any . . . inam estate shall, except in the case governed by section 32, be determined in accordance with the following scale :—

(i) where the basic annual sum does not exceed Rs. 1,000—30 times such sum.

(ii) where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000—25 times such sum or Rs. 30,000 whichever is greater.

(iii) where the basic annual sum exceeds Rs. 3,000 but does not exceed Rs. 20,000—20 times such sum or Rs. 75,000 whichever is greater.

(iv) where the basic annual sum exceeds Rs. 20,000 but does not exceed Rs. 50,000—17½ times such sum or Rs. 4,00,000 whichever is greater.

(v) where the basic annual sum exceeds Rs. 50,000 but does not exceed Rs. 1,00,000—15 times such sum or Rs. 8,75,000 whichever is greater.

(vi) where the basic annual sum exceeds Rs. 1,00,000—12½ times such sum or Rs. 15,00,000 whichever is greater.

*Payments to religious, educational and charitable institutions.*

32. *Payment of tasdik allowance and additional compensation to institutions.*—(1) Where an . . . inam estate or part thereof was held immediately before the notified date by any religious, educational or charitable institution, the Government shall pay to the institution every year as a tasdik allowance—

(a) in the case of an entire . . . inam estate, the basic annual sum;

(b) in the case of a part of an . . . inam estate, such portion of the basic annual sum as may, on a calculation in the prescribed manner, be ascribed to that part.

(2) Where the tasdik allowance so payable is less than the difference between—

(a) the average net annual income derived by the institution from all sources in the . . . inam estate or part as calculated in the prescribed manner during the five complete fasli years immediately preceding the fasli year 1357 or during that portion of those fasli years in which the . . . inam estate or part was held by the institution, and

(b) the income as calculated in the prescribed manner which the institution may be expected to receive from the lands in respect of which it is entitled to a ryotwari patta, the deficiency shall be made good to the institution by the Government every year.

(3) All amounts which accrued due to the institution during the period referred to in clause (a) of sub-section (2) shall be taken into account, whether the amounts were actually collected or not :

Provided that the value in money of anything deliverable in kind to the institution at any time during the period aforesaid shall, where any price has been fixed by the Government for the sale of such thing at such time in the area concerned, be calculated at such price.

(4) Payment shall be made to the institution under sub-sections (1) and (2) so long as it exists.

(5) Nothing contained in this section shall apply where any land (not consisting of an entire village or not being a part village inam estate) granted on service-tenure to the institution falls under sub-clause (c) of clause (16) of section 3 of the Estates Land Act or item (c) of sub-clause (ii) of clause (17) of section 2 of this Act.

33. Inam estate or part thereof held by service-holder how dealt with.—(1) Where an . . . inam estate or part thereof was held immediately before the notified date by an individual (hereinafter in this section referred to as the service-holder) on condition of rendering service to a religious institution, the individual shall, subject to the provisions of sub-section (8), be bound to render such service after the notified date.

(2) The compensation and interim payment payable under this Act in respect of part of an ryotwari estate referred to in sub-section (1) shall be such portion of the compensation or interim payment, as the case may be, payable for the ryotwari estate as may, on a calculation in the prescribed manner, be ascribed to that part.

(3) The Government shall deposit in the office of the Tribunal the compensation and interim payments payable under this Act in respect of the said estate or part thereof:

Provided that the Government shall be entitled to deduct from the amount to be deposited all moneys, if any, due to them in respect of the said estate or part thereof.

(4) On the making of the deposit under sub-section (3), the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the compensation payable under this Act.

(5) In respect of any ryotwari estate or part thereof referred to in sub-section (1), such amount as the Tribunal may adjudge as the sum payable to the service-holder out of the compensation or interim payments deposited under sub-section (3) shall, notwithstanding anything contained in this Act, be paid by the Tribunal to the religious institution concerned.

(6) Any sum received by a religious institution under sub-section (5) shall be invested by the institution in securities in the prescribed manner, for the sole benefit of the service concerned:

(7) For so long as the service-holder renders the service, the religious institution concerned shall pay the service-holder every year—

(i) the income accruing from the investment made under sub-section (6); and

(ii) the amount received by the institution in respect of the interim payment for the year.

(8) (i) Where a service-holder is entitled to a ryotwari patta under section 9 in respect of any land, he shall have the option—

(a) either to pay to the religious institution the amount specified in sub-section (9) and on such payment the land shall, notwithstanding anything contained in sub-section (11), be discharged from the condition of the service;

or

(b) to hold the land and continue to render service subject to the provisions contained in sub-sections (1) to (7) and (11).

(ii) The option referred to in clause (i) shall be exercised within such period from the notified date and in such manner as may be prescribed.

(9) The amount referred to in sub-section (8) shall be twenty times the difference between the fair rent in respect of such land determined in accordance with the provisions contained in Schedule II and the land revenue due on such land.

(10) Where the service-holder has exercised his option to pay the amount specified in sub-section (9), the investment made under sub-section (6), and the interim payments, if any received by the institution for the period subsequent to the date of exercise of such option, shall be the absolute property of the institution and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service.

(11) If the service-holder fails to render the service then prescribed authority shall, after such enquiry and notice to the service-holder as may be prescribed in this behalf, notify such failure in such manner as may be prescribed. He shall then declare that the investment made under sub-section (6) and the interim payments, if any, received by the institution for the period subsequent to the date of default by the service-holder and the land for which the service-holder was granted ryotwari patta in accordance with the provisions of section shall be the absolute property of the institution and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service.

*Explanation I.*—For the purposes of this section, "individual" means the person who would have held the imam estate or part thereof if it had not vested in the Government under this Act.

*Explanation II.*—For the purposes of this section,—

(i) service-holder includes his heirs ;

(ii) non-performance of the service due to illness or other temporary disability shall not be deemed to be failure to render service, provided that the service-holder makes alternative arrangements for rendering the service during the period of such illness or of other temporary disability.



*Explanation III.*—For the purposes of sub-section (9) 'land revenue' means the ryotwari assessment including the additional assessment, water-cess and additional water-cess.

*Determination of basic annual sum and total compensation.*

34. Determination of basic annual sum and total compensation.—(1) The Director shall determine in accordance with the foregoing provisions—

(a) the basic annual sum in respect of an inam estate; and

(b) except in the case governed by section 32, also the total compensation payable in respect of such estate.

(2) Any landholder or other person interested may, within such time as may be prescribed or such further time as the Director may in his discretion allow, apply in writing to the Director for a copy of the data on the basis of which he proposes to determine the basic annual sum.

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

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

(5) (a) The Director may, at any time, either *suo motu* or on the application of any person, review an order passed by him under sub-section (1) on any one or more of the following grounds, namely:—

(i) that the said order is vitiated by any clerical or arithmetical mistake or error apparent on the face of the record, or

(ii) that subsequent to the passing of the said order, data for the better calculation of the basic annual sum, have become available, or

(iii) that the said order requires to be modified in pursuance of the final order of any competent authority or court:

Provided that the Director shall not exercise his powers under this sub-section in respect of any inam estate, without giving every landholder concerned, and every applicant under this sub-section and sub-section (2), a reasonable opportunity of being heard.

(b) A copy of every order passed under this sub-section shall be communicated to the Board of Revenue, and also to every landholder concerned, and every applicant under this sub-section and sub-section (2).

(6) Any person deeming himself aggrieved by an order made under sub-section (1) or sub-section (5) may, within three months from the date of the order or such further time as the Board of Revenue may in its discretion allow, appeal to the Board; and the Board shall, after giving the applicant a reasonable opportunity of being heard, pass such orders on the appeal as it thinks fit.

(7) The Board of Revenue may also in its discretion, at any time, either *suo motu* or on the application of any person, call for and examine the record of any order passed, or proceeding taken, by the Director under this section, for the purpose of satisfying itself as to the legality, regularity or propriety of such order or proceeding and pass such order in reference thereto as it thinks fit :

Provided that the basic annual sum or the total compensation payable in respect of any . . . . . inam estate shall not be altered by the Board without giving every landholder concerned and every person who has made an application under sub-section (2) a reasonable opportunity of being heard.

(8) Notwithstanding anything contained in sub-section (6), or sub-section (7); the Board of Revenue may, on application made to it by the Director or by any other person in that behalf, review any order passed by it under sub-section (6) or sub-section (7) if it is of the opinion that the said order is vitiated by an error in the decision on a point of law or by a mistake and may make such order on the application as it thinks fit :

Provided that no application for review shall be granted by the Board of Revenue without previous notice to every landholder concerned, and the applicant, to enable them to appear and be heard in support of the order a review of which is applied for.

(9) No order passed by the Director under sub-section (1) or sub-section (5) shall be liable to be cancelled or modified except by the Board of Revenue as aforesaid; and no order passed by the Board of Revenue under sub-section (6), (7) or (8) shall be liable to be cancelled or modified by the Government or any other authority.

*Manner of payment*

35. Compensation, etc., to be paid in prescribed manner.—  
The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under sub-sections (1) and (2) of section 32, may be paid in such form and manner, and at such time or times, and in one or more instalments, as may be prescribed.

*Deposit and apportionment of compensation.*

36. Compensation to be deposited in office of Tribunal.—  
(1) The Government shall deposit in the office of the Tribunal, the compensation in respect of each inam estate as finally determined under section 34, in such form and manner, and at such time or times and in one or more instalments, as may be prescribed:

Provided that the Government shall be entitled to deduct from the amount to be deposited—

(a) all moneys, if any, still remaining due to them—

(i) in respect of quit-rent, jodi or other dues of a like nature, or

(ii) in respect of any claim which was secured immediately before the notified date by a mortgage of, or a charge on, the . . . inam estate or any portion thereof;

(b) the whole or any portion of the rents and excess collections referred to in the proviso to sub-section (3) of section 45 which cannot be adjusted by deduction under the said sub-section; and

(c) all interim payments deposited under sub-section (5) of section 45 in excess of the amounts finally found to be payable under that section:

Provided further that where the total amount of the compensation payable in respect of any . . . inam estate stands altered after the deposit referred to above has already been made, the Government may deposit the difference or withdraw the same from the deposit already made, or otherwise adjust the same in such manner and at such time or times, as may be prescribed, and the provisions of sections 37 to 44 and of sections 46 and 47 shall apply to the amount finally under deposit, and to this extent the Tribunal or the Special Appellate Tribunal, as the case may be, shall be competent to revise its orders, if any, already passed.

(2) On the making of such deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the compensation aforesaid.

37. Claims to be made within six months.—(1) Every person who makes a claim to, or enforceable against, the compensation deposited under any of the provisions of this Act . . . or any portion thereof, including the principal or any other landholder, members of his family claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise, and creditors, whether their debts are secured or not, shall apply to the Tribunal within six months from the date on which the amount was . . . deposited or within such further time not exceeding three months as the Tribunal may in its discretion, allow.

(2) Every claim to, or enforceable against, the compensation or any portion thereof which is not made to the Tribunal within the time aforesaid shall,—

(i) in so far as it relates to the amount paid by the Tribunal under section 48: or

(ii) subject to the provisions of section 51, in so far as it relates to the amount in respect of which an order for payment has been made by the Tribunal or the Special Appellate Tribunal in favour of any person, cease to be enforceable.

38. Duty of Tribunal.—The Tribunal shall, after giving notice to all persons who have applied under section 37 and to any others whom it considers to be interested, make inquiry into the validity of the claims received by it, and determine the persons who, in its opinion, are entitled to the compensation deposited and the amount to which each of them is entitled.

39. Compensation to be apportioned by Tribunal.—(1) As a preliminary to such determination, the Tribunal shall apportion the compensation among the principal landholder and any other persons whose rights or interests in the *inam* estate stand transferred to the Government under clause (b) of section 3, or cease and determine under clause (c) of section 3, including persons who are entitled to be maintained from the *inam* estate and its income, as far as possible, in accordance with the value of their respective interests in the *inam* estate.

(2) The value of those interests shall be ascertained—

(a) in the case of the impartible . . . inam estates referred to in section 40, in accordance with the provisions contained in that section and in such rules, not inconsistent with that section, as may be made by the Government in this behalf; and

(b) in the case of other . . . inam estates, in accordance with such rules as may be made by the Government in this behalf.

40. Apportionment in the case of certain impartible inam estates.—(1) In the case of an impartible . . . inam estate which had to be regarded as the property of a joint Hindu family for the purpose of ascertaining the succession thereto immediately before the notified date, the following provisions shall apply.

(2) The Tribunal shall determine the aggregate compensation payable to all the following persons, considered as a single group :—

(a) the principal landholder and his legitimate sons, sons and great-grandsons in the male line living or in the womb on the notified date, including sons, grandsons and great-grandsons adopted before such date (who are hereinafter called "sharers"); and

(b) other persons who, immediately before the notified date, were entitled to maintenance out of the estate and its income either under section 9 or 12 of the Madras Impartible Estates Act, 1904 (Madras Act II of 1904), or under any decree or order of a Court, award, or other instrument in writing, or contract or family arrangement, which is binding on the principal landholder (who are hereinafter called "maintenance-holders").

Provided that no such maintenance-holder shall be entitled to any portion of the aggregate compensation aforesaid, if, before the notified date, his claim for maintenance or the claim of his branch of the family for maintenance, has been settled or discharged in full.

(3) The Tribunal shall next determine which creditors, if any, are lawfully entitled to have their debts paid from and out of the assets of the impartible . . . inam estate and the amount to which each of them is so entitled; and only the remainder of the aggregate compensation shall be divisible among the "sharers" and "maintenance-holders" as hereinafter provided.

(4) The portion of the aggregate compensation aforesaid payable to the maintenance-holders shall be determined by the Tribunal and notwithstanding any arrangement already made in respect of maintenance whether by a decree or order of a Court, award or other instrument in writing or contract or family arrangement, such portion shall not exceed one-fifth of the remainder referred to in sub-section (3), except in the case referred to in the second proviso to sub-section (2) of section 42.

(5) (a) The Tribunal shall, in determining the amount of compensation payable to the maintenance-holders and apportioning the same among them, have regard, as far as possible, to the following considerations, namely:—

- (i) the compensation payable in respect of the inam estate;
- (ii) the number of persons to be maintained out of that estate;
- (iii) the nearness of relationship of the person claiming to be maintained;
- (iv) the other sources of income of the claimant;
- (v) the circumstances of the family of the claimant.

(b) For the purpose of securing—

- (i) that the amount of compensation payable to the maintenance-holders does not exceed the limit specified in sub-section (4), and
- (ii) that the same is apportioned among them on an equitable basis.

the Tribunal shall have power, wherever necessary, to reopen any arrangement already made in respect of maintenance, whether by a decree or order of a Court, award, or other instrument in writing, or contract or family arrangement.

(6) The balance of the aggregate compensation shall be divided among the sharers, as if they owned such balance as a joint Hindu family and a partition thereof had been effected among them on the notified date.

41. Claims of creditors.—After the compensation has been apportioned among the persons referred to in sub-section (1) of section 39, or where it is more convenient so to do pending such apportionment, the Tribunal shall take into consideration the applications of the creditors other than

those dealt with in sub-section (3) of section 40, and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

42. *Grant of ryotwari patta to maintenance-holders in certain impartible inam estates.*—(1) Every maintenance-holder entitled to a portion of the compensation under section 40 shall also be entitled to the grant of a ryotwari patta in respect of a portion of the lands referred to in section 9.

(2) The Tribunal shall determine the total extent of the lands in respect of which ryotwari pattas may be granted to the maintenance-holders and divide the same among them and in doing so, the Tribunal shall, unless for reasons recorded in writing it considers that it is inappropriate to do so, have regard to the considerations set forth in sub-section (5) of section 40 and the manner in which the compensation payable to the maintenance-holders has been or may be apportioned among them under that sub-section:

Provided that the total extent of the lands granted to all such maintenance-holders shall not exceed one-fifth of the extent of the lands in respect of which ryotwari patta may be granted under section 9:

Provided further that where it is found to be inconvenient or impracticable to grant any such lands or to grant any such lands to the full extent to which the maintenance-holder may be regarded as entitled, whether on the ground that such a grant will result in the creation of an uneconomic holding or for any other reason, the share of the compensation awarded to the maintenance-holder may be increased by such amount as the Tribunal may consider reasonable.

(3) The lands in respect of which ryotwari patta may be granted under section 9, after excluding any lands which may be granted to maintenance-holders under sub-section (2), shall be divided among the sharers, as if they owned such lands, as a joint Hindu family and a partition thereof had been effected among them on the notified date.

43. *Certain estates to be treated as impartible inam estates for purposes of compensation.*—Where the power of the landholder to alienate any property in any or inam estate is restricted, whether by the terms of the grant

or otherwise, the provisions of this Act relating to the payment and apportionment of compensation in respect of impartible inam estates shall, so far as may be and subject to such rules as may be made by the Government in this behalf, apply to the payment and apportionment of the compensation payable in respect of the inam estate.

44. *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 Tribunal shall determine whether there has been any devolution of the interest, and if so, on whom it has devolved.

CHAPTER VII

INTERIM PAYMENTS.

45. *Interim payments to principal landholder and others.*—

(1) The provisions of this section shall apply in every case not governed by section 32.

(2) After the notified date and until the compensation is finally determined and deposited in pursuance of this Act, interim payments shall be made by the Government every fasli year prior to the fasli year in which the said deposit is made, to the principal landholder and to the other persons referred to in sub-section (1) of section 39 as follows:

(3) In respect of the fasli year in which the inam estate is notified they shall together be entitled to such amount as the Government may, on a rough calculation, determine to be the basic annual sum referred to in section 24:

Provided that the rents, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year aforesaid and in the case of an existing inam estate, also any amount collected by him from the ryots in excess of the rent determined under the Madras Estates Land (Reduction of Rent) Act, 1947. (Madras Act XXX of 1947), and outstanding to the credit of the ryots on the first day of that fasli year, shall be deducted.

*Explanation.*—Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the Madras Estates Land



(Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), and paid to the landholder shall, for the purposes of this sub-section, be deemed to be an amount collected by the landholder.

(4) In respect of each subsequent fasli year, they shall together be entitled to the amount estimated under sub-section (3) to be the basic annual sum, unless data for the better calculation thereof have since become available, in which case the amount to be paid shall be revised by the Government with reference to such data

Provided that if, for any reason, the whole or any portion of the rents and excess collections referred to in the proviso to sub-section (3) was not deducted in pursuance of that proviso, the amount remaining undeducted shall be deducted from the amount payable under this sub-section.

(5) The Government shall deposit all such amounts in the office of the Tribunal and the Tribunal shall, after such inquiry, if any, as it thinks fit, apportion the amounts among the principal landholder and the other persons referred to in sub-section (2), as far as possible in accordance with the value of their respective interests.

(6) On the making of such a deposit, the Government shall be deemed to have been completely discharged in respect of all claims to, or enforceable against, the amount so deposited.

(7) (a) After the compensation has been finally determined, the Government shall ascertain the aggregate interim payment which would have been due in respect of the . . . inam estate under sub-sections (3) and (4) for the fasli years concerned if the basic annual sum as finally determined had been adopted instead of the basic annual sum as roughly estimated.

(b) If the aggregate interim payment thus determined exceeds the aggregate amounts already deposited under sub-section (5) the balance with interest thereon at three per cent per annum shall be deposited by the Government in the office of the Tribunal.

(c) If the aggregate interim payment determined under clause (a) is less than the aggregate amount already deposited under sub-section (5), the excess amount deposited shall be deducted by the Government from the amount of compensation finally determined and the balance shall be deposited in the office of the Tribunal.

(8) No interim payment made under this section shall be deemed to constitute any part of the compensation which the Government are liable to deposit under sub-section (1) of section 36 or to any extent to be in lieu of such compensation.

(9) The Tribunal shall revise the apportionment of the interim payments with reference to the aggregate interim payments as finally determined by the Government under sub-section (7) on the basis that each of the persons entitled to receive any portion of the interim payments shall be entitled separately to the same share of the said aggregate interim payments as the share of the compensation to which he is finally held to be entitled under section 39. Any excess payment disclosed by such revision shall be deducted by the Tribunal, with interest thereon at three per cent per annum from the compensation payable to the person concerned.

## CHAPTER VIII.

### APPEALS.

46. Appeals.—(1) Against any decision of the Tribunal under sub-section (2) of section 12, and sections 38 to 45, the Government may within six months from the date of the decision and any person aggrieved by such decision may within three months from the date of such decision appeal to a Special Appellate Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in that behalf :

Provided that the Special Appellate Tribunal may, in its discretion, allow further time not exceeding three months for the filing of such appeal.

(2) The members of the Special Appellate Tribunal shall hear the appeal on all points, whether of law or of fact. Where on any such point or points the members are divided in their opinion, they shall state the point or points on which they are so divided and such point or points, together with their opinions thereon, shall then be laid before one or more Judges nominated for the purpose by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points, and on each such point, the decision of the majority of the Judges who have heard the appeal including those who first heard it shall be deemed to be the decision of the Special Appellate Tribunal.

(3) The Special Appellate Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit or when hearing an appeal.

(4) The decision of the Special Appellate Tribunal and subject to such decision, the decision of the Tribunal shall be final.

(5) Every decision of the Special Appellate Tribunal and subject to such decision, every decision of the Tribunal shall be binding on all persons claiming an interest in any . . . inam estate notwithstanding that any such person has not preferred any application or filed any statement or adduced any evidence or appeared or participated in any proceeding before the Tribunal or the Special Appellate Tribunal, as the case may be.

47. *Restrictions on the jurisdiction of the Tribunal and Special Appellate Tribunal in certain cases.*—(1) In cases of apportionment of the compensation among the persons referred to in section 39 and of the apportionment of the interim payments among the persons referred to in section 45, the jurisdiction of the Tribunal and the Special Appellate Tribunal shall be limited to the apportionment as such and neither the Tribunal nor the Special Appellate Tribunal shall have jurisdiction to go into the question of the correctness of the determination or the adequacy of the compensation or of the interim payments, as the case may be.

(2) In cases falling under section 42, the jurisdiction of the Tribunal, and in cases of appeal from the order under section 42, the jurisdiction of the Special Appellate Tribunal, shall be limited to the division of the lands in respect of which ryotwari patta may be granted under section 9 and neither the Tribunal nor the Special Appellate Tribunal shall have jurisdiction to go into the question of the correctness of the order under section 12.

*Explanation.*—For the removal of doubts, it is hereby declared that nothing in this section shall be construed to limit the jurisdiction of the Tribunal when hearing an appeal under sub-section (2) of section 12 or of the Special Appellate Tribunal when hearing an appeal under sub-section (1) of section 46 from the decision of the Tribunal under sub-section (2) of section 12.

48. *Disbursement of compensation.*—All payments made out of the compensation deposited in the office of the Tribunal under section 36 shall be made by it in accordance with its orders and decisions subject to the modifications, if any, made on appeal under section 46.

49. Interim payments to institutions.—(1) In cases governed by section 32, after the notified date and before the sums payable to the religious, educational or charitable institutions concerned under sub-sections (1) and (2) of that section have been finally determined, the Government shall pay to the institution—

(a) in respect of the fasli year in which the . . . inam estate is notified, such sums as they may, on a rough calculation, determine to be payable to the institution under sub-sections (1) and (2) of section 32 :

Provided that the rents, if any, collected before the notified date by the institution from the ryots in respect of the fasli year aforesaid and in the case of an existing inam estate also any amount collected by it from the ryots in excess of the rent determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), and outstanding to the credit of the ryots on the first day of that fasli year shall be deducted ;

(b) in respect of each subsequent fasli year, the sums determined under clause (a), unless data for the better calculation thereof have since become available, in which case the sums to be paid shall be revised by the Government with reference to such data :

Provided that if, for any reason, the whole or any portion of the rents and excess collection referred to in the proviso to clause (a) was not deducted in pursuance of that proviso, the amount remaining undeducted shall be deducted from the amount payable under this clause.

(2) After the sums payable to the institution under sub-sections (1) and (2) of section 32 have been finally determined, all interim payments made to the institution under sub-section (1) of this section together with such rents, if any, collected by it before the notified date and in the case of an existing inam estate also any amount collected by it from the ryots in excess of the rent determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) and outstanding to the credit of the ryots on the first day of the fasli year in which the . . . inam estate is notified shall be adjusted towards the sums so determined; and any deficiency shall be made good to the institution by the Government and any excess shall be deducted from the sums payable to it by the Government in any subsequent fasli year or years.

(3) The deductions made under sub-section (1) shall not exceed 25 per cent of the amount determined to be payable to the institution for the fasli year concerned and any balance in excess thereof which remains unadjusted under sub-section (2) shall be deducted in annual instalments from the aggregate sum payable to the institution under sub-sections (1) and (2) of section 32 as finally determined in amounts not exceeding 25 per cent of the sum so payable for the fasli year concerned.

*Explanation.*—For the purposes of this section, in the case of an existing inam estate, any amount collected by the Government on behalf of the institution as rent from the ryots in excess of the rent determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) and paid to the institution shall be deemed to be an amount collected by the institution.

**50. Limitation for claims by persons entitled to payment.**—Every person in whose favour an order for payment has been made by the Tribunal shall make an application for payment within three months from the date of such order :

Provided that the Tribunal may, within such further time not exceeding six months as it may in its discretion allow, admit a claim preferred after the period of three months aforesaid if it is satisfied that the claimant had sufficient cause for not preferring the claim within that period :

Provided further that, where an appeal has been filed before the Special Appellate Tribunal against the said order for payment, the aforesaid period of three months shall be reckoned from the date of the decision of the Special Appellate Tribunal on the appeal.

**51. Unclaimed and undisbursed amounts how dealt with.**—(1) (a) All amounts deposited in the office of the Tribunal under sub-section (1) of section 36, sub-sections (5) and (7) of section 45, or sub-section (2) of section 57 and remaining unpaid and with reference to which no claim has been made within the time specified in sub-section (1) of section 37 or in sub-section (4) of section 57, as the case may be, or no application for payment has been made within the time specified in section 50 ; and

(b) all amounts deposited as aforesaid and remaining unpaid after the expiry of a period of six months from the date of the disposal of the application under section 50 ; shall be withdrawn by the Tribunal and deposited in the District Court having jurisdiction over the inam estate concerned in the name of the inam estate or, as the case may

be, in the name of the person or persons in whose favour an order for payment has been made by the Tribunal or the Special Appellate Tribunal.

(2) All amounts deposited by the Tribunal in the District Court under sub-section (1) shall be dealt with by the District Court in accordance with such rules as may be made by the Government in this behalf.

(3) Every person who makes a claim to, or enforceable against, any amount held in deposit under sub-section (1) shall apply to the District Court in the prescribed form setting forth his claim.

(4) The District Court shall, after giving notice to all persons who have applied under sub-section (3) and to any others whom it considers to be interested, make enquiry into the validity of the claims received by it and subject to the provisions of sub-section (5) determine the persons who are entitled to the amount held in deposit and the amount to which each of them is entitled.

(5) Every order for payment made by the Tribunal or the Special Appellate Tribunal in favour of any person shall be binding on the District Court.

52. Amounts which may be deducted under section 36 recoverable as arrear of land revenue.—Any sum representing the whole or any portion of the rents and excess collections referred to in clause (b) of the first proviso to sub-section (1) of section 36 which cannot be adjusted by deduction under the said clause shall be recoverable as if it were an arrear of land revenue.

53. Wrong and excess payment to be recoverable as arrear of land revenue.—Where any payment made to any person is subsequently found to be not due to him or to be in excess of the amounts due to him, the amount which is found to be not due or which is in excess, as the case may be, with interest thereon at three per cent per annum or any portion thereof, which cannot be otherwise adjusted by deduction from any amounts due to such person, shall be recoverable as if it were an arrear of land revenue.

54. Recovery of amount paid on cancellation of notifications issued under section 1 (4).—If any amount has been paid to any person under this Act in pursuance of a notification issued under sub-section (4) of section 1 and if such

notification is subsequently quashed by order of Court, or cancelled by the Government, the amount so paid, with interest thereon at three per cent per annum, shall be recoverable as if it were an arrear of land revenue.

55. *Recovery of excess collections made by a darmila inamdar.*—(1) If, in an . . . inam estate notified under this Act, a darmila inamdar has collected any amount by way of rent or miscellaneous revenue in respect of the portion of the . . . inam estate comprising his darmila inam for the fasli year in which the . . . inam estate is notified and for any subsequent fasli years, then, such amount, together with interest thereon at three per cent per annum, shall be recoverable as if it were an arrear of land revenue

(2) If, in respect of the said fasli years, any person is liable to pay land revenue or miscellaneous revenue under this Act to the Government, the amounts paid by him to the darmila inamdar shall be adjusted towards such liability.

*Explanation.*—Any amount collected by the Government on behalf of the darmila inamdar in respect of the portion of the . . . inam estate comprising his darmila inam by way of rent or miscellaneous revenue and paid to him shall be deemed to be an amount collected by him.

## CHAPTER IX.

### MISCELLANEOUS.

56. *Collection of arrears of rent which accrued before the notified date.*—(1) In the case of an existing inam estate, after the notified date, the landholder shall not be entitled to collect any rent which accrued due to him from any ryot before, and is outstanding on, that date; but the manager appointed under section 6 shall be entitled to collect all such rent and any interest payable thereon together with any costs which may have been decreed, as if they were arrears of land revenue; and there shall be paid to the landholder all amounts so collected after deducting (a) ten per cent thereof on account of collection charges, (b) the arrears of quit-rent, jodi or other amount, if any, of a like nature due from the landholder to the Government, and (c) the rent, if any, collected before the notified date by the landholder from the ryots in respect of the fasli year in which the . . . inam estate is notified under this Act and any amount collected by the landholder from the ryots in excess

of the rent determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947), and outstanding to the credit of the ryots on the first day of the fasli year :

Provided that any such rent, which accrued due in respect of the fasli year 1356 and earlier faslis, shall be reduced on the basis that the landholder is entitled in respect of each of those faslis only to the rent as determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) :

Provided further that where the ryot—

(a) has paid before the notified date or pays within two years of that date, or

(b) where the rate of rent for the land has not been fixed under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) before the notified date, pays within two years of the date on which such rates of rent are fixed under that Act,

the rent due for the fasli years 1356 and 1357 and any interest payable thereon together with any costs which may have been decreed, then, all arrears of rent due from such ryot in respect of all prior fasli years, including interest and costs, if any, shall be deemed to have been completely discharged.

*Explanation.*—Any amount collected by the Government on behalf of the landholder as rent from the ryots in excess of the rent determined under the Madras Estates Land (Reduction of Rent) Act, 1947 (Madras Act XXX of 1947) and paid to the landholder shall, for the purposes of this sub-section, be deemed to be an amount collected by the landholder.

(2) All amounts which the manager is entitled to collect under sub-section (1) shall be a first charge upon the land in respect of which such amounts are payable.

(3) In the case of a new inam estate the landholder shall, notwithstanding anything contained in this Act, be entitled to collect any amount in respect of any land in such estate which accrued due to him from any person before, and is outstanding on, the notified date, as if this Act had not been passed.

57. *Apportionment of amounts collected under section 56.*

—(1) Where any doubt or dispute arises as to who the lawful landholder entitled to receive the payment under sub-section (1) of section 56 is or where there is more than one claimant, what, if any, the share of each claimant is, the question shall be referred to the Tribunal and intimation of the fact



given to the claimants and so far as information is available with the manager appointed under section 6, to the landholder or landholders.

(2) Pending the decision of the Tribunal, the amount due under sub-section (1) of section 56 shall be deposited in the office of the Tribunal and no interest shall accrue thereon.

(3) The fact of every such deposit shall be published in the *Fort St. George Gazette* and intimation thereof shall also be given . . . to the claimants and to the landholder or landholders referred to in sub-section (1).

(4) Every person who makes a claim to, or enforceable against, the amount so deposited or any portion thereof as a landholder shall apply to the Tribunal within three months of the date of publication of the fact of such deposit in the *Fort St. George Gazette* or within such further period not exceeding three months as the Tribunal may, in its discretion, allow.

(5) Every claim to, or enforceable against, the amount so deposited or any portion thereof which is not made to the Tribunal within the time aforesaid shall,—

(i) in so far as it relates to the amount paid by the Tribunal; or

(ii) subject to the provisions of section 51, in so far as it relates to the amount in respect of which an order for payment has been made by the Tribunal or the Special Appellate Tribunal in favour of any person, cease to be enforceable.

(6) The Tribunal shall, after giving notice to all persons who have applied under sub-section (4) and to any others whom it considers to be interested, make enquiry into the validity of the claims received by it and determine the persons who in its opinion are entitled to the amount so deposited and the share of each person in respect of it.

(7) Any person deeming himself aggrieved by any decision of the Tribunal may appeal to the Special Appellate Tribunal constituted under section 46 and the provisions of that section shall apply *mutatis mutandis* in respect of such appeals.

(8) Neither the Tribunal nor the Special Appellate Tribunal shall have jurisdiction to go into the correctness of the amount placed in deposit.

58. Jodi or quit-rent.—Jodi or quit-rent, as the case may be, in respect of an . . . inam estate shall cease to accrue with effect from the end of the fasli year immediately preceding the notified date.

**59. Stay of execution proceedings and prohibition of certain transfers.**—(1) No court shall, before the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal, order or continue execution in respect of any decree or order passed against the principal or any other landholder of an . . . inam estate against his interest in the . . . inam estate or against his other immovable property or against him personally by arrest and detention; and with effect on and from such date, execution in the cases aforesaid may be ordered or continued as specified in, and in accordance with, the provisions of section 60.

(2) All proceedings for the execution of any decree or order by the arrest and detention in prison of the principal or any other landholder of an . . . inam estate pending on the notified date shall stand dismissed and if on such date the principal or any other landholder is detained in a prison in execution of any such decree or order, he shall be released forthwith.

(3) Notwithstanding anything contained in any other law for the time being in force, no principal or other landholder of an . . . inam estate shall, on or after the notified date and before the date on which the earliest deposit as aforesaid is made, sell, mortgage, lease, or otherwise assign or alienate any of his immovable property and any transaction of the nature hereby prohibited shall be void and inoperative and shall not confer or take away any right whatever on or from any party to the transaction.

**60. Transitional provision in regard to other liabilities of landholder, etc.**—(1) No claim or liability enforceable immediately before the notified date against the principal or any other landholder of an . . . inam estate or against any other person whose rights stand transferred to the Government in pursuance of clause (b) of section 3 shall, on or after that date, be enforceable against the interest he had in the . . . inam estate; and all such claims and liabilities shall, after the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal, be enforceable—

(a) against the interim payments or the compensation or other sums paid or payable to him under this Act to the same extent to which such claims and liabilities were enforceable against his interest in the . . . inam estate immediately before the notified date; and

(b) against his other property, if any, to the same extent to which such claims and liabilities were enforceable against such property immediately before the notified date.

(2) No court shall, on or after the notified date, order or continue execution in respect of any decree or order passed against the principal or any other landholder or any other person aforesaid against the interest he had in the . . . . inam estate; and execution shall be ordered or continued in such cases in conformity with the provisions of sub-section (1) only as against the interim payments or against the compensation or other sum or sums paid or payable to him as aforesaid or against his other property, if any.

(3) No court shall, in enforcing any claim or liability against the principal or any other landholder or any other person aforesaid, allow interest at a rate exceeding six per cent per annum simple interest for the period commencing on the notified date and ending with the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal.

61. Liability of person unauthorisedly occupying land to forfeiture of crops, etc.—When, under this Act, any person is dispossessed of any land, any crop or other produce raised on the land and any building or other construction erected or anything deposited thereon shall, if not removed by him after such written notice as the officer who issued the order for dispossession may deem reasonable, be liable to forfeiture. Forfeitures under this section shall be adjudged by the said officer and any property so forfeited shall be disposed of in such manner as that officer may direct.

62. Provisions for..... inam estate staff.—Notwithstanding any law, custom, or contract to the contrary, the following provisions shall apply in regard to the persons employed in the administration of any . . . . inam estate immediately before the notified date:—

(1) The Government shall have power to terminate the services of any such person after giving him one calendar month's notice or paying him one month's pay in lieu of such notice.

(2) Persons whose services are retained shall be governed by such rules as the Government may make in regard to them.

63. Maintenance by Government of institutions maintained by landholder.—Every educational or other charitable institution which was being maintained during the three fasli years immediately preceding the notified date by any landholder of an . . . . inam estate may, with effect on and from the notified date, be maintained by the Government, if they think fit.

64. *Removal of doubts in regard to existing inam estates in Chingleput district.*—For the removal of doubts, it is hereby declared that the Estates Land Act applies, and shall be deemed always to have applied, to existing inam estates situated on the 31st day of October 1936 within the limits of the Chingleput district as then constituted notwithstanding that the areas in which such inam estates are situated have been or may be included within the limits of the Presidency-town, after that date; and the provisions of this Act shall apply to every such estate accordingly.

65. *Presumption that a land in an inam estate is ryoti land.*—(1), Subject to the provisions of sub-section (3), when in any proceeding under this Act it becomes necessary to determine whether any land is a ryoti land or a private land, it shall be presumed, until the contrary is proved, that such land is a ryoti land.

(2) (i) Any expression in a lease, patta or the like executed or issued on or after the 1st day of July 1918 in the case of an existing inam estate and the 19th day of April 1949 in the case of a new inam estate to the effect or implying that a tenant has no right of occupancy or that his right of occupancy is limited or restricted in any manner shall not be admissible in evidence for the purpose of proving that the land concerned was private land at the commencement of the tenancy.

(ii) Any such expression in a lease, patta or the like executed or issued before the 1st day of July 1918 in the case of an existing inam estate and the 19th day of April 1949 in the case of a new inam estate shall not by itself be sufficient for the purpose of proving that the land concerned was private land at the commencement of the tenancy.

(3) Nothing contained in this section shall apply to any communal land, poramboke land, pasture land and forest.

66. *Decision of questions regarding forests.*—If any question arises whether any land in an . . . inam estate is a forest or is situated in a forest or as to the limits of a forest, it shall be determined by the Settlement Officer subject to an appeal to the Director within such time as may be prescribed and also to revision by the Board of Revenue.

67. *Rights of owner or occupier not to be affected by temporary discontinuance of possession or occupation.*—Where a person—

(a) is entitled to the ownership or to the possession or occupation of any land or building immediately before the

notified date but has transferred his right to the possession and occupation thereof or has been temporarily dispossessed or deprived of his right to the occupation thereof; and

(b) has not on that date lost his right to recover the possession or occupation of such land or building

he shall, for the purposes of this Act and subject to the provisions thereof, be deemed to be the owner, or to be in possession or occupation, of such land or building :

Provided that any lawful transferee of the right to the possession or occupation of such land or building shall, save as otherwise expressly provided in this Act, continue to have the same rights against his transferor, as he had immediately before the notified date :

Provided further that any lawful transferee of the title to such land or building shall be entitled to all the rights under this Act of his transferor.

68. *Res judicata*.—(1) The decision of a Tribunal or Special Appellate Tribunal in any proceeding under this Act or of a Judge of the High Court hearing a case under sub-section (2) of section 46 on any matter falling within its or his jurisdiction shall be binding on the parties thereto and persons claiming under them in any suit or proceeding in a Civil Court in so far as such matter is in issue between the parties or persons aforesaid in such suit or proceeding.

(2) The decision of a Civil Court (not being the Court of a District Munsif or a Court of Small Causes) on any matter falling within its jurisdiction shall except in so far as such decision is inconsistent with the provisions of this Act be binding on the parties thereto and persons claiming under them in any proceeding under this Act before a Tribunal or Special Appellate Tribunal or a Judge of the High Court under sub-section (2) of section 46 in so far as such matter is in issue between the parties or persons aforesaid in such proceeding.

69. *Saving of limitation*.—In computing the period of limitation for any suit or application filed in a Civil Court by a creditor in respect of any matter which was the subject of a proceeding under any of the following sections, namely, 37, 38, 39, 40, 41, 43, 44, 45 and 46, the period commencing on the notified date and ending with the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal and the time during which such proceedings were pending as well as the time taken for obtaining certified copies of the order passed in such proceeding shall be excluded.

70. Limitation.—(1) A copy of every decision or order in any proceeding against which an appeal or revision is provided for under this Act shall be communicated in such manner as may be prescribed.

(2) For the purposes of computing the period of limitation in respect of any appeal or application for revision against any decision or order, the date of communication of a copy of the decision or order to the appellant or applicant shall be deemed to be the date of the decision or order.

(3) The provisions of section 4 and sub-sections (1) and (2) of section 12 of the Indian Limitation Act, 1908 (Central Act IX of 1908) shall, so far as may be, apply to any appeal or application for revision under this Act.

(4) Where under this Act an appeal or application for revision may be preferred to any authority or officer within a prescribed period or within such further time not exceeding a specified period as may be allowed by such authority or officer, the further time aforesaid shall be computed on and from the expiry of such prescribed period computed in accordance with the provisions of sub-sections (2) and (3).

71. Finality of orders passed under this Act.—(1) Any order passed by any officer, the Government or other authority or any decision of the Tribunal or the Special Appellate Tribunal under this Act in respect of matters to be determined for the purposes of this Act shall, subject only to any appeal or revision provided by or under this Act, be final.

(2) No such order or decision shall be liable to be questioned in any Court of law.

72. Jurisdiction of Courts barred in certain cases.—(1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made 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 made 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 in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

(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.

73. Power to make rules.—(1) The Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, 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 Tribunals, Special Appellate Tribunal, authorities and officers appointed, or having jurisdiction, under this Act;

(c) the delegation of the powers conferred by this Act on the Government or any other authority, officer or person;

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

(e) the application of the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), to applications, appeals and proceedings under this Act;

(f) the fees to be paid in respect of applications and appeals under this Act;

(g) the transfer of proceedings from one Tribunal, authority or officer to another;

(h) the manner in which, and the officer by whom, fair rent shall be ascertained for the purposes of this Act.

(3) A rule made under clause (c) of sub-section (2) may provide for restrictions and conditions subject to which the power delegated may be exercised and also for control and revision by the delegating authority either *suo motu* or on application of the orders of the authority or person to whom the power is delegated.

(4) (a) All rules made under this Act shall be published in the *Fort St. George Gazette* and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of both Houses of the Legislature and if, before the expiry of the session in which it is so placed or the next session both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

74. *Repeals.*—With effect on and from the notified date,—

(i) the Madras Impartible Estates Act, 1904 (Madras Act II of 1904), shall be deemed to have been repealed in its application to the . . . inam estate, if that estate had been governed by that Act immediately before that date; and

(ii) the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), shall be deemed to have been repealed in its application to private lands in the existing inam estate.

*75. Special provision relating to fixation of ceiling area in respect of lands in an inam estate.*—(1) Notwithstanding anything contained in the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act 58 of 1961), but subject to the provisions of sub-section (2), the authorized officer shall in the fixation of the ceiling area of any person under that Act exclude any land in an inam estate.

(2) As soon as may be, after a ryotwari settlement is brought into force in any land referred to in sub-section (1) and after the grant of the ryotwari patta in respect of such land to any person in accordance with the provisions of this Act, the authorized officer shall calculate or recalculate the ceiling area of such person and in so calculating or recalculating, the authorized officer shall take into account the extent of the land in respect of which a ryotwari patta has been granted to such person under this Act.

(3) For the purposes of the Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 (Madras Act 58 of 1961), any ryotwari patta granted under this Act shall be deemed to have taken effect on the 6th day of April 1960 and for the purposes of calculating the standard acre under that



Act, 'land revenue' shall in respect of the land referred to in sub-section (1) mean the ryotwari assessment payable in pursuance of the ryotwari settlement referred to in sub-section (2).

76. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to any of the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

(2) Every order issued under sub-section (1) shall, as soon as possible after it is issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such order or both Houses agree that the order should not be issued, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

#### SCHEDULE I

[See section 2 (14).]

<i>Serial number.</i>	<i>Taluk.</i>	<i>Name of inam village.</i>	<i>Revenue number and name of revenue village comprising the inam village.</i>
(1)	(2)	(3)	(4)
1	Alangudi.	Immanampatti ..	18. Immanampatti.
2	Do.	Vijaya Raghunathapuram.	15. Vijaya Raghunathapuram.
3	Do.	Pudupatti ..	86. Pallavaranpattai.
4	Do.	Mathur .. ..	42. Kulavoipatti.
5	Do.	Vollavettanviduthi alias Vijayapuram.	45. Perungalur.
6	Do.	Vannianviduthi alias Srinivasasamudram.	71. Arayappatti.
7	Do.	Vollakollai alias Sundareswarapuram.	32. Kilaiyur.
8	Kulathur.	Sittannavasal ..	132. Sittannavasal.
9	Do.	Perunjinai ..	118. Perunjinai.
10	Do.	Kodandaramapuram.	123. Kodandaramapuram.
11	Do.	Kurukkappatti ..	124. Kurukkappatti.
12	Do.	Singathakkurichchi.	50. Singathakkurichchi.
13	Do.	Nanjur .. ..	78. Nanjur.
14	Do.	Pinnangudi ..	145. Pinnangudi.

<i>Serial number.</i>	<i>Taluk.</i>	<i>Name of inam village.</i>	<i>Revenue number and name of revenue village comprising the inam village.</i>
(1)	(2)	(3)	(4)
15	Kulathur	Talinji	142. Talinji.
16	Do.	Nallambalsamudram.	132. Sittannavasal.
17	Do.	Nedunjeri	103. Satyamangalam.
18	Do.	Sellukudi ..	120. Ayingudi.
19	Do.	Kilapatti ..	123. Kodandaramapura
20	Do.	Sondamangalam	Do.
21	Do.	Kilapalinji	Do.
22	Do.	Nilayapatti	126. Pulavayal.
23	Do.	Pidampatti	50. Singathakkurichahi
24	Do.	Orandakkud	49. Sengalakkudi.
25	Do.	Santhanathakurichi.	33. Kunnathur.
26	Do.	Rasipuram ..	52. Mattur.
27	Do.	Thethanvayal ..	125. Sundarappatti.
28	Tirumayyam.	Idayanvayal ..	121. Idayanvayal.
29	Do.	Sittampatti ..	119. Sittampatti.
30	Do.	Chittur ..	45. Chittur.
31	Do.	Kadambavayal ..	77. Kadambavayal.
32	Do.	Rayapuram ..	91. Rayapuram.
33	Do.	Kalanivoipatti ..	25. Kalanivoipatti.
34	Do.	Madagam ..	134. Madagam.
35	Do.	Seppavayal ..	137. Seppavayal.
36	Do.	Tanikkadu ..	136. Tanikkadu.
37	Do.	Tillaivayal ..	133. Tillaivayal.
38	Do.	Tirapidingi ..	135. Tirapidingi.
39	Do.	Tiruvakkudi ..	138. Tiruvakkudi.
40	Do.	Alattivayal ..	131. Alattivayal.
41	Do.	Arasur ..	132. Arasur.
42	Do.	Pallivasal ..	62. Pallivasal.
43	Do.	Karanappatti ..	26. Karanappatti.
44	Do.	Kulakkattainali ..	122. Kurichohi.
45	Do.	Andakkudi ..	141. Embal.
46	Do.	Velangudi ..	Do.
47	Do.	Thenathivayal ..	Do.
48	Do.	Viruthanvayal ..	Do.
49	Do.	Mummudichanvayal.	Do.
50	Do.	Santhirattanvayal ..	Do.

<i>Serial number.</i>	<i>Taluk.</i>	<i>Name of inam village.</i>	<i>Revenue number and name of revenue village comprising the inam village.</i>
(1)	(2)	(3)	(4)
51	Thirumayyam.	Pulavanavayal ..	141. Embal.
52	Do.	Thakkadivayal ..	139. Kurungalur.
53	Do.	Melakkarambai ..	124. Tonnakkudi.
54	Do.	Keelakkarambai ..	Do.
55	Do.	Maratti ..	Do.
56	Do.	Porkudi ..	Do.
57	Do.	Alathivayal ..	Do.
58	Do.	Sitharambur ..	Do.
59	Do.	Kadankudi ..	Do.
60	Do.	Makkaravaya ..	96. Melanilaivayal.
61	Do.	Thengudi ..	139. Kurungalur.
62	Do.	Kootherangudi ..	Do.
63	Do.	Olaikudipatti ..	73. Tirumayam.
64	Do.	Sivapuram ..	82. Tekkattur.
65	Do.	Kanapettai ..	86. Panangudi.
66	Do.	Chettipatti ..	Do.
67	Do.	Menikantha ..	95. Kummangudi.
68	Do.	Ponthupuli ..	Do.
69	Do.	Karambavayal ..	96. Melanilaivayal.
70	Do.	Machumarichan ..	139. Kurungalur.
71	Do.	Maravanvayal ..	125. Irumbanadu.
72	Do.	Mudakkuvayal ..	Do.
73	Do.	Korakkanvayal ..	Do.
74	Do.	Vengalaveli ..	Do.
75	Do.	Kothalangudi ..	Do.
76	Do.	Sithavayal ..	124. Tonnakkudi.
77	Do.	Melakadu ..	126. Vellalavayal.
78	Do.	Piramarvayal ..	125. Irumbanadu.
79	Do.	Perianayakiamman Endal.	Do.
80	Do.	Keelavayal and Thenvayal.	124. Tonnakkudi.
81	Do.	Illyangudi ..	120. Valaramanikkam.
82	Do.	Vadagadu Tengadu.	139. Kurungalur.
83	Do.	Mudukuvayal ..	126. Vellalavayal.

## SCHEDULE II.

[See section 33 (9).]

*Provisions relating to the determination of fair rent.*

1. For topes, orchards and lands used for non-agricultural purposes the fair rent shall be the lease amount as determined by rules made by the Government in this behalf.

2. In respect of lands, other than those specified in paragraph 1, the fair rent shall be the aggregate of—

(a) (i) in the case of wet land, 40 per cent of the normal gross produce or its value in money;

(ii) in the case of wet land, the irrigation of which is supplemented by lifting water, 35 per cent of the normal gross produce or its value in money ;

(iii) in the case of land on which crops which do not give any yield within a period of one year from the time of cultivation are cultivated, 40 per cent of the normal gross produce or its value in money;

(iv) in the case of any other class of land, 33½ per cent of the normal gross produce or its value in money :

Provided that in the case of lands referred to in subparagraphs (ii) and (iv) for the cultivation of which water is lifted by pumpset installed at the cost of the service-holder, the fair rent shall be increased to 40 per cent ;

and

(b) the value of one-fifth of the straw or stalk of all the crops cultivated on the land in an agricultural year.

*Explanation I.*—In this paragraph, ‘normal gross produce’—

(a) in respect of a land cultivated with any crop which does not give any yield within a period of one year from the time of cultivation, means the gross produce for one year if the land were cultivated with paddy ;

(b) in respect of a land cultivated with any other crop means the produce which would be obtained for one year from a land of the same class as the land in question similarly situated and possessing similar advantages if the rainfall and the seasons were normal.

*Explanation II.*—In the case of land on which different crops are cultivated at different times on different portions of the lands, the fair rent shall be calculated with reference to the actual crops ordinarily cultivated according to the ordinary rotation of crops in the area in which such land is situated.

*Explanation III.*—In this paragraph, “agricultural year” means the year commencing on the 1st day of April, or, in respect of the whole or any part of any district, on such other date as the Collector of the district may specify in that behalf, by notification, in the District Gazette.

3. In the case of land cultivated by the service-holder, the fair rent shall be the fair rent as calculated in the manner specified in paragraph 2 in respect of a land of the same class as the land in question, similarly situated and possessing similar advantages.

4. If the rent actually payable to the service-holder in respect of the land during the fasli year immediately before the fasli year in which the appointed day falls is less than the fair rent ascertained as aforesaid, the said rent shall be deemed to be the fair rent in respect of the land.

T. HANUMANTHAPPA,

*Secretary.*

Fort St. George,  
Madras.

## APPENDIX.

THE MADRAS IRUVARAM INAM ESTATES (ABOLITION  
AND CONVERSION INTO RYOTWARI) BILL, 1962.

## DISSENTING MINUTES.

## I

I regret I have to dissent from some of the fundamental principles that have been adopted to shape the above legislation. Very little importance has been attached to the title of the Inamdar to the private land and also to his right as owner of the Kudivaram. Many of the provisions give importance only to the cultivation of the land and actual possession of the land by the Cultivator. Even though the person may not be cultivating the land, he may be still the owner of the Kudivaram as in the Iruvaram Inam Estates and also in minor Inams. The Kudivaram right is different in law from actual cultivating right or the right of the tenant. This distinction has not been kept in mind in many of the provisions of the two bills. As an example, I may mention, in clause 9, sub-clause 14 where the land has been recognized as a private land in the records still the sub-clause says that he must show that he has been cultivating and possessing the land for a continuous period of three years within a period of 12 years. Once, the land is recognized as a private land if he has been cultivating at any time, it will be clearly his private land. Instead of that, a period of three years is imposed. This is quite opposed to the law previously obtaining. Hence I have to express my special dissent from all those amendments put in the bill. Similarly there are other instances which on account of want of time, I am unable to elaborate.

Iruvaram Inam Estates were not specially included in the Estates Abolition Act of 1948 on the ground that different consideration apply so far as these estates are concerned, and the compensation for the abolition of these estates is to be given on different principles from those adopted in estates Abolition Act. But I find in the compensation clause in the Bill similar principles have been adopted which makes the compensation illusory, small and inadequate.

Thirty times the basic annual sum has been adopted as the rate for giving the compensation. As the basic annual sum increases in amount the rate has been reduced. This is quite an anomaly. Compensation will naturally be larger when the amount of the annual sum becomes larger on account of the extent of the property compensated for or the right abolished. Instead of that we find in clause 30 where the basic annual sum exceeds one lakh the rate is  $12\frac{1}{2}$  times and where the basic annual sum exceeds 50,000 and does not exceed one lakh it is 15 times. As the basic annual income becomes larger than the number of times is reduced. This is opposed to justice, fair play and reason. Where the income is greater on account of property being larger naturally the compensation must be a larger amount given at the same rate. This is

also pointed out in a recent decision of the Supreme Court reported in (1962) 1 M.L.J. at page 213 in the particular paragraph relating to the compensation given in the Kerala Agrarian Relation Act. At page 230 the Supreme Court clearly points out that the adoption of the reduced rate where the net income is larger is in violation of the Article 14, of the Indian Constitution and that the principle of progressive taxation does not apply to compensation for land acquired. The Supreme Court has pointed out this compensation for land acquired or right abolished. It should naturally be increased with the increase of the extent of the land acquired or the right abolished and the principle of reducing the compensation, when the extent of the land is larger is unfair and opposed to law. The above legislation is according to me prejudicial to the interests of the agricultural economy on account of the principle which was adopted (viz.), giving paramount importance to the cultivation and possession and not to the rights of the proprietor of the land or the owner of the Kudivaram. After all agriculture is an industry which requires both capital and labour for the success of the industry. On account of this I feel that the legislation is extremely harmful to the agricultural economy and will tend to affect production.

I am also not in favour of clause 8, sub-clause 2 being included in the bill. The alienation is opposed to the provisions of the Hindu Religious Endowment Act which is in existence from the year 1935 may not confer any title on the transferee and the religious institution may be entitled to recover this land and (resume) possession.

Madras.  
9th August 1963.

K. BALASUBRAMANIA IYER,  
*Member, Madras Legislative Council.*

The following is my dissenting note on the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962:—

According to sub-clause (2) of the first proviso under clause 9 (a) of the draft Bill as revised by the Joint Select Committee, the landholder shall be entitled to a patta provided that the private land referred to in sub-clauses (i) and (ii) is proved to have been cultivated by the landholder himself, by his own servants or by hired labour with his own or hired stock in the ordinary course of husbandry at any time within a period of 12 years immediately before the 1st day of April, 1960.

In many Inam villages the inamdars do not maintain any record to show which are Ryoti lands and which are private holdings. From my personal experience I can say that in part-Inam villages there is hardly any private land at all. The officials at the Joint Select Committee agreed that in most Inam villages this is the case.

Now in this Bill we are creating what I may call an imaginary provision, as Inamdars are enabled to claim patta for lands which are actually not private lands.

The Chairman explained that several sales of land by Inamdars have taken place and the sale-deed would disclose whether the land sold is private or Ryoti land. Thus the sale-deed in such cases can form the basis for determining whether the land is private or Ryoti. Thus according to the sale-deed if the land sold is private a patta can be granted in such cases. This argument is open to the comment that the Inamdars in their anxiety to dispose of their lands generally try to pass off their lands as private lands and hence mention of lands in sale-deed as private land cannot be taken in most cases as indicating the true nature of the land. I am afraid that the object of the Bill will be defeated if such a provision is included as contemplated in clause 9.

The Government themselves have moved that the words "at any time" in sub-clause (2) of the first proviso in clause (9) (a) of the Bill as revised be deleted and that the period of twelve years mentioned in this sub-clause be amended to three years. In the case of Ryoti land the period of 12 years has been provided in the Bill to enable patta being granted. However in the case of private land the period has been restricted to three years. I feel that the private lands should be put on the same footing as the Ryoti land in the matter of the period pertaining of proof of cultivation.

The Chairman had expressed that the period of 12 years is long and many Inamdars would protest against this and would be driven to seek redress in courts. This argument would have equal application whether the period is either 3 years or 12 years and with a view to removing discrimination between Ryoti and private lands as pointed out above, I would urge that the period in question be changed to 12 years and the second sub-clause to the first proviso under clause 9 (a) of the Bill be amended accordingly.

Madras,  
8th August 1963.

K. T. KOSALRAM,  
Member, Madras Legislative Assembly.



## III

இந்த மசோதாவை வரவேற்று சில குறைபாடுகளை குறிப்பிடவும் விரும்புகிறேன். இந்த மசோதாவை பத்து ஆண்டுகளுக்கு முன்னால் கொண்டுவந்து சட்டமாக்கப் பட்டிருந்தால், நமது நாட்டில் விவசாயிகளுக்கு சர்க்கார் செய்துகொடுத்துள்ள பல திட்டங்களையும் இருவார இனும் பிரதேசத்திலுள்ளவர்களும் அடைந்திருப்பார்கள். நிலத்தின் இடத்தரசர்களை அகற்றி, நிலத்தில் உழுதுகொண்டிருக்கும் உழவர்களுக்கு பட்டா வழங்குவதே சர்க்கார் நோக்கமாகும். இந்த நல்ல நோக்கத்தின் அடிப்படையில்தான் இந்த மசோதா கொண்டுவரப் பட்டிருக்கிறது.

நல்ல அம்சங்கள் பல இருப்பினும் சில தவறான ஷரத்துக்கள் ஆங்காங்கே சேர்க்கப்பட்டிருக்கிறது. இதன் காரணமாக பரம்பரையாக உழுது வரும் விவசாயிகள் நிலத்திலிருந்து வெளியேற்றப்பட்டு விடுவார்கள் என்று அச்சப்படுகிறேன்.

அத்தியாயம் 3-ல் செக்ஷன் 9-ல் சப் செக்ஷன் 2-ல் 1960-ம் வருஷம் ஏப்ரல் மாதம் முதல் தேதிக்கு முன்னால் 12 வருஷங்களில் மூன்று வருஷம் தன்னுடைய சுய உழைப்பாலோ, அல்லது வேலை ஆள் மூலமாகவோ, அல்லது கூலி ஆள் மூலமாகவோ அல்லது சொந்தம் அல்லது கூலி கால்நடைகள் மூலமாகவோ விவசாயம் செய்ததாக நிரூபித்தால் பட்டா வழங்கப்படும் என்று இருக்கும் ஷரத்தானது மறைமுகமாக நிலச்சுவான்களுக்கு பட்டா வழங்க வழி ஏற்படுகிறது. இதை ஆட்சேபித்து கீழ்காணும் திருத்தத்தை செய்ய வேண்டும்.—

1960-ம் வருஷம் ஏப்ரல் மாதம் 1-ம் தேதிக்கு முன்னால் 12 வருஷம் தொடர்ந்து பண்ணை சாகுபடி செய்ததாக தகுந்த ஆதாரங்களுடன் நிரூபித்தால், பட்டா வழங்கப்படும் என்று திருத்தம் செய்யவும், இவ்விதம் செய்வதின் மூலம் எந்த தவறும் நேராமல், நியாயமாக யாருக்கு பட்டா கிடைக்கவேண்டுமோ அவர்களுக்கு கிடைப்பதற்கு வாய்ப்பு ஏற்படும். இந்த மசோதாவை சபை விவாதிக் கின்ற காலத்தில் உறுப்பினர்கள் மேலும் செழுமைபடுத்தி உழுது கொண்டிருக்கும் உழவர்களுக்கு போதுமான பாதுகாப்பும் பட்டாவும் கிடைக்க வழிசெய்யவேண்டுமாய் வேண்டுகிறேன்.

Madras  
9th August 1963

A. K. SUBBIAH,  
Member, Madras Legislative Assembly.

## IV

The principle that the land belongs to the person who actually tills the land has not been incorporated in these Acts. There is room for various kinds of interpretations of the provisions in such a way that they will ruin the Ryots who will be naturally dragged on to endless litigation.

The Inam Estates and the Minor Inams ought to have been abolished even at the time of Act XXVI of 1948. After undue delay, these Bills are brought. When Acts XXVI of 1948 and XXX of 1947 were brought in, it was clearly stated that it is necessary to get rid of the intermediaries and to free the Ryots from the clutches of the Zamindars and Inamdars. Under the present Bills, the Ryots are not exempted from payment of arrears of rent already accrued.

*Clause 9.*—In this clause, three years of personal cultivation is not enough. The landholders will be always in a better position to prove the personal cultivation for three years in order to get the patta. So three years should be substituted with six years.

*Clause 55 (3).*—This clause should be omitted. The arrears of rent should be wiped out. While in the case of Zamindari Estates and existing Inams, the rents were reduced under Act XXX of 1947, in the case of new Inams, till now the Ryots are paying of Waram basis. Why should there be this discrimination between existing and new Inams? The landholder will be armed with this provision to evict the Ryots before the Act comes into force.

The abovesaid changes on the above grounds should be made in this Bill. Otherwise they will not be in the interests of the poor ryots.

K. V. KARIVENGADAM,

S. MADHAVAN,

K. S. MANI,

A. P. DHARMALINGAM,

Madras,  
9th August 1963.

Members,  
Madras Legislative Assembly.