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MADRAS LEGISLATIVE ASSEMBLY

THE MADRAS MINOR INAMS  
(ABOLITION AND CONVERSION INTO  
RYOTWARI) BILL, 1962  
(L.A. BILL No. 3 OF 1962)

(REPORT OF THE JOINT SELECT COMMITTEE)

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GOVERNMENT OF MADRAS

AUGUST 1963

*Legislative Assembly Department, Madras*

## CONTENTS

	<b>PAGE</b>
Composition of the Joint Select Committee .. ..	1
Report of the Joint Select Committee .. ..	3
Bill as amended by the Joint Select Committee ..	7
Minutes of Dissent (Appendix) .. ..	40

THE MADRAS MINOR INAMS (ABOLITION AND  
CONVERSION INTO RYOTWARI) BILL, 1962  
(L.A. BILL No. 3 OF 1962).

**Composition of the Joint Select Committee.**

The Hon. Sri R. VENKATARAMAN—*Chairman.*

*Members :*

The Hon. Sri V. RAMAIAH.  
Sri A. P. DHARMALINGAM.  
Sri M. V. KARIVENGADAM.  
Sri K. T. KOSALRAM.  
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. SUBBLIAH.  
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 MINOR INAMS (ABOLITION AND  
CONVERSION INTO RYOTWARI) BILL, 1962  
(L.A. BILL No. 3 OF 1962).

To

THE HON. THE LEGISLATIVE ASSEMBLY,

MADRAS.

The Joint Select Committee appointed to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 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 fourteen 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 and 20th July 1963 and 29th July 1963.

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 written memoranda also.

5. At its second sitting on 30th July 1962, the Committee decided to hear oral evidence also.

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 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 :

#### *Clause 1.*

Clause 1 dealt with, among other things, application and commencement of the Act. Sub-clause 2 provided that the Act should apply to the whole of the Madras State. The Committee decided that the Act need not apply to Kanyakumari district and the Shencottah taluk of Tirunelveli district as it is best to comprehensively legislate for all the special tenures of the transferred area. Sub-clause (2) has been amended accordingly.

The Bill as introduced did not extend to the minor inams in the territories transferred from Andhra Pradesh in 1959. The Committee decided that the Act should apply to such inams also. Sub-clause (3) has been amended accordingly. A new sub-clause (5) has been added, providing for the publication of the notification under sub-section (4) in the District Gazette and also in a conspicuous place in the area comprising the minor inam.

#### *Clause 2.*

*Sub-clause (9).*—The sub-clause dealt with the definition of minor inam. The definition has been amplified by exclusion of an inam which was an estate within the meaning of the Madras Estates Land Act or a new inam estate as defined in the Inam Estates Abolition Act.

#### *Clause 7.*

The original sub-clause (2) provided that the Tribunal should consist of a judicial officer not below the rank of a District Judge or Additional District Judge. The Committee decided that it would be enough if such a Tribunal consisted of a judicial officer not below the rank of a Subordinate Judge. The sub-clause has been amended accordingly.

*Clause 8.*

Clause 8 provided for the grant of ryotwari patta to persons who lawfully owned the Kudivaram in an inam land. The Committee also decided that patta should be granted in favour of persons who had purchased unenfranchised religious or charitable inam lands if such persons had been in continuous possession for a period of sixty years immediately before 1st April 1960 and also to alienees in possession for a period of twelve years immediately before 1st April 1960 provided that such latter persons paid prescribed consideration to the institution so that the service may continue to be maintained.

The clause also provided that a service-holder should be granted patta subject to the condition of his continuing to render the service. The Committee decided that an option should be given to the service-holder either to hold the land subject to his rendering service or to pay a specified amount to the institution on payment of which the land should stand discharged from the condition of the service.

The clause has been amended accordingly.

*Clause 9.*

A new clause has been added providing for the grant of ryotwari pattas in cases not covered by section 8, in favour of persons in the following order of preference—

(i) a person who had been personally cultivating such land for a continuous period of twelve years immediately prior to 1st April 1960;

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

(iii) if there is no such person falling under either of the category, then, to a person who had been personally cultivating that land on 26th September 1955 and for a period of twelve years immediately before that date:

Provided that persons falling under such a category, have not relinquished such a right voluntarily.

*Clause 10.*

A new clause has been added providing that no ryotwari patta shall be granted in respect of lands falling under any of the categories specified in this clause, such as forests, beds and bunds of tanks, threshing floor, rivers, streams and other porambokes.

*Clause 11.*

A new clause has been added for the determination of lands by the Assistant Settlement Officer in respect of which any person is entitled to a ryotwari patta and the procedure to be followed therein.

*Clause 21.*

*Sub-clause (3).*—The sub-clause has been amended giving liberty to the institution to make such arrangements as it thinks fit for the performance of the service, in case the service-holder fails to render service.

*Sub-clauses (5), (6) and (7).*—Provision has been made in these sub-clauses that where a service-holder is entitled to a patta under section 8 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 condition of the service or to hold the land and continue to render service subject to certain conditions.

It has also been provided that the service-holder shall exercise the option within such time and in such manner as may be prescribed.

*New clause 50.*

The Committee decided that minor inam lands should be excluded from the determination of the ceiling area under the Madras [Reforms (Fixation of Ceiling on Land) pending decision on the entitlement to patta and that after the grant of the ryotwari patta in respect of any minor inam land, provision should be made, for finally fixing the ceiling area in respect of such inam land. Clause 50 (a new clause) gives effect to this decision.

12. Clauses have been renumbered and verbal and consequential alterations have been incorporated in the Bill.

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.

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\* Vide Appendix.

## ANNEXURE.

THE MADRAS MINOR INAMS (ABOLITION AND  
CONVERSION INTO RYOTWARI) BILL, 1962.

[As amended by the Joint Select Committee]

## ARRANGEMENT OF CLAUSES.

## CHAPTER I.

CLAUSES:

## PRELIMINARY.

1. Short title, extent, application and commencement.
2. Definitions.

## CHAPTER II.

## VESTING OF MINOR INAMS, ETC., IN GOVERNMENT.

3. Vesting of minor inams, etc., in Government.
4. Appointment and functions of Settlement Officer.
5. Appointment and functions of Assistant Settlement Officers.
6. Powers of control of the Board of Revenue.
7. Constitution of Tribunals.

## CHAPTER III.

## GRANT OF RYOTWARI PATTAS.

8. Grant of ryotwari pattas.
9. Grant of ryotwari pattas in cases not covered by section 8.
10. Lands in respect of which no ryotwari patta will be granted.
11. Determination of lands in respect of which any person is entitled to ryotwari patta.
12. Liability to pay land revenue to Government.
13. Vesting of buildings.
14. Rights of certain lessees and others.



## CHAPTER IV.

## CLAUSES:

## SURVEY AND SETTLEMENT OF INAM LANDS.

15. Survey of inam lands.
16. Manner of effecting ryotwari settlement.

## CHAPTER V.

## DETERMINATION AND PAYMENT OF COMPENSATION.

17. Compensation how determined.
18. Compensation to be determined for the inam as a whole.
19. Scale of compensation.
20. Payment of tasdik allowance to religious, educational or charitable institution.
21. Service inams.
22. Determination of compensation and tasdik allowance payable.
23. Compensation, etc., to be paid in prescribed manner.

## CHAPTER VI.

## DEPOSIT AND APPORTIONMENT OF COMPENSATION.

24. Compensation to be deposited in office of the Tribunal.
25. Claims to be made within three months.
26. Duty of Tribunal.
27. Compensation to be apportioned by the Tribunal.
28. Devolution of interest in compensation.
29. Interim payments to inamdar and others.
30. Appeals.
31. Restriction on the jurisdiction of Tribunal and Special Appellate Tribunal.

## CLAUSES :

32. Disbursement of compensation.
33. Interim payments to institutions.
34. Limitation for claims by persons entitled to payment.
35. Unclaimed and undisbursed amounts how dealt with.
36. Wrong and excess payments to be recoverable as land revenue.

## CHAPTER VII.

## MISCELLANEOUS.

37. Quit-rent, jodi and kattubadi.
38. Stay of execution proceedings and prohibition of certain transfers.
39. Transitional provision in regard to liabilities of inamdar, etc.
40. Decision of questions regarding forests.
41. Inamdar's right to collect arrears.
42. Rights of owner or occupier not to be affected by temporary discontinuance of possession or occupation.
43. *Res judicata*.
44. Presumption in the case of service inam.
45. Limitation.
46. Finality of orders passed under this Act.
47. Jurisdiction of courts barred in certain cases.
48. Power to make rules.
49. Act to override contract and other laws, etc.
50. Special provision relating to fixation of ceiling area in respect of inam land.
51. Power to remove difficulties.
52. Repeal.

## THE SCHEDULE.

**THE MADRAS MINOR INAMS (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 inamdars  
in minor inams in the State of Madras and the  
introduction of ryotwari settlement in such inams.*

. . . . .

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 Minor Inams  
(Abolition and Conversion into Ryotwari) Act, 1963.

(2) It extends to the whole of the State of Madras except  
the Kanyakumari district and the Shencottah taluk of the  
Tirunelveli district.

(3) It applies to all minor inams . . . . .

. . . . .  
. . . . .  
. . . . .  
. . . . .  
. . . . .

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

(5) The Assistant Settlement Officer shall, immediately  
after the date of the publication of the notification under sub-  
section (4), publish in the District Gazette a copy of the noti-  
fication under sub-section (4) and shall also cause to be  
published in a conspicuous place in the area comprising the  
minor inam a copy of the notification under sub-section (4)  
together with such particulars as may be prescribed.

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

(1) “ Abolition Act ” means the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948);

(2) “ appointed day ” means the date appointed by the Government under sub-section (4) of section 1 :

Provided that—

(i) in the case of a minor inam in the merged territory of Pudukkottai, the settlement of which is published under sub-section (2) of section 3 of the Pudukkottai (Settlement of Inams) Act, 1955 (Madras Act XXIII of 1955) on a date subsequent to the date appointed under sub-section (4) of section 1, “ appointed day ” means such subsequent date;

(ii) in the case of a land governed by clause (b) of sub-section (1) and sub-section (2) of section 17 of the Abolition Act or by clause (b) of sub-section (1) and sub-section (2) of section 14 of the . . . Inam Estates Abolition Act, if the order of the competent authority recognising such land to be a minor inam is passed on a date subsequent to the date appointed under sub-section (4) of section 1, “ appointed day ” means such subsequent date;

(3) “ Assistant Settlement Officer ” means an Assistant Settlement Officer appointed under section 5;

(4) “ Government ” means the State Government;

(5) “ inam ” means—

(i) a grant of the melvaram in any inam land; or

(ii) a grant of both the melvaram and the kudivaram in any inam land;

which grant has been made, confirmed or recognised by the Government;

(6) “ inamdar ” in respect of any inam means the person who held the inam immediately before the appointed day;

(7) “ inam land ” means any land comprised in a minor inam:

(8) “ . . . Inam Estates Abolition Act ” means the Madras . . . Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963;

(9) " minor inam " means—

(i) any inam which is not—

(a) an estate within the meaning of sub-clause (d) of clause (2) of section 3 of the Madras Estates Land Act, 1908 (Madras Act I of 1908); or

(b) a new inam estate as defined in clause (9) of section 2 of the Inam Estates Abolition Act; or

(c) an estate within the meaning of sub-clause (d) of clause (2) of section 3 of the Madras Estates Land Act, 1908 (Madras Act I of 1908), as in force in the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959);

(ii) *lakhiraj* tenures of land;

(iii) any inam recognised and confirmed under section 2 of the Pudukkottai (Settlement of Inams) Act, 1955 (Madras Act XXIII of 1955), but not including a new inam estate as defined in clause (9) of section 2 of the Inam Estates Abolition Act and situated in the merged territory of Pudukkottai.

*Explanation.*—Any land granted on service tenure and governed by clause (b) of sub-section (1) and sub-section (2) of section 17 of the Abolition Act, or by clause (b) of sub-section (1) and sub-section (2) of section 14 of the Inam Estates Abolition Act shall be deemed to be a minor inam;

(10) " Settlement Officer " means the Settlement Officer appointed under section 4;

. . . . .

(11) " Tribunal " means a Tribunal constituted under section 7 and having jurisdiction.

## CHAPTER II.

### VESTING OF MINOR INAMS, ETC., IN GOVERNMENT.

3. *Vesting of minor inams, etc., in Government.*—With effect on and from the appointed day and save as otherwise expressly provided in this Act—

(a) clause (b) of sub-section (1) and sub-section (2) of section 17 of the Abolition Act and clause (b) of sub-section (1) and sub-section (2) of section 14 of the . . . Inam Estates Abolition Act, sections 2 and 12 of the Madras City Land-Revenue Act, 1851 (Central Act XII of 1851), the

Pudukkottai (Settlement of Inams) Act, 1955 (Madras Act XXIII of 1955), . . . and all other enactments applicable to minor inams as such shall be deemed to have been repealed in their application to minor inams;

(b) every minor inam including all communal lands and porambokes, waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries, situated within the boundaries thereof, shall stand transferred to the Government and vest in them free of all encumbrances, and the Madras City Land-Revenue Act, 1851 (Central Act XII of 1851) except sections 2 and 12, the Madras City Land-Revenue (Amendment) Act, 1867 (Madras Act VI of 1867), 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 lands shall apply to the minor inam;

(c) all rights and interests created by the inamdar in or over his inam before the appointed day, 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 minor inam and all accounts, registers, pattas, muchilikas, maps, plans and other documents relating to the minor inam which the Government may require for the administration thereof :

Provided that the Government shall not dispossess any person of any land in the minor inam in respect of which they consider that he is *prima facie* entitled to a ryotwari patta pending the decision of the appropriate authority under this Act as to whether such person is entitled to such patta;

(e) the inamdar 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 recognised or conferred on him by or under this Act;

(f) the rights and obligations of the inamdar as such shall be extinguished;

(g) any rights and privileges which may have accrued in the minor inam to any person before the appointed day against the inamdar shall cease and determine and shall not be enforceable against the Government or against the inamdar, and every such person shall be entitled only to such rights and privileges as are recognised or conferred on him, by or under this Act.

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

5. *Appointment and functions of Assistant Settlement Officers.*—(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 Assistant Settlement Officers to carry out the functions and duties assigned to them by or under this Act.

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

6. *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;

(b) to issue instructions for the guidance of the Settlement Officer and Assistant Settlement Officers;

(c) to cancel or revise, within such period as may be prescribed, any of the orders, acts or proceedings of the Settlement Officer, other than those in respect of which an appeal lies to the Tribunal.

7. *Constitution of Tribunals.*—(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 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.

8. *Grant of ryotwari pattas.*—(1) Subject to the provisions of sub-section (2), every person who is lawfully entitled to the kudivaram in an inam land immediately before the appointed day whether such person is an inamdar or not shall, with effect on and from the appointed day, be entitled to ryotwari patta in respect of that land.

(2) Notwithstanding anything contained in sub-section (1) and in the Madras Hindu Religious and Charitable Endowments Act, 1959 (Madras Act 22 of 1959), the following provisions shall apply in the case of lands in an iruvaram minor inam granted for the support or maintenance of a religious institution or for the performance of a charity or service connected therewith or of any other religious charity—

(i) where the land has been transferred by way of sale and the transferee or his heir, assignee, legal representative or person deriving rights through him had been in exclusive possession of such land—

(a) for a continuous period of sixty years immediately before the 1st day of April 1960, such person shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land;

(b) for a continuous period of twelve years immediately before the 1st day of April 1960, such person shall, with effect on and from the appointed day, be entitled to a ryotwari patta if he pays as consideration to the Government in such manner and in such number of instalments as may be prescribed an amount equal to twenty times the difference between the fair rent in respect of such land determined in accordance with the provisions contained in the Schedule and the land revenue due on such land;

(ii) in the case of any other land, the institution or the individual rendering service shall, with effect on and from the appointed day, be entitled to a ryotwari patta in respect of that land.

*Explanation.*—For the purposes of this sub-section, “land revenue” means the ryotwari assessment including the additional assessment, water-cess and additional water-cess.

(3) Any arrear of the amount due from any person under clause (i) (b) of sub-section (2) shall be recovered together with such interest as may be prescribed as if it were an arrear of land revenue.



(4) The Government shall within one year from the appointed day pay to the institution concerned in one lump sum the amount specified in clause (i) (b) of sub-section (2) and such payment shall be made in such form and manner as may be prescribed.

(5) In the case of a minor inam held immediately before the appointed day by an individual on condition of rendering service to a religious, educational or charitable institution, the grant of ryotwari patta under sub-section (1) or (2) shall be subject to the provisions of section 21.

9. *Grant of ryotwari patta in cases not covered by section 8.*—(1) Subject to the provisions of the next succeeding section, where in respect of an inam land no person is entitled to a ryotwari patta under section 8, 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 appointed day 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 Assistant Settlement Officer under sub-section (2) of section 11.

*Explanation.*—In this section 'person' includes an inamdar.

(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.

10. *Lands in respect of which no ryotwari patta will be granted.*—Notwithstanding anything contained in sections 8 and 9 no ryotwari patta shall be granted in respect of any land falling under any of the categories specified below and situated within the limits of any minor inam :—

(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 situated in any minor inam as are set apart for the common use of the villagers;

(d) rivers, streams and other porambokes.

11. *Determination of lands in respect of which any person is entitled to ryotwari patta.*—(1) The Assistant Settlement Officer shall, subject to the provisions of sub-section (2), inquire into the claims of any person for a ryotwari patta under this Act in respect of any inam land and decide in respect of which land the claim should be allowed.

(2) (a) Before holding the enquiry under sub-section (1), the Assistant Settlement Officer shall give notice in the prescribed manner to the inamdar and to the Tahsildar of the taluk or Deputy Tahsildar of the sub-taluk in which the inam land is situated; and

(i) if the person in occupation of the land is not the inamdar, to the occupant;

(ii) if the inam has been granted for the benefit of a Hindu religious institution or for service therein, to the Commissioner appointed under the Madras Hindu Religious and Charitable Endowments Act, 1959 (Madras Act 22 of 1959), or to an officer specified by the said Commissioner in this behalf;

(iii) if the inam is a wakf within the meaning of the Wakf Act, 1954 (Central Act XXIX of 1954), to the Board of Wakfs constituted under that Act, or to an officer specified by the said Board in this behalf.

(b) The Assistant Settlement Officer shall also publish in the prescribed manner in the village the notice referred to in clause (a) and after giving the parties who appear before him an opportunity to be heard and to adduce their evidence, give his decision.

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

Provided that the Tribunal may, in its discretion, allow further time not exceeding two 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 Assistant Settlement Officer was vitiated by fraud or by mistake of fact.

12. Liability to pay land revenue to Government.—(1) Every person, whether an inamdar or not, who becomes entitled to a ryotwari patta under this Act in respect of any inam land shall, for each fasli year commencing with the fasli year in which the appointed day falls, be liable to pay to the Government, the assessment under the ryotwari settlement of the inam land under section 16 and pending such ryotwari settlement be liable to pay land revenue—

(i) in case such land is already assessed under the Madras Inams (Assessment) Act, 1956 (Madras Act XL of 1956), at the rate of such assessment ;

(ii) in any other case, at the same rate and in the same manner as for the nearest ryotwari land of similar description and with similar advantages in the district in which the inam land is situated.

(2) The land revenue payable under sub-section (1) shall be fixed by the prescribed authority.

13. Vesting of buildings.—(1) Every building situated within the limits of an inam land shall, with effect on and from the appointed day, vest in the person who owned it immediately before that day; but the Government shall be entitled for each fasli year commencing with the fasli year in which the appointed day falls, to levy the appropriate assessment thereon.

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

14. *Rights of certain lessees and others.*—(1) In cases not governed by any other provision of this Act, where on or after the 30th day of September 1961, but before the appointed day, an inamdar 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 appointed day, 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 the 30th day of September 1961 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 the 30th day of September 1961 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 appointed day, 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 (e) and not under this section.

## CHAPTER IV.

### SURVEY AND SETTLEMENT OF INAM LANDS.

15. *Survey of inam lands.*—(1) Any inam land may be surveyed, or if it has been surveyed before the appointed day, 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 sub-section may be limited to what is necessary for the ryotwari settlement of the inam land.

(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.

**16. Manner of effecting ryotwari settlement.**—(1) The Settlement Officer shall effect a ryotwari settlement of all inam lands 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 resettlement 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 land is situated; or

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

. . . . .

(3) All rates of assessment imposed at a ryotwari settlement under this section shall be liable to revision from time to time as laid down in the settlement or re-settlement notification aforesaid, as the case may be.

(4) 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 11; or

(ii) as empowering the appropriate officer or authority to reopen any decision made under section 11.

## CHAPTER V.

## DETERMINATION AND PAYMENT OF COMPENSATION.

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

18. Compensation to be determined for the inam as a whole.—The compensation shall be determined for each inam as a whole and not separately for each of the interests in the inam.

19. Scale of compensation.—Except in the case governed by section 20, compensation shall be paid to the iramdar in accordance with the following provisions for the loss of income from all sources in the inam excluding the lands in respect of which any person is entitled to ryotwari pattu under section 8 :—

(i) The average net annual miscellaneous revenue from the said sources shall be the average of the net annual income derived by the Government from the said sources during the fasli year commencing on the appointed day, if that day was the first day of July, or on the first day of July immediately succeeding the appointed day if that day was not the first 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.

(ii) The compensation payable to any inamdar under this section shall be twenty times the average net annual miscellaneous revenue.

20. Payment of tasdik allowance to religious, educational or charitable institution.—(1) Where the inamdar of an iruvaram minor inam is a religious, educational or charitable institution, or an individual holding the inam on condition of rendering service to a religious, educational or charitable institution, the Government shall pay to the institution every fasli year commencing with the fasli year in which the appointed day falls, as a tasdik allowance an amount equal to the average net annual miscellaneous revenue as calculated under section 19.

(2) Where the inamdar of a melvaram minor inam is a religious, educational or charitable institution or an individual holding the inam on condition of rendering service to a religious, educational or charitable institution, the Government shall pay to the institution every fasli year commencing

with the fasli year in which the appointed day falls, an amount equal to the net tasdik allowance as calculated under sub-section (3).

(3) The net tasdik allowance shall be the difference between—

(i) the aggregate of the tasdik allowance determined under sub-section (1) and of the appropriate fair rent in respect of the land covered by the minor inam, determined in accordance with the provisions contained in the Schedule; and

(ii) the quit-rent, jodi, kattubadi or other amount of a like nature, together with the cess and additional surcharge payable for the fasli year immediately before the appointed day in respect of the whole of the minor inam.

(4) The payment shall be made to the institution under this section so long as it exists.

21. Service inams.—(1) The provisions of this section shall apply in respect of any minor inam which was held immediately before the appointed day by an individual (hereinafter referred to in this section as the service-holder) on condition of rendering service to a religious, educational or charitable institution.

(2) The service-holder shall subject to the provisions of sub-section (3) be bound to continue to render the service after the appointed day.

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

(a) either to pay to the religious institution the amount specified in sub-section (4) and on such payment the land shall, notwithstanding anything contained in sub-section (7), 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), (2), (6) and (7).

(ii) The option referred to in clause (i) shall be exercised within such time from the appointed day, and in such manner as may be prescribed.

(4) The amount referred to in sub-section (3) shall be twenty times the difference between the fair rent in respect of such land determined in accordance with the provisions contained in the Schedule and the land revenue due on such land.

(5) Where the service-holder has exercised his option to pay the amount specified in sub-section (4), the tasdik allowance referred to in sub-section (6) in respect of the period subsequent to the date of the exercise of such option shall be the absolute property of the institution and the institution shall be at liberty to make such arrangements as it thinks fit for the performance of the service.

(6) (a) For so long as the service-holder renders the service, the institution shall pay to the service-holder the tasdik allowance paid by the Government under section 20.

(b) If the service-holder fails to render the service, the prescribed officer shall, after such inquiry and after such 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 tasdik allowance payable to the institution in respect of the period subsequent to the failure 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.

(7) (a) For so long as the service-holder renders the service, he shall be entitled to occupy permanently the lands in respect of which he is entitled to a patta under section 8, subject, however, to the payment of the assessment fixed under section 16 in respect of such lands.

(b) If the service-holder fails to render the service, the prescribed officer shall, after such inquiry and after such 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 service-holder's right to occupy permanently the land under clause (a) shall cease and determine, and the institution shall be at liberty to make such arrangement as it thinks fit for the performance of the service and shall be entitled to hold the land as its absolute property subject, however, to the payment of the assessment fixed therefor under section 16.

*Explanation I.*—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 II.*—For the purposes of sub-section (4) "land revenue" means the ryotwari assessment including the additional assessment, water-cess and additional water-cess.

22. Determination of compensation and tasdik allowance payable.—(1) The Settlement Officer shall, by order in writing, determine in respect of each inam, the compensation payable under section 19, or, as the case may be, the tasdik allowance payable under section 20.

(2) Any inamdar or other person interested, may within such time as may be prescribed or such further time as the Settlement Officer may, in his discretion allow, apply in writing to that officer for a copy of the data on the basis of which he proposes to determine the tasdik allowance or compensation payable.

(3) On receipt of such application, the Settlement Officer 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 the inamdar and also to every applicant under sub-section (2).

(5) (i) The Settlement Officer 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:—

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

(2) that subsequent to the passing of the said order, data for the better calculation of the tasdik allowance or compensation have become available, or

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

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

(ii) A copy of every order passed under this sub-section shall be communicated to the Board of Revenue and also to the inamdar 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 one month 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 Settlement Officer 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 tasdik allowance or the compensation payable in respect of any inam shall not be altered by the Board without giving the inamdar 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 Settlement Officer 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 the inamdar, and to 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 Settlement Officer 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), sub-section (7) or sub-section (8) shall be liable to be cancelled or modified by the Government or any other authority.

**23. Compensation, etc., to be paid in prescribed manner.—**  
The tasdik allowance and the compensation payable under this Act may be paid in such form and manner, and at such time or times, and in one or more instalments, as may be prescribed.

## CHAPTER VI.

## DEPOSIT AND APPORTIONMENT OF COMPENSATION.

24. *Compensation to be deposited in office of the Tribunal.*—(1) The Government shall deposit in the office of the Tribunal, the compensation payable under section 19 . . . as finally determined under section 22 in such form and manner and at such time or times and in one or more instalments, as may be prescribed by rules made under section 23 :

Provided that the Government shall be entitled to deduct from the amount so deposited 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 appointed day by a mortgage of, or a charge on, the inam or any portion thereof :

Provided further that, where the amount of the compensation payable in respect of any inam 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 25, 26, 27, 28, 30 and 31 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.

25. *Claims to be made within three months.*—(1) Every person making a claim to, or enforceable against, the compensation deposited under any of the provisions of this Act or any portion thereof, shall apply to the Tribunal within three 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 32; or

(ii) subject to the provisions of section 35, 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.

26. Duty of Tribunal.—The Tribunal shall, after giving notice to all persons who have applied under section 25 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.

27. Compensation to be apportioned by the Tribunal.—(1) As a preliminary to such determination, the Tribunal shall apportion the compensation among the inamdar and any other persons whose rights or interests in the inam stand transferred to the Government under clause (b) of section 3, or cease and determine under clause (c) of section 3, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of those interests shall be ascertained in accordance with such rules as may be made by the Government in this behalf.

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

28. 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.

29. Interim payments to inamdar and others.—(1) In cases falling under section 19, if the compensation payable is not finally determined and deposited in pursuance of this Act before the close of the fasli year in which the appointed day falls, interim payments in respect of the inam shall be deposited by the Government in the office of the Tribunal every fasli year prior to the fasli year in which the deposit is made.

(2) In respect of the fasli year in which the appointed day falls, the interim payment to be deposited shall be one-twentieth of the compensation payable, as roughly estimated by the Government, after deducting therefrom the income from the inam actually derived by the inamdar before the appointed day in respect of that fasli year.

(3) In respect of each of the subsequent fasli years, the interim payment to be deposited shall be one-twentieth of the compensation payable, roughly estimated as aforesaid.

(4) 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 persons entitled to any portion thereof, as far as possible in accordance with the value of their respective interests.

(5) 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.

(6) 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 under sub-sections (2) and (3) for the fasli years concerned, if the compensation as finally determined had been adopted instead of the compensation as roughly estimated.

(7) If the aggregate interim payment thus determined exceeds the aggregate interim payment already deposited, the balance with interest thereon at three per cent per annum shall be deposited by the Government with the Tribunal along with the compensation as finally determined.

(8) If the aggregate interim payment determined under sub-section (6) is less than the aggregate amount already deposited, 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.

(9) 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 section 24, or to any extent to be in lieu of such compensation.

(10) The Tribunal shall revise its apportionment of the interim payments with reference to the aggregate interim payment as finally determined by the Government and make the necessary adjustments when apportioning the compensation as finally determined.

30. *Appeals.*—(1) Against any decision of the Tribunal under sub-section (3) of section 11, the Government may, within six months from the date of the decision, and any person aggrieved by any decision of the Tribunal under sub-section (3) of section 11, section 26, section 27, section 28, or section 29 may, within three months from the date of the decision, appeal to the Special Appellate Tribunal consisting of two Judges of the High Court nominated from time to time by the Chief Justice in this 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 opinion 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 hearing an appeal.

(4) 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 land 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.

31. *Restriction on the jurisdiction of Tribunal and Special Appellate Tribunal.*—In respect of compensation finally determined under section 22 and the interim payments made under section 29, the jurisdiction of the Tribunal and the Special Appellate Tribunal shall be limited to the apportionment thereof among the persons referred to in section 26 or sub-section (4) of section 29, as the case may be, 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.

32. *Disbursement of compensation.*—All payments made out of the compensation deposited in the office of the Tribunal under section 24 shall be made by it in accordance with its orders and decisions subject to the modifications, if any, made on appeal under section 30.

33. *Interim payments to institutions.*—(1) In cases falling under section 20, if the tasdik allowance payable under that section is not finally determined and paid in pursuance of this Act before the close of the fasli year in which the appointed day falls, interim payments in respect of each inam shall be made by the Government every fasli year prior to the fasli year in which the tasdik allowance as finally determined is paid.

(2) In respect of the fasli year in which the appointed day falls, the interim payment to be made shall be the tasdik allowance payable under section 20 as roughly estimated by the Government after deducting therefrom the income from the inam actually derived by the inamdar before the appointed day in respect of that fasli year.

(3) In respect of each of the subsequent fasli years, the interim payment to be made shall be the tasdik allowance payable under section 20 roughly estimated as aforesaid.

(4) After the tasdik allowance has been finally determined, the Government shall ascertain the aggregate interim payment which would have been made in respect of the inam under sub-sections (2) and (3) for the fasli years concerned if the tasdik allowance as finally determined had been adopted instead of the tasdik allowance as roughly estimated.

(5) If the aggregate interim payment determined under sub-section (4) exceeds the aggregate interim payment already made, the balance with interest thereon at three per cent per annum shall be paid by the Government to the inamdar.

(6) If the aggregate interim payment determined under sub-section (4) is less than the aggregate interim payment already made, the excess amount paid shall be deducted from the tasdik allowance payable in any subsequent fasli year or years as the Government may direct.

34. *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 three 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.

35. *Unclaimed and undischursed amounts how dealt with.*—

(1) (a) All amounts deposited in the office of the Tribunal under sub-section (1) of section 24, sub-sections (4) and (7) of section 29, and remaining unpaid and with reference to which no claim has been made within the time specified in sub-section (1) of section 25, or no application for payment has been made within the time specified in section 34; and

(b) all amounts deposited as aforesaid and remaining unpaid after the expiry of a period of six months from the date of disposal of the application under section 34,

shall be withdrawn by the Tribunal and deposited in the District Court having jurisdiction over the minor inam concerned in the name of the minor inam 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 making 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 inquiry 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.



**36. Wrong and excess payments to be recoverable as 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 amount due to such person shall be recoverable as if it were an arrear of land revenue.

## CHAPTER VII.

### MISCELLANEOUS.

**37. Quit-rent, jodi and kattubadi.**—Quit-rent, jodi, kattubadi or other amount of a like nature which the inamdar was liable to pay every year before the appointed day to the Government or to the landholder of an estate in which the inam was situated, shall cease to accrue with effect from the end of the fasli year immediately preceding the appointed day.

*Explanation.*—In this section, 'estate' shall have the same meaning as in clause (2) of section 3 of the Madras Estates Land Act, 1908 (Madras Act I of 1908) as in force in the territories specified in the Second Schedule to the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959) and in the rest of the State and shall include a new inam estate as defined in clause (9) of section 2 of the Inam Estates Abolition Act.

**38. 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 inamdar, against his interests in the inam 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 39.

(2) All proceedings for the execution of any decree or order by the arrest and detention in prison of the inamdar pending on the appointed day shall stand dismissed and if on such day the inamdar 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 inamdar shall, on or after

of rendering any other service, it shall be presumed, unless the contrary is proved, that the inam consists not merely of a grant of the melvaram in the land but also the kudivaram therein.

whatever on or from any party to the transaction.

**39. Transitional provision in regard to liabilities of inamdar, etc.**—(1) No claim or liability enforceable immediately before the appointed day against the inamdar 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 day, be enforceable against the interest he had in the inam; 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 sum or 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 immediately before the appointed day; 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 appointed day.

(2) No court shall, on or after the appointed day, order or continue execution in respect of any decree or order passed against the inamdar or any other person aforesaid against the interest he had in the inam; 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 inamdar or any other person aforesaid, allow interest at a rate exceeding six per cent per annum simple interest for the period commencing on the appointed day and ending with the date on which the earliest deposit in pursuance of this Act is made in the office of the Tribunal.

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

36. Wrong and excess payments to be recoverable as 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—

42. 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 appointed day but has transferred his right to the possession or occupation thereof or has been temporarily dispossessed or deprived of his right to the occupation thereof; and

(b) has not on that day 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 appointed day :

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.

43. Res judicata.—(1) The decision of a Tribunal or the Special Appellate Tribunal in any proceeding under this Act on any matter falling within its 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 be binding on the parties thereto and persons claiming under them in any proceeding under this Act before a Tribunal or the Special Appellate Tribunal in so far as such matter is in issue between the parties or persons aforesaid in such proceeding

44. Presumption in the case of service inam.—In proceedings under this Act relating to any inam granted for the benefit of any religious, educational or charitable institution or granted to any individual for rendering service to a religious, educational or charitable institution or for the purpose

of rendering any other service, it shall be presumed, unless the contrary is proved, that the inam consists not merely of a grant of the melvaram in the land but also the kudi-varam therein.

**45. 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 purpose 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-section (1) and sub-section (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).

**46. 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 under this Act, be final.

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

**47. 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.

48. 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 the Special Appellate Tribunal, authorities and officers appointed, or having jurisdiction under this Act;

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

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

(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.

49. *Act to override contract and other laws, etc.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, custom, usage or contract.

50. *Special provision relating to fixation of ceiling area in respect of inam land.*—(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 authorised officer shall in the fixation of the ceiling area of any person under that Act, exclude any inam land.

(2) As soon as may be, after the 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 authorised officer shall calculate or recalculate the ceiling area of such person and in so calculating or recalculating, the authorised 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).

51. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to 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.

52. *Repeal.*—The Andhra Inams (Abolition and Conversion into Ryotwari) Act, 1956 (Andhra Act XXXVII of 1956) is hereby repealed.

## THE SCHEDULE.

[See sections 8 (2) (i) (b), 20 (3) (i) and 21 (4)]

### *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, 33-1/3 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 person owning the kudivaram, 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 person owning the kudivaram, 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 person owning the kudivaram 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.

Fort St. George,  
Madras-9.

T. HANUMANTHAPPA,  
Secretary.



## APPENDIX.

THE MADRAS MINOR INAMS (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 Kudiwaram. 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 Kudiwaram as in the Iruvaram Inam Estates and also in minor Inams. The Kudiwaram 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 3 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 those 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 make 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 Rs. 50,000 and does not exceed Rs. one lakh, it is 15 times. As the basic annual income becomes larger then 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 of 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 Kudiwaram. 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 Endowments 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.

MYLAPORE, MADRAS,  
9th August 1963.

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

## II

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 21.*—There is no provision to enable the actual tiller of the soil to get patta. In some villages, for example Thirukoshtiyur in Ramanathapuram district, there are big temples and so most of lands are service Inam lands. Though the service holders are entitled to patta under this clause, actually they are not tillers. The persons who are in actual possession are deemed to be the tenants. This is not correct. These tillers should be given patta and the service holders must be paid allowances so far as he is in service.

*Clause 41.*—This clause should be omitted. The past arrears should be wiped out or the arrears should be collected as per the Rent Reduction Act of 1947.

*Clause 44.*—This clause should be omitted. There cannot be any presumption in favour of the landholders.

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

M. V. KARIVENGADAM,

S. MADHAVAN,

K. S. MANI,

A. P. DHARMALINGAM,

MADRAS,  
9th August 1963.

Members, Madras Legislative Assembly.