Bill further to amend the Mysore Land Revenue Code 1888

NOTIFICATION.

No. 973—L. C. dated Bangalore, 11th No

Under Rule 8 of the rules for the condu of the Mysore Legislative Council, the accompany Bill further to amend the Mysore Land Revenue Code, 1888, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill further to amend the Mysore Land Revenue Code, 1888.

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888, for certain purposes; It is hereby enacted as follows:—

1. This Act may be called the Mysore Land Revenue Code (Amendment) Act 193 .

2. In Clause (4) of Explanation to Section 79 of the Mysore Land Revenue Code, 1888, hereinafter referred to as the said Code, the word "twelve" shall be substituted for the word "twenty."

3. After Section 87 of the said Code, the following new Section shall be added as Section 87A.

"87A. When owing to inadequate rainfall in any tract, the Government orders remission of assessment in respect of lands in the tract, the payment of the rent or land revenue by a *kadim* tenant to the superior holder in respect of a land in any alienated village comprised in such tract shall be remitted to an amount prescribed by rules by the Government, and the loss of rent or land revenue incurred by the said superior holder shall be divided between the Government and the said superior holder in the proportion of the land revenue payable by the said superior holder to the Government and the total assessment of the village less the land revenue payable by the said superior holder to the Government.

4. After Section 96A of the said Code, the following new Section shall be added, namely.

"96B. All disputes relating to the nature of tenancy under this Chapter shall be decided by the

Deputy Commissioner. If during the introduction of Survey and Settlement, disputes relating to *kadim* and permanent tenancy rights are brought to the notice of the Settlement Officer, he shall make a list of such cases and send it to the Deputy Commissioner for adjudication.

5. (i) Clause (*c*) of Section 99 of the said Code shall be omitted, and the subsequent clauses renumbered as (*c*), (*d*) and (*e*), respectively.

(ii) In the first proviso to the same Section, for the words "Clauses (*c*) to (*f*)," the words "Clauses (*c*) to (*e*)" shall be substituted, and the words "under the provisions of Section 236" at the end of the proviso shall be omitted.

6. In Section 111 of the said Code, the following shall be added as a sub-clause of clause (1).

"In the case of lands under holding in an alienated or *kayamgutta* village newly brought under Settlement, the rate of assessment may be fixed a little higher than otherwise but without exceeding the maximum rate applicable to the locality so as not to diminish the existing income derived from them by the Inamdars. The Settlement shall be subject to the rules as to the maximum increase permissible at Re-settlement.

7. For Section 119A of the said Code, the following shall be substituted:—

"119A. Whenever it appears to the Government that an alienated village is being grossly mismanaged during the period of the minority or of unsoundness of mind of the holder, *or that it is expedient in the public interests to take over the management of an alienated village by Government, on account of the incapacity of the holder or any other cause*, the Government may, by notification in the official Gazette, order the Deputy Commissioner or any officer of Government to assume the management of such village temporarily on behalf of Government, *provided that in the latter case, the assumption shall not be made without giving notice to the holder and affording him a reasonable opportunity to be heard and to adduce evidence to show that he is fit to manage the village.* Government may, by a like order, release the property from its management as soon as the holder ceases to be a minor or the disability has ceased or for any other reason."

8. After Section 119A of the said Code, the following shall be added as Section 119B :—

"119B. When not less than 50 per cent of the tenants in an alienated village apply to the Deputy Commissioner that the village should be taken under Government management an account of disputes or misunderstandings between them and the *Inamdar*, the Deputy Commissioner shall hold a formal enquiry, and if satisfied that it is necessary to take over the village, he shall make a recommendation to Government. Similarly when an *Inamdar* or where the village is held in shares or *vritties*, not less than 50 per cent of the *vrittidars* apply to the Deputy Commissioner that the village should be taken under Government management on account of misunderstandings between them and their tenants, or on account of disputes amongst themselves or for other valid reasons, the Deputy Commissioner shall hold a formal enquiry and if satisfied that the village should be taken over, he shall make a recommendation to Government. Government may thereupon order the Deputy Commissioner or any other officer of Government to assume the management of such village temporarily on behalf of Government. Management assumed under this Section shall not be for a period of less than 8 years and 9 per cent of the revenue of the village shall be charged to the *Inamdar* towards the cost of administration."

9. To Section 193 of the said Code, the following clause shall be inserted between the two clauses beginning with "and all moneys due" and "and also all sums declared...............," "and all sums due from a tenant in an alienated village as contribution, in respect of any irrigation work, under a contract which provides that they shall be recoverable as arrears of land revenue."

10. Section 236 of the Land Revenue Code shall be omitted.

11. In Section 237 of the said Code, the proviso, at the end, shall be omitted and for the colon at the end of the first portion of the Section, a full stop shall be substituted.

Statement of objects and reasons.

In passing orders on the recommendations of the Committee appointed for suggesting measures for improving the condition of tenants in *inam* and *jodi* villages, Government accepted several of the recommendations and stated that necessary changes would be made in the existing law. With a view to implement the orders, it is proposed to amend the Land Revenue Code as hereunder:—

It is proposed to delete Section 236 and amend sections 237 and 111 so as to enable Government to introduce Survey and Settlement compulsorily into *inam* villages. The amendment provides that in so introducing settlement, the interests of the tenants or the *jodidars* are not affected and that while the tenants get the benefit of the general rules as to the maximum extent of increase permissible over the existing assessment for the village and for the individual fields, the existing income of the *inamdars* is not reduced.

Sub-clause (*c*) of Section 99 which gives discretion to the *inamdar* to vary the time at which and the instalments in which the land revenue or rent shall be payable is proposed to be deleted so that the system of *khists* prevailing in Government villages may be invariably adhered to.

With a view to enlarge the scope for taking *inam* villages under Government management as recommended by the Inam Committee, it is proposed to add a new section after Section 119A to enable Government to assume the management of *inam* villages at the instance of either the tenants or the *inamdars* subject to certain conditions. Section 119A is also proposed to be amended so as to enable Government to take over the management of an *inam* village on account of the incapacity of the holder to manage the village or for other cause.

In order to secure for *kadim* tenants in alienated villages in a tract affected by adverse seasonal conditions, the benefit of remission in rent similar to that which may be granted by Government, in Government villages in the tract under the remission rules, it is proposed to insert a new section as Section 87A.

At present there is no provision of law under which contribution payable to a holder of an *inam* village under the terms of the *mutchalika* executed by a raiyat in respect of an irrigation work in the *inam* village, can be recovered as an arrear of revenue by summary process under the Land Revenue Code. To remove this difficulty which stands in the way of the construction and restoration of irrigation works in *inam* villages, Section 193 is proposed to be suitably amended to provide for recovery by summary processes of contribution due from the *atchkatdars.*

Section 79 of the Code is proposed to be amended so as to reduce the period of continuous possession or payment of fixed rent on the part of a tenant for raising the presumption of tenancy from 20 to 12 years. A new section is proposed to be added as Section 96B to empower Deputy Commissioners to decide all questions relating to nature of tenancy.

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