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# Inam Land Legislations and Jurisprudence in Karnataka

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## ABSTRACT

*This research paper delves into the intricate landscape of Inam land legislations in India, offering a comprehensive examination of the various types of Inam lands and the legal frameworks governing them. Inam lands, historically granted for services rendered, present a complex legal terrain, with nuances that vary across regions. The study meticulously navigates through the evolution of Inam land laws, shedding light on their historical origins and subsequent modifications.*

*The paper categorizes Inam lands into distinct types, each with its unique legal implications. Analyzing the diverse classifications, it explores the socio-economic implications of Inam land grants and their relevance in contemporary legal contexts as well as socio-economic implications. The research not only outlines the statutory provisions related to Inam lands but also critically evaluates their practical implementation, identifying challenges and areas for reform.*

*Furthermore, the paper incorporates an in-depth examination of jurisprudence related to Inam lands, citing landmark cases that have shaped the legal discourse around their ownership, transfer, and management. By synthesizing judicial decisions and legal interpretations, the research contributes to a deeper understanding of the principles governing Inam land disputes.*

*Inam is an Arabic word signifying reward or favor. Inam lands in the Presidency, that of Bombay, are spoken as «alienated», while the Rytwari lands are as Government. The former term implies that Government has parted with its right of assessing the land and revision the assessment, the Inam being either 'rent-free' or more commonly charged with a 'Jodi' or 'Quit-rent' which is unalterable.*

## I. INTRODUCTION

The origin of inams dates prior to 1800 and dates from antiquity, Inam lands were held by temples, village servants and artisans (the village watchman, sweeper, water drawer, cobbler and so on). They were also held by village officials: inam lands were attached to a hereditary office (watan) such as that of headman, and both the office and the land could be sold, though

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it is not clear whether they could be sold separately, nor whether other types of inam land could be freely sold. Small inam lands would be cultivated by the inamdar himself. But there were also large inams from 45 to 180 acres, held by hereditary district officials, village headmen, distinguished servants of the state and so on, and these were generally let out<sup>2</sup>

Several inams were created during the period 1811 to 1831 during the reign Maharaja Krishnaraja Wodeyar III, and large alienations were made, in addition to which a good many villages were granted on Kayamgutta or permanent tenure. Lands, with a rough assessment valuation of 3 ½ lakhs of rupees, were thus granted as inams, the Jodi imposed thereon being only about half a lakh.

Similarly, the nizams of Bombay and Hyderabad as well gave out large portions of land to be utilized for various services.

The grants made by the British Commission since 1831, which may be called the third epoch in inam history, were few, and were for special purposes, such as, the maintenance of topes, tanks and avenue trees, and the upkeep Chattrams (a roadside inn or rest house for travelers.). The Jodi imposed was also substantial.

## **II. CURRENT REGULATIONS GOVERNING THE INAM LANDS IN KARNATAKA**

### **1. The Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961) Amended in 2003**

Initial Objective - abolish all the hereditary village offices, viz., Patels, Shanbhogs, Kulkarni's and inferior village servants in order to put the Revenue Administration at the point where it touches the people most, in consonance with the modern spirit.

### **2. The Karnataka (Belgaum and Gulbarga areas) religious and charitable inams abolition act, 1973**

"protected tenant" means a tenant of any land comprised in an inam if he has held it continuously and cultivated personally for a period of not less than twelve years prior to the appointed date and includes,- (i) in the 1 [Belgaum Area]1 a person who was recognised to be a protected tenant under the Bombay Tenancy and Agricultural Lands Act, 1948, as was in force in that area, (ii) in the 1 [Gulbarga Area]1 a person who was deemed to be a protected tenant under the Hyderabad Tenancy and Agricultural Lands Act, 1950, as was in force in that area. – only for connectivity for other legislations.

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<sup>2</sup> P 172 The Cambridge Economic History of India: Volume 2, C.1757-c.1970

The Land revenue Act, Hyderabad Atiyat Enquiries Act, were applicable to denote the title on the land.

(If it is a personal Inam it came under the provisions of Hyderabad Inams Abolition Act, 1954. If it is a religious Inam it came under the provisions of Karnataka Certain Inams Abolition Act.)

### **3. The Karnataka (Sandur Area) Inams Abolition Act, 1976 (Bellary area)**

Bellary district was transferred to British India, and the Rajas of Sandur came under the political authority of the Madras Presidency. On 1 July 1818 Sandur formally became a British protectorate.

A 46-day land struggle was peaceful, it eventually turned violent due to police brutality. Ultimately, the movement bore fruit. The Karnataka (Sandur area) Inams Abolition Act, 1976, was brought in. Applications were invited from farmers distribution of the 8,029 acres of land belonging to the Kumaraswamy temple. Yashwantrao Ghorpade's 'Dharmadarshitva' (ancestral control) over the Kumaraswamy temple was also withdrawn. Among these, 3,448 applications have been settled. The farmers of Sandur have been able to recover 20,180 acres of land<sup>3</sup>

### **4. The Karnataka Certain Inams Abolition Act, 1977**

The Act was enacted to mainly cover all such Inams that do not fall under any of the earlier enacted Acts such as - "enclave villages" mean villages transferred from one State to another State according to the provisions of the Province and State (Absorption of Enclave) Order, 1950 and the India and Hyderabad (Exchange of Enclaves) Order, 1950 and enfranchised villages, to make the process of the occupants of enfranchised Inams easier.

S 11. Procedure for registration as an occupant. - Every person entitled to be registered as an occupant under this Act shall make an application to the Tribunal constituted under the Karnataka Land Reforms Act, 1961 [on or before 3 [31st day of March, 1991] [Provided the where the inam is an enfranchised inam, such application by the Inamdar including holder of minor inam shall be made to the Tahsildar on or before the 3 [thirty-first day of March, 1991] . The application shall be decided by the Tahsildar after issuing individual notices to the concerned inamdars and after such verification and enquiry held in such manner as may be prescribed.

And minor inams and enfranchised inam occupier are free to alienate the land, a benefit not given to other occupants and inamdars without the payment of a premium.

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<sup>3</sup> <https://www.deccanherald.com/india/karnataka/those-who-till-the-land-2703543>

**5. The Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955).**

The Act for the first time included several different types of inams, it however did not cover the inam lands of current day Bellary district

**6. The Mysore (Religious and Charitable) Inams Abolition Act, 1955 ( Mysore Act XVIII of 1955).**

Some other legislations include

- The Bombay Personal Inams Abolition Act. 1952.
- The Bombay Service Inams (Useful to Community) Abolition Act, 1953.
- The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953.
- The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.
- The Hyderabad Abolition of Inams Act, 1955.
- The Madras Estates (Abolition and Conversion into Ryotwarit) Act, 1948.
- The Bombay pargana and Kulkarni Vatan (Abolition) Act, 1950.

Note – In 2011 via THE KARNATAKA REPEALING (REGIONAL LAWS) ACT, 2011

The Government has constituted a One Man Committee headed by Sri K.R. Chamayya, Retd. Law Secretary and Retd. Wise Chairman of Karnataka Administrative Tribunal to suggest repeal of all obsolete regional Acts in force in the different areas of the State i.e. Belgaum Area, Coorg District, Gulbarga Area, Mangalore and Kollegal Area and Mysore Area and to prepare volumes of such of those Acts which are considered to be necessary. In the second phase, Committee has recommended to repeal 40 Acts of Belgaum Area Regional Laws, 01 Act of Coorg District Area Regional Laws, 05 Acts of Gulbarga Area Regional Laws, 36 Acts of Mangalore and Kollegal Area, 05 Acts of Old Mysore Area,<sup>4</sup> many of the older land legislations were then abolished.

### III. CLASSIFICATION OF INAMS

The following are the various classes of inams

1. **Personal inams.** — Inams held for personal benefit, including Agrahar inams.
  - An Agrahar is ordinarily a grant of houses for the residence of Brahmins, with an endowment of lands or other income for their maintenance. The grant is for

<sup>4</sup> THE KARNATAKA REPEALING (REGIONAL LAWS) ACT, 2011

the benefit of the grantee, though in return, they are expected to pray for prosperity of the grantor and his family. This duty, by implication, entails certain conditions. The grantees should keep up the Agrahar and arrange for the houses being tenanted by themselves or other Brahmans, and though they are allowed to alienate the endowments, *i.e.*, the houses as well as the lands, they can so alienate them only to Brahmans, who alone are supposed to be competent to offer such prayers. In British Territories, where the dynasties of the grantors have become extinct, the necessity of maintaining such conditions ceases to exist, and the inams are often treated as entirely personal grants.

- In Mysore, however, and especially in the case of the Agrahar grants made by Maharaja Krishnaraja Wodeyar III, it is desirable that the tenure of service, though merely nominal, should not be relaxed, and the Agrahars, *i.e.*, the Brahman residences with the endowments attached, should be maintained in efficiency in commemoration of the grantor.

2. **Religious (Devadaya) and charitable (Dharmadaya) inams.** - Grants or endowments made for the support of religious and charitable institutions, and for the maintenance of persons therein rendering services; (Devadaya, Brahmadaya and Dharmadaya inams, Ghante Kodagi inams, punchangi inams. fall under this category)

- Which are held by religious and charitable institutions and by persons therein rendering service, should be confirmed to their present holders, so long as the institutions are kept in good order and service continued to be performed, according to the condition of the grant.
- S6A (1979) MIAA Amendment says that Pujari Archak etc., can also be registered as occupants It is important to prove that the duties of a Archak were performed by the tenant in order to receive any occupant right.<sup>5</sup>

3. **Kodagi inams.** — Inams granted for the construction and repair of wells, tanks, water channels, and such like works, will not be interfered with so long as the works are kept in good order, and the terms of the grants are fulfilled, Kodagi inams are grants of land or of a share of the produce for the upkeep of tanks constructed or restored by private individuals.

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<sup>5</sup> <https://main.sci.gov.in/jonew/judis/32460.pdf>

4. **Service inams.** — Miscellaneous service inams such as Deshpande, Desh-mukhi, Deshkulkarni, *etc.* (b) Inams to Artisans and others for services rendered to the village community. (c) Village service inams
5. **Minor inams** – means an alienated holding other than an inam village, situated in an alienated village or in an unalienated village. Enfranchised inam lands are a type of Inam lands.
6. **Miscellaneous Inams.** - All other inams not falling under the two foregoing divisions, no matter by whom granted, shall also be held valid upon the production of trustworthy sannads

#### IV. TYPES OF TENANTS

##### S 4. Kadim Tenant – can be registered as occupant

- 'Deemed tenants' - Kabiz-e Kadim holds land not on lease but as person other than Inamdar-He pays revenue and not rent to Inamdar-Kabiz e-Kadim is not a deemed tenant. The term kabiz-e-kadim literally means old occupier. The very definition shows such a person to be the holder of the inam, other than the Inamdar, and to have been in possession of the land at the time of the grant of the inam, or a person who was in continuous possession of such land for not less than 12 years before the time of vesting and who pays the inamdar nothing except the land revenue. The emphasis in the definition is an holding the land, or possessing the land for more than 12 years before vesting of the land, which would show that what is contemplated Is an Independent assertion of the right to hold the lands vis-a-vis the Inamdar. The fact that Kabiz-e-Kadim does not pay rent to the Inamdar but pays only the land revenue which is actually payable to the Government goes to show the status of his occupation as being the real holder of the Land though the Inamdar is shown as he ostensible owner.
- Kabiz-e-Kadim are mostly seen under Hyderabad Inams Abolition Act and Belgaum and Gulbarga religious and charitable Inams Acts.

##### S 5 Permanent tenants – can be registered as a occupant/provided they were in possession of that land before 1<sup>st</sup> July 1948 / 20 times such land revenue

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

the tenure of the inamdar;

S 6. Quasi-permanent tenants – he had been unlawfully disposed of such lands by the Inamdar between 30<sup>th</sup> June 1948 to the date on which the claim for occupancy is made.

- "Quasi-permanent tenant" means a person who has been in continuous possession of any land used for agricultural purposes in an inam by cultivating such land himself with his own stock or by his hired servants or by hired labour or with hired stock on payment of rent to the inamdar for a period of not less than six years prior to the first day of July, 1948

S9A Other Tenants – such as protected tenants (who were appointed for cutting grass, collecting fruits etc.,)

What happens to the land that is not registered in favor of any occupier?

When no application is filed under any such act and the rules within the stipulated time and therefore whatever rights the Inamdar had under the Act stand extinguished, the land is vested to the government, and once it becomes the land of the government it is free from all encumbrances.<sup>6</sup>

What are the requisites for the Govt to identify the status of the occupier.

Note- back then the claim for title was identified by the pahani, as mentioned in the land revenue records for e.g, 'Khasra' pahani would indicate government land, and those entered in land records by names of arazi makhta, arazi agrahar and seri inam would normally be treated as inam land

1. Settlement register

2. Possession

- Justice Venkataswami, J held that the question of possession is a relevant circumstance to be considered having regard to the various kinds of registration that could be sought<sup>7</sup>

3. Entries to be made in the record of rights Sec 10-A

110-A. Entries to be made in the record of rights.

- (1) After the determination of claims under Section 10, [the Tribunal] shall send the prescribed particulars of the decision to the Officer maintaining the record of rights

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<sup>6</sup> Ameena Firdouse vs The State of Karnataka 2013 Karnataka High Court judgement.

<sup>7</sup> . Ninge Gowda v Kamamma, (1974)1 Kar. L.J. Jr. 26, Sh. N. 90



under the Karnataka Land Record of Rights Act, 1958)

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

- After each judgement was passed with regard to claim on title, copy of the order was the forwarded to the revenue department to enter in the records.

#### 4. Occupancy rights certificate

- Sections 5 and 35 of the Mysore (Religious and Charitable Inams Abolition Act, 1955 (Act No.18 of 1955) are being amended and a new section 9-A inserted to provide that:-

(i) if a permanent tenant entitled to be registered as an occupant under sub-section (1) of section 5 is shown as a registered occupant in the settlement register and other records referred to in section 117 of the Land Revenue Code, or if the rent paid by him is not more than the land revenue, no premium shall be payable by him under sub -section (2) of section 5;

(ii) the orders passed by the Deputy Commissioner functioning under the Act will be entered in the Record of Rights;

(iii) Deputy Commissioners functioning under the Act can themselves sanction prosecutions under section 35.

State of objectives – certain inams abolition – which all inams acts apply. Special abolition act – Karnataka villages officers act Grant certificate issue.

## V. LAND MARK JUDGEMENTS

1. **Applicability of Inam laws**, The SC in held that : The Supreme Court, in the light of this argument and in the light of the above referred facts, ultimately would say that the writ petition filed by Kudli Shringeri Maha Samsthanam did not concern with personal inams and related to only to the religious and charitable inams. In this view of the matter, the Supreme Court held that the High Court was in error in granting relief in such wide terms declaring the entire Karnataka Inams Abolition Laws (Amendment) Act, 1979 to be invalid, and consequently it set aside that part of the judgment and confined the declaration to the provisions of the Amendment Act of 1979 only to the extent it amended Mysore Act 18 of 1955.<sup>8</sup>

2. **Assignment of land under Inams Act does not bar partition**: This court in Nagesh

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<sup>8</sup> Supreme Court of India M.B.Ramachandran vs Gowramma & Ors on 28 April, 2005

Bishto's case, we are of the view that grant of land to archak cannot disentitle the other members of the family of the right to the land and such granted land, therefore, is also available for partition grant of occupancy to one member will not disentitle the other members.<sup>9</sup>

In order to claim occupancy rights over a Inam land, the person claiming the title must either prove that they were cultivating the land for the period mentioned in the land or the land must be religious or charitable land.<sup>10</sup>

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<sup>9</sup> Nagesh Bishto Desai Vs. Khando Tirmal Desai etc. [(1982) 2 SCC 79]

<sup>10</sup> Ameena Firdous vs The State of Karnataka, 20<sup>th</sup> February, 2013 Karnataka High Court