

Enfranchisement of Devadasi Inams Rules

TAMILNADU

India

Enfranchisement of Devadasi Inams Rules

Act 1202 of 1960

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Enfranchisement of Devadasi Inams Rules Published vide Notification No. G. O. No. 693, Revenue, Dated 16th November 1960 - SRO No. A-1202 of 1960 Published in Part V of the Fort St. George Gazette, dated 14th December, 1960 (page 642). G. O. No. 693, Revenue, Dated 16th November 1960 - SRO No. A-1202 of 1960. - In exercise of the powers conferred by section 116 read with section 40 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959), the Governor of Tamil Nadu hereby makes the following Rules, namely:-

1.

These Rules may be called the Enfranchisement of Devadasi [Inams Rules] [Issued superseding the original rules published in the Notification SRO. No. A 1202 of 1960 of the Fort St. George Gazette, dated 24th February 1960.].

2.

In these rules, "Act" means the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959).

3.

The qui-rent to be imposed under sub-section (1) of section 40 of the Act shall be the current assessment on the land, less any quit-rent, jodi or excess charge already payable thereon. The quit-rent so imposed shall not be liable to revision. Explanation. - In case of proprietary villages, the current assessment on similar lands in the neighbouring ryotwari villages shall be taken to be the current assessment on the inam land for enfranchisement.

4.

As soon as may be after the publication of these Rules, the Government shall direct, by a notification in the District Gazette, that the trustee of every temple in the district as well as the devadasi or other inamdars of land granted for a service auxiliary to the service to be performed by the devadasi concerned, shall send to the District Collector within such time, as maybe specified in the notification, a statement in Form 'A' annexed to these rules, of the devadasi inams or other inams mentioned in sub-section (8) of section 40 of the Act held in connection with the temple, which should be enfranchised.

5.

The Government shall direct the District Collector to make such inquiry as he may think fit to ascertain what inams in the district should be enfranchised by Government under the Act, and collect such information relating to the said inams as he may think necessary.

6.

(1)On receipt of a statement under rule 4, the District Collector shall-(a)if he is satisfied that the statement is in conformity with the provisions of the Act and these Rules, fix a date for the inquiry which shall not be less than thirty days from the date of receipt of the statement; and(b)if he is not so satisfied, return the statement for being brought into such conformity and re-presented within a reasonable period to be specified, which may, however, be extended at the discretion of the Collector.(2)In cases falling under clause (b) of sub-rule (1) -(a)if the statement is not re-presented within the period specified in that behalf or if it is so re-presented within such period, but the District Collector is not satisfied that it has been brought in conformity with the provisions of the Act and these Rules, the District Collector may reject the statement; and(b)if the statement is re-presented within the period aforesaid and the District Collector is satisfied that it has been brought into conformity with the provisions of the Act and these Rules, the District Collector shall fix a date for the inquiry which shall not be less than thirty days from the date of re-presentation of the statement.

7.

(1)In cases where the statement has been re-presented under clause (a) of rule 6(1) and clause (b) of rule 6(2), a notice for enquiry in Form 'B' annexed to these Rules accompanied by a copy of the statement shall be served in the manner specified in sub-rule (2).(2)Such notice shall be served -(a)on the Commissioner by a copy being sent by registered post; and(b)on the trustee and the devadasi or the inamdar, as the case may be, by delivery of copy to such person or some adult male member of his or her family at his or her family at his or her usual place of residence or to the authorised agent of such persons.(3)Such notice shall also be published -(a)on the notice boards of the offices of the Assistant Commissioner, the Tahsildar of the taluk concerned and the District Collector;(b)on the notice board or the front door of the temple concerned;(c)on the notice board of

the office of the Municipal Council concerned or the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] or the village chavadi, as the case may be, and, if there is no village chavadi, affixed in some other public place in the village in which the temple concerned is situate;(d)in another conspicuous place in the locality which may be selected by the District Collector in his discretion.The notice shall also be published in the District Gazette, if the temple is situated in the mofussil or in the Tamil Nadu Government Gazette, if it is 1 in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].(4)In cases where no statement has been presented under rule 4, the District Collector shall, if he is satisfied that the devadasi inam or other inam requires enfranchisement, cause a notice for enquiry in Form 'C' annexed to these Rules to be served and published in the manner specified, respectively, in sub-rules (2) and (3). The said notice shall be accompanied by a statement in Form "D" annexed to these Rules which shall be prepared by the District Collector from the information available with him.

8.

If the District Collector is satisfied after the enquiry referred to in rule 7 that the inam should be enfranchised by the Government, he should send the papers to the Government, with full particulars for enfranchisement.

9.

On receipt of the report with full particulars of the inam for enfranchisement from the District Collector referred to in rule 8, the Government shall enfranchise the said lands from the condition of service by the imposition of quitrent and direct the Inam Commissioner to issue suitable title deeds in the forms annexed hereto. Any title deed that the Inam Commissioner may have previously issued in respect of such grant shall be deemed to have been cancelled from the date on which a fresh title deed is issued and has taken effect.

10.

The quit-rent imposed under sub-clause (1) of clause (a) of sub-section (1) of section 40 of the Act shall be paid to the temple from the revenue collections of the village as a beriz deduction.

11.

(1)The order of Collector under section 40(2) shall be published by affixture-(a)on the notice boards of the offices of the Assistant Commissioner, the Tahsildar and the District Collector concerned;(b)on the notice board or the front door of the temple concerned;(c)on the notice board of the office of the Municipal Council including the Corporation of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] or the village chavadi and, if there is no village chavadi, in some other public place in the village in

which the temple concerned is situate;(d)in another conspicuous place in the locality which may be selected by the Collector in his discretion.(2)The order shall also be published in the District Gazette in the language of the district in the case of temple situated in the mofussil and in the Tamil Nadu Government Gazette, in the case of temples situated in the City of [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).].Form A(See rule 4)Statement showing the particulars to be furnished by temple trustees and Devadasis in respect of the Devadasi Inams to be enfranchised under The Tamil Nadu Hindu Religious and Charitable, Endowments Act, 1959 (Tamil Nadu Act 22 of 1959)

Village in which the land lies	Survey number of paimash number or description to identify the land	Description of the land dry, wet or garden or house-site	Extent	Name of owner or occupier and names of persons ofowning interest in the land by lease, mortgage,etc.	Name of Devadasi or other inamdar who renderedservice in respect of his land	Whether the interest of the Devadasi or otherinamdar is of the nature described in(a) (1)(a) (ii) or(1)(a) (iii) of sub-section(2) of section 40 of the Act	Remarks on the origin and nature of the grant andwhether any original title deed or relevant documents areavailable
1	2	3	4	5	6	7	8

Certified that the above is a full and true statement of the lands held, subject to the performance of Devadasi or other auxiliary service in this temple and I have satisfied myself that there are no other lands of such a nature.Trustee/Devadasi and other Inamdar.Form of the title deed to be issued when the Devadasi is the Owner of the Land(See rule 9)No.....Title-deed granted to.....(the Devadasi to be named.)By order of the Governor of Tamil Nadu, I acknowledge your title to an inam consisting of the right to a portion of the Government revenue on land measuring acres of dry acres of wet and acres of garden (be the same a little more or less) originally granted for service and situated in the village of in theestate of..... in the taluk of in the district.

2. This inam being held for.....shall now be deemed freed of such service, but shall henceforth be subject to the payment of an annual quit-rent of rupees exclusive of rupees.....already payable as jody or quit-rent to the Government of Tamil Nadu and rupees.....payable as jodi to the proprietor which quit-rent is hereby imposed upon the inam in commutation both of the said service and of the reversionary interest possessed by the State Government in the inam. The inam is now confirmed to you, your representative and assigns to hold or dispose of as you or they think proper subject only to the payment of the above mentioned quit-rent and jodi and to the provisions of the next clause.

3. The right of the State Government to all minerals, if any, in the land referred to in clause 1 above is hereby expressly reserved to the State Government and the revenue referred to in that clause represents only the right of the State Government to a share in the surface products of such land.

[Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]:

Dated..... 20 Inam
Commissioner.

Form of the title deed to be issued when the Devadasi is not the owner of the land(See rule 9)No.....Title-deed granted to.....the manager for the time being of the temple of.....By order of the Governor of Tamil Nadu, I acknowledge your title to an inam consisting of the right to a portion of the Government revenue on land measuring.....acres of dry.....acres of wet and acres of garden (be the same a little more or less) and situated in the village ofin the estate of in the taluk of in the district of.....

2. This inam which is at present subject to a jodi or quit rent of rupees per annum payable to the Government of Tamil Nadu and a jodi of rupees.....per annum payable to the proprietor and which is confirmed subject to the payments aforesaid to the said Government and the proprietor to.....(the Devadasi to be named) during her lifetime, and after her death confirmed to the temple of situated in the village of in the estate of in the taluk of.....in the district of..... so long as it is maintained. The inam will lapse to the State Government when the temple ceases to be maintained.

3. The right of the State Government to all minerals, if any, in the land referred to in clause 1 above is hereby expressly reserved to the State Government and the revenue referred to in that clause represents only the right of the State Government to a share in the surface products of such land.

[Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).]:

Dated..... 20 Inam
Commissioner.

Form B(See rule 7)Notice under section 40 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959In the Court

of.....at.....district.No.....of 20.....Subjects:
Inam - Religious/Charitable taluk,..... village.....T.D.
No.....Resumption.To.....(Name, description and
place of residence)Whereas.....has presented an application to this Court praying for
the.....the whole of the inam.....enfranchisement
of.....described below on account of.portion of the inam.Take notice
that if you have any cause to show why the inam/a portion of the inam should not be enfranchised,
you should appear in person or by a counsel, fully instructed with proofs in this Court, on the day of
20....., when the said application will be heard and disposed of, failing which the said application
will be heard and disposed of ex parte and it will be presumed that you consent to the
enfranchisement of the inam/portion of the inam. Given under my hand and the seal of the Court,
this day of 20.....Forms C & DRefer to Gazette