

Tamil Nadu Inams (Assessment) Act, 1956

TAMILNADU

India

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Act 11 of 1956

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Tamil Nadu Inams (Assessment) Act, 1956 Tamil Nadu Act 11 of 1956 Statement of Objects and Reasons - Tamil Nadu Inams (Assessment) Act, 1956 (Tamil Nadu Act XL of 1956). - For Statement of Objects and Reasons, Please see Part IV-A, pages 245-246 of the Fort St. George Gazette, dated the 5th December 1956. Received the assent of the President on the 19th February 1957 and first published in the Fort St. George Gazette on the 27th February, 1957. An Act for the levy of full assessment on certain inam lands in the [State of Tamil Nadu] [Substituted for the express 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Whereas it is expedient to provide for the levy of full assessment on certain inam lands in [State of Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Be it enacted in the Seventh year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Inams (Assessment) Act, 1956. (2) It shall be deemed to have come in to force on the 1st day of July 1956.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Collector" means a Revenue Divisional Officer and includes any person appointed by the State Government whether by name or in virtue of his office, to exercise any of the functions of a Collector under this Act; (b) "Estates Land Act" means the [Tamil Nadu] [Substituted for the express 'State of Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land Act, 1908 ([Tamil Nadu] [Substituted for the express 'State of Madras' by the

Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act I of 1908);(e)"inam" means an inam land as defined in clause (d) and includes an assignment of land revenue on such inam land;(d)"inam land" means any land the grant of which in inam has been made, confirmed or recognized by the Government and includes any inam constituting an estate under the Estates Land Act, but does not include-(i)any estate to which the provisions of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates (Abolition and Conversion into Ryotwari) Act, 1948 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XXVI of 1948), apply or may be applied;(ii)any ryoti land, that is to say, any cultivable land in an estate held by a person other than the landholder;(iii)any land granted by a landholder on service tenure either free of rent or on favourable rates of rent if granted before the passing of the Estates Land Act or free of rent if granted after that date, so long as the service tenure subsists;(iv)beds and bunds of tanks and of supply, drainage, surplus or irrigation channels;(v)thershing-floor, cattle-stands, village sites, and other lands which are set apart for the common use of the villagers;(vi)waste lands and forests.Explanation. - The expression "landholder" shall have the meaning assigned to it in clause (5) of section 3 of the Estates Land Act;(e)"settlement" includes resettlement.

3. Levy of full assessment.

(1)Notwithstanding anything contained in any engagement, contract, grant or any law for the time being in force, it shall be lawful for the State Government to levy -(a)on any inam land in a ryotwari village, the full assessment at the rate of assessment set out in the settlement notification for lands of a similar description and with similar advantages in the same village, and if there are no such lands, in the nearest ryotwari village where such similar lands exist;(b)on any other inam land, the full assessment at the rate of assessment set out in the settlement notification for lands of a similar description and with similar advantages the nearest ryotwari village where conditions are generally similar to those obtaining in the village in which the inam land is situated:Provided that in the case of an inam granted on service tenure which is proved to consist of an assignment of land revenue only, no assessment under this sub-section shall be leviable, and the inamdar shall be liable to pay only the quit-rent, jodi, kattubadi or other amount of a like nature, if any, which he has been paying before the commencement of this Act.Explanation I. - The levy of full assessment on any inam, which became an estate by virtue of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land (Third Amendment) Act, 1936 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XVIII of 1936), shall be in addition to any quit-rent, jodi, kattubadi or other amount of a like nature payable to the State Government by the landholder immediately before the commencement of this Act.Explanation II. - If any quit-rent, jodi, kattubadi or other amount of a like nature was payable to the State Government immediately before the commencement of this Act in respect of any inam other than one falling under Explanation I, the assessment leviable on such inam under this section shall be in lieu of such quit-rent, jodi, kattubadi or other amount aforesaid and, if, in respect of any such inam

situated in an inam village, any jodi or other amount of a like nature is payable by the inamdar to the landholder of the village, the assessment leviable on such inam under this section shall be reduced by the jodi or other amount so payable.(2)(a)Before making the assessment the Collector shall publish in the District Gazette and in such other manner as may be prescribed, a draft notification specifying the inam lands in respect of which the assessment is proposed to be levied under sub-section (1), and the rates of such assessment together with a notice specifying a date not being less than one month from the date of such publication at or after which such draft will be taken into consideration, and shall confirm or modify the assessment or pass such orders as he deems fit after considering any objections which may be made in respect of the draft by the inamdar or other person interested before the specified date and after making such inquiry, if any, as he deems fit. (b) Any person deeming himself aggrieved by a decision of the Collector under clause (a) may prefer an appeal to the District Collector within the prescribed period and the District Collector may, after giving the appellant an opportunity of being heard, pass such orders on the appeal as he thinks fit.(c)The decision of the District Collector under clause (b) and in cases where no appeal has been preferred the decision of the Collector under clause (a) shall, subject to the provisions of this Act, be final and shall not be liable to be questioned in any Court of law.(3)The inam lands and rates of assessment leviable thereon as finally decided shall then be published in the District Gazette and in such other manner as may be prescribed.(4)[The rates of assessment as published under sub-section (3) shall take effect on and from the 1st day of July 1956 and accordingly assessment under this section shall be leviable with effect from that date.] [Added by section 2 of the Tamil Nadu Inams (Assessment) Amendment Act, 1968 (Tamil Nadu Act 15 of 1968) which was deemed to have come into force on the 1st July 1956.]

3A. [Revision of assessment of inam lands. [Inserted by Section 2 of the Tamil Nadu Inams (Assessment) Amendment Act, 1961 (Tamil Nadu Act 16 of 1961).]

(1)Notwithstanding anything contained in section 3, it shall be lawful for the State Government to revise, from time to time, the rates of assessment published under sub-section (3) of section 3, whenever the rate of assessment set out in the settlement notification referred to in clause (a), or as the case may be, in clause (b) of sub-section (1) of section 3 is revised subsequently by the appropriate authority:Provided that the revision in the rates of assessment under this sub-section shall be to the same extent as the rates of assessment set out in the settlement notification as revised by the said appropriate authority.(2)The provisions of sub-section (2) of section 3 shall, as far as may be, apply in relation to the revision of the rates of assessment on inam lands under subsection (1) as they apply in relation to the making of the assessment on such lands.(4)[The revised rates of assessment as published under sub-section (3) shall take effect from the commencement of the fasli year in which such rates of assessment are published in the District Gazette and accordingly assessment under this section shall be leviable with effect from the commencement of such fasli year.]]

4. Presumption in the case of service inams.

- In the case of an inam granted for the purpose of any service it shall be presumed, in the absence of evidence to the contrary that the inam consists not merely of an assignment of land revenue payable in respect of the land but also of the land

5. Resumption of service inams.

- Nothing contained in this Act shall be deemed to affect the power of the State Government to resume any inam on the ground that the holder of such inam has failed to perform or make the necessary arrangements for performing the charity or the service for performing which the inam had been made, confirmed or recognized as aforesaid.

6. Survey of inams.

(1)Notwithstanding anything contained in any other law for the time being in force, any inam village, which became an estate by virtue of the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Estates Land (Third Amendment) Act, 1936 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act XVIII of 1936) or part of an estate as well as any other land (not forming part of any such estate), the grant of which in inam has been made, confirmed or recognized by the Government may be surveyed or if it has been surveyed before the 1st day of July, 1956 may be re-surveyed as if it were Government land, in accordance with the provisions for the survey of such land contained in the [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Survey and Boundaries Act, ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act VIII of 1923).(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 [Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Survey and Boundaries act, 1923 ([Tamil Nadu] [Substituted for the word 'Madras' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.] Act VIII of 1923), shall be borne by the State Government.

7. Rights as between inamdar and other persons not affected.

- Nothing contained in this Act shall be deemed to define, limit, infringe or destroy the rights as between the inamdar and other persons, if any, in possession or enjoyment of the inam land.

8. Power to correct errors.

- If the State Government are satisfied that in any notification published [under sub-section (3) of section 3, or sub-section (3) of section 3-A] [Substituted for original sub-section (3) by section 4(iii) of the Tamil Nadu Inams (Assessment) Amendment Act, 1961 (Tamil Nadu Act 16 of 1961.)] there is any error including any clerical or arithmetical error arising from any accidental slip or omission, they may, by notification in the District Gazette concerned, correct such error.

9. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act the State Government may as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

10. Power to make rules.

(1)The State Government may [Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] make rules to carry out the purpose of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)The determination of the assessment leviable under this Act in respect of unsurveyed land;(b)The classification of lands as wet, manavari or dry, for the purpose of fixing the rate of assessment leviable under this Act;(c)The procedure to be followed by the Collector and the District Collector in inquiries and appeals under this Act;(d)The manner of publication of the notifications under section 3, subsections (2) and (3)[and section 3-A, sub-section (2) and (3)] [Added by section 4(H) of the Tamil Nadu Inams (Assessment) Amendment Act, 1961 (Tamil Nadu Act 16 of 1961).](3)[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.] [Substituted for original sub-section (3) by section 4(iii) of the Tamil Nadu Inams (Assessment) Amendment Act, 1961 (Tamil Nadu Act 16 of 1961).](4)[Every rule made under this Act, shall, as soon as possible after it is made, be placed on the table of [the Legislative Assembly] [Substituted for original sub-section (3) by section 4(iii) of the Tamil Nadu Inams (Assessment) Amendment Act, 1961 (Tamil Nadu Act 16 of 1961.), and if before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification, in any such rule or [Legislative Assembly agrees] [Substituted for 'both Houses agree' by paragraph 3(2) of the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule should not be made, the rule 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.]

11. Inams to be subject to restrictions, etc.

- Where before the date of the coming into force of this Act, any inam land was held subject to any

restrictions or conditions, such inam land shall, [notwithstanding the levy of full assessment on such inam land under section 3 from the date of coming into force of this Act or the revision of such assessment under section 3-A.] [Substituted for the words and figure 'not with standing the levy of full assessment on such inam land under section 3 from the date of coming into force of this Act' by section 5 of the Tamil Nadu Inams (Assessment) Amendment Act, 1961 (Tamil Nadu Act 16 of 1961).]