

The Hyderabad (Abolition of Cash Grants) Act, 1952

MAHARASHTRA

India

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Act 33 of 1952

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The Hyderabad (Abolition of Cash Grants) Act, 1952 Act No. 33 of 1952 An Act to discontinue certain classes of cash grants in the State of Hyderabad. Preamble. - Whereas it is expedient to discontinue certain classes of cash grants in the State of Hyderabad :It is hereby enacted as follows

1. Short title, extent and commencement.

(1) This Act may be called the Hyderabad (Abolition of Cash Grants) Act, 1952. (2) It shall extend to the whole of the [Hyderabad Area of State of Maharashtra] [Substituted by clause 4(1) of Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960]. (3) It shall come into force on the date of its publication in the Gazette.

2. Application of Act.

(1) This Act shall apply to the cash grants specified in the schedule [except those which are subject to the rendering of service to religious or charitable institutions] [Substituted by Act No. XXIII of 1954, published in Gazette Extraordinary, No. 130, dated the 9th August, 1954]. (2) Government may, by notification, from time to time, add to the cash grants so specified.

2A. [Definitions. [Section 2A was inserted by Maharashtra Act No. 18 of 1961, Section 2.]

- In this Act, unless the context otherwise requires, -(a) "Collector" includes an officer appointed by the State Government to perform the duties of a Collector under this Act; (b) "prescribed" means prescribed by rules made under this Act.]

3. Certain cash grants to cease to have effect.

- [(1) Subject to the provisions made by or under this Act, all cash grants specified in Part A of the Schedule and which are payable or enforceable during the year commencing on the 1st day of April, 1952 and in any subsequent financial year, shall be discontinued and cease to have effect immediately on the commencement of this Act, notwithstanding anything contained in any law, sanad or order, custom or usage to the contrary. In the case of each such grant, compensation amounting to a sum equal to four times the annual amount payable to the grantee shall be paid to him.] [Sub-section (L) was substituted by Maharashtra Act No. 18 of 1961, Section 3(1).](2)[Subject to the provisions made by or under this Act and notwithstanding anything contained in any law, sanad or order, custom or usage to the contrary, all cash grants specified in Part B and Part C of the Schedule and which are payable or enforceable during the year commencing on the first day of April, 1954 and in any subsequent financial year shall be discontinued and cease to have effect on the first day of July, 1954, subject to the condition that -(a)in the case of every cash grant specified in Part B of the Schedule, compensation amounting to a sum equal to six times the annual amount payable to the grantee shall be paid to him in cash either in full or in annual installments not exceeding twelve;(b)[in the case of a cash grant specified in Part C of the Schedule, compensation amounting to a sum equal to four times the annual amount payable to the grantee shall be paid to him :]Provided, however, that in respect of each of the cases specified in column 1 below the grant shall be continued subject to the conditions specified against such case, during the period mentioned in column 2, namely

Column 1	Column 2
(1) Where the age of the grantee, whether male or female, was not less than 60 years on the 1st day of April, 1954.	Till the date of the death of the grantee.
(2) Where the age of the grantee was less than 60 years on the 1st day of April, 1954 -	
if a male, in case the grantee is incapable of earning	
(i) livelihood on account of being blind, deaf, dumb and mute, mentally deranged, crippled or paralytic;	from the date of abolition till date of the death of the grantee.
(ii) if a widow, so long as she remains a widow.	
(3) Where the grantee is a minor -	
(i) if a male, in case such cash grant is his only source of income.	from the date of abolition till date of attainment of 18 years.
(ii) if a female.	from the date of abolition till date of marriage or date of attainment of 18 years, whichever is earlier.

Provided further that, in each of the cases mentioned in items (2) and (3) above, where the grantee is in receipt of more than one grant, but has no other source of income for a livelihood, the grantee shall be eligible to receive only the grant of the highest amount. Provided also that, where the amount of cash grant received under item (3) by a male minor grantee up to the date of attainment of 18 years of age, or by a female minor grantee up to the date of such attainment or her marriage, as

the case may be, falls short of four times the annual amount of grant, the amount of deficit shall also be paid to the grantee concerned.] [Substituted by Act No. XXIII of 1954, published in Gazette Extraordinary, No. 130, dated the 9th August, 1954.](3)Where a cash grant to which this Act applies is subject to the rendering of any service, the grantee shall on the date of discontinuance of the grant, stand released of the liability to render that service.

3A. [Method of awarding compensation to certain grantees. [Sections 3-A and 3-B were inserted by Maharashtra Act No. 18 of 1961, Section 4.]

(1)Any grantee entitled to compensation under sub-section (1) or clause (b) of sub-section (2) of section 3, or under clause (a) of subsection (1) of section 5-A, shall within the prescribed period apply in writing to the Collector for determining the amount of compensation payable to him under the relevant provision of this Act.(2)On receipt of an application under sub-section (1), the Collector shall, after making formal inquiry, make an award determining the amount of compensation. Where there are co-sharers claiming compensation, the Collector shall by his award apportion the compensation between the co-sharers.]

3B. [Previous approval in respect of certain awards. [Sections 3-A and 3-B were inserted by Maharashtra Act No. 18 of 1961, Section 4.]

(1)Where the officer making an award under section 3-A is a Collector under this Act but not a Collector appointed under section 6 of the Hyderabad Land Revenue Act and the amount of such award exceeds five thousand rupees, then the award shall not be made without the previous approval of -(a)the Collector appointed under the said section 6, if such amount does not exceed twenty-five thousand rupees, or(b)the Commissioner, if such amount exceeds twenty-five thousand rupees.(2)Where the officer making an award under section 3-A is a Collector under this Act and also a Collector appointed under section 6 of the Hyderabad Land Revenue Act and the amount of the award exceeds twenty-five thousand rupees, then such award shall not be made without the previous approval of the Commissioner.(3)Every award under section 3-A shall be in the form prescribed in section 21 of the Land Acquisition Act and the provisions of that Act shall, so far as may be, apply to the making of such award.]

3C. [Appeal against Collector's award. [Sections 3-C to 3-I were inserted by Maharashtra Act No. 18 of 1961, Section 4.]

- An appeal shall lie against an award of the Collector to the Maharashtra Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1957, notwithstanding anything contained in that Act.]

3D. Procedure before Revenue Tribunal.

(1)The Maharashtra Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.(2)In deciding an appeal under this Act, the

Maharashtra Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

3E. Limitation for appeals.

- Every appeal made under this Act to the Maharashtra Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

3F. Court-fees.

- Notwithstanding anything contained in the Bombay Court-fees Act, 1959, or any other law relating to court-fees for the time being in force, every appeal made under this Act to the Maharashtra Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

3G. Inquiries and proceedings to be judicial proceedings.

- All inquiries and proceedings before the Collector and the Maharashtra Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

3H. Finality of award and decision of Revenue Tribunal.

- The award made by the Collector subject to an appeal to the Maharashtra Revenue Tribunal, and the decision of the Maharashtra Revenue Tribunal on appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

3I. Mode of payment of certain compensation.

(1)The amount of compensation payable under sub-section (1) or clause (b) of subsection (2) of section 3, or under clause (a) of sub-section (1) of section 5-A, shall be paid in cash, or in transferable bonds as provided in sub-section (2), or partly in cash and partly in such transferable bonds as the State Government may determine.(2)Where any amount of compensation is to be paid in transferable bonds, such bonds shall carry interest at the rate of three per cent, per annum from the date of their issue and shall be repayable, during such period not exceeding twelve years from the date of their issue as may be prescribed, by equated annual installments of principal and interest.(3)The bonds shall be of such denominations and shall be in such forms as may be prescribed.

4. Power to make rules.

- [(1)] [The principal Act shall be renumbered as sub-section (1) and the portion beginning with the words 'Such rule shall' and ending with the words 'previous publication' were added by Maharashtra Act No. 18 of 1961, Section 5(1)(2).] The Government may, from time to time, make rules for carrying out the purposes of this Act.[Such rules shall be made subject to the condition of previous publication.] [The principal Act shall be renumbered as sub-section (1) and the portion beginning with the words 'Such rule shall' and ending with the words 'previous publication' were added by Maharashtra Act No. 18 of 1961, Section 5(1)(2).](2)[All rules made by the State Government under this Act shall be laid before each House of the State Legislature as soon as may be after they are made, and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following and may publish in the Official Gazette.] [Sub-section (2) was inserted by Maharashtra Act No. 18 of 1961, Section 5(3).]

5. Power to remove difficulties.

- 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 Government to be necessary for the purposes of removing the difficulty.

5A. [Adjustment of compensation on account of discontinuance of cash grants specified in Parts A and C of Schedule. [Section 5A was inserted by Maharashtra Act No. 18 of 1961, Section 6.]

(1)Notwithstanding any judgement, decree or order of a Court, where a grantee has, in the case of a cash grant specified in Part A of the Schedule for any period commencing on the 1st April, 1952 and in the case of a cash grant specified in Part C of the Schedule for any period commencing on the 1st July, 1954, been paid any grant -(a)if the aggregate amount of grant so paid falls short of the amount of compensation to which the grantee is entitled under this Act, such grantee shall be paid the amount of deficit as the balance of compensation due to him;(b)if the aggregate amount of grant so paid is in excess of the amount of compensation to which the grantee is entitled under this Act, such grantee shall within sixty days on a demand being made by the Collector, be liable to refund the specified excess amount. On the failure of the. grantee to refund the excess amount paid to him within, sixty days from the date of such demand, or within such further period as the Collector may allow, such amount shall be recovered as an arrear of land revenue.(2)If any grantee is aggrieved by an order made by the Collector under clause (b) of sub-section (I), such person may appeal to the Maharashtra Revenue Tribunal and the foregoing provisions relating to appeals to the said Tribunal shall, so far as may be, apply to such appeal.]

Schedule

[Part A] [Inserted by Act No. XXI11 of 1954, published in Gazette Extraordinary. No. 130, dated the 9th August, 1954]Rusums payable

to(1)Sardeshmukhs,(2)Sardeshpandyas,(3)Deshmukhs,(4)Deshpandyas,(5)Dastbandars.[Part B]
[Inserted by Act No. XXI11 of 1954, published in Gazette Extraordinary. No. 130, dated the 9th
August, 1954]Mansab Maviza Jagir including Jagir Pension.Mansab Maviza Qarza,Mansab Maviza
Arazi,Mansab Maviza Abkari,Mansab Maviza Sair,Mansab Maviza Aslaha, Kutub, Dookan,
Safai,Mansab Imtiazai,Mansab Nazam Mahawars.Mahwarat Walajahi issued in lieu of Jagirs.[Part C]
[Inserted by Act No. XXI11 of 1954, published in Gazette Extraordinary. No. 130, dated the 9th
August, 1954]Ordinary Mansabs, Riayeti, Khas and Mutaferiq Mahvvars, Mash Youmia, Mamool,
Saliyana, Customs Mukasas and Agrahars, Mahwarat Walajahi (other than those issued in lieu of
Jagirs), Tahrir Sarishtadari, Wiqai Nigari.