

[Translation in English of “2007-ലെ അർത്ഥ പലിശയും, ജന്മിഭോഗവും, കരത്തിൽ ചെലവും (നിർത്തലാക്കൽ) ആക്ട്” published under the authority of the Governor.]

ACT 30 OF 2007

THE ARTHAPALISA, JENMIBHOGAM AND KARATHILCHILAVU (ABOLITION) ACT, 2007 *

An Act to abolish the Arthapalisa, Jenmibhogam and Karathilchilavu on payment of compensation.

Preamble.—WHEREAS, it is expedient to abolish the recurring and periodical payments of the Arthapalisa, Jenmibhogam and Karathilchilavu to Jenmies, on payment of compensation and for matters connected therewith;

BE it enacted in the Fifty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Arthapalisa, Jenmibhogam and Karathilchilavu (Abolition) Act, 2007.

(2) It extends to that portion of the territory of the State of Kerala which, before the 1st day of July, 1949, was comprised in the State of Travancore.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date on which this Act comes into force;

(b) "Arthapalisa" means an allowance payable by the Government either in paddy or in money at the option of the Jenmi, which, before the date of the Proclamation, was payable only in paddy, but does not include any political or family pension;

(c) "Jenmi" means a person who is entitled to receive Arthapalisa, Jenmibhogam or Karathilchilavu, from the Government;

(d) "Jenmibhogam" means a portion of the paddy assessed as tax on some of the paddy fields classified in the Revenue Settlement of 1061 M.E. as Pandarapattom and paid to the Jenmies in recognition of some claims of those Jenmies on those paddy fields prior to the said settlement, which on and after the date of the Proclamation, is payable either in paddy or in money at the opinion of the Jenmies, but does not include any political and family pension;

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(e) "Karathilchilavu" means a pension or allowance payable by the Government from the Government Treasury *in lieu* of the practice whereby the holders of certain lands who were entitled to pensions or allowances from the Government, were allowed to set off such dues from the land tax payable by them for the lands in their possession;

(f) "prescribed" means prescribed by rules under this Act;

(g) "Proclamation" means the Proclamation issued by His Highness the Maharaja of Travancore on the 27th day of August 1917;

(h) "Tahsildar" means the Tahsildar of the taluk in which the Government Treasury from which the Arthapalisa or Jenmibhogam (where it is payable in cash) or the Karathilchilavu, as the case may be, is payable to the Jenmi is situate and includes any other officer empowered by the Government to exercise the powers of a Tahsildar under this Act.

3. *Abolition of Arthapalisa, Jenmibhogam and Karathilchilavu.*—(1) With effect on and from the appointed day, notwithstanding anything contained in any law for the time being in force, or in any contract, or any judgment, decree or order of Court, no jenmi shall have the right to receive payment of, and the Government shall have no liability to pay to the Jenmi, any Arthapalisa, Jenmibhogam or Karathilchilavu and the right to receive payment of, and the liability to pay Arthapalisa, Jenmibhogam and Karathilchilavu shall stand extinguished.

(2) Every Jenmi whose right to receive Arthapalisa, Jenmibhogam or Karathilchilavu has been extinguished under sub-section (1) shall be entitled to receive, and be paid compensation by the Government, as hereinafter provided.

4. *Amount of compensation to be paid.*—(1) The compensation referred to in sub-section (2) of section 3 shall be an amount equal to twelve times the money value of the Arthapalisa or Jenmibhogam or the amount of Karathilchilavu, as the case may be, at the commutation rate specified in sub-section (2) of this section.

(2) Notwithstanding anything contained in any law or in any judgment, decree or order of court, the commutation rate of paddy in respect of Arthapalisa, Jenmibhogam and Karathilchilavu shall be ninety rupees per standard para.

Explanation:—For the purposes of this section, "standard para" means the measure equivalent to 13.11 litres.

(3) The amount of compensation payable to a jenmi under this Act shall be deemed to have accrued due from the appointed day and interest thereon shall be payable annually at the same rate as that of the treasury savings from that day till the date of payment of the compensation.

5. *Compensation to be paid in cash.*—The compensation payable under this Act shall be paid in cash.

6. *Proceedings relating to payment of compensation to lie before Tahsildar.*—All proceedings relating to the assessment of compensation payable to a jenmi under this Act and the payment of the same to the persons entitled thereto shall lie before the Tahsildar.

7. *Compensation rolls to be prepared by the Tahsildar.*—With a view to the payment of compensation to the jenmies under this Act, the Tahsildar shall, in the manner prescribed, prepare a draft compensation roll of every jenmi showing,—

(a) the Arthapalisa, Jenmibhogam or Karathilchilavu, as the case may be, payable annually and the names of the persons entitled to receive the same;

(b) the amount of compensation payable under this Act; and

(c) such other particulars, as may be prescribed.

8. *Publication of draft compensation roll.*—(1) After the draft compensation roll is prepared under section 7, the Tahsildar shall,—

(a) publish a notice in the Gazette and in such other manner as may be prescribed, to the effect that the draft compensation roll has been prepared and is open to inspection by the persons interested at the time and place specified in the notice; and

(b) serve or caused to be served a copy of such notice on every person referred to in clause (a) of section 7 along with a copy of the draft compensation roll.

(2) The notice under sub-section (1) shall also call upon all persons interested, including members of the family of the jenmi, claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise, to appear before the Tahsildar and file claims and objections within such period as may be prescribed.

(3) If any claim or objection is filed within the period referred to in sub-section (2), it shall be registered by the Tahsildar who shall fix a date for hearing the same and shall give intimation thereof to the jenmi concerned and to any person interested who may have appeared before him in pursuance of the notice.

(4) On the date fixed under sub-section (3) or any date to which the proceedings may be adjourned, the Tahsildar shall inquire into and decide the claims and objections.

(5) For the purposes of sub-section (4), the Tahsildar shall have all the powers of a civil court, in so far as they may be applicable and subject to such

modifications as may be prescribed, follow the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the hearing and disposal of suits relating to immovable property.

9. *Order of Tahsildar to be deemed to be decree of Civil Court.*—(1) The order of the Tahsildar in deciding a claim or objection under section 8 or apportioning the compensation among the persons entitled thereto shall be deemed to be a decree of a Civil Court and shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

(2) Notwithstanding anything contained in any law, any person aggrieved by an order of the Tahsildar referred to in sub-section (1) may within thirty days of the date of communication to him of such order, appeal to the Sub Court and the order of the Sub Court on the appeal shall be final.

10. *Corrections to the final compensation rolls.*—Except as provided by or under this Act, no correction shall be made in the compensation roll after it has become final, provided that the Tahsildar may, at any time before the payment of the compensation, either of his own motion or on application filed by a person interested, correct any clerical or arithmetical mistake or any error arising therein from any accidental slip or omission only.

11. *Payment of compensation.*—(1) The compensation payable under this Act shall be paid to the persons whose names have been entered in the compensation roll as being entitled thereto.

(2) Where a person entitled to the compensation dies before it is paid to him, it shall be paid to his legal representatives.

(3) Where the person entitled to receive the compensation is a trust or endowment or a minor or a person suffering from any legal disability or a limited owner the compensation may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of such person with such authority or bank, as may be prescribed.

(4) Where before any court or authority any suit or proceeding is pending, which directly or indirectly affects or is likely to affect the right of any person to receive the whole or any part of the compensation payable under this Act, such court or authority may require the Tahsildar to place at its disposal the amount so payable and thereupon such amount shall be disposed of, in accordance with the orders of such court or authority.

12. *Payment of compensation to be full discharge of the liability to pay Arthapalisa, Jenmibhogam or Karathilchilavu.*—The payment of compensation to the Jenmies or other persons entitled thereto in the manner prescribed by or under this

Act shall be a full discharge of the liability of the Government for the payment of Arthapalisa, Jenmibhogam or Karathilchilavu, as the case may be, and no further claims for any such payment or for payment of compensation shall lie.

13. *Payment of arrears.*—Notwithstanding anything contained in this Act, any arrears of Arthapalisa, Jenmibhogam or Karathilchilavu due to a Jenmi, immediately before the appointed day and remaining unpaid after that day, shall be paid to the Jenmi in the same manner as before the commencement of this Act.

14. *No action to lie against Government or any officer or person authorised under the Act.*—(1) No suit, prosecution or other legal proceedings shall lie against the Government for any act done or purported to be done under this Act.

(2) No suit, prosecution or other legal proceedings shall be instituted against any officer in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

15. *Power to make rules.*— (1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the manner in which draft compensation roll has to be prepared;

(b) the time within which objection have to be preferred on the notice of draft compensation roll;

(c) the fee to be paid for an appeal under sub-section (2) of section 9;

(d) the authority or bank in which deposits may be made under sub-section (3) of section 11;

(e) the procedures for filing objections of the aggrieved in respect of draft compensation roll and for hearing the aggrieved persons who filed the same;

(f) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule should be either modified or annulled, 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.

16. *Repeal and saving.*—(1) The Proclamation in so far as it relates to Arthapalisa and Jenmibhogam and the Arthapalisa, Jenmibhogam and Karathilchilavu (Abolition) Ordinance, 2007 (54 of 2007) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.