

Government of Karnataka

No.RD 519 LRM 76-P

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated: 28-2-1979

CIRCULAR

Sub:- Land Reforms - Confirmation of occupancy rights  
in respect of lands cultivated by Archakàs or  
Managing Trustees - Further clarification issued.

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In para 4 of Government Circular No.RD 112 LRM 76 dated 12/16.2.1976, instructions were issued that the question of confirming the occupancy rights in respect of Temple Inam lands cultivated by Archakàs or Managing Trustees under the Land Reforms Act 1961 should be deferred as the point whether an archak or managing trustee rendering service to the Institution and taking produce of the lands can be deemed to be a tenant was under examination.

2. The question has been considered by Government. An archakà or servant of the temple cultivating the temple lands, whether Patta or Inam, uses the produce in lieu of salary for the service he renders to the temple. He has therefore to be deemed a tenant as he bears the entire risk of cultivation of the lands. On the other hand, a managing trustee is essentially an agent of the Temple and whatever he does, he does it on behalf of the temple. Under explanation I to clause 11 Section 2(A) of the Karnataka Land Reforms Act, if the land of a religious institution is cultivated by hired labour under the personal supervision of an employee or agent of such institution it shall be deemed to be cultivated personally. Therefore, a managing trustee of a temple who cultivates Temple lands may not be considered as a tenant for the purpose of confirmation of occupancy rights, under the Karnataka Land Reforms Act 1961.

3. It should be particularly noted that the cultivation referred to above is personal cultivation by the Pujari, Archak or Managing trustee. Where such temple functionary has not personally cultivated the land, but has sublet to another person, the case would be one of unauthorised cultivation under a void tenancy. Such cases would have to be dealt with accordingly.

4. As has been already clarified in Government Circular No. RD 252 LRM 75 dated 15-12-1975 and No.RD 112 LRM 76 dated 12/16-2-1976, Karnataka Land Reforms Act 1961 is applicable in respect of charitable and religious Inams in the erstwhile Bombay - Karnataka and Hyderabad - Karnataka Areas where there was no Inam Abolition Act which had come into force prior to 1-3-1974. The clarifications contained in para 2 supra will be applicable to such Inam lands and other Patta lands of Temples in these areas and not to any other class of cases. In particular the clarification will not apply to cases of lands coming under the Mysore Religious and Charitable Inams Abolition Act.

5. If an application under Section 48-A of the Karnataka

Land Reforms Act is received in respect of Temple Inam land coming under any of the provisions of the Mysore (Religious and Charitable) Inams Abolition Act 1955 in the erstwhile Mysore Area (even if such application from a Pujari, Archak or Managing Trustee) the Tribunal has to pass an order rejecting the application as not maintainable, invoking the provisions of Section 141 of the Karnataka Land Reforms Act, as such an application should have been made to the Special Deputy Commissioner for Inam Abolition under the above said Inam Abolition Act of 1955.

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To  
The Divisional Commissioners.  
The Deputy Commissioners and Spl. Deputy Commissioners of Districts.  
The Assistant Commissioners, Spl. Assistant Commissioners and Addl. Spl. Assistant Commissioners for Land Reforms and other Chairmen of Tribunals.  
The Tahsildars, Spl. Tahsildars and Addl. Spl. Tahsildars.

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