The Karnataka Land Revenue Act, 1964

Act 12 of 1964

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THE KARNATAKA LAND REVENUE ACT, 1964

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STATEMENTS OF OBJECTS AND REASONS

I

Act 12 of 1964.- The Laws relating to land and land revenue administration of Mysore, Bombay, Hyderbad and Coorg area have been codified in the respective Land Revenue Codes or Acts. but, in the Madras Are, the administration of land and land revenue is being carried on under the Board's Standing Orders and in accordance with about 23 enactments dealing with particular aspects of land and land revenue. Even through basically there are no material differences in principle

among the several laws in the different areas of the State, it is desirable and administratively convenient to have a uniform law governing land and land revenue administration for the State of Mysore. Hence this Bill.

(Published in the Kanataka Gazette (Extraordinary) Part IV-2A dated 9th August, 1962. p. 594.)

II

Amending Act 9 of 1965.—It is considered that in respect of dry lands, rain-fed wet lands and rain-fed garden lands, standard rate of land revenue for land of one hundred per cent classification value in that class should be four per cent of the value of the average yield of such land. It is also considered that in respect of plantations, the standard rate should be one per cent of the value of the average yield of lands of that class of one hundred per cent classification value.

In so far as the irrigated wet lands and irrigated garden lands are concerned, it is considered that for the purposes of land revenue, they should be treated as though they are dry lands and the land revenue applicable to the lands of that classification value of dry land of that class in that locality should be levied and that water rate may be levied separately under the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957.

It was originally intended that the new rates of assessment should be brought into force from the year 1965-66. On account of the fact that the consideration of the Settlement Reports has taken more time than was anticipated, it is proposed to make necessary amendments so as to enable Government to levy land revenue according to resettlement even if the new rates are actually introduced in the course of the revenue year. Hence the Bill.

Opportunity has been taken to make certain other amendments of a minor nature.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 18th April, 1965, as No. 90, p. 6.)

III

Amending Act 2 of 1966.—According to section 49 of the Mysore Land Revenue act, 1964, the Tribunal is the Appellate Authority in respect of any order passed by a Deputy Commissioner. To appellate power has been conferred on the Divisional Commissioner. But in respect of proceedings commenced to concluded under the Acts repealed by the Land Revenue Act, appeals from the orders of the Deputy Commissioner, have to be entertained and dealt with by the Divisional Commissioners. It is considered desirable to entrust the appellate functions in

respect of orders made under the repealed Acts also to the Mysore Revenue Appellate Tribunal. Hence this Bill.

The entrustment of the said appellate functions will not involve any additional expenditure to the State.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 22nd January, 1966, as No. 9, p. 4.)

IV

Amending Act 7 of 1969.—It is considered necessary to take power to direct revision settlement in zones where the standard rates fixed by the recent revision settlement require modification. It is also considered necessary to make provision specifying the authority to determine the assessment on individual holdings and to provide an opportunity to the holders to prefer objections and also to provide a machinery for the consideration and decision of these objections.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 31st March, 1969, as No. 193, p. 6.)

V

Amending Act 5 of 1970.—At present appeals in land grant cases also lie to the Mysore Revenue Appellate Tribunal. Having regard to the nature of these cases it is appropriate that appeals should lie to the Divisional Commissioners and powers of revision should vest in Government.

In the case of unauthorised occupation of Government lands the existing provisions of section 94 provide no alternative to eviction. This works out as a great hardship in some cases where the parties have made considerable investment in good faith. It is, therefore, proposed to insert a new section 94A to enable regularisation of such unauthorised occupation in deserving cases on conditions appropriate to the circumstances of each case. Hence this Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A dated 16th January, 1970, as No. 24, p. 7.)

VI

Amending Act 33 of 1975.—Under the Karnataka Land Revenue Act, 1964 as amended in 1970, the Government of Karnataka is the highest appellate and revisional authority in respect of land grant cases. The work at Government level on this account has shown increase and it has not been possible to dispose of this work at an adequate rate and consequently pendency of cases has been high.

The highest appellate authority in revenue matters in general is the K.R.A.T. Bangalore. The work of the Tribunal which was very heavy some three to four years back has since come down with the disposal of the bulk of the appeals under Inam Abolition Acts and removal, by order of the High Court, the second appellate power of the Tribunal under the Motor Vehicles Act.

Government thought it expedient in the public interest to transfer the appellate and revisional powers in respect of Land Grant Cases also to the Karnataka Revenue Appellate Tribunal.

Hence the Karnataka Land Revenue (Amendment) Ordinance, 1975 was issued.

This Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 26th July, 1975, as No. 2041, p. 7.)

VII

Amending Act 22 of 1976.—Under Section 49 of the Karnataka Land Revenue Act, an appeal against an order passed by a Revenue Officer subordinate to the Assistant Commissioner whether or not invested with the powers of the Assistant Commissioner or the Deputy Commissioner, lies to the Assistant Commissioner. Certain powers of the Deputy Commissioner have been delegated to the Tahsildars under Section 197. The Karnataka Revenue Appellate Tribunal has in some case held that an appeals lies to the Tribunal only against the orders of the Tahsildar passed under such delegated power. It was intended that in such cases also the appeals should lie to the Assistant Commissioner.

Under Section 94A unauthorised occupation of Government lands were to be regularised. It was felt that wrong doers need not be conferred with such right and that these Government lands should be utilised for distribution among *bona fide* landless persons.

Therefore the Karnataka Land Revenue (Second Amendment) Ordinance, 1975 was issued amending Section 49A and omitting section 94A.

This Bill is to replace the said Ordinance.

(Obtained from File No. LAW 16 LGN 76).

VIII

Amending Act 23 of 1976.— The question of reconstituting Districts and Taluks in the State wherever necessary is under the consideration of Government. A one-man Commission has gone into the question in detail after hearing representations and looking into suggestions from many quarters. According to section 6 of the Karnataka Land Revenue Act, enabling Government to abolish, create or alter

jurisdiction requires to be notified for hearing objections. As the changes under consideration have been proceeded by elaborate enquiries, it was decided to amend section 6 of the Land Revenue Act, enabling Government to abolish, create or alter the limits of any district, taluk, circle or village in cases where Government consider it not necessary. Hence the Bill.

(Obtained from LA Bill No. 19 of 1979. File No. LAW 16 LGN 76.)

IX

Amending Act 42 of 1981.—Section 69 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) governs the disposal of lands belonging to the State Government. The officers specified therein are the persons competent to make the disposals. The present scheme of disposal envisages a consultative committee constituted by the State Government under rule 24 of the Karnataka Land Grant Rules. It consists of official and non-official members and the recommendations thereof shall ordinarily be accepted by the competent authority. It has been found that the committee have not proved effective as they are only consultative in nature.

It is, proposed to provide for statutory committees consisting of official and non-official members and entrust the disposal of revenue lands in taluks and urban areas to such committees. Section 69 is hence proposed to be amended. Provision for revision of the decision of the committee has been made by suitably amending section 56.

The present procedure for conversion of land for non-agricultural purposes which involves previous permission of the Deputy Commissioner is found to be dilatory. In order to avoid harassment to those who intend to use agricultural lands for other purposes, this procedure is intended to be dropped. Sub-section (2) to (6) of section 95 of the Act are consequently omitted. Certain consequential and incidental amendments have also been made: Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 3rd February, 1981, as No. 97, p. 6.)

X

Amending Act 23 of 1982.—At present a person desiring to obtain an extract of the Record of Rights of his land is put to much hardship as a lot of delay occurs in the preparation and supply of the said extract. To avoid this, it is considered necessary to provide for supplying him with a Patta Book containing the relevant particulars relating to his land. Provision is also made it presume the entries therein to be true unless the contrary is proved, so that loans and advances can be secured easily with the aid of the book. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 12th June, 1982, as No. 483, p. 4.)

XI

Amending Act 20 of 1983.— In view of the special conditions prevailing in the Districts of Dakshina Kannada it was considered necessary to provide for a simple procedure for the conversation of dry (punja) lands in that district. Persons registered as occupants under the Karnataka Land Reforms Act and grantees of surplus land under that Act are however not brought within the scope of the said provision.

Certain consequential amendments have also been made. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 12th August, 1983, as No. 717, p. 4.)

XII

Amending Act 23 of 1984.—Urbanisation, particularly in Karnataka, is taking place at a very rapid pace. The rate of growth of population of Bangalore during the decade 1971-81 was 76.17 per cent, the highest for any City in India. At the present place, it is estimated that the population of Bangalore would reach a staggering figure of 70 lakhs by 2001 A. D.

Though at a relatively lower pace compared to Bangalore, other Cities and Towns also in Karnataka are growing fast.

Such rapid urbanisation, unless adequately supported by requisite infrastructural facilities, may pose a great environmental hazard. Similarly, these urban areas run a great risk of becoming a "Concrete Jungle", unless their growth is properly regulated with suitable provision for adequately stretches of Green Belts. Most modern cities today are laying great store by such provisions for Green Belts.

With a view to ensuring that the urban population in Karnataka is adequately served by infrastructural facilities and does not unnecessarily run the risk of environmental hazards, it is considered essential to have carefully laid out Green Belts around such Cities/Towns. The first step to protect such a green belt is to regulate conversion of the agricultural land in such track to non-agricultural use. It is, therefore, proposed to amend the provisions of Section 95 of Karnataka Land Revenue Act, 1964, providing for the prohibition of conversion of agricultural land to non-agricultural uses within the Green Belts around Cities/Towns, as may be notified from time to time. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 9th February, 1984, as No. 112, p. 3.)

XIII

Amending Act 10 of 1985.—Holdings of rainfed dry land not exceeding two hectares and equivalent extent of rainfed wet land were exempted from the payment of land revenue in G.O. No. RD 215 SST 77, dated 5th October 1977 and this was enhanced to four hectares in G.O. No. RD 215 SST 77, dated 18th October 1980. There is however no provision in the Land Revenue Act, 1964 to grant exemptions of such nature.

In the past, there have been many instances of unauthorised diversion of agricultural land to non-agricultural use in contravention of the regulatory provisions of the Karnataka Land Revenue Act, 1964. Attempts to prevent them by resorting to the power of demolition etc., have not yielded useful results and were often not practical.

It is considered necessary, in these circumstances, to assume power to grant exemption by notification, so as to regularise the exemption already granted, and to provide for the regularisation of certain conversions which conform to building laws and prescribed rules etc., by compounding the diversion on payment of the prescribed amount. Power is also intended to be taken to levy the amount of conversion fine or compounding amount at different rates depending on the areas or the purposes of the conversion and contravention by suitably amending the Land Revenue Act, 1964. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 20th March 1985, as No. 150, p. 4.)

XIV

Amending Act 20 of 1986.—Many representations are being received from Agriculturists that when it became necessary for them to lay a pipeline or watercourse for irrigating their lands through the lands of their neighbours, the latter are obstructing them. At present there is no law which allows them to so lay a pipeline or watercourse. Therefore, they are facing much hardship and the implementation of irrigation schemes has slackened. In order to overcome this situation, it is proposed to amend the Karnataka Land Revenue Act to empower the Tahsildar to grant permission to the land holders to lay pipeline through their neighbour's lands, subject to conditions and restrictions.

A similar provision exists in the State of Maharashtra. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 29th January, 1986, as No. 58, p. 6.)

XV

Amending Act 2 of 1991.—The Government has decided to regularise the unauthorised occupation of Government land subject to certain conditions and restrictions and on payment of regularisation charges. Section 94 of the Karnataka Land Revenue Act, 1954 is intended to be amended and Section 94-A is proposed to be introduced to provide for the following:—

(1) making unauthorised occupation of Government land punishable;

(2) regularisation of unauthorised occupation of Government land prior to 1-1-1989;

(3) the maximum extent of unauthorised holding proposed to be regularised to be 2 hectares of 'D' class land or equivalent thereto;

(4) where such land lies within the limits of a City or a City Municipality, the extent to be regularised shall be such as may be prescribed subject to the maximum extent of 2 hectares;

(5) the regularisation charges shall be 500 times the assessment of the land;

(6) the Scheduled Castes and Scheduled Tribes shall pay only 1/20 of the amounts; and,

(7) plantation lands, garden lands and forest lands shall be excluded from regularisatian.

Section 95 is also proposed to be amended to ensure that the permission of the Deputy Commissioner shall be obtained for use of agricultural land for non-agricultural purposes notwithstanding anything contained in any law for the time being in force. This amendment is proposed to resolve the ambiguity which has arisen on account of certain judicial pronouncements.

A few incidental and consequential amendments are also made.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A dated 20th November 1990, as No. 607, p. 7.)

XVI

Amending Act 21 of 1991.—Under section 94A of the Karnataka Land Revenue Act 1964 as amended by the Karnataka Act 2 of 1991, the Committees constituted for regularisation of certain cases of un-authorised occupation shall consist of not more than three members. It is proposed to provide for enhancement of the number of members upto five, in order to avoid practical difficulties. Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 26th March, 1991, as No. 138, p. 137.)

XVII

Amending Act 28 of 1991.—Section 163 of the Karnataka Land Revenue Act, 1964 empowers the Tahsildar to declare the occupancy or alienated holding in respect of which arrears of land revenue is due to be forfeited to the State Government.

Since it is considered necessary that such occupancy or alienated holding shall not be forfeited to the Government where arrears of land revenue does not exceed Rupees ten thousand it is proposed to amend section 163 suitably.

This Bill seeks to replace the Karnataka Land Revenue (Amendment) Ordinance, 1991 (Karnataka Ordinance 8 of 1991) which was promulgated for the said purpose.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 28th August, 1991, as No. 567, p. 32.)

XVIII

Amending Act 20 of 1993.—It was considered necessary to amend section 70 of the Karnataka Land Revenue Act, 1964 in order to prevent illegal quarrying, mining of granites and other minor minerals carried on in the patta or hiduvali lands in several parts of the State and to vest the rights over the minor minerals in the Patta lands, with the State Government.

Under the saving provision in section 70 of the Karnataka Land Revenue Act, 1964 the Patta holders were continuing mining operations in the Patta, hiduvali lands in certain parts of the State, even without payment of the royalty to the State Government.

In order to regulate the valuable granite and other minor minerals and to maintain ecological balance it was considered necessary to amend section 70 of the Karnataka Land Revenue Act; 1964, suitably.

According the Karnataka Land Revenue (Amendment) Ordinance, 1993 (Karnataka Ordinance 2 of 1993) was promulgated.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

(Obtained from LA. Bill No. 12 of 1993 in File NO. LAW 11 LGN 93.)

XIX

Amending Act 33 of 1994.—It is considered necessary to provide for—

(1) appeal provision on the orders made by the Deputy Commissioner or Tahsildar under Section 94;

(2) constitution of additional committees in a taluk to regularise un-authorised cultivation, wherever Government finds it necessary;

(3) issued of order of grant and saguvali chit by the Tahsildar before the Payment of amount by grantees; and

(4) grant of land, unauthorisedly cultivated, falling within the distance of five kilometres from the limits of the City Municipality, having less than 50,000 population.

By amending the Karnataka Land Revenue Act, 1964.

Hence the Bill.

(Published in the Karnataka Gazette (Extraordinary), Part IV-2A, dated 5th September, 1994, as No. 731, p. 13.)

XX

Amending Act 22 of 1998.— Section 94A of the Karnataka Land Revenue Act, 1964 provides for grant of certain land unauthorisedly occupied by any person prior to 14th day of April 1990 for which he had to apply for grant of such land within a stipulated time. It has come to the notice of the Government that though in large number of cases persons who are poor and illiterate are in unauthorised occupation prior to such date and also eligible for grant are being deprived of the benefit because of the failure on their part to apply for such grant in the stipulated time. Therefore, it is considered necessary to provide for grant of such land in deserving cases by the Deputy Commissioner after holding an enquiry and also after considering the claim of any person whose application is pending before the Committee.

It is also considered necessary to extend the benefit of regularisation already available in respect of certain types of land also to other classes of land including lands referred to in sub-section (2) of section 79 and to empower the Deputy Commissioner to grant such land after holding an enquiry.

It is also provided that where it is a forest land not being a land referred to in sub-section (2) of section 79 such grant shall not be made.

It is made clear that wherever prior approval of the Central Government under the Forest Conservation Act, 1990 is required no grant shall be made without prior approval of the Central Government.

Hence the Bill.

(Obtained from L.A. Bill No. 30 of 1997 File No.ಸ ಂವ ್ಯಶಾ ಇ 43 ಎಲ್ ಜಿಎನ್ 97).

XXI

Amending Act 14 of 1999.— Some more than three lakhs of mutation phody cases are pending for measurement and many cases are pending disposal due to change of survey numbers, variation of extent and other reasons, it is considered necessary to entrust the work of preparing sketch of the properties of private surveyors (who will be called as Licensed Surveyors) who shall possess such qualifications and experience, as may be prescribed by inserting a new section to Karnataka Land Revenue Act, 1964.

It is also proposed, by amending section 128 and 131 of the said Act, to make it obligatory for any person reporting acquisition of right in a partition in respect of land and any person alienating any land, that is part of a survey or sub-number, to get a sketch of the said property prepared by a Licensed Surveyor.

Hence the Bill.

(Obtained from L.C. Bill No. 14 of 1998. File No. ಸಂಶ್ಯಾಣ 46, ಶಾಸನ 98.)

XXII

Amending Act 26 of 1999.— Due to increase in population, break up of the joint families and migration, people belonging to poor sections of the society have encroached Government lands adjoining the Grama Thanas and unauthorisedly put up residential houses and hutments and living therein since long time. A provision has already been made for regulation of unauthorised occupation of Government lands used for cultivation. It is considered necessary to provide in the same manner for regularisation of unauthorised dwelling houses constructed on Government Land also except any unauthorised construction made on forest land or Government land in respect of which an application is made under the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991) by amending the Karnataka Land Revenue Act, 1964.

Hence the Bill.

(Obtained from L.C. Bill No. 7 of 1999. File No. ಸಂಶ್ಯಾಣ 28, ಶಾಸನ 99.)

XXIII

Amending Act 15 of 2000.— Section 94B of the Karnataka Land revenue Act, 1964 which was inserted by Karnataka Land Revenue (Amendment) Act, 1997, provides for regularisation of certain lands within one year from the date of coming into force of the said amendment Act. The said Act was brought into force with effect from November1, 1998 and the period of one year has lapsed on 30th October, 1999. Since there are still 10.54 lakhs applications pending for disposal, it is considered necessary to remove the restriction of period of one year.

Hence the Bill

(Obtained from L.A. Bill No. 14 of 2000)

XXIV

Amending Act 22 of 2000.— It is considered necessary to prepare upto date Codal Volumes of the Karnataka Acts and to repeal all the spent Acts and amendments Acts from time to time.

The Government constituted One-man Committee for the above purpose. The Committee has reviewed the Karnataka Acts for the period for 1.1.1956 to 31.12.1998 and has proposed this "Repealing and Amending Bill, 2000" which seeks to repeal the following types of Acts,-

(i) Acts which amended the Karnataka Acts whether they are now in force or not;

(ii) Acts which amended regional Acts which are no longer in force;

(iii) Appropriation Acts as they are spent Acts;

(iv) Acts which have been struck down or by necessary implication struck down by the Court;

(v) Acts which are by implication repealed by Central Acts; and

(vi) Acts which are temporary and spent enactments.

The Bill does not include,-

(i) Acts which amend the Central Acts and regional Acts which are in force; and

(ii) Acts which are already repealed expressly.

This Bill seeks to repeal and remove all spent and amendment Acts from the Statute Book.

Hence the Bill.

(Obtained from L.A. Bill No. 17 of 2000)

XXV

Amending Act 21 of 2003.— It is considered necessary to abolish the posts of Divisional Commissioners and to,-

(i) entrust the Karnataka Appellate Tribunal with the Appellate and revisional powers of the Divisional Commissioner;

(ii) re-designate the posts of Deputy Commissioner of Land Records, Deputy Commissioner for Settlement, Superintendent of Land Records, Superintendent for Settlement, Assistant Superintendent for Settlement, Assistant Superintendent of Land Records as Joint Director of Land Records, Joint Director for Settlement, Deputy Director of Land Records, Deputy Director for Settlement, Assistant Director for Settlement, Assistant Director of land Records;

(iii) provide for disposal of the appeals/revisions pending before the Divisional Commissioner on the date of commencement of the proposed legislation.

Certain other consequential amendments are also made.

Hence the Bill.

[LA BILL No. 33 OF 2002]

[Entry 18 of List-II of Seventh Schedule to the Constitution of India]

XXVI

Amending Act 19 of 2004.— Section 94B of the Karnataka Land Revenue Act, 1964 inserted by the Karnataka Land Revenue (Amendment) Act, 1997 provides for regularization of certain lands within one year from the date of coming into force of the said Amendment Act. The said Act was brought into force with effect from 1st November 1998 and the period of one year lapsed on 30th October, 1999. The period was extended to three years from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2000 (Karnataka Act 15 of 2000). The said period of three years has lapsed on 27th April 2003. Since 55267 applications in Form 50 and 753727 applications in Form 53 are still pending, it is considered necessary to extend the period further for one more year.

Hence the Bill.

[L.C. BILL No. 10 OF 2004]

(Entries 18 and 45 of List II of the Seventh Schedule to the Constitution of India

XXVII

Amending Act 1 of 2005.— It is considered necessary to amend the Karnataka Town and Country planning Act, 1961 to provide for,-

(i) Definition of heritage building and heritage precinct and make regulation for conservation of the same;

(ii) Replacing the comprehensive development plan and outline development plan by master plan to simplify the procedure;

(iii) Deemed change of land use from commercial or industrial to residential and from industrial to commercial;

Certain other consequential changes are made.

Hence the Bill.

XXVIII

Amending Act 29 of 2005.— Section 94B of the Karnataka Land Revenue Act, 1964 inserted by the Karnataka Land Revenue (Amendment) Act, 1997 provided for regularization of certain lands within one year from the date of coming into force of the said Amendment Act. The said period was extended from time to time and has lapsed on 26.04.2005. Since 94340 applications in Form 50 and 4,26,912 applications in Form 53 filed in accordance with the amended provisions are pending, before the various committees for disposal, it is considered necessary to extend the period further for one more year.

Hence the Bill.

[LC Bill No.7 of 2005]

* * * *

[1][KARNATAKA ACT][1] No. 12 OF 1964.

(*First published in the* [1][Karnataka Gazette][1] *on the Nineteenth day of March, 1964.*)

THE [1][KARNATAKA][1] LAND REVENUE ACT, 1964.

(*Received the assent of the President on the Sixth day of March, 1964.*)

(As amended by Karnataka Acts 9 of 1965, 2 of 1966, 7 of 1969, 5 of 1970, 33 of 1975, 22 of 1976, 23 of 1976, 42 of 1981, 23 of 1982, 20 of 1983, 23 of 1984, 10 of 1985, 20 of 1986, 2 of 1991, 21 of 1991, 28 of 1991, 20 of 1993, 33 of 1994, 22 of 1998, 14 of 1999, 26 of 1999, 15 of 2000, 22 of 2000, 21 of 2003, 19 of 2004 and 1 of 2005.)

An Act to consolidate and amend the law relating to land and the land revenue administration in the [1][State of Karnataka][1].

WHEREAS it is expedient to consolidate and amend the law relating to land, the assessment and recovery of land revenue, the land revenue administration and other matters hereinafter appearing;

BE it enacted by the [1][Karnataka][1] State Legislature in the Fourteenth year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

CHAPTER I

PRELIMINARY

1. Short Title, Extent and Commencement.—(1) This Act may be called the [1][Karnataka][1] Land Revenue Act, 1964.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) It shall extend to the whole of the [1][State of Karnataka][1].

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(3) It shall come into force on such [1][date][1] as the State Government may, by notification, appoint

1. The Act has come in to force w.e.f. 1.4.1964 by notification. Text of the notification is at the end of the Act.

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

(1) "alienated" means transferred in so far as rights of the State Government to payment of the rent or revenue are concerned, wholly or partially, to the ownership of any person;

(2) "building site" means a plot of land held for building purposes, whether any building is actually erected thereupon or not, and includes the open ground or courtyard enclosed by, or adjacent to, any building erected thereupon;

(3) "boundary mark" means any erection, whether of earth, stone or other material and also any hedge, unploughed ridge, or strip of ground or other object, whether natural or artificial, set-up, employed or specified by a Survey Officer, or other Revenue Officer, having the authority in that behalf, in order to determine the boundary of any division of land;

(4) "certified copy" or "certified extract" means copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872 (Central Act 1 of 1872);

(5) "chavadi" includes, in any village in which there is no chavadi, such place as the Deputy Commissioner may by notification direct to be the chavadi for the purpose of this Act;

(6) "city" includes any local area declared as a Municipal Corporation, a City Municipality or a Borough Municipality under any law for the time being in force;

(7) "classification value" means the relative valuation of [1][any class of land][1] as recorded in the survey records having regard to its soil, water and other advantages;

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

[1][(8) 'class of land' means any of the following classes of land, namely, dry land, wet land, garden land or plantation land;

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

Explanations.—For purposes of this Act,—

(*a*) 'dry land' means,—

(i) land classified as dry land under any law repealed by section 202, or any law in force at any time before the commencement of this Act;

(ii) land in which wet crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government;

(*b*) "wet land" means land in which wet crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government;

(*c*) 'garden land' means land in which garden crops other than plantation crops can be grown, and shall consist of dry garden land and wet garden land; and

(i) 'dry garden land' means land classified as such under any law repealed by section 202 or any law in force at any time before the commencement of this Act, or garden land in which wet garden crops cannot be grown except when irrigated by water obtained from any source of water which is the property of the State Government;

(ii) 'wet garden land' means land in which wet garden crops can be grown by use of rain water or water obtained from any source of water which is not the property of the State Government;

(*d*) 'plantation land' means land in which a plantation crop, that is, cardamom, coffee, pepper, rubber or tea, can be grown.][1]

(9) "estate" means any interest in land and the aggregate of such interests vested in a person or body of persons capable of holding the same;

(10) "group" means all lands in a zone which, in the opinion of the State Government or an officer authorised by it in this behalf, are sufficiently homogeneous in respect of the factors enumerated in section 116 to admit of the application to them of the same standard rates for the purpose of the assessment of land revenue;

(11) "to hold land" or to be a "land-holder" or "holder of land" means to be lawfully in possession of land, whether such possession is actual or not;

(12) "holding" means a portion of land held by a holder;

(13) "joint holders" or "joint occupants" mean holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law, or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant", as the case may be, means all of the joint holders or joint occupants;

(14) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages or other defined areas;

(15) "landlord" means a person who has leased land to a tenant and includes a person entitled to receive rent from a tenant;

(16) "land records" means records maintained under the provisions of or for the purposes of this Act;

(17) "local authority" means,-

(i) in any municipal area, the Corporation, the Municipal Council, the Cantonment Board, the Sanitary Board or Notified Area Committee, as the case may be;

(ii) in any village, the Village Panchayat or the Town Panchayat constituted under the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(18) "notification" means a notification published in the official Gazette;

(19) "occupation" means possession, and "to occupy land" means to possess or take possession of land;

(20) "occupant" means a holder in actual possession of unalienated land other than the tenant:

Provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant;

[2][***Explanation.—***A ryotwari pattadar in the [1][Mangalore and Kollegal Area][1] and Bellary District, a pattadar or shikmidar in the [1][Gulbarga Area][1] and a holder or land-holder in the Coorg District shall be deemed to be an occupant of such land for purposes of this Act.][2]

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

(21) "occupancy" means the portion of land held by an occupant;

(22) "prescribed" means prescribed by rules made under this Act;

(23) "rental value" means the consideration (including premia, if any, or any sum of money paid or promised, or a share of crops or any other thing of value rendered periodically or on specified occasions) for which land is or could be leased for a period of one year for its most advantageous use:

(24) "Revenue Officer" means every officer of any rank whatsoever appointed under or employed for the purposes of this Act;

(25) "revenue year" means the year commencing on the first day of July;

(26) "settlement" means the result of the operations conducted in a zone in order to determine the land revenue assessment;

(27) "standard rate" means with reference to any particular class of land in a group, the value of [1][four per cent][1] of the average yield of crops per acre on land in that class of one hundred per cent classification value;

1. Substituted by Act 9 of 1965 w.e.f. 21.4.1965.

[1][Provided that with reference to any plantation land, the standard rate shall be the value of one per cent of the average yield of crops per acre on the land in that class of one hundred per cent classification value;][1]

1. Inserted by Act 9 of 1965 w.e.f. 21.4.1965.

(28) "superior holder" means a land holder entitled to receive rent or land revenue from other land holders (hereinafter called 'inferior holders'), whether he is accountable or not for such land or land revenue or any part thereof, to the State Government:

Provided that where land has been granted free of rent or land revenue, subject to the right of resumption in certain specified contingencies by a Jahgirdar, Inamdar, or other such holder of an alienated land, whose name is authorisedly entered as such in the land records, such Jahgirdar, Inamdar or holder, shall, with reference to the grantee, be deemed to be the superior holder of the land so granted by him and the grantee, with reference to the grantor be deemed to be the inferior holder of such land;

(29) "survey" includes all operations incidental to the determination, measurement and record of a boundary or boundaries or any part of a boundary and includes a re-survey;

(30) "survey mark" means any mark or object, erected, made, employed or specified by a Survey Officer to indicate or determine or assist in determining the position or level of any point or points;

(31) "Survey Officer" means an officer appointed under or in the manner provided by section 18;

(32) "survey number" means a portion of land of which the area and assessment are separately entered under an indicative number in the land records; and "sub-division of a survey number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion;

(33) "survey settlement" includes a settlement made under the provisions of Chapter X;

(34) "tenant" means a lessee, whether holding under an instrument or an oral agreement and includes,—

(i) a person who is or is deemed to be a tenant under any law for the time being in force;

(ii) a mortgagee of a tenant's rights with possession; or

(iii) a lessee holding directly under the State Government or a local authority or body corporate;

(35) "terms of settlement" means the period for which the State Government has declared that a settlement shall remain in force;

(36) "town" includes a Panchayat town or a town area under the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(37) "Tribunal" means the [1][Karnataka Revenue Appellate Tribunal][1] constituted under section 40;

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(38) "village" means a local area which is recognised in the land records as a village for purposes of revenue administration and includes a town or city and all the land comprised within the limits of a village, town or city;

(39) "Village Accountant" means a Village Accountant appointed, or deemed to be appointed, under section 16;

(40) "zone" means a local area comprising a taluk or group of taluks or portions thereof of one or more district, which, in the opinion of the State Government, or an officer authorised by it in this behalf is contiguous and homogeneous in respect of,—

(i) physical configuration,

(ii) climate and rainfall.

(iii) principal crops grown in the area, and

(iv) soil characteristics.

CHAPTER II

CONSTITUTION AND POWERS OF THE REVENUE OFFICERS

3. Chief controlling authority in revenue matters.—The State Government shall be the chief controlling authority in all matters connected with land and land revenue administration under this Act.

4. State to be [1][divided into Districts][1] and Districts to consist of Taluks comprising Circles and Villages.— [2][(1) xxx][2]

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003 by notification. Text of the notification is at the end of the Act.

2. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) [1][The State][1] shall be divided into such districts with such limits, as may, by notification, be determined by the State Government.

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(3) Each district determined under sub-section (2) shall consist of such taluks and each taluk shall consist of such circles and each circle shall consist of such villages as may, by notification, be determined by the State Government.

(4) The State Government may, by notification, alter the limits of any district, taluk or circle and may create new, or abolish existing districts, taluks or circles.

(5) The divisions, districts, taluks, circles (by whatever name called) and villages as they exist immediately before the commencement of this Act, shall remain as they are for the purposes of this Act until altered by the State Government by notifications under sub-sections (1), (2), (3) and (4).

5. Power of State Government to alter limits of or to amalgamate or constitute villages.—The State Government may, subject to such conditions and in such manner as may be prescribed, alter or add to the limits of any village or amalgamate two or more villages or constitute a new village for the purpose of this Act.

6. Procedure for constitution, abolition, etc., of [1][xxx][1], districts, taluks, circles or villages.—Before the publication of any notification under section 4 or 5 declaring any area to be a [1][xxx][1], district, taluk, circle or village or altering the limits of any [1][xxx][1], district, taluk, circle or village, or abolishing any [1][xxx][1], district, taluk, circle or village, the State Government shall [2][except in cases where it considers not necessary so to do][2] publish in the official Gazette and in such other manner as may be prescribed, a notice of the proposal inviting objections and shall take into consideration any objections to such proposal.

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003 by notification.

2. Inserted by Act 23 of 1976 w.e.f. 24.1.1976.

[1][7. xxx][1]

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003 by notification.

8. Deputy Commissioner.—(1) The State Government shall by notification, appoint for each district a Deputy Commissioner, [1][xxx][1]

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003 by notification.

(2) The Deputy Commissioner shall in his district exercise all the powers and discharge all the duties conferred and imposed on him under this Act or under any law for the time being in force. He may also exercise such powers and discharge such duties as are conferred and imposed on an Assistant Commissioner under this Act or under any other law for the time being in force, and in all matters not specially provided for by law, he shall act according to the instructions of the State Government.

9. Special Deputy Commissioner.—(1) Whenever the State Government considers that for any purpose it is expedient to appoint a Special Deputy Commissioner for any district, it may, by notification, appoint a Special Deputy Commissioner for such district, for such purpose and for such period as may be specified in such notification.

(2) The Special Deputy Commissioner shall exercise such powers and perform such duties as are exercised or performed by the Deputy Commissioner in the district or a part of the district under this Act, or any other law for the time being in force, as the State Government may direct.

(3) [1][The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Deputy Commissioner of the District][1]. except in such matters as the State Government may, by general or special order, specify in this behalf.

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

10. Assistant Commissioners.— (1) The State Government may, by notification, appoint to each district as many Assistant Commissioners as it may deem expedient; all such Assistant Commissioners and all other officers employed in the Revenue Administration of the district shall be subordinate to the Deputy Commissioner.

(2) The State Government, may place any Assistant Commissioner appointed under sub-section (1) to be in-charge of the revenue administration of [1][x x x][1] one or more taluks called a Revenue Sub-Division. Such Assistant Commissioner shall perform all the duties and exercise all the powers conferred upon the Assistant Commissioner by this Act or any other law for the time being in force. Such Assistant Commissioner shall also, subject to the provisions of Chapter V and to the orders of the State Government, if any, perform all the duties and exercise all the powers conferred upon the Deputy Commissioner by this Act or any other law for the time being in force.

1. Omitted by Act 7 of 1969 w.e.f. 17.4.1969.

(3) An Assistant Commissioner appointed under sub-section (1), but not placed in-charge of a Revenue Sub-Division under sub-section (2) shall, subject to the orders of the State Government, exercise such powers and perform such duties as the Deputy Commissioner may assign to him.

11. Tahsildars.—(1) The State Government shall, by notification, appoint to each taluk a Tahsildar who shall be the Chief Officer entrusted with the land revenue administration of the Taluk. He shall be subordinate to the Assistant Commissioner in-charge of the Taluk and where there is no such Assistant Commissioner, to the Deputy Commissioner of the District.

(2) The duties and powers of a Tahsildar shall be such as may be expressly imposed or conferred upon him by this Act or any other law for the time being in force or as may be imposed by or delegated to him by the Deputy Commissioner under the general or special orders of the State Government.

12. Special Tahsildars.—(1) Whenever the State Government considers that for any purpose it is expedient to appoint a Special Tahsildar for any Taluk, it may, by notification, appoint a Special Tahsildar for such Taluk for such purpose and for such period as may be specified in such notification.

(2) A Special Tahsildar shall exercise such powers and discharge such duties as are exercised or performed by the Tahsildar in a taluk or part of a taluk under this Act or any other law for the time being in force, as the State Government may direct.

(3) A Special Tahsildar shall be subordinate to the Assistant Commissioner in-charge of the Taluk and where there is no such Assistant Commissioner to the Deputy commissioner of the district. A Special Tahsildar shall be subordinate to the Tahsildar in the Taluk except in such matters as the State Government may, by order, specify in this behalf.

13. A Tahsildar or a Special Tahsildar may depute subordinates to perform certain of his duties.—A Tahsildar or a Special Tahsildar may, subject to such orders as may be passed by the [1][xxx][1] Deputy Commissioner, depute any of his subordinates to perform any portion of his ministerial duties:

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

Provided that all acts of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar or Special Tahsildar.

14. Officers to discharge duties during temporary vacancy.—

[1][(1) xxx][1]

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) If the Deputy Commissioner is disabled from performing his duties or for any reason vacates his office or leaves his district or dies, the Special Deputy Commissioner, if any, or in his absence, the senior most Assistant Commissioner at the district headquarters shall, unless other provision has been made by the State Government, succeed temporarily to his office, and shall be deemed to be the Deputy Commissioner under this Act, until the Deputy Commissioner resumes charge of his district, or until the State Government appoints a successor and such successor takes charge of his appointment.

(3) If the Assistant Commissioner of a Revenue Sub-Division is disabled from performing his duties or is on leave or for any reason vacates his office or dies, the Tahsildar stationed at the headquarters of the Assistant Commissioner shall, unless other provision is made by the Government, succeed temporarily to his office and shall be deemed to be the Assistant Commissioner of the Revenue Sub-Division under this Act, until the Assistant Commissioner resumes charge of his Revenue Sub-Division, or until the Government appoints a successor to the former Assistant Commissioner, and such successor takes charge of the appointment.

(4) If a Tahsildar is disabled from performing his duties or for any reason, vacates his office or leaves his taluk or dies, the Special Tahsildar, if any, or in his absence, the senior most ministerial officer in the Taluk Office shall succeed temporarily to the said Tahsildar's Office and shall be deemed to be the Tahsildar under this Act, until the Tahsildar resumes charge of his Taluk or until such time as a successor is duly appointed and takes charge of his appointment.

15. Revenue Inspectors.—(1) [1][The Deputy Commissioner may, subject to the general orders of the State Government][1], appoint a Revenue Inspector for each circle and he shall perform all the duties of a Revenue Inspector prescribed in or under this Act or in or under any other law for the time being in force, and shall hold office and be governed by such rules as may be prescribed.

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) Persons holding the office of Revenue Inspector for a circle (by whatever name called) immediately prior to the commencement of this Act shall be deemed to be Revenue Inspectors for such circle till another person is appointed under sub-section (1).

16. Village Accountant.—(1) The Deputy Commissioner may, subject to the general orders of the State Government [1][xxx][1], appoint a Village Accountant for a village or group of villages and he shall perform all the duties of a Village Accountant prescribed in or under this Act or in or under any other law for the time being in force, and shall hold office under and be governed by such rules as may be prescribed.

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) Persons holding the office of a Village Accountant for a village or group of villages immediately prior to the commencement of this Act shall be deemed to be Village Accountants for such village or group of villages till another person is appointed under sub-section (1).

17. Village Accountant to keep such records as he may be required to keep and prepare public records.—(1) The State Government shall prescribe the registers, accounts and other records that shall be kept by the Village Accountant.

(2) The Village Accountant shall keep all such registers, accounts and other records as may be prescribed under sub-section (1) and he shall, whenever called upon by any superior revenue officer of the taluk or district, prepare all records connected with the affairs of the village, which are required either for the use of the Central or the State Government or the public, such as notices, reports, mahazars and depositions.

18. Survey Officers.—(1) For purposes of survey, assessments and settlements of land revenue and the settlements of boundaries and connected matters provided for in this Act, the State Government may, by notification, appoint such officers as it may deem necessary. Such officers shall be designated [1][Director of Survey Settlement and Land Records][1], [2][Joint Director of Land Records, Joint Director for Settlement, Deputy Director of Land Records, Deputy Director for Settlement, Assistant Director for Settlement, Assistant Director of land Records][2], Settlement Officers and Assistant Settlement Officers, or otherwise as the State Government may deem fit. Each such officer shall be subordinate to such officer or officers as the State Government directs.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.
2. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) Subject to the orders of the State Government, the officers appointed under sub-section (1) shall have the power to take cognizance of all matters connected with survey and settlement and shall exercise all such powers and perform all such duties as may be prescribed by or under this Act or any other law for the time being in force.

[1][**18A. Appointment of licensed surveyors.-** (1) The Director of Survey Settlement and Land Records may, for the purposes of the third proviso to section 128 and of clause (c) of section 131, issue, with the prior approval of the State Government and subject to such conditions and restrictions and in such manner as may be prescribed, a licence to any person (hereinafter referred to as the Licensed Surveyor) possessing the prescribed qualifications and experience.

(2) The fee payable to a Licensed Surveyor shall be as may be prescirbed.][1]

1. Inserted by Act 14 of 1999 w.e.f. 30.4.1999.

19. Other Officers.—(1) The State Government may appoint such other officers and invest them with such powers as may be necessary to give effect to the provisions of this Act.

(2) Such officers shall discharge such duties and be subordinate to such officers as the State Government may direct.

20. Combination of offices.—It shall be lawful for the State Government to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

21. Seals.—The State Government shall, by notification, specify the Revenue Officers, who shall use a seal and prescribe the size and description of the seal to be used by such officers.

22. Demands for money, papers, etc., in the hands of a Revenue Officer or other person.— (1) [1][The Deputy Commissioner of a District or the Joint Director of Land Records or the Joint Director for Settlement][1] or any officer appointed by such Deputy Commissioner in this behalf, shall, in all cases in which the State Government may have a claim on any Revenue Officer or any person formerly employed as such in his district or department for public money or papers or other Government property, by

order under his official seal and signature, require the money or the papers or property detained by such Revenue Officer or person to be delivered either immediately to the person delivering such order, or to such person at such date and at such place as the order may specify.

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) If the Revenue Officer or other person against whom an order is made under sub-section (1) does not pay the money or deliver up the papers or the property as directed, or fails to assign sufficient cause for non-compliance with the demand made as aforesaid, [1][the Deputy Commissioner of the District or the Joint Director of Land Records or the Joint Director for Settlement][1], as the case may be, may cause the Revenue Officer or the other person to be apprehended and may send him with a warrant in the form prescribed, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

Provided that no person shall be detained in confinement by virtue of such warrant for a period exceeding ninety days.

23. Recovery of public money or property from revenue officers or other persons.—(1) The Deputy Commissioner of his own motion, if the Revenue Officer or other person is or was serving in his Department and district, and upon the application of the [1][Joint Director of Land Records or the Joint Director for Settlement][1], if such officer or person is or was serving in the Survey and Land Records Department in his district, may,-

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(*a*) take proceedings to recover any public moneys due by such officer or person in the same manner and subject to the same rules as are applicable for the recovery of arrears of land revenue from a defaulter; and

(*b*) issue a search warrant for the purpose of recovering public papers or other property of the State Government, and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898.

(2) It shall be the duty of all persons in possession of such public moneys, papers or other property of the State Government to make over the same forthwith to the Deputy Commissioner, and every person knowing

where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

(3) Whoever contravenes the provisions of sub-section (2) shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

CHAPTER III

PROCEDURE OF REVENUE OFFICERS

24. Revenue Officers to be Revenue Courts.—A Revenue Officer, not below the rank of a Tahsildar while exercising power under this Act, or any other law for the time being in force, to inquire into or to decide any question arising, for determination between the State Government and any person or between parties to any proceedings, shall be a Revenue Court.

25. Saving of inherent powers of a Revenue Court.—Nothing in this Act, shall be deemed to limit or otherwise affect the inherent power of the Revenue Court to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the Revenue Court.

26. Place for holding enquiries or hearing cases.—Subject to the direction and control of the officer to whom he is subordinate, and except for reasons to be recorded in writing, no Revenue Officer shall enquire into, or hear, any case at any place outside the local limits of the jurisdiction:

Provided that where the place of headquarters of a Revenue Officer is outside the local limits of his jurisdiction, he may enquire into, or hear, any case at such place without any such direction or control.

27. Power to transfer cases.—[1][(1) xxx][1]

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

[1][(2) xxx][1]

1. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) The Deputy Commissioner may transfer any case or class of cases arising under this Act or any other law for the time being in force, for inquiry or decision, from his own file or from the file of any other Revenue Officer subordinate to him, to the file of any other Revenue Officer subordinate to him and competent to deal with such cases or class of cases.

(3) A Deputy Commissioner may withdraw any case or class of cases arising under this Act or any other law for the time being in force, from the

file of any Revenue Officer subordinate to him to his own file and deal with such case or class of cases himself.

28. Power to take evidence, summon persons to give evidence and produce documents.—(1) Every Revenue Officer not lower in rank than a Tahsildar or an [1][Assistant Director of Land Records][1] in their respective departments, shall have the power to take evidence on oath and to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce documents, for the purpose of any inquiry which such officer is legally empowered to make.

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) Any person summoned under sub-section (1) shall be bound to attend either in person or by an authorised agent as directed in the summons:

Provided that exemptions under sections 132 and 133 of the Code of Civil Procedure, 1908, shall be applicable to requisitions for attendance under this section.

(3) Ever person summoned under sub-section (1) either to be examined as a party or to give evidence as a witness shall be bound,—

(i) to state the truth upon any subject respecting which he is examined or makes a statement; and

(ii) to produce such documents as may be required.

(4) Any person summoned merely to produce a document shall be deemed to have complied with the summons by causing the production of such document instead of attending personally to produce the same.

29. Contents of summons and the manner in which it has to be issued and served.—(1) Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued and shall be signed by the officer issuing it or by any subordinate officer in the office authorised by him in this behalf and if such officer have a seal, shall also bear his seal; it shall require the person summoned to appear before the said officer at the time and place stated in it and shall specify whether his attendance is required for the purpose of giving evidence or to produce documents or for both.

(2) Every summons shall be served by tendering or delivering a copy of it to the person summoned, or if he cannot be found, to some adult male member of his family residing with him; if there is no such adult member, the service may be effected by affixing a copy of the summons in some

conspicuous part of the house where the person summoned ordinarily resides or last resided.

(3) If the ordinary residence of the person summoned be in any other district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (2).

(4) Notwithstanding anything contained in sub-section (2) or (3), a Revenue Court may either on its own motion or on the application of a party, either in the first instance or when summons last issued is returned unserved, direct the service of summons by registered post pre-paid for acknowledgment. The postal acknowledgment purporting to contain the signature of the person summoned may be deemed to be *prima facie* proof of sufficient service of the summons on the person summoned on the day on which it purports to have been signed by him. If the postal cover is returned unserved, any endorsement purporting to have been made thereon by the delivery peon or other employee or officer of the Postal Department shall be *prima facie* evidence of the statements contained in such endorsement.

30. Mode of serving notices.—(1) Every notice under this Act, unless it is otherwise expressly provided, shall be served by tendering or delivering a copy thereof, to the person on whom it has to be served or his agent, if he have any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

(2) If the person on whom the notice is to be served resides in any other district, the notice may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (1).

(3) No notice served under this section shall be deemed void on account of any error in the name or designation of any person referred to therein, unless such error has caused substantial injustice.

31. Procedure for procuring attendance of witnesses.—In any formal or summary inquiry, if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the Code of Civil Procedure, 1908, for purposes of applying for summonses for witnesses.

32. Compelling attendance of witnesses and examination of witnesses on commission.—(1) If any person on whom a summons to attend as witness or to produce any document has been served, fails to

comply with the summons, the officer by whom the summons has been issued may,—

(*a*) issue a bailable warrant of arrest;

(*b*) order him to furnish security for appearance; or

(*c*) impose upon him a fine not exceeding twenty rupees.

(2) Notwithstanding anything contained in sub-section (1), when the person whose evidence is required is unable from sickness or infirmity to attend or is a person exempted under section 132 or section 133 of the Code of Civil Procedure, 1908, from personal appearance before a Court, the officer issuing the summons may, of his own motion, or on the application of the party whose evidence is desired, dispense with the appearance of such person, and direct such person to be examined on commission issued to a subordinate officer deputed for the purpose.

33. Formal inquiry.—(1) In any formal inquiry prescribed for the determination of any question by or under this Act, or any law for the time being in force, the evidence shall be taken down in full, in writing in Kannada or English or in any such language as may be prescribed by the State Government for use in the district or part of the district, by the officer conducting the inquiry and shall be signed by him.

(2) Where on account of physical disability or other reason to be recorded, the officer conducting the inquiry does not take down the evidence himself, he shall cause such evidence to be taken down in full in writing in his presence and hearing and under his personal superintendence and direction, and such record shall be signed by him.

(3) Every decision or order after a formal inquiry shall contain a full statement of the grounds on which it is made or passed and shall be written and signed by the officer making the decision or passing the order, or from the dictation of such officer, in which case, a certificate to that effect shall be made and signed by such officer in his own hand.

34. Summary inquiry.—When a summary inquiry is prescribed for determination of any question by or under this Act or any law for the time being in force, the officer conducting such inquiry shall himself, as such inquiry proceeds, record in his own hand, in Kannada or in English or in any other language of the taluk or village as declared by State Government, the summary of the evidence and a minute of the proceedings containing the

material averment made by the parties interested, the decision and the reasons for the same:

Provided that it shall at any time be lawful for the officer, if he deems fit, to conduct an inquiry directed by this Act to be summary, under all or any of the provisions applicable to a formal inquiry.

35. Formal and summary inquiry to be deemed judicial proceedings.—A formal or a summary inquiry under this Act shall be deemed to be "judicial proceedings" within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the officer or any authority holding a formal or summary inquiry shall be deemed to be a Civil Court for the purposes of such inquiry.

36. Hearing and decisions to be in public and after notice.—(1) Every hearing whether in a formal or summary inquiry, shall be in public and the parties or their recognised agents shall have due notice to attend. Every order passed after hearing shall be signed and pronounced in open court on a day of which due notice shall be given to the parties or their recognised agents:

Provided that when neither a party nor his recognised agent is present in court when the order is pronounced, the substance of the order containing the decision shall be communicated by post to such party or his recognised agent.

(2) If any party to a case or proceeding, whether in a formal or summary inquiry does not appear on the date fixed for hearing, after due service of a notice or summons on him, the case or proceeding may be heard and determined in his absence, or may be dismissed for default, as the case may be.

(3) The party against whom any order is passed under sub-section (2) may apply within thirty days from the date of such order or knowledge of the order in case the notice or summons was not duly served, to have it set aside on the ground that he was prevented by any sufficient cause from appearing at the hearing and the Revenue Officer may, after a notice to the opposite party who was present on the date on which such order was passed and after making such inquiry as he considers necessary, set aside the order passed and decide the case on merits.

37. Inquiries other than formal or summary.—An inquiry which this Act does not require, either to be formal or summary, or which any Revenue

Officer may, on any occasion, deem to be necessary to make in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the State Government, and, subject to such rules, according to the discretion of the officer in such a way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

38. Power to enter upon any lands or premises for the purposes of measurements, etc.—Whenever necessary, for the purposes of measurement, fixing or inspecting boundaries, classification of soil, or assessment or for any other purpose connected with the lawful exercise of his office under the provisions of this Act, or of any other law for the time being in force, relating to land revenue, any Revenue Officer and, when under his observation and control, his servants and workmen, when so directed, may enter any land or premises, whether belonging to the State Government or to any other person:

Provided that no person shall enter into any building used as a dwelling house or upon any enclosed court or garden attached to a dwelling house, unless with the consent of the occupier thereof, without giving such occupier previous notice of not less than seven days and in making such entry, due regard shall be paid to the social and religious sentiments of the occupier.

39. Manner of evicting any person wrongfully in possession of land.—Whenever it is provided by this Act or any other law for the time being in force that the Deputy Commissioner may or shall evict any person wrongfully in possession of land or where any order to deliver possession of land has been passed against any person under this Act, such eviction shall be made or such order shall be executed, as the case may be, in the following manner, namely:—

(i) by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and

(ii) if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same, and

(iii) if the officer removing any such person is resisted or obstructed by any person, the Deputy Commissioner or the Revenue Officer, as the case may be, shall hold a summary inquiry into the facts of the case and, if satisfied that the resistance or obstruction was without any just cause and

that such resistance and obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

CHAPTER IV

CONSTITUTION AND POWERS OF THE [1][KARNATAKA REVENUE APPELLATE TRIBUNAL][1]

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

40. Constitution of the Revenue Appellate Tribunal.— (1) The State Government shall, by notification, constitute for the State of [1][Karnataka][1], an Appellate Tribunal called the [1][Karnataka Revenue Appellate Tribunal.][1]

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) The Tribunal shall consist of the following six members appointed by the State Government, namely:—

(*a*) a Chairman, who shall be an officer of the rank of [1][a Secretary to Government][1]; and

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(*b*) five members, three of whom shall be persons who are District Judges, and the others shall be officers having experience in administration of revenue matters not below the rank of a Deputy Commissioner.

(3) If, by reason of any increase in the business of the Tribunal or by reason of arrears of work therein or otherwise, it appears to the State Government that the number of members of the Tribunal should be for the time being increased, the State Government may, by notification, appoint persons having the qualifications specified in clause (*b*) of sub-section (2) to be additional members of the Tribunal for such period as the State Government may specify.

(4) The Mysore Revenue Appellate Tribunal constituted under the [1][Karnataka][1] Revenue Appellate Tribunal Act, 1957 ([1][Karnataka Act][1] 24 of 1957) and functioning as such immediately prior to the commencement of this Act shall continue to function as the Tribunal for the purposes of this Act, until a Tribunal is duly constituted in accordance with the provisions of this section.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

41. Conduct of business of the Tribunal.—(1) The powers of the Tribunal in all matters relating to appeals, revisions and other proceedings, shall be exercised by a Bench of two members:

Provided that the Chairman of the Tribunal may, and if a Bench consisting of two members so thinks fit, shall, constitute a full Bench consisting of not less than three members for the hearing of any appeal, revision, reference or other proceeding:

Provided further that in every Bench there shall be a District Judge and an officer having experience in administration of revenue matters.

(2) Notwithstanding anything contained in sub-section (1), a single member of the Tribunal may exercise the powers of the Tribunal in the following matters, namely:—

(i) admission of an appeal or revision petition;

(ii) admission of an appeal or revision petition presented after the expiry of the period allowed by law;

(iii) stay orders pending disposal of an appeal, revision, reference or other proceeding:

(iv) any matter of an interlocutory character in appeals, revisions, references or other proceedings:

Provided that any person aggrieved by an order of rejection of an appeal or petition may apply for a revision of such order, when the matter shall be heard and disposed of by a Bench of two members.

(3) Where an appeal, revision, reference or application is heard by a Bench consisting of two or more members, the appeal, revision, reference or application shall be decided in accordance with the opinion of such members or of the majority, if any, of such members:

Provided that where the Bench hearing an appeal, revision, reference or application is composed of two members, and the members composing the Bench differ in opinion on any point material for the decision of the case, they shall state such point, and the case shall then be heard upon that point only by another member of the Tribunal and such point shall be decided according to the opinion of the majority of the members, including those who first heard it.

42. Sittings of the Tribunal.—(1) The headquarters of the Tribunal shall be at Bangalore.

(2) Notwithstanding anything contained in sub-section (1), Benches of the Tribunal may, from time to time and subject to such conditions as may be prescribed, have sittings at such places as the Chairman of the Tribunal may specify.

43. Powers of the Tribunal.—(1) The Tribunal shall exercise such powers of appeal, reference or revision as are vested in it by or under this Act or any other law for the time being in force.

(2) All appellate and revisional powers vested in or exercisable under any law by the Tribunal constituted under the [1][Karnataka][1] Revenue Appellate Tribunal Act, 1957 ([1][Karnataka][1] Act 24 of 1957), before the commencement of this Act, shall stand transferred to and be exercisable by the Tribunal constituted under section 40 and any reference in any law to the Mysore Board of Revenue or to the Mysore Revenue Appellate Tribunal [1][or to the Karnataka Revenue Appellate Tribunal][1] shall be construed as a reference to the Tribunal constituted under section 40.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(3) The State Government may, by notification, confer upon or entrust to the Tribunal any appellate or revisional power or function assigned to the State Government or other authority or officer by or under any law for the time being in force, and the Tribunal shall be competent to exercise the powers or discharge the functions so conferred or entrusted.

44. Powers of review.—(1) The Tribunal may either on its own motion or on the application of any party affected, review any order passed by itself and pass such orders in reference thereto as it deems necessary:

Provided that no such application made by any party thereto shall be entertained unless the Tribunal is satisfied that there has been discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of such party or could not be produced by him at the time when the order was passed or that there has been some mistake or error apparent on the face of the record or that there has been any other sufficient reason:

Provided further that,—

(i) no order shall be varied or reversed unless notice has been given to the parties affected, and

(ii) no order affecting any question of right between private persons shall be reviewed except on the application of the party affected.

(2) Every application under sub-section (1) for a review of the order shall be made within a period of ninety days from the date of the order.

(3) The provisions of sections 4, 5 and 12 of the Limitation Act, 1963, shall apply to an application for review under this section.

45. Finality of the orders of the Tribunal.—Notwithstanding anything contained in any law, but subject to the provisions of section 44 every decision of the Tribunal shall be final and shall not be called in question in any Court.

46. Powers of the Tribunal to call for returns, etc.—The Tribunal may, in respect of matters subject to its appellate or revisional jurisdiction, do all or any of the following, namely:—

(*a*) call for returns from the authorities subject to its jurisdiction;

(*b*) issue general directions and prescribe forms for regulating the practice and proceedings of such authorities:

Provided that such directions and forms shall not be inconsistent with the provisions of any law for the time being in force.

47. Proceedings of Tribunal to be judicial proceedings.—Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purpose of section 196 of the Indian Penal Code and the Tribunal shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

48. Power to make regulations.—(1) The Tribunal shall, after previous publication and with the previous sanction of the State Government, make regulations consistent with the provisions of this Act, and the rules made thereunder for regulating generally the practice and procedure of the Tribunal and the disposal of its business including regulations as to the time within which, in the absence of any express provision in the relevant enactment, appeals or applications to the Tribunal, may be filed and as to the costs of and incidental to any proceedings before the Tribunal.

(2) The regulations made under sub-section (1) shall be published in the official Gazette.

CHAPTER V

APPEAL AND REVISION

49. Appeals from original orders.—Save as otherwise expressly provided, an appeal shall lie from every original order passed under this Act

or the rules made thereunder, [1][and from every order made in exercise of the powers conferred by section 54 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908)][1],—

1. Inserted by Act 33 of 1975 w.e.f. 10.7.1975.

(*a*) if such an order is passed by a Revenue Officer subordinate to the Assistant Commissioner, [1][whether or not invested [2][or delegated][2] with the powers of the Assistant Commissioner or the Deputy Commissioner][1] to the Assistant Commissioner;

1. Inserted by Act 33 of 1975 w.e.f. 10.7.1975.
2. Inserted by Act 22 of 1976 w.e.f. 24.12.1975.

(*b*) if such an order is passed by the Assistant Commissioner whether or not invested with the powers of the Deputy Commissioner, to the Deputy Commissioner;

[1][(*c*) if such an order is passed by the Deputy Commissioner, to the Tribunal;

[2][(d) xxx][2]

1. Clauses (c) to (h) Substituted by Act 33 of 1975 w.e.f. 10.7.1975.
2. Clause (d) omitted by Act 21 of 2003 w.e.f. 26.5.2003.

(*e*) if such an order is passed by a [1][Survey Officer below the rank of an Assistant Director of Land Records or Assistant Director for Settlement, to the Assistant Director of Land Records or Assistant Director for Settlement][1], as the case may be;

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(*f*) if such an order is passed by a Survey Officer of the rank of an [1][Assistant Director of Land Records or Assistant Director for Settlement, to the Joint Director of Land Records or Joint Director for Settlement][1], as the case may be;

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(*g*) if such an order is passed by the [1][Joint Director of Land Records or Joint Director for Settlement][1], to the Director of Survey, Settlement and Land Records;

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(*h*) if such an order is passed by the Director of Survey, Settlement and Land Records, to the Tribunal.][1]

50. Second Appeal.—(1) A second appeal shall lie against any order passed in a first appeal under section 49,—

(*a*) if such an order is passed by the Assistant Commissioner, to the Deputy Commissioner;

[1][(*b*) if such an order is passed by the Deputy Commissioner, to the Tribunal;

(*b*1) if such an order is passed by the [2][Assistant Director for Settlement or the Assistant Director of Land Records][2], to the Director of Survey, Settlement and Land Records;][1]

1. Substituted by Act 33 of 1975 w.e.f. 10.7.1975.

2. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(*c*) if such an order is passed by the [2][Joint Director of Land Records or Joint Director for Settlement][2] or by the [1][Director of Survey][1], Settlement and Land Records to the Tribunal.

1. Substituted by Act 33 of 1975 w.e.f. 10.7.1975.

2. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) An order passed on second appeal shall be final.

51. Limitation of Appeals.— No appeal shall lie,—

(*a*) in the case of a first appeal, after the expiry of sixty days from the date of the order appealed against; and

(*b*) in the case of a second appeal, after the expiry of ninety days from the date of the order appealed against.

52. Application of the Limitation Act.—Save as otherwise provided in this Act, the provisions of sections 4, 5 and 12 of the Limitation Act, 1963 (Central Act 36 of 1963) shall *mutatis mutandis* apply to all appeals under this Act.

53. Copy of the order to accompany petition of appeal.—Every petition of appeal shall be accompanied by a certified copy of the order appealed from, unless the production of such copy is dispensed with by the appellate authority.

54. Powers of appellate authority.—The appellate authority may, for reasons to be recorded in writing either annul, reverse, modify or confirm the order appealed from, or may direct the officer making the order by himself or by any of his subordinate officers, to make further inquiry or to take additional evidence on such points as the appellate authority may specify, or

the appellate authority may itself make such inquiry or take such additional evidence:

Provided that no additional evidence, whether oral or documentary shall be directed to be taken, unless,—

(*a*) the Revenue Officer from whose order the appeal is preferred has refused to admit evidence which ought to have been admitted, or

(*b*) the appellate authority requires any document to be produced or any witness to be examined to enable it to pronounce orders, or

(*c*) for any substantial cause the appellate authority allows such evidence or document to be produced or witness to be examined:

Provided further that when additional evidence is allowed to be produced, by an appellate authority, such authority shall record the reason for its admission.

55. Stay of execution of orders.—(1) A Revenue Officer who has passed an order or his successor in office, may at any time before the expiry of the period prescribed for appeal, direct the execution of such order to be stayed for such time as may be requisite for filing the appeal and obtaining a stay order from the appellate authority.

(2) The appellate authority may, at any time, direct that the execution of the order appealed from, be stayed for such time as it may think fit, or till the decision of the appeal, whichever is earlier and may on sufficient cause being shown, cancel or vary such order made directing stay.

(3) No order directing the stay of execution of any order shall be passed except in accordance with the provisions of this section.

56. Power of Revision.—(1) The Tribunal, any Revenue Officer not inferior in rank to an Assistant Commissioner, and any Survey Officer not inferior in rank to a [1][Deputy Director of Land Records][1] or an Assistant Settlement Officer in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate officer under this Act [1][or under section 54 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908)][1] for the purpose of satisfying itself or himself, as the case may be, as to the legality or propriety of the proceedings of such officer.

1. Inserted by Act 33 of 1975 w.e.f. 10.7.1975.

[1][Proviso x x x][1]

1. Omitted by Act 33 of 1975 w.e.f. 10.7.1975.

[1][***Explanation.***—For the purposes of this sub-section,—

(i) Special Deputy Commissioner shall be deemed to be not subordinate to the Deputy Commissioner; and

(ii) all revenue officers shall be deemed to be subordinate to the Tribunal.][1]

1. Substituted by Act 33 of 1975 w.e.f. 10.7.1975.

[1][(1A) x x x][1]

1. Omitted by Act 33 of 1975 w.e.f. 10.7.1975.

(2) If, in any case, it shall appear to the Tribunal [1][x x x][1] or to such officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled, or reversed, the Tribunal [1][x x x][1] or such officer may pass such order as may be deemed fit:

1. Inserted by Act 5 of 1970 w.e.f. 23.10.1969 and omitted by Act 33 of 1975 as amended by Act 22 of 2000 w.e.f. 10.7.1975.

Provided that no order shall be modified, annulled, or reversed unless notice has been served on the parties interested and opportunity given to them of being heard.

[1][(3) No application for revision under this section and no power of revision on such application shall be exercised against any order in respect of which an appeal under this Chapter has been preferred and no application for revision shall be entertained unless such application is presented within a period of four months from the date of such order:

Provided that any Revenue Officer or Survey Officer referred to in sub-section (1) may exercise power under this section in respect of any order against which no appeal has been preferred under this Chapter, at any time within three years from the date of the order sought to be revised.

Explanation.—In computing the period of limitation for the purpose of this sub-section, any period during which any proceeding under this section is stayed by an order or an injunction by any court shall be excluded.][1]

1. Substituted by Act 33 of 1975 w.e.f. 10.7.1975.

57. Orders expressly made final under the act.—Whenever in this Act it is declared that an order of a revenue officer shall be final, such expression shall be deemed to mean that no appeal lies from such order. The Tribunal alone shall be competent to modify, annul or reverse any such order under the provisions of section 56.

58. Amendment of orders.—Clerical or arithmetical mistakes in orders arising therein from any accidental slip or omission may at any time be corrected by the Revenue Officer passing the order or by any of his successors in office, either on his own motion or on the application of any of the parties concerned:

Provided that no such correction shall be made without giving a reasonable opportunity to the parties to be heard.

59. Orders not reversible by reason of error or irregularity not occasioning failure of justice.—No order passed by a Revenue Officer shall be reversed or altered in appeal or revision on account of an error, omission, or irregularity in the summons, notice, proclamation, warrant or order or any other proceedings under this Act, unless such error, omission or irregularity has, in fact, occasioned a failure of justice.

CHAPTER VI

REVENUE JURISDICTION

60. Definitions.—In this Chapter, unless the context otherwise requires,—

(*a*) 'land' includes the sites of villages, towns and cities, trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries and fisheries;

(*b*) 'land revenue' means all sums and payments in money or in kind received or claimable by, or on behalf of Government from any person on account of land held by, or vested in, him, [1][and includes any tax][1] cess, rate or other impost payable under the provisions of any law for the time being in force.

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

61. Exclusive Jurisdiction of Revenue Courts and bar of jurisdiction of Civil Courts.—(1) Save as otherwise provided in this Act, or any other law for the time being in force, a Revenue Court shall have jurisdiction to determine, decide or dispose of, any matter which it is, by or under this Act, empowered to determine, decide or dispose of and no Civil Court shall exercise jurisdiction as to any of such matters.

(2) Subject to the exceptions hereinafter specified, no Civil Court shall exercise jurisdiction as to any of the following matters, namely:—

(*a*) claims against the Government relating to any property appertaining to any office or for any service whatsoever;

(*b*) objections,—

(i) to the amount or incidence of any assessment of land revenue under this Act, or

(ii) to the mode of assessment or levy, or to the principle on which such assessment or levy is fixed, or

(iii) to the validity or effect of the notification of survey or settlement;

(*c*) claims connected with or arising out of any proceedings for the realisation of land revenue or other demands recoverable as arrears of land revenue under this Act, or any other law for the time being in force;

(*d*) claims to set aside, on account of irregularity, mistake, or any other ground, except fraud, sales for arrears of land revenue;

(*e*) claims against the Government,—

(i) to be entered in the revenue survey or settlement records or any land record as liable for the revenue or as superior holder, inferior holder, occupant, mortgagee, landlord or tenant;

(ii) to have any entry made in any record of a revenue survey or settlement, or

(iii) to have any such entry either omitted or amended;

(*f*) the distribution of land or allotment of land revenue on partition of any estate under this Act or any other law for the time being in force;

(*g*) claims against the Government,—

(i) to hold land wholly or partly free from payment of land revenue; or

(ii) to receive payments charged on or payable out of the land revenue; or

(iii) to set aside any cess or rate payable under the provisions of any law for the time being in force; or

(iv) respecting the occupation of waste or vacant land belonging to Government;

(*h*) claims regarding boundaries fixed under this Act or under any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary marks or survey marks:

Provided that if any person claims to hold land wholly or partially exempt from payment of revenue under,—

(*a*) any law for the time being in force expressly creating an exemption not before existing in favour of an individual, or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*b*) any written grant from the Government expressly creating or confirming such exemption,

-such claim shall be cognizable by a Civil Court.

62. Savings of certain suits.—Nothing in section 61 shall be held to prevent the Civil Courts from entertaining any of the following suits, namely:—

(*a*) suits against the State Government to contest the amount claimed or paid under protest, or recovered as land revenue on the ground that such amount is in excess of the amount authorised in that behalf by the State Government or that such amount had previous to such claim, payment or recovery been satisfied in whole or in part or that the plaintiff or the person whom he represents is not the person liable for such amount;

(*b*) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any land record;

(*c*) suits between private parties for possession of any land being a whole survey number or sub-division of a survey number or a part thereof.

63. Plaintiff to exhaust his right of appeal before instituting a suit or other proceeding against Government.—No Civil Court shall entertain any suit or other proceeding against the State Government on account of any act or omission of the State Government or any Revenue Officer, unless the plaintiff first proves that previously to the institution of the suit or other proceeding, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit or proceeding, it was possible to present.

64. Power of Tribunal to refer questions for decision of High Court.—(1) If, in any case which, but for the provision of this Chapter, might have been entertained and disposed of by a Civil Court, or in any appeal or other proceeding against the order passed in such case, there arises any question on which the Tribunal whether *suo motu* or on the application of the party interested, desires to have the decision of the High Court, the

Tribunal may cause a statement of the question to be prepared and may refer such question for the decision of the High Court.

(2) The High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the Court House. The parties to the case may appear and be heard by the High Court in person or by their Advocates.

(3) The High Court, when it has heard and considered the case, shall send a copy of its decision with the reasons therefor under the seal of the Court to the Tribunal and subject to any appeal that may be presented to the Supreme Court, the case shall be disposed of conformably to such decision.

(4) If the High Court considers that any statement referred to under sub-section (1) is imperfectly framed, the High Court may return it for amendment.

(5) The costs, if any, consequent on any such reference shall be dealt with as the High Court in each case directs.

65. Power of Civil Court to refer questions of jurisdiction to High Court.—(1) If, in any suit instituted or in any appeal presented in a Civil Court, the Judge doubts whether he is precluded by this Chapter from entertaining and disposing of the suit or appeal, he may refer the matter to the High Court.

(2) The High Court may order the Judge making the reference, either to proceed with the case or to return the plaint.

(3) The order of the High Court on any such reference shall subject to appeal, if any, to the Supreme Court, be final.

66. Composition of Bench.—Every reference under section 64 or section 65 shall be heard by a Bench consisting of not less than two judges of the High Court.

CHAPTER VII

LAND AND LAND REVENUE

Land

67. Public roads, etc., and all lands which are not the property of others belong to the Government.—(1) All public roads, streets, lanes and paths, bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark and of rivers, streams, nallas, lakes and tanks and all canals and water-courses and all standing and flowing waters, and all lands wherever situated which are not

the property of individuals or of aggregate of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force, are and are hereby declared to be with all rights in or over the same or appertaining thereto, the property of the State Government.

***Explanation.*—**In this section, "high-water mark" means the highest point reached by ordinary spring tides at any season of the year.

(2) Where any property or any right in or over any property is claimed by or on behalf of the State Government or by any person as against the State Government, it shall be lawful for the Deputy Commissioner or a Survey Officer not lower in rank than a Deputy Commissioner, after formal inquiry to pass an order deciding the claim.

(3) Any person aggrieved by an order made under sub-section (2) or in appeal or revision therefrom may institute a civil suit contesting the order within a period of one year from the date of such order and the final decision in the civil suit shall be binding on the parties.

68. Extinction of rights of public and individuals in or over any public road, street, lane or path not required for use of public.—(1) Whenever it appears to the State Government that the whole or any part of any public road, street, lane, or path which is the property of the State Government, is not required for the use of the public, the State Government may, by notification, make a declaration to such effect, stating in such declaration that it is proposed that the rights of the public as well as of all persons in or over any such road, street, lane or path, or part thereof, as the case may be, shall be extinguished. On the publication of such notification, the Deputy Commissioner, shall, as soon as possible cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such road, street, lane or path, or part thereof, as the case may be. Such declaration and notice shall specify, as far as practicable, the situation and limits of such road, street, lane or path or part thereof, and shall invite objections to the aforesaid proposal.

(2) Any member of the public or any person having any interest or right, in addition to the right of public high-way, in or over such road, street, lane or path or part thereof, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification, under sub-section (1), state to the Deputy Commissioner

in writing his objections to the proposal, the nature of his interest or right and the manner in which it is likely to be adversely affected and the amount and particulars of his claim to compensation for such interest or right:

Provided that the Deputy Commissioner may allow any person to make such statement after the period of ninety days after the issue of the notification under sub-section (1), if he is satisfied that such person had sufficient cause for not making it within the said period.

(3) The Deputy Commissioner shall give every person who has made a statement to him under sub-section (2), an opportunity of being heard either in person or by pleader and shall, after hearing all such persons in such manner and after making such further enquiry, if any, as he thinks necessary, determine the amount of compensation, if any, which should, in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as well as of persons as aforesaid. The provisions of sections 9, 10 and 11 of the Land Acquisition Act, 1894 (Central Act I of 1894) shall, so far as may be, apply to the proceedings held by the Deputy Commissioner under this sub-section.

(4) The Deputy Commissioner shall submit to the State Government the record of the proceedings held by him with the report, containing his recommendations on the objections, if any, received by him stating the amount of compensation, if any, which, in his opinion, are payable to any person.

(5) If the State Government is satisfied after considering the record of the proceedings and the report, if any, made under sub-section (4) that the public road, street, lane or path, or part thereof, specified in the notification under sub-section (1) is not required for the use of the public, a declaration shall be published in the official Gazette that all rights of the public as well as of all persons in or over such road, street, lane, or path, or part thereof, are extinguished; and all such rights shall thereupon be extinguished, and such road, street, lane or path, or part thereof, shall be at the disposal of the State Government with effect from the date of such declaration.

(6) The decision of the Deputy Commissioner, subject to such appeals or revision as are allowed under Chapter V, regarding the amount of compensation and the person to whom such compensation, if any, is payable, shall be final; and payment shall be made by the Deputy Commissioner to such persons accordingly.

[1][**69. Disposal of lands or other property belonging to State Government under section 67.**—Subject to such rules as may be made in this behalf, the State Government, [2][xxx][2], the Deputy Commissioner, the Assistant Commissioner in-charge of a Taluk or Taluks and the Tahsildar, may dispose of land or other property belonging to the State Government under section 67 or otherwise, for purposes of agriculture, industry or any public utility and subject to the provisions of Chapter XII for the construction of buildings.][1]

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

2. Omitted by Act 21 of 2003 w.e.f. 26.5.2003.

70. Right to mines and mineral products to vest in Government.—[1][Notwithstanding anything contained in][1] any law in force before the commencement of this Act or under the terms of any grant made or of any other instrument of transfer executed, by or on behalf of the Government for the time being, the right to mines, minerals and mineral products, shall vest absolutely in the State Government and the State Government shall, subject to the provisions of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act No. 67 of 1957), have all the powers necessary for the proper enjoyment or disposal of such rights.

1. Substituted by Act 20 of 1993 w.e.f. 1.4.1964.

71. Lands may be assigned for special purposes and when assigned, shall not be otherwise used without sanction of the Deputy Commissioner.—Subject to the general orders of the State Government, Survey Officers, whilst survey operations are proceeding under this Act, and at any other time, the Deputy Commissioner, may set apart lands, which are the property of the State Government and not in the lawful occupation of any person or aggregate of persons in any village or portions of a village, for free pasturage for the village cattle, for forest reserves or for any other public purpose; and lands assigned specially for any such purpose shall not be otherwise used without the sanction of the Deputy Commissioner; and in the disposal of lands under section 69 due regard shall be had to all such special assignments.

72. Regulation of use of pasturage.—The right of grazing on free pasturage lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules or orders made generally or in any particular instance, by the State

Government. The decision for the Deputy Commissioner in any case of dispute as to the said right of grazing shall be final.

73. Recovery of value of natural product unauthorisedly removed from certain lands.—(1) Any person who shall unauthorisedly remove from any land which is set apart for a special purpose or from any land which is the property of Government, any natural product shall be liable to the State Government for the value thereof which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under this Act for such unauthorised removal; and notwithstanding any criminal proceedings which may be instituted against him in respect of such unauthorised removal.

(2) The decision of the [1][Tahsildar][1] as to the value of any such natural product shall be final.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

74. Right to trees in villages to which survey settlement has not been introduced.—In any village or portions of a village to which survey settlement has not been introduced under this Act or under any of the Acts repealed by this Act, the right to all tees, except such as are reserved by the Government under any law for the time being in force, shall be deemed to vest in the occupant, if any, of the land upon which they may be standing, except when such tress are the property of the State Government.

75. Right to trees in villages, to which survey settlement has been introduced.—(1) In any village or portions of a village if the original survey settlement has been completed before the commencement of this Act, the right of the State Government to all trees in any land, except trees reserved by the State Government or by any Survey Officer, whether by express order made at or about the time of such settlement or by notification made and published at or any time after such settlement shall be deemed to have been conceded to the occupant.

(2) In any village or portion of village, if the original survey settlement shall be completed after the passing of this Act, whether the work of such settlement was undertaken before or after the passing of this Act, the right of the State Government to all trees in any land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by the State Government at or about the time of such settlement or generally by notification made and published at any time

previous to the completion of the survey settlement of such village or portion of a village.

(3) When permission to occupy land has been or shall hereafter be granted after the completion of the survey settlement of a village or portion of a village, in which such land is situate, the said permission shall be deemed to include the concession of the right of the State Government to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

76. Trees and forests vesting in the Government.—The rights to all trees specially reserved under the provisions of section 75 and to all trees, brush-wood, jungle or other natural product, wherever growing, except in so far as the same may be the property of any person or of aggregate of persons capable of holding property, vest in the State Government; and such trees, brush-wood, jungle or other natural product shall be preserved or disposed of in such manner as the State Government may from time to time direct.

77. Road-side trees.—All road-side trees on lands held by any person which have been planted and reared by or under the orders of and at the expense of the State Government and all trees which have been planted and reared at the expense of any local authority by the side of any road, belonging to the State Government, vest in the State Government; but in the event of such trees dying, or being blown down, or being cut down by order of the [1][Tahsildar][1], the timber shall become the property of the holder of the land in which they were growing; and the usufruct including the loppings of such trees shall also vest in the said holder:

Provided that the trees shall not be lopped except under the orders of the [1][Tahsildar][1].

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

78. Recovery of value of trees, etc., unauthorisedly appropriated.—(1) Any person who shall unauthorisedly fell and appropriate any tree or any portion thereof or remove from his holdings any other natural product, whether of the like description or not, which is the property of Government, shall be liable to the State Government for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any

penalty to which he may be liable under the provisions of this Act, for the occupation of the land or otherwise: and notwithstanding any criminal proceedings which may be instituted against him in respect of the said appropriation of Government property.

(2) The decision of the [1][Tahsildar][1] as to the value of any such tree or portion thereof or other natural product, shall be final.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

79. Regulation of supply of firewood and timber for domestic or other purposes.—(1) In any village or land in which the rights of the State Government to the trees have been reserved under section 75 subject to certain privileges of the villagers or of certain classes of persons to cut fire-wood or timber for domestic or other purposes and in any land which has been set apart under section 71 for forest reserve subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by such rules as may be prescribed, or by orders to be made either generally or in any particular instance by the Deputy Commissioner or by such other officer as the State Government may direct. In any case of dispute as to the mode or time of exercising such privileges, the decision of the Deputy Commissioner or of such officer shall be final.

(2) Notwithstanding anything contained in sub-section (1) but subject to such general or special orders that may be issued by the State Government from time to time, the privileges that are being enjoyed either by custom or under any order such as privileges in respect of Kumki lands, Bane lands and Kane lands in South Kanara District, Betta lands and Hadi lands in North Kanara District, Kan and Soppina Betta lands in Mysore Area, Jamma and Bane in Coorg District and [1][Motasthal wet lands][1] in [2][Gulbarga Area][2] shall continue.

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

2. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Land Revenue.

80. All land liable to pay land revenue, unless specially exempted.—All land, whether applied to agricultural or other purposes and wherever situate, is liable to the payment of land revenue to the State Government according to the provisions of this Act, except such as may be wholly

exempted under the provisions of any special contract with the Government or any provision of this Act or any other law for the time being in force.

[1][Provided that the State Government may, by notification or order and subject to such conditions if any, as may be specified therein, for reasons to be recorded in writing, exempt either prospectively or retrospectively any class of lands in any area or areas or any part thereof from the payment of land revenue.][1]

1. Proviso inserted by Act 10 of 1985 w.e.f. 1.4.1964.

81. Alluvial land and its liability to land revenue.—(1) Notwithstanding any law, custom or usage to the contrary all alluvial lands, newly formed islands, abandoned river-beds, shall vest in the State Government, but the holder or occupant of the bank or shore on which such alluvial land is formed, shall be entitled to the temporary use thereof, unless and until the area of the same exceeds one acre, in which case such land, island or river-bed shall be at the disposal of the Deputy Commissioner, subject to the provisions of section 92.

(2) No land revenue shall be leviable in respect of any alluvial lands, newly formed islands or abandoned river-beds during the period of temporary use under sub-section (1).

82. Remission of assessment in cases of diluvion.—Every holder of land paying land revenue in respect thereof shall be entitled, subject to such rules as may be prescribed, to a decrease of assessment, if any portion thereof, not being less than half an acre in extent, is lost by diluvion.

83. Manner of assessment, commutation of non-agricultural assessment and prohibition of use of land for certain purposes.—(1) Save as otherwise provided by or under this Act, the land revenue leviable on any land under this Act, shall be assessed or shall be deemed to have been assessed, with reference to the use of the land for the purpose of agriculture.

(2) If any land held or used for any purpose other than agriculture be diverted or used for the purpose of agriculture, such land shall, notwithstanding that it was exempt from assessment or was assessed with reference to any purpose other than agriculture, be liable to the payment of land revenue at such rates and subject to such rules as may be prescribed in this behalf, as for land used for the purpose of agriculture.

(3) Land revenue leviable on any land and assessed or deemed to be assessed under any enactment or law in force before the commencement of this Act, with reference to the use of that land,—

(*a*) for purpose of dwelling houses;

(*b*) for industrial or commercial purposes; or

(*c*) for any other non-agricultural purpose,

shall, notwithstanding anything contained in this Act, continue to be levied at such rate at which it was levied or was leviable as at the commencement of this Act, unless such assessment is commuted in accordance with the provisions of sub-section (4).

(4) Where in respect of any land used for any purpose other than agriculture, assessment payable annually was leviable or has been levied by or under any enactment or law in force before the commencement of this Act, such assessment may, in accordance with such rules as may be prescribed, be commuted by payment to the State Government of an amount equal to five times the amount of such annual assessment, and on such commutation such land shall be exempt from such annual assessment.

(5) The [1][Tahsildar][1] or a Survey Officer may, subject to such rules as may be prescribed in this behalf, prohibit the use for certain purposes of any land liable to the payment of land revenue and may summarily evict any holder or other person who uses or attempts to use the same for any such prohibited purpose.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

84. Assessment by whom to be fixed.—(1) On all lands which are not wholly exempt from the payment of land revenue, and on which assessment has not been fixed under the provisions of Chapter X, the assessment of the amount to be paid as land revenue, shall, subject to such rules as may be made by the State Government in this behalf, be fixed by the Deputy Commissioner, for such period not exceeding the maximum prescribed as the State Government may, by general or special order, specify, and the amounts due according to such assessment shall be levied on all such lands:

Provided that in the case of lands partially exempt from land revenue, or the liability of which to the payment of land revenue is subject to special conditions or restrictions, regard shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting according to the nature of the said rights:

Provided further that where any land which was wholly or partially exempt from payment of land revenue has ceased to be so exempt, it shall be lawful for the Deputy Commissioner to fix the assessment of the amount to be paid as land revenue for such land, with effect from the date on which such land ceased to be so exempt or any subsequent date, as he may deem fit.

(2) After the expiry of the period for which the assessment of any land is fixed under sub-section (1), the Deputy Commissioner may from time to time revise the same in accordance with the rules made in this behalf by the State Government. The assessment so revised shall be fixed each time for such period not exceeding the maximum prescribed as the State Government may, by general or special order, specify.

85. Register of alienated lands.—A register shall be kept by the Deputy Commissioner in such form as may, from time to time, be prescribed by the Government, of all lands the alienation of which has been established or recognised under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Deputy Commissioner that a sannad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of such fees as may be prescribed, grant to any person whom he may deem entitled to the same, a certified extract from the said register which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sannad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sannad.

86. Settlement of assessment with whom to be made.—The settlement of the assessment of each portion of land or survey number to the land revenue shall be made with the person who, under the provisions of this Act, is primarily responsible to the State Government for the same.

87. Land Revenue to be a paramount charge on the land.—(1) Arrears of land revenue due on account of the land by any land holder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or the holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture and an order in this behalf may be made by the [1][Tahsildar.][1]

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) On the making of an order of forfeiture under sub-section (1), the [1][Tahsildar][1] may, subject to the provisions of section 163, levy all sums in arrears, by sale of the occupancy or the holding or otherwise dispose of such occupancy or holding under rules made by the State Government in this behalf.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(3) Such occupancy or holding, when disposed of, whether by sale as aforesaid or otherwise under rules referred to in sub-section (2) except by restoration to the defaulter, shall, unless the [1][Tahsildar][1] otherwise directs, be deemed to be freed from all tenures, rights, encumbrances and equities therefor created by the occupant or holder or any of his predecessors in title in favour of any person other than the Government or in any way subsisting against such occupant or holder, but so as not to affect the rights of kadim tenants or permanent tenants in alienated holdings in respect of such occupancy or holding.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

88. Forfeited holdings may be taken possession of and otherwise disposed.—The [1][Tahsildar][1] may, in the event of the forfeiture of the holding through any default in payment or other failure occasioning such forfeiture under section 87 or any law for the time being in force, take immediate possession of such holding and dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

89. Receipts.—(1) Every Revenue Officer receiving payment of land revenue shall, at the time when such payment is received by him, give in the prescribed form a written receipt for the same.

(2) Every superior holder who is entitled to receive direct from an inferior holder any sum due on account of the rent or land revenue shall, at the time when such sum is received by him, give in the prescribed form to such inferior holder a written receipt for the same.

90. Penalty for failure to grant receipts.—Any person contravening the provisions of section 89 shall, after summary enquiry before the Deputy Commissioner, be liable to pay as fine such amount as the Deputy Commissioner may specify, not exceeding three times the amount received for which a receipt was not duly granted.

[1][CHAPTER VIIA

1. Inserted by Act 20 of 1986 w.e.f. 13.5.1986.

CONSTRUCTION OF WATER COURSE THROUGH LAND OF ANOTHER.

90A. Construction of Water Course through land belonging to other persons.—(1) If the State Government or a co-operative farm or any person (hereinafter in this chapter called the applicant), desires to construct a water course to take water for the purpose of agriculture from a source of water to which he or the State Government or such farm is entitled, but such water course is to be constructed through any land which belongs to, or is in possession of, another person (hereinafter in this Chapter called the neighbouring holder), and if no private agreement is arrived at for such construction between the applicant and the neighbouring holder, the person desiring to construct the water course may make an application in the prescribed form to the Tahsildar.

***Explanation*.—**For the purposes of this Chapter "Co-operative farm" means a co-operative farm as defined in the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and "neighbouring holder" shall include any person to whom the land belongs and all persons holding through or under him.

(2) On receipt of the application, if the Tahsildar after making an inquiry and after giving to the neighbouring holder and all other persons interested in the land an opportunity of stating any objection to the application, is satisfied that for ensuring the full and efficient use for agriculture of the land belonging to the applicant, it is necessary to construct the water course, he may by order in writing direct the neighbouring holder to permit the applicant to construct the water course subject to the following conditions, namely:—

(*a*) the water course shall be constructed through such land in such direction and manner as is agreed upon by the parties or failing such agreement, as directed by the Tahsildar so as to cause as little damage to the land through which it is constructed, as may be possible;

(*b*) where the water course consists of pipes, the pipes shall be laid at a depth of not less than two feet from the surface of the land;

(*c*) where the water course is a water channel, the channel shall not exceed five feet in width;

(*d*) the applicant shall pay to the neighbouring holder,—

(i) such compensation for any damage caused to such land by reason of the construction of the water course injuriously affecting such land; and

(ii) such annual rent;

as the Tahsildar may decide to be reasonable.

(*e*) the applicant shall maintain the water course in a good condition and a fit state of repairs;

(*f*) the applicant shall within the prescribed period execute an agreement in the prescribed form in favour of the neighbouring holder;

(*g*) such other conditions as may be prescribed or as the Tahsildar may think fit to impose.

(3) An order made under sub-section (2) shall direct how the amount of compensation shall be apportioned among, the neighbouring holder and all other persons interested in the land.

(4) Any order made under sub-section (2) shall after the applicant executes an agreement as required under clause (*f*) of sub-section (2) be a complete authority to him or to any agent or other person employed by him for the purpose to enter upon the land specified in the order with assistants or workmen and to do all such work as may be necessary for the construction of the water course and for repairing or maintaining the same.

90B. Failure to pay rent and to keep water course in good repair.—If the applicant in whose favour an order under sub-section (2) of section 90A was made,—

(*a*) fails to pay the amount of compensation or the amount of the rent, it shall be recovered as an arrear of land revenue on an application made to the Tahsildar by the person entitled thereto;

(*b*) fails to maintain the water course in good condition and fit state of repairs, he shall be liable to pay such compensation as may be determined by the Tahsildar for any damage caused on account of such failure.

90C. Removal or discontinuance of water course.—(1) If a person intends to remove or discontinue the water course constructed under the authority conferred on him under section 90A, he may do so after giving notice to the Tahsildar and the neighbouring holder.

(2) In the event of removal or discontinuance of such water course, the person taking the water shall fill in and restore the land to its original condition at his own cost with the least practicable delay. If he fails to do so,

the neighbouring holder may apply to the Tahsildar who shall require such person to fill in and restore the land to its original condition.][1]

CHAPTER VIII

GRANT, USE AND RELINQUISHMENT OF UNALIENATED LAND

91. Unoccupied land may be granted on conditions.—Subject to such rules as may be made by the State Government in this behalf, the Deputy Commissioner may require the payment of a price for unalienated land or sell the same by auction and annex such conditions to the grant as he may deem fit before permission to occupy such land is given under section 93. The price, if any, for such land shall include the price of the Government's right to all trees not specially reserved under the provisions of section 75, and shall be recoverable as an arrear of land revenue.

92. Grant of alluvial land vested in Government.—(1) When it appears to the Deputy Commissioner that any alluvial land, which vests under section 81 in the State Government may, with due regard to the interests of the public revenue, be disposed of, he shall offer such land to the holder or occupant, if any, of the bank or shore on which such alluvial land has formed.

(2) The price of the land so offered shall not exceed three times the annual assessment thereof.

(3) If the said holder or occupant shall refuse the offer, the Deputy Commissioner may dispose of the land under section 91 without any restrictions as to the price thereof.

93. Permission for taking up unoccupied land.—(1) No person shall take up an unoccupied land which is not alienated unless he has obtained, before entering upon such occupation, the permission in writing of the Tahsildar of the taluk in which such land is situated.

(2) Subject to the provisions of section 91, and such rules as may be made by the State Government in this behalf, the Tahsildar may grant to any person desirous of taking up an unoccupied land the permission required under sub-section (1).

94. Penalties for unauthorised occupation of land.—(1) Any person who shall unauthorisedly enter upon the occupation of any land set apart for any special purpose or any unoccupied land which has not been alienated and any person, who uses or occupies any such land to the use or occupation of which he is not entitled or has ceased to be entitled, shall pay

twice such amount of assessment for every year of his unauthorised occupation, as would be leviable in the same village on the same extent of similar land used for the same purpose; and shall also be liable, at the discretion of the Deputy Commissioner, for every year of his unauthorised occupation, to a fine not exceeding five hundred rupees per acre, if such occupation has been for the purposes of cultivation, and not exceeding one thousand rupees per acre, if such occupation has been for any non-agricultural purpose.

[1][(2) the Deputy Commissioner, in determining the amount of assessment and the fine under sub-section (1), shall count occupation for a portion of a year as whole year.][1]

1. Substituted by Act 33 of 1994 w.e.f. 6.7.1994.

(3) Notwithstanding anything contained in the [2][Karnataka][2] Public Premises (Eviction of Unauthorised Occupants) Act, 1961 ([1][Karnataka][1] Act 3 of 1962), the person unauthorisedly occupying any such land shall also be summarily evicted by the Deputy Commissioner and any crop including trees, raised in the land shall be liable to forfeiture, and any building or other construction erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture or to summary removal.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(4) Forfeitures under this section shall be adjudged by the Deputy Commissioner and any property so forfeited shall be disposed of, as the Deputy Commissioner may direct and the cost of the removal of any encroachment under this section shall be recoverable as an arrear of land revenue.

[1][**94A. Regularisation of certain cases of unauthorised occupation by constituting committee etc.**—(1) Subject to such rules as may be prescribed, the State Government shall, by notification, constitute for each taluk a committee consisting of such number of members [2][not exceeding five][2] of whom one shall be a member of Legislative Assembly for the purpose of grant of land under sub-section (4).

1. Inserted by Act 2 of 1991 w.e.f. 20.3.1991 by notification. Text of the notification is at the end of the Act.
2. Substituted by Act 21 of 1991 w.e.f. 7.8.1991 by notification. Text of the notification is at the end of the Act.

(2) The Tahsildar of the concerned taluk shall be the Secretary of the committee.

[1][(2A) The State Government may, if it is of the opinion that it is necessary, constitute one or more additional committees for a taluk for the purpose of grant of land under sub-section (4) consisting of such number not exceeding five, as may be prescribed and the State Government shall nominate from among the members one of them as the Chairman and another as the Secretary of the committee. When an additional committee is constituted, the Deputy Commissioner shall determine the jurisdictions of the committee and the additional committee and transfer the pending applications to the respective committee.][1]

1. Inserted by Act 33 of 1994 w.e.f. 6.7.1994.

(3) The [1][committee or additional committee][1] shall follow such procedure as may be prescribed.

1. Substituted by Act 33 of 1994 w.e.f. 6.7.1994.

(4) Nothing in section 94 shall prevent the committee constituted under sub-section (1), [1][or additional committee constituted under sub-section (2A)][1], but subject to such rules as may be prescribed, if any, to grant to the person liable to be evicted under that section, the land which he had unauthorisedly occupied prior to the fourteenth day of April, 1990 (hereinafter referred to as the said date) or any portion thereof, if he satisfies the prescribed conditions (including the extent of the land held and unauthorisedly occupied by him) and makes within a period of six months from the date of commencement of the Karnataka Land Revenue (Amendment) Act. 1990 (hereinafter referred to as the Amendment Act), an application for such grant in such form along with such fees as may be prescribed and on payment of the amount payable under sub-section (5):

1. Inserted by Act 33 of 1994 w.e.f. 6.7.1994.

Provided that the land so granted together with the land already held by such person, shall not exceed two hectares of 'D' class of land or its equivalent thereto:

Provided further that no land shall be granted in the areas lying within the limits of Cities and City Municipalities specified in column (2) of the Table below and within the distance from such limits specified in the corresponding entries in column (3) thereof:

TABLE

Sl. No.	Places	Distances
1	2	3
1.	Bangalore City under the Karnataka Municipal Corporations Act, 1976.	18 Kms.
2.	The Cities of Belgaum, Gulbarga, Hubli-Dharwad, Mangalore and Mysore respectively under the provisions of Karnataka Municipal Corporations Act, 1976.	10 Kms.
3.	All City Municipalities [1][having more than fifty thousand population and constituted][1] under the Karnataka Municipalities Act, 1964.	5 Kms.

[1][Provided also that a person who has unauthorisedly occupied the land, falling within the distance of five kilometres from the limits of the city municipality having less than fifty thousand population, prior to the 14th day of April, 1990, shall make an application for such grant, within three months from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 1994.][1]

1. Inserted by Act 33 of 1994 w.e.f. 6.7.1994.

Provided that nothing in this section shall apply to Forest lands, plantation lands or lands referred to in sub-section (2) of section 79.

***Explanation.*—**For the purpose of this section, 'D' class of land means 'D' class of land or an extent equivalent thereto consisting of one or more classes of land, as specified and determined in accordance with the formula in Schedule I to the Karnataka Land Reforms Act, 1961.

(5) The amount payable for the grant of land under sub-section (1) [1][sub-section (2A)][1] shall be such as may be prescribed.

1. Inserted by Act 33 of 1994 w.e.f. 6.7.1994.

(6) Notwithstanding anything contained in the preceding sub-section,—

[1][(*a*) The Tahsildar concerned shall issue the order of grant of land, on the recommendations of the committee or additional committee, as the case may be, if any, and issue the saguvali chit. The amount payable, if any, shall be paid in three equal instalments of which the first one shall be paid before the expiry of a period of thirty days from the date of communication of the order of grant and the remaining two within such period as may be prescribed; and][1]

1. Substituted by Act 33 of 1994 w.e.f. 6.7.1994.

[1][(b) x x x][1]

1. Omitted by Act 33 of 1994 w.e.f. 6.7.1994.

(*c*) the trees, if any, standing on the land granted and the granite in such land shall continue to belong to the Government, which may at its discretion be disposed off by it, in such manner as it may deem fit.][1]

[1][**94B. Grant of land in certain cases.**—(1) Notwithstanding anything contained in this Act, if the Deputy Commissioner or other officer authorised by the State Government in this behalf is satisfied after holding such enquiry as he deems fit, that a person,-

1. Section 94B inserted by Act 22 of 1998 w.e.f. 1.11.1998 by notification. Text of the notification is at the end of the Act.

(i) has, prior to the fourteenth day of April 1990 un-authorisedly occupied any land including land referred to in sub-section (2) of section 79 from which he is liable to be evicted under section 94; and

(ii) being eligible to grant of such land under section 94A has failed to apply for such grant under sub-section (4) of the said section within the period specified therein; and

Provided that nothing in this clause shall apply to a person who has become eligible for grant of land by virtue of the Karnataka Land Revenue (Amendment) Act, 1997;

(iii) has continued to be in actual possession of such land on the date of commencement of the Karnataka Land Revenue (Amendment) Act, 1997:

-he may [1][[2][within six years][2] from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2000][1] and subject to such rules, as may be prescribed make recommendations to the Committee or the Additional Committee, as the case may be constituted under section 94A and such Committee may on receipt of the recommendation grant the land to such person:

1. Substituted by Act 15 of 2000 w.e.f. 27.4.2000.

2. Substituted by Act 29 of 2005 w.e.f. 20.9.2005.

Provided that if an application made under section 94A by any other person for grant of the same land is pending consideration under that section the Committee, or the Additional Committee, as the case may be, shall consider the claim of such other person before granting the land under this sub-section:

Provided further that where prior approval of the Central Government under section 2 of the Forest Conservation Act, 1980 (Central Act 69 of 1980) is required for grant of any land under this section, such grant shall not be made without such prior approval.

(2) The provisions of the first proviso, second proviso, including the table and the Explanation in sub-section (4) and of sub-sections (5) and (6) of section 94A shall apply *mutatis mutandis* in respect of the grant of land made under sub-section (1).

(3) Nothing in this section shall apply to forest land except any land referred to in sub-section (2) of section 79 which is classified as forest land.][1]

[1][**94C. Grant of land in case of construction of dwelling house in occupied land.-** Notwithstanding anything contained in this Act and except as hereinafter provided in this section the prescribed authority, if satisfied after holding such enquiry as it deems fit that any person is in unauthorised occupation of any land belonging to the Government and has constructed a dwelling house on such land, since prior to the fourteenth day of April, 1998 may on an application made to it by such person within such period in such form along with such fee and on payment of such amount, as may be prescribed grant in such manner and subject to such restriction and conditions as may be prescribed such land to the extent covered by the house to be specified in the order of grant:

Provided that nothing in this section shall apply to forest land:

Provided further that nothing in this section shall apply to any unauthorised construction made on Government land and in respect of which application is made under the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991.][1]

1. Inserted by Act 26 of 1999 w.e.f. 1.1.2000 by notification. Text of the notification is at the end of the Act.

95. Uses of agricultural land and the procedure for use of agricultural land for other purpose.—(1) Subject to any law for the time being in force regarding erection of buildings or construction of wells or tanks, an occupant of land assessed or held for the purpose of agriculture is entitled by himself, his servants, tenants, agents, or other legal representatives, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient use for the purpose aforesaid.

(2) If any occupant of land assessed or held for the purpose of agriculture wishes to divert such land or any part thereof to any other purpose, he shall [1][notwithstanding anything contained in any law for the time being in force][1] apply for permission to the Deputy Commissioner who may, subject to the provisions of this section and the rules made under this Act, refuse permission or grant it on such conditions as he may think fit.

1. Inserted by Act 2 of 1991 w.e.f. 15.1.1965.

[1][Provided that the Deputy Commissioner shall not refuse permission for diversion of such land included in the [2][Master Plan][2] published under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), if such diversion is in accordance with the purpose of land use specified in respect of the land in such plan.][1]

1. Inserted by Act 2 of 1991 w.e.f. 20.3.1991.
2. Substituted by Act 1 of 2005 w.e.f. 14.2.2005.

[1][[2][Provided further that][2] in Dakshina Kannada District, subject to any law for the time being in force regarding erection of buildings or the construction of wells or tanks, an occupant of [2][dry (punja) land, wet land or garden land][2] who is not,—

(*a*) a person registered or liable to be registered as an occupant of such land under section 48A of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962); or

(*b*) a grantee of such land under section 77 of the said Act, may, without obtaining the permission required under this sub-section and notwithstanding anything contained therein, divert such land or part thereof to any other purpose after sending a prior notice in that behalf, in the prescribed form to the Tahsildar and paying in the prescribed manner, the fine prescribed under sub-section (7).][1]

1. Inserted by Act 20 of 1983 w.e.f. 28.6.1983.
2. Substituted by Act 2 of 1991 w.e.f. 20.3.1991.

(3) Permission to divert may be refused by the Deputy Commissioner on the ground [1][that the diversion is likely to defeat the provisions of any law for the time being in force or that it is likely to cause a public nuisance][1] or that it is not in the interests of the general public or that the occupant is unable or unwilling to comply with the conditions that may be imposed under sub-section (4).

1. Substituted by Act 2 of 1991 w.e.f. 20.3.1991.

[1][(3A) xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.2.2005.

[1][(3B) xxx][1]

1. Omitted by Act 1 of 2005 w.e.f. 14.2.2005.

(4) Conditions may be imposed on diversion in order to secure the health, safety and convenience, and in the case of land which is to be used as building sites, in order to secure in addition that the dimensions, arrangement and accessibility of the sites are adequate for the health and convenience of occupiers or are suitable to the locality and do not contravene the provisions of any law relating to town and country planning or the erection of buildings.

(5) Where the Deputy Commissioner fails to inform the applicant of his decision on the application made under sub-section (2) within a period of four months, from the date of receipt of the application, the permission applied for shall be deemed to have been granted.

(6) Unless the Deputy Commissioner shall, in any particular instance otherwise direct, no application under sub-section (2) shall be recognised unless it is made by the occupant.

[1][(6a) In Dakshina Kannada District, Kodagu District, and Kollegal Taluk of Mysore District where any land assessed or held for purposes of agriculture has been diverted or used for any other purposes, before the date of commencement of the Karnataka Land Revenue (Amendment) Act, 1981, the land so used together with the land appurtenant to any building (other than a farm house) therein, not exceeding three times the built area of such building, shall with effect from such date be deemed to have been permitted to be used for purposes other than agriculture.][1]

1. Inserted by Act 42 of 1981 w.e.f. 2.10.1980.

[1][(7) When any land assessed or held for the purpose of agriculture is permitted under sub-section (2) [2][or is diverted under the [3][provisos][3] to the said sub-section][2] or is deemed to have been permitted under sub-section (5) or sub-section (6a), to be used for any purpose unconnected with agriculture, the Deputy Commissioner may, subject to such rules as may be made by the State Government in this behalf, require the payment of a fine. No assessment shall be leviable on such land thereafter except under sub-section (2) of section 83.

Explanation.—For the purpose of this section, "occupant" includes a mulgeni tenant or a permanent tenant.][1]

1. Substituted by Act 42 of 1981 w.e.f. 2.10.1980.
2. Inserted by Act 20 of 1983 w.e.f. 28.6.1983.
3. Substituted by Act 2 of 1991 w.e.f. 20.3.1991.

96. Penalty for using agricultural land for other purpose without permission.—(1) If any land assessed or held for the purpose of agriculture be diverted or used for any other purpose without the permission of the Deputy Commissioner, or before the expiry of the period prescribed in sub-section (5) of section 95, the Deputy Commissioner may summarily evict the occupant and the person responsible for the diversion from the land so diverted and any building or other construction erected thereon shall also, if not removed after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture or to summary removal. The occupant and the person responsible for the diversion shall also be liable to pay, such penalty not exceeding one thousand rupees as the Deputy Commissioner may, subject to the rules made by the State Government in this behalf, direct.

(2) If any land assessed or held for the purpose of agriculture has been diverted for any other purpose in contravention of an order passed or of a condition imposed under section 95, the Deputy Commissioner may serve a notice on the person responsible for such contravention directing him, within a reasonable period to be stated in the notice, to use the land for its original purpose or to observe the condition; and such notice may require such person to remove any structure, to fill up any excavation or to take such other steps as may be required in order that the land may be used for its original purpose, or that the condition may be satisfied. Subject to the orders of the State Government, the Deputy Commissioner may also impose on such person a penalty not exceeding one thousand rupees for such contravention and a further penalty not exceeding twenty-five rupees for each day during which such contravention continues.

(3) If any person served with a notice under sub-section (2) fails within the period stated in the notice to take steps ordered by the Deputy Commissioner under that sub-section, the Deputy Commissioner may himself take such steps or cause them to be taken; and any cost incurred in so doing shall be recoverable from such person in the same manner as an arrear of land revenue.

[1][(4) Notwithstanding anything contained in this section, when any land assessed or held for the purpose of agriculture has been diverted or used for any other purpose without the permission of the Deputy Commissioner or before the expiry of the period prescribed in sub-section (5) of section 95 or in contravention of an order passed or of a condition imposed under section

95, the Deputy Commissioner may, subject to such rules as may be prescribed and subject to any law for the time being in force regarding erection of buildings or construction of wells and tanks, and subject to prescribed terms and conditions, compound such diversion or use, on payment of the prescribed amount, which may be different for different areas or for different contraventions or for different purposes for which the diversion or use is made.][1]

1. Inserted by Act 10 of 1985 w.e.f. 8.6.1984.

97. Diversion of non-agricultural land held for a specific purpose.—The provisions of sections 95 and 96 shall *mutatis mutandis* be applicable in respect of the diversion or use of any land held free of assessment on condition of being used for a specific non-agricultural purpose to any other non-agricultural purpose.

98. Permission may be granted on terms.—Nothing in sections 95 and 96 shall prevent the granting of the permission aforesaid in special cases on such terms and conditions as may be agreed to between the Deputy Commissioner and the occupant, in accordance with and subject to the terms and conditions specified in the rules made in this behalf by the State Government.

99. Rights of occupants.—An occupant is entitled to the use and occupation of his land for the period, if any, to which his tenure is limited, or if the period is unlimited, or a survey settlement has been extended to the land in perpetuity, conditional on the payment of the amount due on account of the land revenue for the same, according to the provisions of this Act or of any rules made thereunder, or of any other law for the time being in force, and on the fulfilment of any other terms or conditions lawfully annexed to his tenure:

Provided that nothing in this or any other section shall make it, or shall be deemed ever to have made it unlawful for the Deputy Commissioner at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period and on such conditions as he may prescribe, subject to rules made by the State Government in this behalf, and in any such case, the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.

100. Occupancy not transferable without sanction of prescribed authority nor liable to process of a Civil Court.—In any case, where an occupancy is not transferable without the previous sanction of the prescribed authority and such sanction has not been granted to a transfer which has been made or ordered by a Civil Court or on which the Court's decree or order is founded,—

(*a*) such occupancy shall not be liable to the process of any Court and such transfer shall be null and void; and

(*b*) the Court, on receipt of a certificate under the hand and seal of the [1][Tahsildar][1], to the effect that any such occupancy is not transferable without the previous sanction of the prescribed authority and that such sanction has not been granted, shall remove the attachment or other process placed on or set aside any sale of or affecting such occupancy.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

101. Occupancy right transferable and heritable.— Subject to the provisions contained in section 87, and to any conditions lawfully annexed to the tenure and save as otherwise prescribed by law, an occupancy shall be deemed to be a heritable and transferable property.

102. Relinquishment.— An occupant may relinquish his land, that is, resign it in favour of the State Government, but subject to any rights, tenures, encumbrances or equities lawfully subsisting in favour of any person (other than the State Government or the occupant), by giving notice in writing to the Tahsildar of the Taluk in which the land is situate, before the 31st March in any year or before such other date as may from time to time be prescribed in this behalf, by the State Government, and such relinquishment shall have effect form the close of the current year:

Provided that no portion of land which is less in extent than the whole survey number or sub-division of a survey number may be relinquished except with the previous approval of the Deputy Commissioner.

103. Right of way to relinquished or forfeited land or to land used for purpose of agriculture.—(1) If any land is relinquished or forfeited under the provisions of this Act, and the way to such land lies through other land, the right of way through such other land shall continue to the future holder of the land relinquished or forfeited.

(2) If any right of way to a land used for purposes of agriculture and duly entered in any map or land record maintained under this Act, is wrongfully

obstructed or interfered with, any person aggrieved thereby may apply to the Deputy Commissioner for removal of such obstruction or interference. The Deputy Commissioner may, after a summary enquiry, order the obstruction to be removed, or the interference to be stopped and may for enforcing such order take such action as may be necessary.

(3) The order of the Deputy Commissioner under sub-section (2) shall, subject to the decision in a civil suit, be final.

104. Summary eviction of person unauthorisedly occupying land.—Notwithstanding anything contained in the [1][Karnataka][1] Public Premises (Eviction of Unauthorised Occupants) Act, 1961 ([1][Karnataka][1] Act 3 of 1962) any person unauthorisedly occupying or wrongfully in possession of any land which is not transferable by virtue of any condition lawfully annexed to the tenure, under the provisions of section 91, section 98, or section 99 may be summarily evicted by the [2][Tahsildar][2] and any crop including trees raised in the land shall be liable to forfeiture and any building or other construction erected thereon shall also, if not removed by him after written notice, as the [2][Tahsildar][2] may deem reasonable, be liable to forfeiture or summary removal.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

105. To prevent forfeiture of occupancy certain persons other than occupant may pay land revenue.—(1) In order to prevent the forfeiture of an occupancy under the provisions of section 87, or of any other law for the time being in force through non-payment of land revenue due on account thereof by the occupant, it shall be lawful for any person interested to pay on behalf of such occupant, all sums due on account of land revenue and the [1][Tahsildar][1] shall, on due tender thereof, receive the same.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) If it appears to the [1][Tahsildar][1] that an occupant or holder has failed to pay land revenue due and has thus incurred forfeiture with a view to injure or defraud, other persons interested in the continuance of the occupancy or holding, or that a sale of the occupancy or holding, will seriously prejudice such other persons interested, the [1][Tahsildar][1] may order the forfeiture of only the interest of the defaulting occupant or holder and sell or dispose of the same:

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Provided that the other persons interested undertake to pay any balance that may still remain due after such sale or disposal of only the defaulter's interest in the occupancy or holding and furnish sufficient security for the performance of such undertaking.

(3) Nothing authorised or done under the provisions of this section shall affect the right of the parties interested as the same may be established in any suit between such parties in a court of competent jurisdiction.

CHAPTER IX

REVENUE SURVEY, DIVISION OF SURVEY NUMBERS AND PARTITION OF ESTATES

106. Revenue Survey may be introduced by State Government into any part of the State.—(1) The State Government may, direct the survey of any land in any part of the State, with a view to the settlement of the land revenue and to the record and preservation of rights connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey shall extend to the lands of any village, town or city generally, or to such land only as the State Government may direct; and subject to the orders of the State Government, the officers conducting any such survey may exclude from the survey settlement, any land to which it may not seem expedient that such settlement should be applied.

(2) The control of every revenue survey under sub-section (1) shall vest in, and be exercised by the State Government.

107. Power of Survey Officer to require assistance from land holders.—A Survey Officer deputed to conduct or take part in any revenue survey under section 106 may, by special order or by general notice to be published in the prescribed manner, or by summons, require the attendance of holders of lands and of all persons interested therein to assist in the measurement or classification of the lands to which the revenue survey extends and when hired labour is employed for purposes incidental to the revenue survey, such Survey Officer may assess and apportion the cost thereof, with all contingent expenses on the land surveyed, and such costs and expenses shall be collected as land revenue due on such lands.

108. Minimum extent of a survey number.—(1) No survey number comprising land used for the purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the [1][Director of Survey, Settlement and Land Records][1], with the sanction of the State Government:

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that,—

(*a*) survey numbers, which have already been made of less extent than the minimum so fixed, or which may be so made under the authority of the [1][Director of Survey, Settlement and Land Records][1] given either generally or in any particular instance in this behalf and any survey number separately recognised in the land records shall be deemed to have been made under lawful authority, whatever be its extent; and

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(*b*) when any portion of cultivable land is permitted to be used under the provisions of section 95 or section 98 for any non-agricultural purpose, or when any portion of land is specially assigned under section 71, or when any assessment is levied on any portion of land under sub-section (2) of section 83, such portion may, with the sanction of the Deputy Commissioner, be made into a separate number at any time.

109. Division of Survey Numbers into Sub-divisions.—Subject to the provisions of any law in force for the Prevention of Fragmentation and Consolidation of Holdings in the State,—

(1) survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the lawful acquisition of rights in land or for any other reason;

(2) the division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with such rules as may be made by the State Government in this behalf:

Provided that the total of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under the provisions of this Act, unless such assessment is liable to alteration under section 83;

(3) the area and assessment of such sub-division shall be entered in such land records as the State Government may prescribe in this behalf.

110. Provisions applicable on relinquishment or forfeiture of a sub-division.—Subject to the provisions of any law in force for the Prevention of Fragmentation and Consolidation of Holdings in the State, if any sub-division of a survey number is relinquished under section 102, or is forfeited for default in payment of land revenue, the [1][Tahsildar][1] shall offer such sub-division at such prices as he may consider reasonable to the occupants of

the other sub-division of the same survey number adjacent thereto in such order as, in his discretion, he may think fit; in the event of all such occupants refusing the same, it shall be disposed of as the [1][Tahsildar][1] shall deem fit.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

111. Recovery of expenses of partition.—When any estate paying land revenue to the State Government is to be partitioned under the decree or order of a court or otherwise, expenses properly incurred in making such partition, shall be recovered as a land revenue demand in such proportions as the Deputy Commissioner may think fit, from the sharers at whose request the partition is made, or from the persons interested in the partition.

112. The State Government may direct a fresh survey.—The State Government may at any time direct a fresh survey or any operation subsidiary thereto:

Provided that when a general classification of the soil of any area has been made and approved by the State Government as final, no such classification shall be again made with a view to the revision of assessment of such area.

113. Preparation of statistical and fiscal records.—It shall be the duty of the Survey Officer or the Settlement Officer on the occasion of making or revising a settlement of land revenue, to prepare a register to be called the "Settlement Register" showing the area and assessment of each survey number, with any other particulars that may be prescribed and also other records in accordance with such orders as may from time to time be made in this behalf by the State Government.

CHAPTER X

ASSESSMENT AND SETTLEMENT OF LAND REVENUE OF AGRICULTURAL LAND

114. Government may direct an original or revision settlement of land revenue of any land.—(1) The State Government may at any time direct a settlement, hereinafter referred to as an original settlement of the land revenue of any land whether a revenue survey of such land has been made under section 106 or not.

(2) The State Government may also direct at any time a fresh settlement, hereinafter referred to as a revision settlement, of the land revenue of such land:

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

[1][**114A. Revision of settlement of land revenue in certain cases.**—Notwithstanding anything contained in this Act or in any other law,—

1. Inserted by Act 7 of 1969 w.e.f. 17.4.1969.

(*a*) if at any time after the introduction of a settlement of land revenue under section 122, the State Government, for reasons to be recorded in writing, is of the opinion that in any zone, the settlement of land revenue requires modification, it may, by order, direct the revision of settlement of land revenue in such zone, and the provisions of this Chapter relating to a revision settlement of land revenue shall be applicable to such revision of settlement;

(*b*) the land revenue settled by such settlement shall, if so directed by the State Government, with the approval of both Houses of the State Legislature, be leviable and payable from the date on which the settlement of land revenue which was directed to be revised under this section was introduced; and

(*c*) where a settlement of land revenue is directed to be revised under clause (*a*), the land revenue on the lands in the zone concerned shall, pending such revision, be leviable and payable at the same rates as were in force prior to the introduction of such settlement, and after the revision of settlement of land revenue comes into force, the difference if any, between the amount of land revenue paid pending the revision, and the amount of land revenue payable for the period in accordance with the revised settlement of land revenue, shall be paid or refunded, as the case may be.][1]

115. The term of settlement.—A Settlement shall remain in force for a period of thirty years:

Provided that, when, in the opinion of the State Government, a revision settlement is inexpedient, or when the introduction of such settlement has for any cause been delayed, the State Government may extend the term of the settlement for the time being in force for such period as it may think fit.

116. Assessment how determined.—(1) The land revenue assessment on all lands in respect of which a settlement has been directed under sub-section (1) or sub-section (2) of section 114 and which are not wholly exempt from the payment of land revenue shall, subject to the limitations contained in the first proviso to sub-section (1) of section 84 be determined by dividing the land to be settled into groups and fixing the standard rates for each group.

(2) The groups shall ordinarily be formed on a consideration of the following factors, namely:—

(i) physical configuration,

(ii) climate and rainfall,

(iii) yield of principal crops and their prices:

Provided that, if deemed necessary, the following factors may also be taken into consideration for forming groups, namely:—

(*a*) Marketing facilities,

(*b*) Communications,

(*c*) Standard of husbandry,

(*d*) Population and supply of labour,

(*e*) Agricultural resources,

(*f*) Variation in the area of occupied and cultivated lands during the previous thirty years,

(*g*) Wages,

(*h*) Ordinary expenses of cultivating principal crops including the wages of the cultivator for his labour in cultivating the lands,

(*i*) Sales of lands used for purpose of agriculture.

(3) The land revenue assessment of individual survey numbers and sub-divisions shall be based on their classification value in the manner prescribed.

117. Increase in average yield due to improvements by holders not to be taken into account.—If during thirty years immediately preceding the date on which the settlement for the time being in force expires any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the average yield or crops of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof.

118. Procedure to be followed by the Settlement Officer in making a settlement.—In making a settlement, the Settlement Officer shall proceed as follows:—

(1) he shall hold enquiry in the manner prescribed;

(2) he shall divide the lands to be settled into groups;

(3) he shall ascertain in the prescribed manner the average yield of crops of lands for the purposes of the settlement;

(4) he shall then fix standard rates for each class of land in each group, on a consideration of the relevant factors, as provided in sub-section (2) of section 116;

(5) he shall submit to the Deputy Commissioner a report hereinafter called the Settlement Report, containing his proposals for the settlement.

119. Publication of the Settlement Report.—(1) After the Deputy Commissioner receives the Settlement Report submitted under section 118 he shall cause such report to be published in the prescribed manner.

(2) The Deputy Commissioner shall also publish or cause to be published in each village concerned in Kannada and in such language of the area, if any, as may be directed in this behalf by the State Government, a notice stating for each class of land in the village, the existing standard rate and the extent of any increase or decrease proposed therein by the Settlement Officer. The notice shall also state that any person may submit to the Deputy Commissioner his objections in writing to the proposals contained in the Settlement Report within three months from the date of such notice.

120. Deputy Commissioner to submit to Government the Settlement Report with statement of objections, etc., and his opinion thereon.—After taking into consideration such objections as may have been received by him, and after giving an opportunity to be heard to such objectors as desire to be heard the Deputy Commissioner shall forward to the State Government through the [1][Director of Survey, Settlement and Land Records][1], the Settlement Report with the statement of objections and his remarks thereon.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

121. Settlement Report to be approved by State Legislature.—(1) The Settlement Report, together with the objections, if any, received thereon shall be laid before each House of the State Legislature, and after both Houses approve the Report with or without any modification by a resolution moved in this behalf, the State Government shall pass orders in conformity with such resolution:

Provided that [1][no order modifying the Settlement Report which has the effect of increasing the standard rates proposed in respect of any class of land in such report, shall be made by the State Government][1] unless a fresh notice as provided in section 119 has been published in each village affected by such rates, and after considering the objections, if any, received, such rates are approved by a resolution moved in this behalf by both Houses of the State Legislature.

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

(2) The orders passed by the State Government under sub-section (1) shall be final and shall not be called in question in any Court.

122. Introduction of Settlement.—After the State Government has passed orders under section 121 and notice of the same has been given in the prescribed manner, the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from [1][such date, which may be prospective or retrospective, as the State Government may, by notification, specify][1]:

[1][Provided that where the settlement is introduced during the course of any revenue year, the retrospective date so specified shall not be any date other than the date of commencement of that revenue year.][1]

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

[2][**122A. Notice of assessment to occupants.**—(1) As soon as may be after the settlement is introduced under section 122, the assessment of land revenue on each survey number or sub-division shall be determined by the [1][Deputy Director for Settlement][1] or the [1][Assistant Director for Settlement][1] or such other officer as the [1][Director for Survey, Settlement and Land Records][1] may appoint, and the occupant of the land liable to pay the land revenue shall be served with a notice specifying the extent of land, the class of such land, the standard rate applicable and the land revenue payable thereon.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.
2. Sections 122A and 122B inserted by Act 7 of 1969 w.e.f. 1.4.1964.

(2) After service of a notice under sub-section (1), the land revenue as specified in such notice shall, subject to any modification made under section 122B, be levied, on the survey number or sub-division.

122B. Determination of assessment of lands.—(1) The Deputy Commissioner,—

(i) may *suo motu* at any time, and

(ii) shall, on the application of any person aggrieved by the land revenue assessed within a period of thirty days from the date of service of the notice under section 122A,

if he is satisfied after such enquiry as he deems fit that the assessment of land revenue on any land or the land, as the case may be, is contrary to law or is otherwise incorrect, as regards the extent of land, the class of such land, the standard rate applicable and the land revenue payable, pass such orders, as he deems just:

Provided that no order prejudicial to the occupant shall be made under this sub-section unless the applicant or any other person interested has been given a reasonable opportunity of being heard.

(2) Any person aggrieved by an order of the Deputy Commissioner under sub-section (1), [1][may, within sixty days from the date of such order, appeal to the Tribunal and the decision of the Tribunal][1] thereon shall be final.][2]

1. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

123. Determination of assessment of lands wholly exempt from payment of land revenue.—Nothing in this Chapter shall be deemed to prevent the Settlement Officer from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue.

124. The fixing of assessment under Act limited to ordinary land revenue.—The fixing of the assessment under the provisions of this Act shall be limited to the assessment of the ordinary land revenue and such fixation shall not preclude the levy of any rate for the use of water or of any cess, which may be imposed under [1][any law for the time being in force.][1]

1. Substituted by Act 9 of 1965 w.e.f. 1.4.1964.

[1][***Explanation.***— 'ordinary land revenue' means the land revenue payable in respect of any land when no advantage by the use of water from a source of water which is the property of the State Government, accrues to such land.][1]

1. Inserted by Act 9 of 1965 w.e.f. 1.4.1964.

125. Power of State Government to direct assessment for irrigation facilities.—Notwithstanding anything contained in this Chapter, the State Government may [1][at any time direct][1] that any land in respect of which a settlement is made under this Chapter, shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the State Government has directed the settlement under section 114, and not effected by or at the expense of the holder of the land. Such land revenue shall be leviable only when no water rate in respect of such additional advantage is levied under the [1][Karnataka][1] Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 ([1][Karnataka][1] Act No. 28 of 1957):

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Provided that the State Government shall, before making such direction publish a notice in this behalf in the village concerned in Kannada and in such language of the village, if any, as may be directed by the State Government in this behalf, and shall consider the objections, if any, received to the proposal contained therein and no such direction shall be made until after the expiry of the period of six months from the date of publication of such notice.

126. Continuance of certain Survey and Settlement operations.— Notwithstanding anything contained in this Chapter or in any enactment or law repealed by section 202,—

(1) all survey or settlement operations commenced before and continuing at the commencement of this Act shall be deemed to have been commenced and to be continuing under the provisions of this Act, and

(2) all assessments fixed and settlements of land revenue heretofore made and introduced and in force on the date of the commencement of this Act, shall be deemed to have been made and introduced in accordance with the provisions of this Chapter and shall, notwithstanding anything contained in section 115, be deemed to continue to remain in force, until the introduction of a revision settlement.

CHAPTER XI

RECORD OF RIGHTS

127. Record of Rights.—(1) A record or rights shall be prepared in the prescribed manner in respect of every village and such record shall include the following particulars:—

(*a*) the names of persons who are holders, occupants, owners, mortgagees, landlords or tenants of the land or assignees of the rent or revenue thereof;

(*b*) the nature and extent of the respective interest of such persons and the conditions or liabilities (if any) attaching thereto;

(*c*) the rent of revenue (if any) payable by or to any of such persons; and

(*d*) such other particulars as may be prescribed.

(2) The record of rights shall be maintained by such officers in such areas as may be prescribed and different officers may be prescribed for different areas.

(3) When the preparation of the record of rights referred to in sub-section (1) is completed in respect of any village, the fact of such completion shall be notified in the official Gazette and in such manner as may be prescribed.

128. Acquisitions of rights to be reported.—(1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the prescribed officer of the village within three months from the date of such acquisition, and the said officer shall at once give a written acknowledgment of the receipt of the report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the prescribed officer:

Provided further that any person acquiring a right by virtue of a registered document shall be exempted form the obligation to report to the prescribed officer:

[1][Provided also that any person reporting under this sub-section the acquisition by him of a right in partition in respect of the land shall annex with the report a sketch showing the metes and bounds and other prescribed particulars of such land and such person shall get the sketch prepared by a licensed surveyor.][1]

1. Inserted by Act 14 of 1999 w.e.f. 30.4.1999.

Explanation I.—The rights mentioned above include a mortgage without possession but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882 (Central Act No. 4 of 1882).

Explanation II.—A person in whose favour a mortgage is discharged or extinguished or a lease determined acquires a right within the meaning of this section.

(2) Notwithstanding anything contained in sub-section (1), the State Government may, by notification, appoint any Revenue Officer to whom a report under sub-section (1) may be made, in which case such officer shall give a written acknowledgment of the receipt of such report to the person making it, and forward the report to the prescribed officer of the village concerned.

(3) If any person makes a report under sub-section (1) or sub-section (2),-

(*a*) after the period of three months but within the period of one year from the date of acquisition of the right, the report shall be received on payment of a penalty of two rupees;

(*b*) after a period of one year from the date of such acquisition, the report shall be received on payment of a penalty of not less than two rupees but not exceeding ten rupees, as may be ordered,—

(i) by the Tahsildar, in case the report is made under sub-section (1) to the prescribed officer, or

(ii) by the Revenue Officer, in case the report is made to such officer under sub-section (2).

(4) No document by virtue of which any person acquires a right in any land as holder, occupant, owner, mortgagee, landlord or tenant or assignee of the rent or revenue thereunder, shall be registered under the Indian Registration Act, 1908 (Central Act 12 of 1908), unless the person liable to pay the registration fee also pays to the registering authority such fees as may be prescribed for making the necessary entries in the record of rights and registers referred to in section 129; and on the registration of such a document, the registering authority shall make a report of the acquisition of the right to the prescribed officer.

129. Registration of mutations and register of disputed cases.—(1) The prescribed officer shall enter in the Register of Mutations every report made to him under sub-section (1) of section 128 or received by him under sub-section (2) or sub-section (4) of the said section.

(2) Whenever a prescribed officer makes an entry in the Register of Mutations, he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavadi and shall give written intimation to all persons appearing from the Record of Rights or Register of Mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to any entry made under sub-section (1) in the Register of Mutations be made either orally or in writing to the prescribed officer, it shall be the duty of the prescribed officer to enter the particulars of the objection in a Register of Disputed Cases.

(4) The objections entered in the Register of Disputed Cases and such other objections as may be made during the enquiry shall be enquired into and disposed of by such officer and in such manner as may be prescribed. Orders disposing of such objections shall be recorded in the Register of Mutations by such officer.

(5) The officer holding an enquiry under sub-section (4) shall have all the powers under Chapter III, that a Revenue Officer has in making a formal or summary enquiry under this Act.

(6) Entries in the Register of Mutations shall be tested and if found correct or after correction, as the case may be, shall be certified by such officer as may be prescribed.

(7) The transfer of entries form the Registers of Mutations to the Record of Rights shall be effected in the prescribed manner, provided that an entry in the Register of Mutations shall not be transferred to the Record of Rights until such entry has been duly certified.

[1][**129A. Patta Book.**—(1) Every holder of agricultural land (including a tenant if he is primarily liable to pay land revenue therefor), shall be supplied by the prescribed officer with a patta book containing a copy of the record of rights pertaining to such land.

(2) The patta book shall also contain information regarding the payment of land revenue in respect of the land and other State Government dues of the holder or, as the case may be, the tenant, and information as respects the cultivation of the land and the areas of crops sown in it as shown in the village records and such other matters as may be prescribed.

(3) The patta book shall be prepared, issued and maintained in accordance with the rules made by the State Government in that behalf. Such rules may provide for fees to be charged for preparing, issuing and maintaining the book.][1]

1. Inserted by Act 23 of 1982 w.e.f. 15.7.1982.

130. Obligation to furnish information.—(1) Any person whose rights, interests or liabilities are required to be or have been entered in any record or register, under this Chapter shall be bound, on the requisition of any officer engaged in compiling or revising the record or register, to furnish or produce for his inspection within thirty days from the date of such requisition, all such information or documents needed for the correct

compilation or revision thereof, as may be within his knowledge or in his possession or power.

(2) An officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same [1][or may return the same immediately after keeping a copy of it, if necessary][1] and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

1. Inserted by Act 23 of 1982 w.e.f. 15.7.1982.

(3) Any person who fails to furnish information or produce the document required by sub-section (1) within the period specified in the said sub-section shall be liable to pay a penalty not exceeding twenty-five rupees, as may be fixed by the [1][Tahsildar][1] and the amount payable as penalty shall be recoverable as an arrear of land revenue:

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

Provided that no penalty shall be imposed under this sub-section without giving to the person concerned a reasonable opportunity to be heard.

131. Requisition of assistance in preparing maps.—Subject to rules made in this behalf by the State Government,—

(*a*) any Revenue Officer or prescribed officer may for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter, exercise any of the powers of a Survey Officer under section 107, except the power of assessing the cost of hired labour, and

(*b*) where the preparation or revision of such map is made on the application of any person, any Revenue Officer of a rank not lower than that of an Assistant Commissioner or of a Survey Officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses including the cost of clerical labour and supervision, and such costs shall be recoverable from such person as an arrear or land revenue.

[1][(c) any person while reporting acquisition by him of a right in accordance with the third proviso to sub-section (1) of section 128 or any person alienating any land that is part of the survey or sub number shall get a sketch of the said property prepared by a licensed surveyor, for the purpose of presenting the deed before the registering authority.][1]

1. Inserted by Act 14 of 1999 w.e.f. 30.4.1999.

132. Certified copies of records to be annexed to plaint or application.—(1) The plaintiff or applicant in every suit or application, as hereinafter defined relating to land situated in any area to which this Chapter applies, shall annex to the plaint or application, a certified copy of any entry in the Record of Rights or Register of Mutations relevant to such land.

(2) If the plaintiff or applicant fails so to do for any cause which the court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the court and if such certified copy is not so annexed or produced, the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject matter with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order and a copy of such communication shall be kept with the record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the Record of Rights or Register of Mutations. The provisions of this sub-section shall apply also to an appellate or revisional court:

Provided that, in the case of an appellate or revisional decree or order passed by the High Court or the Supreme Court, the communication shall be made by the original court from which the appeal lay or the record was called for.

(4) In this section,—

(*a*) 'suit' means a suit to which the provisions of the Code of Civil Procedure apply;

(*b*) 'application' means an application,—

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the court under the Code of Civil Procedure, 1908;

(iii) for the filing of an agreement to refer to arbitration under section 20 of the Arbitration Act, 1940 (Central Act 10 of 1940);

(iv) for the filing of an award under section 14 of the said Arbitration Act;

(v) of any other kind to which the State Government may, by notification, direct that this section shall apply;

(*c*) an application shall be deemed to relate to land, if the decree or other matter with respect to which an application is made, relates to land;

(*d*) a suit, decree or other matter relating to land shall, without prejudice, to the generality of the expression, be deemed to include a suit, decree or other matter relating to rent or tenancy of land.

133. Presumption regarding entries in the records.—An entry in the Record of Rights and a certified entry in the Register of Mutations [1][or in the patta book][1] shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

1. Inserted by Act 23 of 1982 w.e.f. 15.7.1982.

134. Certified copies.—Applications for certified copies of entries in the Record of Rights or the Register of Mutations may be made to and such copies may be given by the prescribed officers.

135. Bar of suits.—No suit shall lie against the State Government or any officer of the State Government in respect of a claim to have an entry made in any record or register that is maintained under this Chapter or to have any such entry omitted or amended:

Provided that if any person is aggrieved as to any right of which he is in possession, by an entry made in any record or register maintained under this Chapter, he may institute a suit against any person denying or interested to deny his title to such right, for a declaration of his right under Chapter VI of the Specific Relief Act, 1877; and the entry in the record or register shall be amended in accordance with any such declaration.

136. Appeal and Revision.—(1) The provisions of Chapter V shall not apply to any decision or order under this Chapter.

(2) Any person affected by an order made under sub-section (4) or an entry certified under sub-section (6) of section 129 may, within a period of sixty days from the date of communication of the order or the knowledge of the entry certified, appeal to such officer as may be prescribed by the State Government in this behalf and his decision shall be final.

(3) The Deputy Commissioner may, on his own motion or on application of a party, call for and examine any records made under section 127 and section 129 and pass such orders as he may deem fit:

Provided that no order shall be passed except after hearing the party who would be adversely affected by such order.

CHAPTER XII

BOUNDARIES AND BOUNDARY MARKS

137. Determination of village boundaries, etc.—The boundaries of villages, survey numbers, sub-divisions of survey numbers or holdings shall be fixed and all disputes relating thereto shall be determined, by Survey Officers or by such other officers as may be appointed by the State Government for the purpose in accordance with the provisions of this Chapter and the Rules, if any, made in this behalf.

138. Settlement of village boundaries by agreement.—When in any two or more adjoining villages one or more Panchayats are established under the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959, and such Panchayat or Panchayats agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall record such agreement and get it duly signed by the Chairman, Vice-Chairman or the members of the Panchayats concerned, as the case may be. The officer determining the boundary shall then mark off the boundary in the manner agreed upon. Any village boundary so marked off shall be deemed to be finally settled.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

139. Procedure in case of disagreement or dispute.—(1) If in any two or more adjoining villages, one or more Panchayats are established under the [1][Karnataka][1] Village Panchayats and Local Boards Act, 1959, and such Panchayat or Panchayats do not agree to fix the boundaries of their respective villages in the manner prescribed in section 138, or if there be any pending dispute regarding the boundary, the officer determining the boundary shall make a survey and plan of the ground in dispute, showing the land claimed by the contending parties and all particulars relating thereto and shall, after a formal inquiry into the claims of the said parties decide the boundary of the respective villages.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) If the officer deciding the boundary is the [1][Joint Director of Land Records][1], his decision, and in any other case, subject to an appeal to the [1][Joint Director of Land Records][1], the decision of the officer deciding the boundary under sub-section (1) shall be final.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

140. Determination of boundaries of lands forming a survey number or a holding.—(1) At the time of a survey, the boundary of a survey number, a sub-division of a survey number or a holding,—

(*a*) if undisputed, shall be recorded and marked as pointed out by the holder or person in occupation, and

(*b*) if disputed, or if the holder or person in occupation be not present, shall be fixed by the Survey Officer, in accordance with the land records relating to the land and after making such inquiry as he considers necessary.

(2) If any dispute arises concerning the boundary of a holding which has not been surveyed, or if at any time after the completion of a survey, a dispute arises concerning the boundary of a survey number, a sub-division of a survey number or a holding, the [1][Tahsildar][1] shall decide the dispute having due regard to the land records, if they afford satisfactory evidence of the boundary previously fixed, and if not, after such inquiry as he considers necessary.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

141. Settlement of boundary dispute by arbitration.—(1) If the several parties concerned in a boundary dispute agree to submit the settlement thereof to arbitration and make an application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary, shall require the said parties to nominate a sole arbitrator or an arbitration committee of three persons, within the specified time, and if within a period to be fixed by the said officer, the sole arbitrator or the arbitration committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confirmed by the said officer, or if the said officer be a Survey Officer lower in rank than a [1][Joint Director of Land Records][1], by the [1][Joint Director of Land Records][1], shall be final:

Provided that the said officer, or the [1][Joint Director of Land Records][1], shall have the power to remit the award or any of the matters referred to arbitration, to the reconsideration of the arbitrator or the committee, as the

case may be, for any of the causes set forth in section 16 of the Arbitration Act, 1940 (Central Act 10 of 1940).

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

(2) If the sole arbitrator or the arbitration committee fail to effect a settlement of the dispute within the time specified, the officer aforesaid or if the officer is a Survey Officer lower in rank than a [1][Joint Director of Land Records][1], the [1][Joint Director of Land Records][1] may either extend the time or settle the dispute as otherwise provided in this Act.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

142. Effect of the settlement of a boundary.—(1) The settlement of a boundary under this Chapter shall be determinative,—

(*a*) of the proper position of the boundary line or boundary marks, and

(*b*) of the rights of the land-holders on either side of the boundary fixed in respect of the land adjudged to appertain or not to appertain, to their respective holdings.

(2) Where a boundary has been so fixed, the [1][Tahsildar][1] may at any time summarily evict any land-holder, who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary, not to appertain to his holding or to the holding of any person through or under whom he claims.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

143. Construction and repair of boundary marks.— (1) Any Survey Officer authorised by a [1][Joint Director of Land Records][1] or a [2][Joint Director for Settlement][2], as the case may be, may specify or cause to be constructed, laid out, maintained or repaired, boundary marks of villages or survey numbers or sub-divisions of survey numbers, whether cultivated or uncultivated and assess all charges incurred thereby, on the holders or others having an interest therein.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

2. Substituted by Act 21 of 2003 w.e.f. 26.5.2003.

(2) Such officer aforesaid may require land-holders to construct, lay out, maintain, or repair, their boundary marks by a written order which shall be affixed in the chavadi or other public place in the village to which the lands under survey belong, directing the holders of survey numbers or sub-divisions of survey numbers to construct, lay out, maintain or repair, within a

specified time, boundary marks on their respective survey numbers or sub-divisions.

(3) On the failure of the land-holders to comply with the requisition made under sub-section (2), the Survey Officer shall construct, lay out or repair the boundary marks and assess all charges incurred thereby on the holders or others having an interest therein.

(4) A general order, issued in the manner specified under sub-section (2) shall be held to be good and sufficient notice to each and every person having any interest in any survey number or sub-division within the limits of the lands to which the survey extends.

144. Description of boundary marks.—The boundary marks shall be of such description, and shall be constructed, laid out, maintained or repaired, in such manner and shall be of such dimension and materials as may, subject to rules made by the State Government in this behalf, be determined by the [1][Joint Director of Land Records][1] or any other officer appointed for the purpose.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

145. Responsibility for the maintenance of boundary marks.—Every land-holder shall be responsible for the maintenance and good repair of the boundary marks of his holding, and for any charges reasonably incurred on account of the same by the Revenue Officers in case of alteration, removal or disrepair. It shall be the duty of the village accountant and officers and servants of the Panchayat to prevent the destruction or unauthorised alteration of the village boundary marks.

146. Deputy Commissioner to have charge of boundary marks after introduction of the survey settlement.—After the introduction of survey settlement in a district, the charge of the boundary marks shall devolve on the Deputy Commissioner and it shall be his duty to take measures for their construction, laying out, maintenance and repair, and for this purpose, the powers conferred on Survey Officers by section 142 and section 143 shall vest in him.

147. Penalty for injuring boundary marks.—(1) Any person wilfully erasing, removing or injuring a boundary mark, or unauthorisedly constructing a boundary mark, shall, after a summary inquiry before the [1][Tahsildar][1], or before a Survey Officer holding a Gazetted rank, be liable to

a fine not exceeding fifty rupees for each mark so erased, removed, injured or unauthorisedly constructed.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) The fine imposed under sub-section (1) shall be recovered as an arrear of land revenue and out of it an amount not exceeding one half may be awarded by the officer imposing the fine to the informer, if any.

CHAPTER XIII

SURVEY AND SETTLEMENT OF LANDS AND OF BOUNDARY DISPUTES WITHIN THE SITES OF VILLAGES AND THE LIMITS OF TOWNS AND CITIES

148. Limits of sites of villages, towns and cities, how to be fixed and assignment of building sites.—(1) The Deputy Commissioner or a Survey Officer, when directed by a notification by the State Government, may determine what lands are included within the site of any village, town or city, and fix, and from time to time, vary the limits of the same, respect being had to all subsisting rights of land-holders.

(2) The Deputy Commissioner or the Survey Officer acting under sub-section (1) may set apart for building sites within the limits of any village, town or city, fixed under the said sub-section, any lands which may be the property of the State Government and not in the lawful occupation of any person or aggregate of persons, provided that no land hitherto used for purposes of agriculture only, shall be set apart for building sites, except with the previous sanction of the State Government.

(3) Lands already set apart for building sites within the limits of any village, town or city in accordance with any law for the time being in force prior to the commencement of this Act, shall be deemed to have been so set apart under this section.

149. Disposal of building sites.—The Deputy Commissioner may dispose of lands set apart for building sites under section 148 other than such lands as are vested in the local authority having jurisdiction over the village, town or city, in such manner as may be directed by rules made by the State Government in this behalf.

150. Existing exemptions to be continued in certain cases.—The existing exemptions from payment of land revenue or non-agricultural assessment on land situate within the sites of villages and the limits of towns and cities shall be continued,—

(i) if such lands, being other than lands used for purposes of agriculture, have been held wholly or partially exempt from payment of land revenue or non-agricultural assessment under any law, or order of competent authority, or any contract or grant from the State Government, prior to the commencement of this Act;

(ii) if such lands, being ordinarily used for the purposes of agriculture, have been held exempt from payment of land revenue or non-agricultural assessment prior to the commencement of this Act, having been excepted from survey settlement, introduced before this Act on the ground of such lands being 'hittals' attached to buildings or of its being deemed inexpedient to apply a survey settlement to them.

151. Right to exemption to be determined by the Deputy Commissioner.—(1) Claims to exemptions under section 150 shall be determined by the Deputy Commissioner, after a summary inquiry and his decision subject to decision in a civil suit shall be final.

(2) Any suit instituted in a Civil Court to set aside any order passed by the Deputy Commissioner under sub-section (1) in respect of any land situate within the site of a village or the limits of a town or city shall be dismissed, (although limitation has not been set up as defence) if it has not been instituted within one year from the date of the order.

152. Survey of lands and their boundaries within sites of villages or the limits of cities and towns how to be conducted.—If the State Government shall at any time deem it expedient to direct a survey of any land or any boundary of such land, within the site of any village or the limits of any city or town, under the provisions of section 106 or a fresh survey thereon under the provisions of section 112, such survey shall be conducted and all its operations shall be regulated according to the provisions of Chapters IX and XII of this Act, due regard being had to all existing exemptions from payment of land revenue continued by section 150:

Provided that nothing contained in section 107, section 138 or section 139 thereof shall be considered applicable to any such survey in any city, town or village containing more than five thousand inhabitants.

153. Procedure in certain cases of survey under section 152 and charge of a survey fee.—(1) When a survey is ordered under section 152 to any area within the limits of any city or town containing more than five thousand inhabitants,—

(*a*) the Survey Officer shall publish a notification in the prescribed manner, inviting all persons having any interest in the land or in the boundaries of which the survey has been ordered, to attend either in person or by agent at a specified place and time and from time to time thereafter, when called upon, for the purpose of pointing out boundaries and supplying information in connection therewith;

(*b*) each holder of a building site within such area shall be liable to pay a survey fee assessed on the area of such land by the Deputy Commissioner in the prescribed manner; provided that no survey fee shall be payable,—

(i) by the State Government; or

(ii) in respect of buildings and lands exclusively occupied for public worship or for charitable purposes, which under any law relating to a local authority having jurisdiction over the area are exempt from the levy of a tax on lands and buildings.

(2) Any survey fee assessed in accordance with sub-section (1) shall be payable within three months from the date of service of a notice by the Deputy Commissioner upon the person liable therefor, after the completion of the survey of the area within the limits of the city or town or of such part thereof as the notice shall refer to. Such survey fee shall be recoverable as an arrear of land revenue.

154. Certificate to be granted without extra charge.—(1) Every holder of a building site within the area of any town or city to which a survey is ordered under section 152, shall be entitled, after payment of the survey fee in accordance with sub-section (2) of section 153 to receive from the [1][Tahsildar][1] without extra charge a certificate, in the form prescribed or to the like effect, specifying the plan and description, the extent and conditions of his holding:

Provided that if such holder does not apply for the certificate at the time of payment of the survey fee or thereafter within three months from the date of the notice by the Deputy Commissioner under section 153, the [1][Tahsildar][1] may require him to pay an additional fee not exceeding one rupee for each certificate.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) Every such certificate shall be executed on behalf of the State Government by such officer as may from time to time be empowered to execute the same.

155. Duties of local authority for protecting boundary or survey marks.—It shall be the duty of every local authority,—

(*a*) to prevent the destruction, injury, removal or alteration of any boundary or survey mark within the limits of its jurisdiction; and

(*b*) when such local authority becomes aware that any such mark has been destroyed, injured, removed or altered, to report the fact to the prescribed officer.

156. Contributions payable by local authority.—When the survey of any land or boundary directed under section 152, within the limits of any city or town has been completed in accordance with the provisions of this Act, the expenses incurred in connection with such survey shall, in such proportion as may be fixed by the State Government, be payable by the local authority concerned to the State Government.

CHAPTER XIV

REALISATION OF LAND REVENUE AND OTHER PUBLIC DEMANDS

157. Liability for revenue.—(1) In the case of unalienated land, the occupant, and in the case of an alienated land, the superior holder, shall be primarily liable to the State Government for the payment of the land revenue, including all arrears of land revenue, due in respect of the land. Joint occupants and joint holders who are primarily liable under this section, shall be jointly and severally liable.

(2) In the case of default by any person who is primarily liable under this section, the land revenue including arrears as aforesaid shall be recoverable from any person in possession of the land:

Provided that where such person is a tenant, the amount recoverable from him shall not exceed the demands for the year in which the recovery is made:

Provided further that when the land revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payment which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him in account with the person who is primarily liable.

158. Claim of State Government to have precedence over all others.—(1) The claim of the State Government to any moneys recoverable under the provisions of this Chapter shall have precedence over any other debt, demand or claim whatsoever whether in respect of mortgage, judgment, decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof.

(2) In all cases, the land revenue for the current revenue year, of land for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of such land.

159. Land Revenue when becomes due and payable.—(1) The land revenue leviable on account of a revenue year shall become due on the first day of that year and it shall be payable at such times, in such instalments, to such persons and at such places, as may be prescribed.

(2) The payment of land revenue to the person prescribed under sub-section (1) may be made in cash or in any prescribed manner.

(3) Any period elapsing between the first day of the revenue year and any date prescribed under sub-section (1) for the payment of land revenue shall be deemed to be a period of grace and shall not affect the provisions of sub-section (1).

160. Arrear of land revenue and defaulter.—(1) Any instalment of land revenue or part thereof which is not paid on the date prescribed for payment under section 159 shall become an arrear of land revenue and the person responsible for the payment shall become a defaulter.

(2) A statement of account, certified by the Deputy Commissioner or by the Assistant Commissioner shall, for the purpose of this Chapter be conclusive evidence of the existence of the arrear of land revenue, of its amount and of the person who is the defaulter:

Provided that nothing in this sub-section shall prejudice the rights of such person to make payment under protest and to question the correctness of the accounts in separate proceedings before the Deputy Commissioner or the Assistant Commissioner, as the case may be.

161. Process for recovery of arrears.—An arrear of land revenue may after serving a written notice of demand on the defaulter under section 162 be recovered by any one or more of the following processes, namely:—

(*a*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due, under section 163;

(*b*) by distraint and sale of the defaulter's moveable property including the produce of the land under section 164;

(*c*) by attachment and sale of the defaulter's immoveable property under sections 165 to 168;

(*d*) in the case of alienated holdings consisting of entire villages or shares of villages, by attachment of the said villages or shares of villages and taking them under Government management, under sections 183 to 187.

162. Notice of demand.—(1) A notice of demand may be issued on or after the day following that on which the arrear became payable.

(2) The form and contents of the notice of demand, the cost recoverable for such notice from the defaulter as an arrear of land revenue, and the officers by whom such notices shall be issued shall be such as may be prescribed.

163. Forfeiture of occupancy or alienated holding.—(1) The [1][Tahsildar][1] may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due, to be forfeited to the State Government, and sell or otherwise dispose of the same under the provisions of sections 87 and 88 and credit the proceeds, if any, to the defaulter's account:

Provided that the [1][Tahsildar][1] shall not declare any such occupancy or alienated holding to be forfeited,—

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(*a*) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner prescribed under section 168 for effecting sales of immoveable property; and

(*b*) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been published as prescribed under section 168:

[1][Provided further that notwithstanding anything contained in sub-section (1) of section 87, the Tahsildar shall not declare any such occupancy or alienated holding, to be forfeited to the State Government, where the arrears of land revenue due, does not exceed rupees ten thousand.][1]

1. Inserted by Act 28 of 1991 w.e.f. 7.8.1991.

(2) When any occupancy or alienated holding is declared forfeited under sub-section (1), the [1][Tahsildar][1] may, before such occupancy or alienated holding is sold or otherwise disposed of, cancel the declaration of forfeiture,

if the defaulter or any person interested in the occupancy or alienated holding pays the entire arrears of land revenue due and all expenses incurred so far in the recovery proceedings as may be fixed by the [1][Tahsildar.][1]

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

164. Distraint and sale of moveable property.—(1) The [1][Tahsildar][1] may cause the defaulter's moveable property to be distrained and sold. Such distraint and sale shall be made by such officers or class of officers in such manner and in accordance with such procedure as may be prescribed.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) Nothing in sub-section (1) shall be deemed to authorise the distraint or sale of any property which, under the Code of Civil Procedure, 1908, is exempt from attachment or sale in execution of a decree or of any article kept exclusively for religious use.

165. Attachment and sale of immoveable property.—When the [1][Tahsildar][1] is of opinion that the processes referred to in clauses (*a*) and (*b*) of section 161 are inexpedient or insufficient for the recovery of an arrear, he may, in addition to or instead of any of these processes, cause any immoveable property of the defaulter to be attached and sold.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

166. Attachment how to be made.—(1) The attachment of immoveable property under section 165 shall be made by an order prohibiting the defaulter from transferring or charging the property in any way and all persons from taking any benefit from such transfer or charge.

(2) The order under sub-section (1) shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode and a copy of the order shall be affixed on a conspicuous part of the property and also on the notice board of the office of the Revenue Officer making the order.

(3) No transfer made or charge created by the defaulter after the date on which an order is made under sub-section (1) shall be valid as against the State Government or the auction purchaser at the sale of the property held for recovery of the arrears of land revenue subsequent to the attachment.

167. Claims to immoveable property attached.—(1) If any claim is set up by a person not claiming under the defaulter, to the immoveable property attached under section 165, the Revenue Officer making the attachment

shall hold a summary enquiry into the claim and after such enquiry may admit or reject the claim.

(2) The person against whom an order is made under sub-section (1) may, within one year from the date of such order, institute a suit to establish the right which he claims to the property attached; but subject to the result of such suit, if any, the order shall be conclusive.

168. Procedure in effecting sale of immoveable property.—(1) Before effecting the sale of any land or other immoveable property under the provisions of this Chapter, the Deputy Commissioner or other officer empowered in this behalf, shall issue such notices and proclamations, in such form and in such manner and containing such particulars as may be prescribed, and cause such notices and proclamations to be published in such manner as may be prescribed.

(2) A copy of every notice or proclamation issued under sub-section (1) shall be served on the defaulter.

169. The sale to be by auction.—All sales of property, moveable or immoveable, under this Chapter shall be by public auction held in accordance with such rules as may prescribed.

170. Prohibition to bid at auction.—No officer having any duty to perform in connection with any sale by auction under section 169 and no person employed by or subordinate to such officer, shall, either directly or indirectly bid for or acquire any property.

171. Purchase of property by Government.—(1) When a property is brought to sale in public auction under section 169, if there be no bid, the [1][Tahsildar][1] or other officer duly authorised by him may purchase the property on account of the Government for a value to be determined in the prescribed manner.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) When a property is so purchased, the [1][Tahsildar][1] may adjust such portion of the value as is necessary to cover the amount due to Government together with the cost of the sale and the defaulter shall be entitled on application to obtain payment of balance, if any, of such value.

(3) Subject to the general or special orders of the State Government, the property so purchased may be disposed of by the [1][Tahsildar][1] as he deems fit.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

172. Sale of perishables.—Nothing in section 169 applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay and such sale shall be finally concluded by the officer conducting the sale, subject to such orders as may from time to time be made by the Deputy Commissioner either generally or specially in this behalf.

173. Sale not to be excessive.—The property to be sold moveable or immoveable, under the provisions of this Chapter, shall, as far as may be practicable, be proportionate to the amount of the arrear of land revenue to be recovered and the expenses of attachment and sale.

174. Deposit by purchaser of immoveable property.—In all cases of sale of immoveable property, the party declared to be the purchaser shall be required to deposit immediately twenty-five per cent of the amount of his bid, and the balance within fifteen days from the date of the sale.

175. Failure to make deposit.—(1) In default of the payment of the deposit referred to in section 174, the property shall be put up for re-sale forthwith and the expenses incurred in connection with the first sale shall be borne by the defaulting bidder.

(2) In default of payment of the balance of the bid amount within the period prescribed in section 174, the deposit, after defraying therefrom expenses of the sale, shall be forfeited to the State Government and the property shall be re-sold; such re-sale shall be made after issue of a fresh notice in the manner prescribed under this Chapter for the original sale.

(3) Any deficiency of price which may happen on a resale by reason of the purchaser's default and all expenses attending such resale shall be recoverable from the defaulting purchaser in the same manner as an arrear of land revenue.

176. Setting aside sale.—(1) Where immovable property has been sold under this Chapter, the defaulter, or any person owning such property or holding an interest therein, may at any time within ninety days of the date of sale apply in the prescribed manner to the Deputy Commissioner to have the sale set aside,—

(*a*) on the ground of some material irregularity or mistake or fraud resulting in loss or injury to him, or

(*b*) on his depositing in the Deputy Commissioner's office the amount of the arrear specified in the proclamation of sale, the cost of the sale and

for payment to the purchaser, a sum equal to five per centum of the purchase money.

(2) On an application made under clause (*a*) of sub-section (1), the Deputy Commissioner shall, if he is satisfied after a summary enquiry that there has been some material irregularity, mistake or fraud in publishing or conducting the sale, set aside the sale and direct a fresh sale:

Provided that no sale shall be set aside on the ground of any irregularity or mistake, unless it is proved that the applicant has sustained loss or injury as a result of such irregularity or mistake.

(3) On an application with the required deposit being made under clause (*b*) of sub-section (1) within the period specified therein, the Deputy Commissioner shall make an order setting aside the sale:

Provided that if more persons than one have made deposits and applied under this section, the application of the first depositor or in case all the depositors agree to the application of any other depositor being accepted, the application of such depositor, shall be accepted.

177. Confirmation of sale.—If, on the expiration of ninety days from the date of sale of any immoveable property, no application has been made for setting aside the sale or if any such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale:

Provided that for reasons to be recorded, the Deputy Commissioner may set aside the sale subject to such conditions as he may deem proper, notwithstanding that no application therefor has been made, or on grounds other than those alleged in any application which has been made and rejected.

178. Refunds.—(1) The Deputy Commissioner shall order the refund and payment to the purchases, of,—

(*a*) the amounts deposited by him under section 174, and

(*b*) the sum equal to five per centum of the purchase money in case of a deposit under clause (*b*) of sub-section (1) of section 176;

if the sale of any immoveable property is not confirmed or is set aside.

(2) The Deputy Commissioner shall order the refund and payment of all the moneys deposited under clause (*b*) of sub-section (1) of section 176 to the person, who made the deposit, if the sale is confirmed:

Provided that the Deputy Commissioner may set off the whole or any part of any such moneys against any arrear of land revenue or any other arrear

recoverable as an arrear of land revenue, which may be outstanding against the person, who made the deposit.

179. Certificate of purchase.—When a sale held under this Chapter is confirmed, the [1][Tahsildar][1] shall put the person declared to be the purchaser in possession of the property and shall cause his name to be entered in the land records and shall grant him a certificate in the prescribed form to the effect that he has purchased the property specified therein and such certificate shall be deemed to be a valid transfer of such property.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

180. Removal of obstruction.—(1) Where a purchaser of immoveable property, to whom a certificate is granted under section 179, is resisted or obstructed by any person, in obtaining possession of the property, such purchaser may apply to the Civil Court having jurisdiction over the property, for removal of such resistance or obstruction and such Court shall investigate the matter as if the property were purchased by the applicant at a sale held in execution of a decree of such Court under the Code of Civil Procedure, 1908.

(2) The provision of the Code of Civil Procedure, 1908, shall apply *mutatis mutandis* to the investigation and the order made thereafter by the Court, under sub-section (1).

181. Application of proceeds of sale.—The proceeds of the sale of any property under this Chapter shall be applied in defraying the expenses of the sale, which shall be determined in the prescribed manner and the balance shall be applied to the payment of the arrears on account of which the sale was held and the surplus, if any, shall be paid to the person whose property has been sold.

182. Liability of certified purchaser.—The person who has purchased any land and to whom a certificate of purchase has been granted shall not be liable for the land revenue in respect of the land for any period prior to the date of the sale.

183. Recovery by attachment of the defaulter's village and taking it under management.—If the holding, in respect of which an arrear is due, consists of an entire village or of a share of a village, and the adoption of any of the other processes specified in section 161 is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the State Government, cause such village or share of a village to be attached and

taken under the management of himself or any agent whom he appoints for that purpose.

184. Lands of such village to revert to Government free of encumbrances.—(1) The lands of any village or shares of a village attached under section 183 shall revert to the State Government unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such superior holder or sharers as are interested therein, so far as the arrears of land revenue due are concerned, but without any prejudice in other respects to the rights of any tenant or any other person.

(2) The Deputy Commissioner or his agent appointed under section 183, shall be entitled to manage the lands attached by letting them out at rates not exceeding the rates prescribed under any law for the time being in force which he may deem reasonable and by granting unoccupied lands on lease and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the management thereof to the said superior holder.

(3) The Deputy Commissioner or his agent appointed under section 183 shall, during such management, be entitled to recover under the provisions of this Chapter, all such rents or profits accruing in or after the revenue year in which such attachment was effected, provided that proceedings for such recovery are taken within six years from the end of the revenue year for which such rent or profit became due.

185. Application of surplus profits.—All surplus profits of the lands attached under section 183, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue survey, which the Deputy Commissioner is hereby empowered to introduce, shall be applied in defraying the said arrear.

186. Restoration of village so attached.—(1) The village or share of a village attached under section 183 shall be released from attachment and the management thereof shall be restored to the superior holder, on the said superior holder making an application to the Deputy Commissioner for that purpose at any time within twelve years from the first of July next after the attachment,—

(*a*) if at the time that such application is made, it shall appear that the arrear has been liquidated; or

(*b*) if the said superior holder shall be willing to pay the balance, if any, still due by him, and pays such balance within such period as the Deputy Commissioner may specify in this behalf.

(2) The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying all arrears and costs, but such surplus receipts, if any, of previous years shall be at the disposal of the State Government.

187. Village, etc., to vest permanently in the State Government if not redeemed within twelve years.—If no application be made for the restoration of a village or share of a village attached under section 183 within the aforesaid period of twelve years, or if after such application has been made, the superior holder fails to pay the balance, if any, still due by him within the period specified by the Deputy Commissioner in this behalf, the said village or share of a village shall thenceforward vest in the State Government, free from all encumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title or in any wise subsisting as against such superior holder or any of the shares, but without prejudice to the rights of the persons in actual possession of the land.

188. Precautionary measures in certain cases.—(1) When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by private agreement or by order of a Civil Court or other public authority, the [1][Tahsildar][1] may, if he thinks it necessary, prevent its being removed from the land until the demand for the current year in respect of the said land is paid, whether the date fixed for the payment of the same has arrived or not. But in no case shall a crop or any portion of the crop, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than the demands of the year in which the detention is made.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(2) In order to secure the payment of the land revenue by enforcement of the lien of the State Government on the crop, the [1][Tahsildar][1] may,—

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(*a*) require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or some other officer to be named by him in this behalf;

(*b*) direct that no such crop shall be removed from the land on which it has been reaped or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(*c*) cause watchmen to be placed over any such crop to prevent the reaping or removal of the same, and recover the cost incurred thereby as an arrear of land revenue due in respect of the land to which such crop belongs.

(3) Any person who disobeys or abets the disobedience of, any order passed under sub-section (2), after the same has been duly published or a notice thereof has been served upon him, shall be liable, after a summary enquiry by the [1][Tahsildar][1], to a fine not exceeding double the amount of the land revenue due on such land.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

(4) The [1][Tahsildar][1] shall not defer the reaping of the crop, nor prolong its deposit unduly, so as to damage the produce. If within two months after the crop has been deposited, the land revenue due has not been paid, the [1][Tahsildar][1] shall either release the crop and proceed to realise the revenue in any other manner authorised by this Chapter or take such portion thereof, as he may deem fit, for sale under the provisions of this Chapter, applicable to sales of movable property in realisation of the revenue due and of all legal costs and release the rest.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

189. Precautionary measures to be relinquished on security being furnished.—Precautionary measures authorised by section 188 shall be relinquished if the person primarily responsible for the payment of revenue or any person who would be responsible, for the same, if default were made by the person primarily responsible, shall pay the costs lawfully incurred by the [1][Tahsildar][1], up to the time of such relinquishment and furnish security to the satisfaction of the [1][Tahsildar][1] for the payment of the revenue, at the time at which or in the instalment in which, it is payable under the provisions of this Chapter.

1. Substituted by Act 5 of 1970 w.e.f. 23.10.1969.

190. Recovery of other public demands.—The following moneys may be recovered under this Act in the same manner as an arrear of land revenue, namely:—

(*a*) all rents, royalties, water rates, ceases, fees, charges, premia, penalties and fines due to the State Government, for use or occupation of land or water or any product of land;

(*b*) all moneys due to the State Government under any grant, lease or contract, which provides that they shall be recoverable as arrears of land revenue;

(*c*) all sums declared by this Act or any other law for the time being in force to be recoverable as an arrear of land revenue.

191. Recovery of moneys from surety.—Every person who may have become a surety by or under any of the provisions of this Act or under any other enactment or any grant, lease or contract whereunder the sum secured is recoverable from the principal as an arrear of land revenue, shall, on failure to pay the amount or any portion thereof, which he may have become liable to pay under terms of his security bond, be liable to be proceeded against, under the provisions of this Chapter in the same manner as for an arrear of land revenue;

192. Recovery of arrears due in any one district by Deputy Commissioner of another district.—(1) When an arrear of land revenue or other public demand recoverable as an arrear of land revenue under section 190 is due in one district, but is to be recovered by sale of defaulter's property in any other district, the Deputy Commissioner of the district in which such arrear of demand became due shall send a statement of account certified under sub-section (2) of section 160 to the Deputy Commissioner of the district, within which the recovery is to be made.

(2) On receipt of such certified statement it shall be lawful for the Deputy Commissioner of one district to proceed to recover the demand of the Deputy Commissioner of another district under the provisions of this Chapter, as if the demand arose in his own district.

CHAPTER XV

MISCELLANEOUS

193. Inspection and grant of copies of maps and land records.—Subject to such rules and payment of such fees as the State Government may from time to time prescribe in this behalf, all maps and land records

shall be open to the inspection of the public at reasonable hours and certified extracts from such maps and land records or certified copies thereof shall be given to all persons applying for the same.

194. Suspension or remission of land revenue.—(1) Notwithstanding anything contained in this Act, but subject to such rules as may be prescribed, where there is failure of crops in any tract owing to inadequate rainfall or other cause, and the State Government considers that it is necessary to suspend or remit the land revenue payable in respect of any land in such tract, it may, by notification,—

(i) suspend the collection of land revenue or any part thereof for such period as may be specified in such notification; or

(ii) remit the land revenue payable for any year in whole or in part as may be specified in such notification.

(2) Every notification issued under sub-section (1) shall be laid before both Houses of the State Legislature.

195. Delegation of powers.—(1) The State Government may, by notification, delegate to any officer or authority subordinate to it, any of the powers conferred on the State Government or any officer subordinate to it under this Act, to be exercised by such officer or authority, subject to such restrictions and conditions, if any, as may be specified in the said notification.

(2) Notwithstanding anything contained in sub-section (1), the State Government shall not delegate any of its powers under sections 3, 4, 6, 7, 8, 9, 10, 18, 20, 21, 40, 43, 48, 114, 115, 121 or 125 or the power to make rules under section 197 or the power to remove difficulties under section 201.

196. Protection of action taken in good faith.—No suit, prosecution or other proceeding shall lie,—

(*a*) against any officer of the State Government for anything in good faith done or intended to be done under this Act, or the rules thereunder;

(*b*) against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by anything in good faith done or intended to be done under this Act, or the rules thereunder.

197. Power of State Government to make rules.—(1) The State Government may, by notification and after previous publication, make rules, not inconsistent with the provisions of this Act, to carry out the purposes and

objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act or in cases not expressly provided for thereunder.

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

(*a*) regulating the appointment of Revenue Officers and Survey Officers and the exercise by them of their powers;

(*b*) prescribing the terms and conditions subject to which a Village Accountant holds office under section 16;

(*c*) prescribing the language other than Kannada or English, in which the evidence is to be taken down in a formal inquiry in any district or part of a district under section 33;

(*d*) prescribing the manner of conducting inquiries other than formal or summary inquiries under section 37;

(*e*) prescribing conditions subject to which Benches of the Tribunal may have sittings at places other than its headquarters under section 42;

(*f*) prescribing the mode, form and manner in which appeals under Chapter V shall be drawn up and presented;

(*g*) prescribing the period within which an application for revision may be made under section 56;

(*h*) prescribing the purposes for which land liable to the payment of land revenue may or may not be used, and regulating grant of permission to use agricultural land for non-agricultural purposes;

(*i*) regulating the disposal under section 69 of land and other property vesting in the State Government;

(*j*) regulating the disposal of forfeited land;

(*k*) prescribing the terms and conditions on which, and the period for which unoccupied unalienated land may be granted;

[1][(l) amount of fine and compounding amount leviable under sections 95 and 96 which may be different for different areas or different contraventions or for different purposes for which the diversion or use of the land is made;][1]

1. Substituted by Act 10 of 1985 w.e.f. 8.6.1984.

(*m*) regulating the division of survey numbers into subdivisions and the fixing of the assessment of sub-divisions under section 109;

(*n*) regulating the conduct of surveys and settlements of land revenue and prescribing the notice to be given under section 122 before the introduction of the settlement;

(*o*) regulating the construction, laying out, maintenance and repair of boundary marks;

(*p*) prescribing the records, registers, accounts, maps and plans, to be maintained for the purpose of this Act and the manner and forms in which they shall be prepared and maintained;

(*q*) prescribing the manner in which the assessment or survey number and sub-division thereof shall be based on their classification value;

(*r*) prescribing the manner in which inquiry is to be held under section 118;

(*s*) determining the manner in which the average yields of crops of land is to be ascertained by the Settlement Officer;

(*t*) prescribing the manner in which the Settlement Report shall be published under section 119;

(*u*) prescribing the manner in which and the places at which the notice inviting objections to the settlement proposals shall be published under sub-section (2) of section 119;

(*v*) regulating the preparation, maintenance and revision of the record of rights and the registers of mutations and disputed cases and prescribing the forms in which they are to be prepared and the officers by whom the said records and registers are to be maintained, tested and revised;

[1][(*va*) prescribing the procedure for preparation, maintenance and issue of patta book and the fee, if any, payable for its preparation, issue and maintenance, and matters relating thereto;][1]

1. Inserted by Act 23 of 1982 w.e.f. 15.7.1982.

(*w*) regulating the exercise by prescribed officers and Revenue Officers of the powers of a Survey Officer and the assessment of costs and expenses under section 131;

(*x*) prescribing the times and places at which and the persons to whom land revenue shall be payable and the instalments in which it may be paid;

(*y*) prescribing the form and contents of a notice of demand, the costs recoverable for such notice and the officers by whom such notices shall be issued;

(*z*) prescribing the procedure and the manner of distraint of movable property and the officers or class of officers competent to make such distraint;

(*aa*) prescribing the form of summons and other processes, notices, orders and proclamations to be issued or made by Revenue Officers and the manner of their service;

(*bb*) prescribing the procedure for the attachment and sale of property and the confirmation and setting aside of sales of immovable property under Chapter XIV;

(*cc*) regulating the manner of publication of notices and proclamations of attachment and sale of property;

(*dd*) regulating the manner in which the cost and expenses incidental to the attachment and sale of property shall be determined;

(*ee*) prescribing the manner of payment of deposit and of the purchase money of the property sold for arrears of land revenue or other public demands recoverable as such arrears;

(*ff*) determining the circumstances in which precautionary measures for securing the land revenue under section 188 may be taken;

(*gg*) regulating the procedure for the transfer of cases from one Revenue Officer to another;

(*hh*) for the grant of certified copies and fixing the payment of fees for inspection and grant of certified copies of records and other registers;

(*ii*) fixing the amount of and the manner in which fee, if any, leviable on memorandum of appeals or applications for revision may be levied;

(*jj*) any other matter which has to be or may be prescribed for the effective enforcement of the Act.

(3) The State Government may, in making any rules under sub-section (1) or sub-section (2) prescribe that any person committing a breach of any specified rule shall, on conviction, be punished with imprisonment for a term not exceeding one month or with fine not exceeding five hundred rupees, or with both, in addition to any other consequences that would ensue from such breach.

(4) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both Houses of the State Legislature. Subject to any

modification made under section 198, every rule made under this Act shall have effect as if enacted in this Act.

198. Laying of rules and Regulations and notifications before the State Legislature.—Every rule made under this Act, every regulation made under section 48, and every notification issued under section 201, shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following both Houses agree in making any modification in the rule, regulation or notification or both Houses agree that the rule, regulation or notification should not be made, the rule, regulation or notification 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 such rule, regulation or notification.

199. Transitional provisions.—(1) Save as otherwise expressly provided in this Act, all cases instituted or pending before the Tribunal or any Revenue Court in any area within the State, immediately before the coming into force of this Act, whether in appeal, revision, or otherwise shall be decided in accordance with the provisions of the appropriate law, which would have been applicable had this Act not been passed.

(2) Any case instituted or pending in a Civil Court immediately before the coming into force of this Act, which would under this Act be exclusively triable by a Revenue Court, shall be disposed of by such Civil Court according to the law in force prior to the commencement of this Act.

200. Offences by Companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

***Explanation*.—**For the purposes of this section,—

(*a*) "company" means a body corporate, and includes a firm or other association of individuals; and

(*b*) "director" in relation to a firm means a partner in the firm.

201. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, in any area of the State, in consequence of the transition to the said provisions from the provisions of any enactment or law in force in such area immediately before the commencement of this Act, the State Government may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act, in any area of the State, otherwise than in relation to the transition from the provisions of any enactment or law in force in such area before the commencement of this Act, the State Government may, by notification, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expedient for removing the difficulty.

202. Repeal and Savings.—(1) The enactments specified in the Schedule, and any other law corresponding to this Act are hereby repealed:

Provided that subject to the provisions of this Act, the repeal shall not effect,—

(*a*) the previous operation of any such enactment or law or anything duly done or suffered thereunder;

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under such enactment or law;

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against such enactment or law;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture, or punishment may be imposed as if such enactment or law had not been repealed.

(2) Notwithstanding anything contained in the proviso to sub-section (1) but subject to any notification issued under section 201, anything done or any action taken (including any appointment, or delegation made, land revenue, non-agricultural assessment, fee or cess, settled, fixed or imposed, notification, order, instrument or direction issued, rule or regulation made, certificate obtained or permission granted) under any enactment or law repealed by sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

[1][(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2) or in any enactment or law repealed by sub-section (1) or any other law, in respect of any order made or proceedings disposed of by any officer subordinate to the Divisional Commissioner under any enactment or law, repealed by sub-section (1) or any rule or order made under such enactment or law, no appeal shall lie to the Divisional Commissioner, but an appeal shall lie to the tribunal as if the Tribunal were the appellate Authority under such enactment, law, rule or order, and such appeal shall be disposed of by the Tribunal in accordance with the provisions of such enactment, law, rule or order.][1]

1. Inserted by Act 2 of 1966 w.e.f. 1.3.1966 by notification. Text of the notification is at the end of the Act.

(3) Any reference in any enactment or law or in any instrument to any provision of any of the enactment or law repealed by sub-section (1) shall, unless a different intention appears, be construed as a reference to the corresponding provision of this Act.

(4) Any custom, usage or order prevailing in any area of the State, at the time of the commencement of this Act, and having the force of law therein shall, if such custom, usage or order is repugnant to, or inconsistent with any of the provisions of this Act, cease to be operative to the extent of such repugnancy or inconsistency.

SCHEDULE

(*See* section 202)

Sl. No.	*Year*	*Act No.*	*Short Title*
1.	1831	I	Land Suits (Bombay Regulation I of 1831).
2.	1876	X	The Bombay Revenue Jurisdiction Act, 1876.
3.	1879	V	The Bombay Land Revenue Code, 1879.
4.	1906	II	The Bombay Mamlatdars' Courts Act, 1906.
5.	1939	XII	The Bombay Revenue Tribunal Act, 1939.
6.	1317-F	VIII	The Hyderabad Land Revenue Act 1317F.
7.	1358-F	LX	The Hyderabad Board of Revenue Regulation, 1358-F.
8.	1952	XXXII	The Hyderabad Land (Special Assessment) Act, 1952.
9.	1888	IV	The Mysore Land Revenue Code, 1888.
10.	1951	VIII	The Mysore Survey and Boundaries Act, 1951.
11.	1955	7	The Mysore Board of Revenue Act, 1955.
12.	1957	24	The [1][Karnataka][1] Revenue Appellate Tribunal Act, 1957.
13.	1958	17	The [1][Karnataka][1] Land Record of Rights Act, 1958.
14.	1962	18	The [1][Karnataka][1] Additional Deputy Commissioners (Appointment and Powers) Act, 1962.
	1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.		
15.	1899	I	The Coorg Land and Revenue Regulation, 1899.
16.	1802	XXVI	The Madras Land Registration Regulation, 1802.
17.	1803	I	The Madras Board of Revenue Regulation, 1803.
18.	1803	II	The Madras Collectors Regulation, 1803.
19.	1817	VIII	The Madras Revenue Recovery (Military Proprietors) Regulation, 1817.
20.	1822	IX	The Madras Revenue Malversation Regulation, 1822.
21.	1823	III	The Madras Malversation (Amendment) Regulation, 1823.
22.	1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.
23.	1832	III	The Madras Revenue Malversation (Amendment) Regulation, 1832.
24.	1837	XXXVI	The Madras Public Property Malversation Act, 1837.
25.	1839	VII	The Madras Rent and Revenue Sales Act, 1839.
26.	1857	VII	The Madras Uncovenanted Officers Act, 1857.
27.	1864	II	The Madras Revenue Recovery Act, 1864.

Sl. No.	*Year*	*Act No.*	*Short Title*
28.	1865	I	The Madras District Limits Act, 1865.
29.	1865	VI	The Madras Officials Seals Act, 1865.
30.	1869	III	The Madras Revenue Summonses Act, 1869.
31.	1876	I	The Madras Land Revenue Assessment Act, 1876.
32.	1893	V	The Madras Revenue Enquires Act, 1893.
33.	1905	III	The Madras Land Encroachment Act, 1905.
34.	1914	II	The Madras Land Revenue Assessment (Amendment) Act, 1914.
35.	1914	VII	The Madras Deputy Collectors Act, 1914.
36.	1923	VIII	The Madras Survey and Boundaries Act, 1923.
37.	1925	II	The Madras Survey and Boundaries Act, 1923 (Validation) Act, 1924.
38.	1937	XIV	The Madras Revenue Recovery And City Land Revenue (Amendment) Act, 1937.
39.	1952	X	The Madras Survey and Boundaries (Amendment) Act, 1952.

* * * *

NOTIFICATIONS

I

Bangalore, dated 19th March 1964. [No. RD 55 LAD 64]

S.O. 385.—In exercise of the power conferred by sub-section (3) of section 1 of the Mysore Land Revenue Act, 1964 (Mysore Act 12 of 1964), the Government of Mysore hereby appoints the 1st day of April 1964, as the day on which the said Act shall come into force in the State of Mysore.

By Order and in the name of Governor of Mysore,
(N. NARASIMHA RAO)
Secretary.

II

Bangalore, dated 26th February 1966. [No. RD 48 ART 65]

S.O. 3968.—In exercise of the power conferred by sub-section (2) of Section 1 of the Mysore Land Revenue (Amendment) Act, 1966, (Mysore Act 2 of 1966) the Government of Mysore hereby appoints the 1st March, 1966, as the date on which the said Act shall come into force.

By Order and in the name of Governor of Mysore,
(B. S. SRIKANTIAH)
Secretary.

*(*Published in the Karnataka Gazette (Extraordinary), Part IV-2C(ii) dated 3rd March, 1966 as No. 33)

III

Bangalore, dated 19th March 1991. [No. RD 43 LGP 91]

S.O. 217.—In exercise of the power conferred under section 107 of the Karnataka Land Revenue Act, 1964 the Government of Karnataka hereby specify 20th March, 1991 as the date on which the karnataka Land Revenue (Amendment) Act, 1990 (Karnataka Act 2 of 1991) comes into force as required under sub-section (2) of section 1 of the Amendment Act.

By Order and in the name of Governor of Karnataka,
(B. L. SHANTHA)
Under Secretary to Government,
Revenue Department
(Land Grants).

(Published in the Karnataka Gazette (Extraordinary), Part IV-2C(ii) dated 20th March, 1991 as No. 118.)

IV

Bangalore, Dated 6th August, 1991. [No. RD 107 LGP 91]

In exercise of the powers conferred under section 197 of the Karnataka Land Revenue Act, 1964 the Government of Karnataka hereby specify 7th August 1991 as the date on which the Karnataka land Revenue (Amendment) Act, 1991 (Karnataka Act 21 of 1991) comes into force as required under sub-section (2) of section 1 of the Amendment Act.

By Order and in the name of the Governor of Karnataka.

(JITENDRA SINGH)

Under Secretary to Government,
Revenue Department (Land Grant).

V

Bangalore, Dated 13th October, 1998. [No. RD 38 LGP 98-I]

In exercise of the powers conferred by sub-section (2) of Section 1 of the Karnataka Land Revenue (Amendment) Act, 1997 (Karnataka Act 22 of 1998), the Government of Karnataka hereby appoints the 1st Day of November 1998 to be the day on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka.

(B. PUTTANNA)

Under Secretary to Government,
Revenue Department (Land Grant-1).

VI

Bangalore, dated 31st December, 1999. [No. RD 57 LGP 98 (P1)]

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Land Revenue (Amendment) Act, 1999 (Karnataka Act 26 of 1999), the Government of Karnataka hereby appoints the 1st day of January, 2000 to be the day from which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka.

(H.S. GANESHA MURTHY)

Under Secretary to Government,
Revenue Department (Land Grant-I).

VII

Bangalore, dated 26th May, 2003 No. RD 54 SAMITHI 2002 (P),

In exercise of the powers conferred by sub-section (2) of section 1 of the Karnataka Land Revenue (Amendment) Act, 2002 (Karnataka Act No. 21 of 2003) the Government of Karnataka hereby appoints the 26th May, 2003 to be the day on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

K.S. Shendri

Under Secretary to Government,

Revenue Department (Co-ord)

* * * *

KARNATAKA ACT NO. 21 OF 2003

THE KARNATKA LAND REVENUE (AMENDMENT) ACT, 2002

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 4
3. Amendment of section 6
4. Omission of section 7
5. Amendment of section 8
6. Amendment of section 9
7. Amendment of section 13
8. Amendment of section 14
9. Amendment of section 15
10. Amendment of section 16
11. Amendment of section 18
12. Amendment of section 22
13. Amendment of section 23
14. Amendment of section 27
15. Amendment of section 40
16. Amendment of section 49
17. Amendment of section 50
18. Amendment of section 69
19. Amendment of section 122-B
20. Substitution of the expressions "Deputy Commissioners of Land Records" etc.
21. Abolition of Division and office of Divisional Commissioner and consequences to ensue on such abolition

22. Power of State Government to adapt laws
23. Orders bringing this Act into force
24. Removal of difficulties
25. Orders to be laid before the Houses of the State Legislature

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to abolish the posts of Divisional Commissioners and to,-

(i) entrust the Karnataka Appellate Tribunal with the Appellate and revisional powers of the Divisional Commissioner;

(ii) re-designate the posts of Deputy Commissioner of Land Records, Deputy Commissioner for Settlement, Superintendent of Land Records, Superintendent for Settlement, Assistant Superintendent for Settlement, Assistant Superintendent of Land Records as Joint Director of Land Records, Joint Director for Settlement, Deputy Director of Land Records, Deputy Director for Settlement, Assistant Director for Settlement, Assistant Director of land Records;

(iii) provide for disposal of the appeals/revisions pending before the Divisional Commissioner on the date of commencement of the proposed legislation.

Certain other consequential amendments are also made.

Hence the Bill.

[LA BILL No. 33 OF 2002]

[Entry 18 of List-II of Seventh Schedule to the Constitution of India]

KARNATAKA ACT NO. 21 OF 2003

(First published in the Karnataka Gazette Extra-ordinary on the sixth day of May, 2003)

THE KARNATKA LAND REVENUE (AMENDMENT) ACT, 2002

(Received the assent of the Governor on the third day of May, 2003)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the fifty-third year of Republic of India, as follows: -

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2002.

(2) It shall come into force on such [1][date] as the State Government may by notification appoint.

2. Amendment of section 4.- In section 4 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) (hereinafter referred to as the principal Act),-

(i) in the heading, for the words "divided into Divisions Divisions into Districts" the words "divided into Districts" shall be substituted;

(ii) sub-section (1) shall be omitted;

(iii) in sub-section (2), for the words "Each division" the words "The State" shall be substituted.

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 485 dated 6-5-2003 in Notification No. ÉâªÀâXµÖE 53 µÖÉâ}â 2002)

1. The Act has come into force on 26th May 2003, vide Notification No. RD 54 SAMITHI 2002(P) dated 25-6-2003

3. Amendment of section 6.- In section 6 of the principal Act, the word "division" wherever it occurs, shall be omitted.

4. Omission of section 7.- Section 7 of the principal Act shall be omitted.

5. Amendment of section 8.- In section 8 of the principal Act, in sub-section (1), the words "who shall be subordinate to the Divisional Commissioner" shall be omitted.

6. Amendment of section 9.- In section 9 of the principal Act, in sub-section (3) for the words, figure and brackets “The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the divisional Commissioner. He shall also be subordinate to the Deputy commissioner of the district,” the words, figure and brackets “The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Deputy Commissioner of the District,” shall be substituted.

7. Amendment of section 13.- In section 13 of the principal Act, the words “Divisional Commissioner, or the" shall be omitted.

8. Amendment of section 14.- In section 14 of the principal Act, sub-section (1) shall be omitted;

9. Amendment of section 15.- In section 15 of the principal Act, in sub-section (1), for the words “The Deputy Commissioner may subject to the general orders of the Divisional Commissioner" the words "The Deputy Commissioner may, subject to the general orders of the State Government" shall be substituted.

10. Amendment of section 16.- In section 16 of the principal Act, in sub-section (1), the words “and the Divisional Commissioner” shall be omitted.

11. Amendment of section 18.- In section 18 of the principal Act, in sub-section (1), for the words “Joint

Commissioner of Land Records, Deputy Commissioner for Settlement, Superintendent of Land Records, Superintendent for Settlement, Assistant Superintendent for Settlement, Assistant Superintendent of Land Records" the words "Joint Director of Land Records, Joint Director for Settlement, Deputy Director of Land Records, Deputy Director for Settlement, Assistant Director for Settlement, Assistant Director of land Records" shall respectively be substituted.

12. Amendment of section 22.- In section 22 of the principal Act,-

(i) in sub-section (1) for the words "The Deputy Commissioner of a district or the Deputy Commissioner of Land records or the Deputy Commissioner for Settlement" the words "The Deputy Commissioner of a District or the Joint Director of Land Records or the Joint Director for Settlement" shall be substituted;

(ii) in sub-section (2) for the words "the Deputy Commissioner of the district or Deputy Commissioner of Land Records or Deputy Commissioner for Settlement" the words "the Deputy Commissioner of the District or the Joint Director of Land Records or the Joint Director for Settlement" shall be substituted.

13. Amendment of section 23.- In section 23 of the principal Act, in sub-section (1), for the words "Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement" the words "Joint Director of Land Records or the Joint Director for Settlement" shall be substituted;

14. Amendment of section 27.- In section 27 of the principal Act, subsections (1) and (2) shall be omitted;

15. Amendment of section 40.- In section 40 of the principal Act, in sub-section (2), in clause (a), for the words " a

Divisional Commissioner" the words "a Secretary to Government" shall be substituted;

16. Amendment of section 49.- In section 49 of the principal Act,-

(i) clause (d) shall be omitted;

(ii) in clause (e), for the words “Survey Officer below the rank of an Assistant Superintendent of Land Records or Assistant Superintendent for Settlement, to the Assistant Superintendent of Land Records or Assistant Superintendent for Settlement” the words “Survey Officer below the rank of an Assistant Director of Land Records or Assistant Director for Settlement, to the Assistant Director of Land Records or Assistant Director for Settlement” shall be substituted;

(iii) in clause (f), for the words “Assistant Superintendent of Land Records or Assistant Superintendent for Settlement to the Deputy Commissioner of Land Records or Deputy Commissioner for Settlement” the words “Assistant Director of Land Records or Assistant Director for Settlement, to the Joint Director of Land Records or Joint Director for Settlement” shall be substituted;

(iv) in clause (g), for the words “Deputy Commissioner of Land Records or Deputy Commissioner for Settlement” the words “Joint Director of Land Records or Joint Director for Settlement” shall be substituted.

17. Amendment of section 50.- In section 50 of the principal Act,-

(i) in clause (b-1), for the words “Assistant Superintendent for Settlement or Assistant Superintendent of Land Records” the words

Assistant Director for Settlement or Assistant Director of land Records" shall be substituted;

(ii) in clause (c), for the words "Deputy Commissioner of Land Records or Deputy Commissioner for Settlement" the words "Joint Director of Land Records or Joint Director for Settlement" shall be substituted.

18. Amendment of section 69.- In section 69 of the principal Act, the words "the Divisional Commissioner" shall be omitted.

19. Amendment of section 122-B.- In section 122-B of the principal Act, in sub-section (2) for the words, "may, within sixty days from the date of such order, appeal to the Divisional Commissioner, and the decision of the Divisional Commissioner" the words, may, within sixty days from the date of such order, appeal to the Tribunal and the decision of the Tribunal" shall be substituted.

20. Substitution of the expressions "Deputy Commissioners of Land Records" etc.,- For the expressions "Deputy Commissioner of Land Records", "Deputy Commissioner for Settlement", "Superintendent of Land Records", "Superintendent for settlement", "Assistant Superintendent for Settlement" "Assistant Superintendent of Land Records" wherever they occur, in other places in the principal Act, the expressions, "Joint Director of Land Records", "Joint Director for Settlement", "Deputy Director of Land Records", "Deputy Director for Settlement", "Assistant Director for Settlement", "Assistant Director of Land Records" shall respectively be substituted."

21. Abolition of Division and office of Divisional Commissioner and consequences to ensue on such abolition.- Notwithstanding anything contained in this Act the Divisions and the office of the Divisional Commissioner existing immediately before the date appointed for commencement of the Karnataka Land Revenue Amendment

Act 2002 shall on the date so appointed, stand abolished and following consequences shall ensue, namely:-

(i) any reference to Divisional Commissioner in any other enactment passed or the rules made thereunder before the date so appointed shall, unless the context otherwise requires, be construed as Deputy Commissioner:

Provided that in case of any appellate or revision powers of the Divisional Commissioner under such enactment or the rules it shall be construed as reference to the State Government and all appeals, revisions, and other proceedings connected therewith under such enactment or the rules pending before the Divisional Commissioner on the date so appointed shall stand transferred to the State Government and the State Government shall dispose of all such appeals, revisions and other proceedings connected therewith as if they were instituted before it.

(ii) all appeals, revisions and other proceedings connected therewith under the principal Act pending before the Divisional Commissioner on the date so appointed shall stand transferred to the Tribunal and the Tribunal shall dispose of all such appeals revisions and other proceedings as if they were instituted before it;

(iii) all other proceeding under the principal Act pending before the Divisional Commissioner on the date so appointed shall stand transferred to the Deputy Commissioner concerned;

(iv) all officers and servants in the office of the Divisional Commissioner shall be transferred to such offices as the State Government may by order direct;

(v) all the funds and properties of the office of the Divisional Commissioner shall be transferred to such office of the Deputy Commissioner as the State Government may by order direct.

22. Power of State Government to adapt laws.- For the purpose of bringing the provisions of any law in force in accordance with the provisions of the principal Act as amended by this Act, the State Government may by order published in the Official Gazette make such adaptations and modifications of such law whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made until altered, repealed or amended by the legislature.

Explanation: The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the date appointed for the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all or any particular areas in the State.

23. Orders bringing this Act into force.- Notwithstanding anything contained in the principal Act or any other law for the time being in force, the State Government may, by order published in the Official Gazette make such provision as appears to it to be necessary or expedient for making omissions from, additions to, and the adaptations and modifications, of the rules, regulations, bye-laws, notifications and orders made under any law in their application to the

abolition of the office of the Divisional Commissioner, and for bringing the principal Act as amended by this Act into force.

24. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act the State Government may by order, published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

25. Orders to be laid before the Houses of the State Legislature.- Every order made under sections 22, 23 and 24 shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in any order or directs that any order shall not have effect, and such order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

By Order and in the name of the
Governor of Karnataka,

M.R.HEGDE
Secretary to Government,
Department of Parliamentary
Affairs and Legislation.

KARNATAKA ACT NO. 19 OF 2004
THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2004

Arrangement of Sections

Sections:

1. Short title and Commencement

2. Amendment of Section 94B

STATEMENT OF OBJECTS AND REASONS

Section 94B of the Karnataka Land Revenue Act, 1964 inserted by the Karnataka Land Revenue (Amendment) Act, 1997 provides for regularization of certain lands within one year from the date of coming into force of the said Amendment Act. The said Act was brought into force with effect from 1st November 1998 and the period of one year lapsed on 30th October, 1999. The period was extended to three years from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2000 (Karnataka Act 15 of 2000). The said period of three years has lapsed on 27th April 2003. Since 55267 applications in Form 50 and 753727 applications in Form 53 are still pending, it is considered necessary to extend the period further for one more year.

Hence the Bill.

[L.C. BILL No. 10 OF 2004]

(Entries 18 and 45 of List II of the Seventh Schedule to the Constitution of India)

KARNATAKA ACT NO. 19 OF 2004

(First published in the Karnataka Gazette Extra-ordinary on the nineteenth day of March, 2004)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2004

(Received the assent of the Governor on the seventeenth day of March, 2004)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purpose hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-fifth year or the Republic of India, as follows :-

1. Short title and Commencement :- (1)This Act may be called the Karnataka Land Revenue (Amendment) Act, 2004.

(2) It shall come into force at once.

2. Amendment of Section 94B :- In clause (iii) of sub-section (1) of section 94B of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the words "within three years" the words "within five years" shall be and shall be deemed to have been substituted.

By order and in the name of the Governor of Karnataka,

M.R. Hegde
Secretary to Government,
Department of Parliamentary Affairs and Legislation.

Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 368 dated 19-3-2004 in Notification No. ಸಂವ್ಯಶಾಇ 87 ಶಾಸನ 2003

KARNATAKA ACT NO 29 OF 2005

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2005.

Arrangement of Sections

Sections:

1. Short title and commencement

2. Amendment of section 94B

STATEMENT OF OBJECTS AND REASONS

Section 94B of the Karnataka Land Revenue Act, 1964 inserted by the Karnataka Land Revenue (Amendment) Act, 1997 provided for regularization of certain lands within one year from the date of coming into force of the said Amendment Act. The said period was extended from time to time and has lapsed on 26.04.2005. Since 94340 applications in Form 50 and 4,26,912 applications in Form 53 filed in accordance with the amended provisions are pending, before the various committees for disposal, it is considered necessary to extend the period further for one more year.

Hence the Bill.

[L.C. Bill No. 7 of 2005]

(Entry 18 & 45 of list II of Seventh Schedule to the Constitution of India.)

KARNATAKA ACT NO 29 OF 2005

(First published in the Karnataka Gazette Extra-ordinary on the Twentieth day of September, 2005)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2005.

(Received the assent of the Governor on the Fifteenth day of September, 2005)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-sixth year of the Republic of India, as follows: -

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2005.

(2) It shall come into force at once.

2. Amendment of section 94B.- In clause (iii) of sub-section (1) of section 94B of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the words “within five years”, the words “within six years” shall be and shall always be deemed to have been substituted.

By Order and in the name of the Governor of Karnataka,

G. Dakshina Moorthy
Secretary to Government
Department of Parliamentary Affairs and Legislation.

Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 1703 dated 20-9-2005 in Notification No. ಸಂವ್ಯಶಾಇ 34 ಶಾಸನ 2005.

KA/BG-GPO/2515/WPP-47/2006-2008

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KARNATAKA ACT No. 18 OF 2006

(First published in the Karnataka Gazette Extra-ordinary on the seventeenth day of November, 2006)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2006

(Received the assent of the Governor on the thirteenth day of November, 2006)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-seventh year of the Republic of India, as follows: -

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2006.

(2) It shall come into force at once.

2. Amendment of section 94B.- In clause (iii) of sub-section (1) of section 94B of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the words “within six years” the words “within eight years” shall be and shall be deemed always to have been substituted.

By Order and in the name of the Governor of Karnataka

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs and Legislation

KARNATAKA ACT NO 15 OF 2007
THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2007

Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new Chapter-XIV-A
3. Repeal and savings

STATEMENT OF OBJECTS AND REASONS

Amending Act 15 of 2007.- Section 94 of the Karnataka Land Revenue Act confers power on the Deputy Commissioners to remove □nauthorized occupation in Government land, but still there are widespread encroachments of Government lands particularly in and around urban areas like Bangalore, Mysore, Mangalore, Belgaum, Hubli-Dharwad, Gulbarga and other cities. It has come to the knowledge of the Government that such land Grabbers are indulging in real estate business and thereby defrauding the innocent public. Therefore it is considered necessary that the further encroachment of the Government land in the urban areas has to be checked and such land Grabbers to be punished severely.

To prevent the officers in colluding with such land grabbers, the officers knowing such activities, but not initiating action against the culprits, officers abetting encroachments, officers creating bogus document and forging revenue records are made culpable and liable for prosecution.

Keeping the above facts in view, it was proposed to bring an amendment to the Karnataka Land Revenue Act, 1964 by inserting a new chapter called "Offences and Penalties".

The cases of Jamma, Bane lands in Coorg District or encroached government lands regularized or pending for regularization before the committee constituted under sections 94A, 94B and 94C of the Act and cases which are regularized by the government by formulating a special scheme in this behalf are excluded from the purview of the offence.

Since the matter was urgent and the Karnataka Legislature was not in session, the Karnataka Land Revenue (Amendment) Ordinance, 2006 (Karnataka Ordinance No. 3 of 2006) was promulgated to achieve the above object.

This Bill seeks to replace the said Ordinance.

[L.A. Bill No. 28 of 2007]

[Entry 64 of List II of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO 15 OF 2007

(First Published in the Karnataka Gazette Extra-ordinary on the Eighth day of May, 2007)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2007

(Received the assent of the Governor on the Sixth day of May, 2007)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty-eighth year of the Republic of India, as follows: -

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2007.

(2) It shall be deemed to have come into force with effect from the eleventh day of December 2006.

2. Insertion of new Chapter-XIV-A.- After Chapter XIV of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the following new Chapter shall be inserted, namely:-

"CHAPTER-XIV-A

OFFENCES AND PENALTIES

192-A.- Offences and Penalties.- Notwithstanding anything contained in the Act or the rules made thereunder whoever commits any of the offence specified in column (2) of the Table below, shall on conviction by a judicial Magistrate of first class for each of such offence be punishable with the sentence indicated in column (3) thereof,-

TABLE

Sl.No.	Offence	Punishment
(1)	(2)	(3)
(1)	Unlawfully enters or occupies on any Government land with the intention of holding that Government land. Provided that it shall not apply to cases of Jamma, Bane lands in Coorg District or encroached government lands regularised or pending for regularization before the Committee constituted under sections 94A, 94B and 94C of the Act.	Imprisonment for one year and fine of rupees five thousand.
(2)	Cheats and thereby dishonestly creates documents for the purpose of selling, mortgaging or transferring by gift or otherwise of any Government land.	Imprisonment for three years and fine of rupees ten thousand.
(3)	Creates a forged document regarding Government lands with an intention to use it for that purpose or to grab such land.	Imprisonment for three years and fine of rupees five thousand
(4)	Being a Revenue Officer entrusted with the responsibility of reporting unlawful occupation of Government land or initiating action to remove such unauthorised occupiers fails to report or take action to remove such unlawful occupants. Provided that it shall not apply to cases of Jamma, Bane lands in Coorg District or encroached government lands regularised or pending for regularization before the Committee constituted under sections 94A, 94B and 94C of the Act:	Imprisonment for three years and fine of rupees ten thousand.
(5)	Sells any agricultural land for non-agricultural purposes without getting such land converted or without obtaining prior approval of the competent authority. Provided that it shall not apply	Imprisonment for three years and fine of rupees ten thousand.

	to cases which are regularized by the government by formulating a special scheme in this behalf.	
(6)	Creates a forged document, regarding conversion of agricultural land for non-agricultural use or authorising the holder of agricultural land to use for non-agricultural purpose.	Imprisonment for one year and fine of rupees five thousand.
(7)	Being a public servant entrusted with the responsibility of maintaining records or entrusted with the responsibility of reporting unlawful conversion to the competent authority fails to report to the competent authority or to initiate action against unlawful conversion of revenue lands for non-agricultural purposes. Provided that it shall not apply to cases which are regularized by the government by formulating a special scheme in this behalf.	Imprisonment for three years and fine of rupees ten thousand.
(8)	Contravenes any lawful order passed under this Act.	With fine which may extend to five thousand rupees for the first offence and five times the fine for the second and subsequent offences.

192-B. Abetment of offences.- Whoever abets any offence punishable by or under this Act or attempts to commit any such offence shall be punished with the penalty provided by or under this Act for committing such offence.

192-C. Punishment under other laws not barred.- Nothing in this Act shall prevent any person from being prosecuted and punished under any other law for the time being in force for any Act or omission made punishable by or under this Act:

Provided that no person shall be so prosecuted and punished for the same offence more than once.

192-D. Cognizance of Offences.- Offences under this Chapter, shall be cognisable."

3. Repeal and savings.- (1) The Karnataka Land Revenue (Amendment) Ordinance, 2006 (Karnataka Ordinance 3 of 2006) is hereby repealed.

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

By Order and in the name of the Governor of Karnataka,

G.K. Boregowda
Secretary to Government,
Department of Parliamentary Affairs and Legislation

ನಿರ್ದೇಶಕರು, ಮುದ್ರಣ, ಲೇಖನ ಸಾಮಗ್ರಿ ಮತ್ತು ಪ್ರಕಟಣೆಗಳ ಇಲಾಖೆ, ಬೆಂಗಳೂರು

KARNATAKA ACT NO 17 OF 2007

THE KARNATAKA LAND REVENUE AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2007

Arrangement of Sections

Sections:

1. Short title and commencement

2. Amendment of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964)

3. Amendment of the Mysore (Personnel and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955)

4. Amendment of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955)

5. Amendment of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957)

6. Amendment of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962)

7. Amendment of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964)

8. Amendment of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965)

9. Amendment of the Karnataka Agricultural Credit Operations and Miscellaneous Provisions Act, 1974 (Karnataka Act 2 of 1975)

10. Amendment of the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976)

11. Amendment of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977)

12. Amendment of the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978)

13. ಕರ್ನಾಟಕ ಅನುಸೂಚಿತ ಜಾತಿಗಳು ಮತ್ತು ಅನುಸೂಚಿತ ಬುಡಕಟ್ಟುಗಳು ಮತ್ತು ಹಿಂದುಳಿದ ವರ್ಗಗಳ (ನೇಮಕಾತಿ ಇತ್ಯಾದಿಗಳಲ್ಲಿ ಮೀಸಲಾತಿ) ಅಧಿನಿಯಮ, 1990ರ (1991ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 7) ತಿದ್ದುಪಡಿ

14. ಕರ್ನಾಟಕ ಪ್ರದೇಶಗಳಲ್ಲಿ ಅನಧಿಕೃತ ನಿರ್ಮಾಣಗಳನ್ನು ಸಕ್ರಮಗೊಳಿಸುವ ಅಧಿನಿಯಮ, 1991ರ (1991ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 29) ತಿದ್ದುಪಡಿ

15. ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ಅಧಿನಿಯಮ, 1993ರ (1993ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 14) ತಿದ್ದುಪಡಿ

16. ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮದಾಯದತ್ತಿಗಳ ಅಧಿನಿಯಮ, 1997ರ (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 33)

17. ಕರ್ನಾಟಕ ಬಾಡಿಗೆ ಅಧಿನಿಯಮ, 1999ರ ತಿದ್ದುಪಡಿ (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 34)

18. Amendment of the Karnataka Land Revenue (Amendment) Act, 2002 (Karnataka Act 21 of 2003)

19. Creation of regions and office of Regional Commissioner and consequences to ensue on such creation

20. Power of State Government to adapt laws

21. Orders bringing this Act into force

22. Removal of difficulties

23. Orders to be laid before the Houses of the State Legislature

24. Repeal and savings

STATEMENT OF OBJECTS AND REASONS

Amending Act 17 of 2007.- In G.O.NO.RD 9 BMM 2003, dated: 8.9.2005 the posts of Regional Commissioners at Bangalore, Mysore, Gulbarga and Belgaum along with supporting staff has been created.

The Regional Commissioners have to be conferred with statutory powers by necessary amendments to the relevant Acts.

Since the matter was urgent and the Karnataka Legislature was not in session, the Karnataka Land Revenue and Certain Other Laws (Amendment) Ordinance 2006(Karnataka Ordinance No.5 of 2006) was promulgated to achieve the above Object.

Hence the Bill.

[L.A.Bill No. 7 of 2007]

[Entries 5 and 18 of list II of the Seventh Schedule to the Constituion of India]

KARNATAKA ACT NO 17 OF 2007

(First Published in the Karnataka Gazette Extra-ordinary on the eleventh day of May, 2007)

THE KARNATAKA LAND REVENUE AND CERTAIN OTHER LAWS (AMENDMENT) ACT, 2007

(Received the assent of the Governor on the eighth day of May, 2007)

An Act further to amend the Karnataka Land Revenue Act, 1964 and certain other laws in the State of Karnataka.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) and certain other laws for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty eighth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue and Certain other laws (Amendment) Act, 2007.

(2) It shall be deemed to have come into force from Fifth day of January 2007.

2. Amendment of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964).- In the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964),-

(1) in section 4,-

(i) in the heading, for the words "divided into Districts" the words “divided into Regions into Districts" shall be substituted;

(ii) after the heading, the following sub-section shall be inserted, namely:-

“ (1) The State Government may, by notification, determine the areas in the State which shall form a region and may, by notification, alter the limits of or abolish the region so formed.”

(iii) in sub-section (2), for the words "The State” the words " Each Region" shall be substituted.

(2) In section 6,-

(i) in the heading, for the word "districts" the words and comma “regions, districts,” shall be substituted.

(ii) for the word "districts" in the three places, the words and comma “regions, districts,” shall be substituted.

(3) After section 6, the following new sections shall be inserted, namely:-

“7. Appointment, duties and functions of Regional Commissioner.- (1) The State Government shall, by notification, appoint for each Region, a Regional Commissioner.

(2) Subject to the control of the State Government, the Regional Commissioner shall be the Chief Revenue Officer in the region and shall exercise powers of superintendence and control within the region over all Officers subordinate to him.

(3) The Regional Commissioner shall exercise the powers and discharge the duties conferred and imposed on him by or under this Act or any other law for the time being in force. He shall also exercise such powers and discharge such duties as the State Government may confer or impose in this behalf for the purpose of carrying out the provisions of this Act or any other law for the time being in force.

(4) In section 8, in sub-section (1), after the words “Deputy Commissioner” the words "who shall be subordinate to the Regional Commissioner" shall be inserted.

(5) In section 9, in sub-section (3), for the words, figure and brackets “The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Deputy Commissioner of the District,” the words “The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Regional Commissioner. He shall also be subordinate to the Deputy Commissioner of the district,” shall be substituted.

(6) In section 10, in sub-section (1), for the words “the Deputy Commissioner” the words “the Regional Commissioner and the Deputy Commissioner” shall be substituted.

(7) In section 13, for the words “ Deputy Commissioner” the words “Regional Commissioner or Deputy Commissioner" shall be substituted.

(8) In section 14, before sub-section (2), the following sub-section shall be inserted, namely:-

“(1) If the Regional Commissioner is disabled from performing his duties, or is on leave or for any reason vacates his office or dies, the Deputy Commissioner stationed at the headquarters of the Regional Commissioner, shall unless other

provision is made by the Government, succeed temporarily to his office and shall be deemed to be the Regional Commissioner of the Region under this Act, until the Regional Commissioner resumes charge of his Region, or until the Government appoints a successor to the former Regional Commissioner, and such successor takes charge of his appointment."

(9) In section 15, in sub-section (1), for the words "The Deputy Commissioner may, subject to the general orders of the State Government" the words "The Deputy Commissioner may subject to the general orders of the Regional Commissioner or the State Government" shall be substituted.

(10) In section 16, in sub-section (1), for the words "The State Government" the words "The State Government and the Regional Commissioner" shall be substituted.

(11) In section 27, before sub-section (2), the following sub-sections shall be inserted, namely:-

(1) The Tribunal, on an application made to it in this behalf or otherwise may, if it is of opinion that it is expedient for the ends of justice, order that any case or class of cases arising under this Act, or any other law for the time being in force, be transferred from any Regional Commissioner to any other Regional Commissioner.

(1A) The Regional Commissioner, on an application made to him in this behalf or otherwise, may, if he is of opinion that it is expedient for the ends of justice, order that any case or class of cases arising under this Act, or any other law for the time being in force, be transferred from any Revenue Officer to any other Revenue Officer competent to deal with it in the same district or any other district in the same region."

(12) In section 40, in sub-section (2), in clause (a), for the words "a Secretary to Government" the words "Regional Commissioner" shall be substituted.

(13) In section 49, after clause (c), following shall be inserted, namely:-

"(d) if such an order is passed by the Regional Commissioner, to the Tribunal."

(14) In section 69, for the words " the State Government" the words "the State Government, the Regional Commissioner" shall be substituted.

(15) In section 122-B, in sub-section (2) for the words, "may, within sixty days from the date of such order, appeal to the Tribunal and the decision of the Tribunal" the words ''may, within sixty days from the date of such order, appeal to the Regional Commissioner, and the decision of the Regional Commissioner" shall be substituted.

3. Amendment of the Mysore (Personnel and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955).- In the Mysore (Personnel and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955),-

(i) in section 27-A, in the heading and in the section, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;

(ii) in section 27-B, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

4. Amendment of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955). - In the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Karnataka Act 18 of 1955),-

(i) in section 28A, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;

(ii) in section 28B, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

5. Amendment of the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957).- In the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957), in section 45A, in sub-section (5), for the words "Deputy Inspector General of Registration of the Department of Registration and Stamps" the words "Regional Commissioner" shall be substituted.

6. Amendment of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962).- In the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), in section 118-A, in the heading and in the section, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

7. Amendment of the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964).- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), in section 2, after sub-section (4), the following shall be inserted, namely:-

"(5) "Commissioner" means the Regional Commissioner or other Officer appointed to perform the duties of the Commissioner under this Act."

8. Amendment of the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965).- In the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), in section 66, for the words "Divisional Commissioner" in the three places where they occur, the words "Regional Commissioner" shall be substituted.

9. Amendment of the Karnataka Agricultural Credit Operations and Miscellaneous Provisions Act, 1974 (Karnataka Act 2 of 1975).- In the Karnataka

Agricultural Credit Operations and Miscellaneous Provisions Act, 1974 (Karnataka Act 2 of 1975), in section 19, for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted.

10. Amendment of the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976).- In the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976),-

(i) in section 26, in the heading and in section, for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted;

(ii) in section 27, in the heading and in section, for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted;

(iii) in section 28, for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted.

11. Amendment of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977).- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(i) in section 26,-

(a) in sub-section (2), in clause (c), in the second proviso, for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted;

(b) in sub-section (3), for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted.

(ii) in section 71, in sub-section (1), for the words “Deputy Commissioner of the District" the words “Regional Commissioner of the revenue region” shall be substituted;

(iii) in section 178-A, in sub-section (1), for the words “Deputy Commissioner of the concerned District" the words “Regional Commissioner of the concerned revenue region” shall be substituted.

12. Amendment of the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978).- In the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978),-

(i) in section 27, in the heading and in section for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted;

(ii) in section 28, in the heading and in section for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted;

(iii) in section 29, for the words “Divisional Commissioner” the words “Regional Commissioner” shall be substituted.

13. ಕರ್ನಾಟಕ ಅನುಸೂಚಿತ ಜಾತಿಗಳು ಮತ್ತು ಅನುಸೂಚಿತ ಬುಡಕಟ್ಟುಗಳು ಮತ್ತು ಹಿಂದುಳಿದ ವರ್ಗಗಳ (ನೇಮಕಾತಿ ಇತ್ಯಾದಿಗಳಲ್ಲಿ ಮೀಸಲಾತಿ) ಅಧಿನಿಯಮ, 1990ರ (1991ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 7) ತಿದ್ದುಪಡಿ.– ಕರ್ನಾಟಕ ಅನುಸೂಚಿತ ಜಾತಿಗಳು, ಅನುಸೂಚಿತ ಬುಡಕಟ್ಟುಗಳು ಮತ್ತು ಇತರೆ ಹಿಂದುಳಿದ ವರ್ಗಗಳ (ನೇಮಕಾತಿಗಳು ಇತ್ಯಾದಿಗಳಲ್ಲಿ ಮೀಸಲಾತಿ) ಅಧಿನಿಯಮ, 1990 (1991ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 7) ರಲ್ಲಿ 4–ಡಿ ಪ್ರಕರಣದಲ್ಲಿ, (3)ನೇ ಉಪ–ಪ್ರಕರಣವನ್ನು ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು.

14. ಕರ್ನಾಟಕ ಪ್ರದೇಶಗಳಲ್ಲಿ ಅನಧಿಕೃತ ನಿರ್ಮಾಣಗಳನ್ನು ಸಕ್ರಮಗೊಳಿಸುವ ಅಧಿನಿಯಮ, 1991ರ (1991ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 29) ತಿದ್ದುಪಡಿ.– ಕರ್ನಾಟಕ ನಗರ ಪ್ರದೇಶಗಳಲ್ಲಿ ಅನಧಿಕೃತ ನಿರ್ಮಾಣಗಳನ್ನು ಸಕ್ರಮಗೊಳಿಸುವ ಅಧಿನಿಯಮ, 1991 ರಲ್ಲಿ (1991ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 29), 8ಎ ಪ್ರಕರಣದಲ್ಲಿ, ಶೀರ್ಷಿಕೆಯಲ್ಲಿ ಮತ್ತು ಪ್ರಕರಣದಲ್ಲಿ, "ಡಿವಿಷನಲ್ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳಿಗೆ "ಪ್ರಾದೇಶಿಕ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

15. ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ಅಧಿನಿಯಮ, 1993ರ (1993ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 14) ತಿದ್ದುಪಡಿ.– ಕರ್ನಾಟಕ ಪಂಚಾಯತ್ ರಾಜ್ ಅಧಿನಿಯಮ, 1993 ರಲ್ಲಿ (1993ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 14), 2ನೇ ಪ್ರಕರಣದಲ್ಲಿ, (7)ನೇ ಉಪ–ಪ್ರಕರಣದಲ್ಲಿ, "ಡಿವಿಷನಲ್ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳಿಗೆ, "ಪ್ರಾದೇಶಿಕ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

16. ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮದಾಯದತ್ತಿಗಳ ಅಧಿನಿಯಮ, 1997ರ (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 33).– ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮದಾಯದತ್ತಿಗಳ ಅಧಿನಿಯಮ, 1997 ರಲ್ಲಿ (1997ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 33), 63ನೇ ಪ್ರಕರಣದಲ್ಲಿ,–

(i) ಶೀರ್ಷಿಕೆಯಲ್ಲಿ "ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳಿಗೆ "ಪ್ರಾದೇಶಿಕ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ii) (1)ನೇ ಉಪ–ಪ್ರಕರಣದಲ್ಲಿ, "ಕಮೀಷನರ್" ಎಂಬ ಪದಕ್ಕೆ ಅದು ಕಂಡುಬರುವ ಎರಡೂ ಸ್ಥಳಗಳಲ್ಲಿ, "ಪ್ರಾದೇಶಿಕ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(iii) (2)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ, "ಕಮೀಷನರ್" ಎಂಬ ಪದಕ್ಕೆ ಅದು ಕಂಡುಬರುವ ಎರಡು ಸ್ಥಳಗಳಲ್ಲಿ, "ಪ್ರಾದೇಶಿಕ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

17. ಕರ್ನಾಟಕ ಬಾಡಿಗೆ ಅಧಿನಿಯಮ, 1999ರ ತಿದ್ದುಪಡಿ (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 34).– ಕರ್ನಾಟಕ ಬಾಡಿಗೆ ಅಧಿನಿಯಮ, 1999 ರಲ್ಲಿ (2001ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ, 34) 2ನೇ ಪ್ರಕರಣದಲ್ಲಿ, (3)ನೇ ಉಪ–ಪ್ರಕರಣದಲ್ಲಿ, (ಎ) ಖಂಡದಲ್ಲಿ, ವಿವರಣೆಯಲ್ಲಿ "ಡಿವಿಷನಲ್ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳಿಗೆ "ಪ್ರಾದೇಶಿಕ ಕಮೀಷನರ್" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

18. Amendment of the Karnataka Land Revenue (Amendment) Act, 2002 (Karnataka Act 21 of 2003).- In the Karnataka Land Revenue (Amendment) Act, 2002 (Karnataka Act 21 of 2003), section 21 shall be omitted.

19. Creation of regions and office of Regional Commissioner and consequences to ensue on such creation.- On the date commencement of the Karnataka Land Revenue and Certain Others Laws (Amendment) Act, 2006,-

(1) all appeals, revisions and other proceedings connected therewith transferred to the State Government under section 21 of the Karnataka Land Revenue (Amendment) Act, 2002 and which are pending on the date of commencement of this Act shall stand transferred to the Regional Commissioner and the Regional Commissioner shall dispose of all such appeals, revisions and other proceedings connected therewith as if they were instituted before it.

(2) all appeals, revisions and other proceedings connected therewith transferred to the Tribunal under section 21 of the Karnataka Land Revenue (Amendment) Act, 2002 and which are pending on the date of commencement of this Act shall stand transferred to the Regional Commissioner and the Regional Commissioner shall dispose of all such appeals, revisions and other proceedings connected therewith as if they were instituted before it.

20. Power of State Government to adapt laws.- For the purpose of bringing the provisions of any law in force in accordance with the provisions of the principal Act as amended by this Act, the State Government may by order published in the Official Gazette make such adaptations and modifications of such law whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made until altered, repealed or amended by the legislature.

Explanation: The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the date appointed for the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all or any particular areas in the State.

21. Orders bringing this Act into force.- Notwithstanding anything contained in the principal Act or any other law for the time being in force, the State Government may, by order published in the Official Gazette make such provision as appears to it to be necessary or expedient for making omissions from, additions to, and the

adaptations and modifications, of the rules, regulations, bye-laws, notifications and orders made under any law in their application to the creation of the office of the Regional Commissioner, and for bringing the principal Act as amended by this Act into force.

22. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act the State Government may by order, published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

23. Orders to be laid before the Houses of the State Legislature.- Every order made under sections 19, 20 and 21 shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in any order or directs that any order shall not have effect, and such order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

24. Repeal and savings.- (1) The Karnataka Land Revenue and certain other Laws (Amendment) Ordinance, 2006 (Karnataka Ordinance 5 of 2006) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

By Order and in the name of the Governor of Karnataka,

G.K. Boregowda
Secretary to Government,
Department of Parliamentary Affairs and Legislation

ನಿರ್ದೇಶಕರು, ಮುದ್ರಣ, ಲೇಖನ ಸಾಮಗ್ರಿ ಮತ್ತು ಪ್ರಕಟಣೆಗಳ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.

KARNATAKA ACT NO 18 OF 2007

THE KARNATAKA LAND REVENUE (SECOND AMENDMENT) ACT, 2005

Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new section 69A

STATEMENT OF OBJECTS AND REASONS

Amending Act 18 of 2007.- Section 69 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) provides for disposal of land or other property belonging to the State Government. There is no provision for confirmation of land sold by public auctions. It is considered necessary to provide for sale by public auction and confirmation of such sale by insertion of a new section.

Hence the Bill.

[L.A. Bill No. 31 of 2005]

[Entries 18 and 45 of List II of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO 18 OF 2007

(First Published in the Karnataka Gazette Extra-ordinary on the tenth day of May, 2007)

THE KARNATAKA LAND REVENUE (SECOND AMENDMENT) ACT, 2005

(Received the assent of the Governor on the eighth day of May, 2007)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the fifty-sixth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Second Amendment) Act, 2005.

(2) It shall come into force at once.

2. Insertion of new section 69A.- After section 69 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the following new section shall be inserted, namely:-

"**69A. Disposal of lands or other property belonging to the State Government by public auction.-** (1) Notwithstanding anything contained in section 69 of the Act subject to such rules as may be prescribed in this behalf the State Government or the Authorised Officer may dispose of valuable land or other property belonging to the State Government under section 67 or otherwise by public auction.

Provided that heritage sites and buildings or relics shall not be disposed under this section.

(2) The Deputy Commissioner or the Authorised Officer may by order confirm the sale under sub-section (1) on the expiration of thirty days from the date of sale of the immovable property.

Explanation.- For the purpose of this section valuable land means those lands which if auctioned shall fetch values far above the normal price."

By Order and in the name of the Governor of Karnataka,

G.K. Boregowda
Secretary to Government,
Department of Parliamentary Affairs and Legislation

ನಿರ್ದೇಶಕರು, ಮುದ್ರಣ, ಲೇಖನ ಸಾಮಗ್ರಿ ಮತ್ತು ಪ್ರಕಟಣೆಗಳ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.

KARNATAKA ACT No. 23 OF 2009

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2009

Arrangement of Sections

Sections:

1. Short Title and Commencement
2. Amendment of Section 94B

STATEMENT OF OBJECTS AND REASONS

Amending Act 23 of 2009.- Section 94B of the Karnataka Land Revenue Act, 1964 inserted by the Karnataka Land Revenue (Amendment) Act, 1997 provided for regularization of certain lands within one year from the date of coming into force of the said Amendment Act. The said period was extended from time to time and has lapsed on 26.04.2008. Since 29047 applications in Form No. 50 and 402482 applications in Form No. 53 filed in accordance with the amended provisions which are pending, before the various committees for disposal. Therefore, it is considered necessary to extend the period for two more years.

In several Writ Petitions, the Hon'ble High Court of Karnataka has given directions to Government to dispose the pending applications in a prescribed time limit by constituting the Bagar Hukum Committees. Contempt cases have also been filed in this regard.

Hence, the Bill.

(LA Bill No. 15 of 2009, File No.DPAL 20 Shasana 2008)

[Entry 18,45 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT No. 23 OF 2009

(First published in the Karnataka Gazette Extra-ordinary on the Fifteenth day of September, 2009)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2009

(Received the assent of the Governor on the ninth day of September, 2009)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes herein after appearing;

Be it enacted by the Karnataka State Legislature in the fifty ninth year of Republic of India, as follows:-

1. Short title and Commencement,- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2009

(2) It shall come into force at once.

2. Amendment of Section 94B.- In clause (iii) of sub-section (1) of section 94B of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the words “within eight years” the words “within eleven years” shall be and shall always be deemed to have been substituted.

By order and in the name of the Governor of Karnataka,

G.K.BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs and Legislation

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು.

KARNATAKA ACT No. 26 OF 2009

THE KARNATAKA LAND REVENUE (SECOND AMENDMENT) ACT, 2009

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 95

STATEMENT OF OBJECTS AND REASONS

Amending Act 26 of 2009.- The Registration of revenue sites in un-authorized layouts and sites in the approved but undeveloped layouts particularly in and around Bangalore and other City Corporations in the State was banned as the layouts and sites were in agricultural land without conversion. There are about 3 to 5 lakh persons who have purchased informally such sites and built houses thereupon without registration until the date of prohibition. This has resulted in undue hardship to such persons. Therefore, Government has proposed to regularize all such sites and layouts developed prior to 31-12-2008 as a one time comprehensive scheme subject to certain reasonable conditions.

Hence, this Bill.

[L.A.Bill No. 16 of 2009, File No. 20 Shasana 2006]

[Entry 18,45 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT No. 26 OF 2009

(First published in the Karnataka Gazette Extra-ordinary on the Twenty ninth day of September, 2009)

THE KARNATAKA LAND REVENUE (SECOND AMENDMENT) ACT, 2009

(Received the assent of the Governor on the Twenty fourth day of September, 2009)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty-ninth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Second Amendment) Act, 2009.

(2) It shall come into force at once.

2. Amendment of section 95.- After sub-section (2) of section 95 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the following shall be inserted, namely:-

"(2A) Where any occupant of land assessed or held for the purpose of agriculture has diverted such land or part thereof to residential purpose without obtaining the permission of Deputy Commissioner under sub-section (2), prior to 31st day of December 2008 and desirous to get such diversion be regularised, shall, apply within the period of one year from the date of commencement of the Karnataka Land Revenue (Second Amendment) Act, 2009 in such form, alongwith such fee and penalty, as may be prescribed, to the Deputy Commissioner. On receipt of such application, the Deputy Commissioner may, notwithstanding anything contained in this Act, but subject to the provisions of any other law for the time being in force and subject to such conditions and in such manner as may be prescribed, on production of such evidence as he may require it to be necessary and after an enquiry, regularise or refuse to regularize except where such land,-

(i) lies in the line of natural drains or course of valley;

(ii) belongs to the State Government or an authority owned or controlled by the State Government or any local Authority;

(iii) coming in the way of existing or proposed roads, inner or outer ring roads, national high ways, by pass over ring roads including those proposed for widening and railway lines, tram ways, mass rapid transit system projects, communications and other civic facilities or public utilities;

(iv) is a forest land;

(v) belonging to another person over which the applicant has no title;

(vi) is reserved for parks, play grounds, open places or for providing any civic amenities;

(vii) or building is abutting to neighbouring property, storm water drains, tank bed areas, river course or beds and canals or below the high tension electric line;

(viii) use is against height restrictions specified in zoning regulations for heritage monuments, aerodrums and Defense Regulations;

(ix) not conforms to any clearance from high-tension lines or fire protection measures;

(x) is in the area covered by the Coastal Zone Regulations of the Ministry Environment and Forest, Government of India;

(xi) regularisation of violation in respect of change of land use shall be made as far as may be in accordance with section 14A of the Karnataka Town and Country Planning Act, 1961;

(xii) or development in respect of any building having more than two floors shall be regularised unless,-

(a) a certificate from a Structural Engineer is produced regarding the structural stability of such building;

(b) a No Objection Certificate is obtained from the Fire Force Department.

(xiii) or unauthorised development or construction made in agricultural zone of approved Master Plan or green belt area declared under Karnataka Land Revenue Act, 1964; and

(xiv) is covered under any other prohibition as may be prescribed:

(2AA) Burden of proving that the diversion or change of land use was made for residential purpose prior to 31st day of December 2008 shall lie on the applicant who seeks regularisation of such unauthorised diversion or change of land use.

(2AAA) All such diversions or change of land use which are not regularised or where applicant does not apply within the time specified in sub-section (2A) shall be liable to be demolished or brought back to their earlier use and expenses incurred thereon shall be collected from such person as arrears of land revenue."

By order and in the name of the Governor of Karnataka

G.K. BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs and Legislation.

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು.

KARNATAKA ACT NO. 27 OF 2010

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2010

Arrangement of Sections

Sections:

1. Short title and Commencement
2. Amendment of section 2

STATEMENT OF OBJECTS AND REASONS

Amending Act 27 of 2010.- It is considered necessary to amend the Karnataka Land Revenue Act, 1964 to amend the definition of the Director of survey settlement and land records to include the redesignated post of the Commissioner of survey settlement and land records.

Hence the Bill.

[L.A. Bill No. 22 of 2010, File No. DPAL 5 Shasana 2010]
[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO. 27 OF 2010

(First published in the Karnataka Gazette Extra-ordinary on the Twenty sixth day of July, 2010)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2010

(Received the assent of the Governor on the Twenty Third day of July, 2010)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty first year of the Republic of India, as follows:-

1. Short title and Commencement ,- (1)This Act may be called the Karnataka Land Revenue (Amendment) Act, 2010

(2) It shall come into force at once.

2. Amendment of section 2.- In the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), in section 2, after sub-section (8), the following shall be inserted namely:-

"(8a) **"**Director of Survey Settlement of Land Records" means and includes the Commissioner of Survey Settlement of Land Records or the Director of Survey Settlement of Land records as the case may be.**"**

By Order and in the name of the Governor of Karnataka,

G.K.BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs and Legislation

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು. (ಪಿ-3)

KARNATAKA ACT NO. 9 OF 2011

THE KARNATAKA STATE PUBLIC RECORDS ACT, 2010

Arrangement of Sections

Sections:

1. Short title and commencement
2. Definitions
3. Power of the State Government to co-ordinate, regulate and supervise operations connected with administration, management etc., of public records
4. Prohibition against taking of public records out of the State
5. Records Officer
6. Responsibilities of Records Officer
7. Records Officer to take appropriate action in the event of unauthorized removal, destruction etc., of Public Records in his custody
8. Destruction or disposal of public records
9. Penalty for contraventions
10. Public records bearing security classification
11. Receipt of records from private sources
12. Access to Public Records
13. Archival Advisory Board
14. Functions of the Board
15. Power of the Director to lay down norms and standards for courses in archival science
16. Protection of action taken in good faith
17. Power to make rules
18. Power to remove difficulty

STATEMENT OF OBJECTS AND REASONS

Amending Act 9 of 2011.- It is considered necessary to enact the Karnataka Public Records Act, providing a provision to;-

(a) implement the suggestions of the Indian Historical Records Commission to prepare a legislation regarding the maintenance of public records on par with the public records Act of the Central Government within the prescribed time and implement the same;

(b) ensure that proper maintenance and preservation of the Government records in the State of Karnataka which will be useful in the day to day administration and to the persons conducting research;

(c) ensure proper procurement, maintenance, administration and preservation of records of District administration, Public undertakings, Corporations or Boards, Commissions or Committees and also to receive from private sources records of historical and national importance;

(d) constitute State Archival Advisory Board to advice State Government on matter relating to the maintenance and conservation of public records and other matters connected therewith or incidental thereto.

Hence, the Bill.

[L.A. Bill No. 6 of 2010, File No.Samvyashae 48 Shasana 2009]

[Entry 12 of List II and entry 12 of list III of the Seventh schedule to the constitution of India.]

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KARNATAKA ACT NO. 9 OF 2011

(First Published in the Karnataka Gazette Extra-ordinary on the ninth day of February 2011)

THE KARNATAKA STATE PUBLIC RECORDS ACT, 2010

(Received the assent of the Governor on the fourth day of February, 2011)

An Act to regulate the management, administration and preservation of public records of the State Government, State Public Sector Undertakings, Statutory bodies and corporations, commissions and committees constituted by the State Government and matters connected therewith or incidental thereto.

Be it enacted by the Karnataka State Legislature in the Sixty first year of the Republic of India as follows:-

1. Short title and Commencement.- (1) This Act may be called the Karnataka State Public Records Act, 2010.

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

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

(a) "Board" means the State Archival Advisory Board constituted under sub-section (1) of section 13;

(b) "Director" means the Director of Archives appointed by the State Government and includes any officer authorized by that Government to perform the duties of the Director;

(c) "Head of the Archives" means a person holding the charge of the Archives of the State;

(d) "Public records" includes,-

(i) any document, manuscript and file;

(ii) any microfilm, microfiche and facsimile copy of a document;

(iii) any reproduction of image or images embodied in such microfilm, whether enlarged or not; and

(iv) any other material produced by a computer or by any other device of any records creating agency.

(e) 'records creating agency' includes,-

(i) in relation to the State Government, any Ministry, Department or office of the State Government;

(ii) in relation to any statutory body or corporation wholly or substantially controlled or financed by the State Government or any commission or any committee constituted by the State Government, the offices of the said body, corporation, commission or committee;

(f) "Records Officer" means the officer nominated by the records creating agency under sub-section (1) of section 5;

(g) "State" means the State of Karnataka.

3. Power of the State Government to co-ordinate, regulate and supervise operations connected with administration, management etc., of public records.- (1) The State Government shall have the power to co-ordinate, regulate and supervise the operations connected with the administration, management, preservation, selection, disposal and destroying of public records under this Act.

(2) The State Government in relation to the public records of the records creating agencies may, by order, authorize the Director of Archives subject to such conditions as may be specified in the order, to carry out all or any of the following functions, namely:-

(a) supervision, management and control of the Archives;

(b) acceptance for deposit of public records of permanent nature after such period as may be prescribed;

(c) custody, use and withdrawal of public records;

(d) arrangement, preservation and exhibition of public records;

(e) preparation of inventories, indices, catalogues and other reference media of public records;

(f) analyzing, developing, promoting and co-ordinating the standards, procedures and the techniques for improvement of the records management system;

(g) ensuring the maintenance, arrangement and security of public records in the Archives and in the office of the records creating agency;

(h) promoting utilization of available space and maintenance of equipments for preserving public records;

(i) tendering advice to Records creating Agencies on the compilation, classification and disposal of records and application of standards, procedures and techniques of records management;

(j) survey and inspection of public records;

(k) organizing training programmes in various disciplines of Archives administration and records management;

(l) accepting records from any private source;

(m) regulating access to public records;

(n) receiving records from defunct bodies and making arrangement for securing public records in the event of national/State emergency;

(o) receiving reports on records management and disposal practices from the records officer;

(p) providing authenticated copies of, or extracts from public records;

(q) destroying or disposal of public records

(r) obtaining on lease or purchasing or accepting as gift any document of historical, State or national importance;

4. Prohibition against taking of public records out of the State.- No person shall take or cause to be taken out of the State any public records without the prior approval of the State Government.

5. Records Officer.- (1) Every Records creating agency shall nominate one of its officers as Records Officer to discharge the functions under this Act.

(2) Every Records Creating Agency may set up such number of record rooms in such places as it deems fit and shall place each record room under the charge of a Records Officer.

6. Responsibilities of Records Officer.- (1) The records officer shall be responsible for,-

(a) proper arrangement, maintenance and preservation of public records under his charge;

(b) periodical review of all public records and weeding out public records of ephemeral value;

(c) appraisal of public records which are more than twenty five years old in consultation with the State Archives with a view to retaining public records of permanent value;

(d) destruction of public records in such manner and subject to such conditions as may be prescribed under sub-section (1) of section 8;

(e) compilation of a schedule of retention for public records in consultation with State Archives;

(f) periodical review for downgrading of classified public records in such manner as may be prescribed;

(g) adoption of such standards, procedures and techniques as may be recommended from time to time by the State Archives for improvement of record management system and maintenance of securing of public records.

(h) compilation of annual indices of public records.

(i) compilation of organizational history and annual supplement thereto;

(j) assisting the State Archives in public records management

(k) submission of annual reports to the Director in such manner as may be prescribed;

(l) transferring of records of any defunct body to the State Archives for preservation.

(2) The records officer shall act under the direction of the Director while discharging the responsibilities specified in sub-section (1).

7. Records Officer to take appropriate action in the event of unauthorized removal, destruction etc., of Public Records in his custody.- (1)The Records Officer shall, in the event of any unauthorized removal, destruction, defacement or alteration of any public records under his charge, forthwith take appropriate action for the recovery or restoration of such public records.

(2) The Records Officer shall submit a report in writing to the Director without any delay on any information of unauthorized removal, destruction, defacement or alteration of any public records under his charge and the action initiated by him and shall take action as he may deem necessary subject to the directions, if any given by the Director.

(3) The Records Officer may seek assistance from any Government officer or any other person for the purpose of recovery or restoration of public records and such officer or person shall render all assistance to the records officer.

8. Destruction or disposal of public records.- (1) No public record shall be destroyed or otherwise disposed of except in such manner and subject to such conditions as may be prescribed.

(2) No records, which is more than hundred years old shall be destroyed except where in the opinion of the Director, it is so defaced or is in such condition that it cannot be put to any archival use.

9. Penalty for contraventions.- Whoever contravenes any of the provisions of section 4 or section 8 shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to twentyfive thousand rupees or with both.

10. Public records bearing security classification.- No public records bearing security classification shall be transferred to the State Archives.

11. Receipt of records from private sources.- (1) The State Archives may accept any record of historical or national importance from any private source by way of gift, purchase or otherwise.

(2) The State Archives may in such manner and subject to such conditions as may be prescribed, make any record referred to in sub-section (1) available to any bona-fide research scholar.

12. Access to Public Records.- (1) All unclassified public records as are more than thirty years old and are transferred to the State Archives may be subject to such exceptions and restrictions as may be prescribed made available to any bona-fide research scholar.

Explanation:- For the purposes of this sub-section, the period of thirty years shall be reckoned from the year of the opening of the public record.

(2) Any records creating agency may grant permission to any person to access to any public record in its custody in such manner and subject to such conditions as may be prescribed.

13. Archival Advisory Board.- (1) The State Government may, by notification in the Official Gazette, constitute an Archival Advisory Board for the purposes of this Act.

(2) The Board shall consist of the following members, namely:-

(a) Secretary to the Government incharge of culture - Chairman, Ex-officio;

(b) one officer not below the rank of Joint Secretary to Government of Karnataka, each from the departments of Personnel and Administrative Reforms, Finance, Law & Parliamentary Affairs and Legislation - Member, Ex-officio;

(c) three persons to be nominated by the State Government for a period not exceeding three years, one being an Archivist by profession and two being professors in the post-graduate Department of History in any recognized Universities from the State - Members

(d) Director of Archives - Member-Secretary, Ex-officio

(3) The members nominated under clause (c) of sub-section (2) shall be paid such allowances as may be prescribed.

14. Functions of the Board.- The Board shall perform the following functions, namely:-

(a) advise the State Government on matters concerning the administration, management, conservation and use of public records;

(b) lay down guidelines for training of Archivists;

(c) give directions for acquisition of records from private custody;

(d) deal with such other matters as may be prescribed.

15. Power of the Director to lay down norms and standards for courses in archival science.- The Director shall have the power to lay down norms, and standards for courses, curricula, assessment and examinations relating to the training in archival science and other ancillary subjects.

16. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made there under.

17. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the period after which public records of permanent nature may be accepted under clause (b) of sub-section (2) of section 3;

(b) the manner in which and the conditions subject to which public records can be destroyed under clause (d) of sub-section (1) of section 6;

(c) the manner in which periodical review of classified public records for downgrading shall be undertaken under clause (f) of sub-section (1) of section 6;

(d) the manner in which the records officer will report to the Director under clause (k) of sub-section (1) of section 6;

(e) the manner in which and the conditions subject to which public records may be destroyed or disposed of under sub-section (1) of section 8;

(f) the manner in which and the conditions subject to which records of historical or national or State importance may be made available to research scholar under sub-section (2) of section 11;

(g) exceptions and restrictions subject to which public records may be made available to a research scholar under sub-section (1) of section 12;

(h) the allowances payable to members of the Board under sub-section (3) of section 13;

(i) the matters with respect to which the Board may perform its functions under clause (d) of section 14;

(j) any other matter which is required 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 each House of State Legislature while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree 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.

18. Power to remove difficulty.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

The above translation of ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸಾರ್ವಜನಿಕ ದಾಖಲೆಗಳ ಅಧಿನಿಯಮ, 2010 (2011ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 9) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.

H.R.BHARDWAJ
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of Karnataka

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary Affairs & Legislation

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು. (ಪಿಡಿ) (400 ಪ್ರತಿಗಳು)

KARNATAKA ACT NO. 29 OF 2011

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2011

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 95

STATEMENT OF OBJECTS AND REASONS

Amending Act 29 of 2011.- The period of one year for submitting applications for the purpose of section 95 of the Karnataka Land Revenue Act, 1964 as amended in Karnataka Act 26 of 2009, has expired. The said period of one year is being, now extended by the proposed amendment.

Hence the Bill.

[L.A. Bill No. 27 of 2011, File No. Samvyashae 28 Shasana 2011]
[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 29 OF 2011

(First published in the Karnataka Gazette Extra-ordinary on the Twenty seventh day of June, 2011)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2011

(Received the assent of the Governor on the Twenty fourth day of June, 2011)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Second year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2011.

(2) It shall come into force at once.

2. Amendment of section 95.- In section 95 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), in sub-section (2A) for the words, brackets and figures “within the period of one year from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2009”, the words brackets and figures “within the period of one year from the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2011” shall be and shall always be deemed to have been substituted.

By Order and in the name of the Governor of Karnataka,

G.K.BOREGOWDA
Secretary to Government
Department of Parliamentary Affairs and Legislation

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು. (ಪಿಡಿ) (೫೦೦ ಪ್ರತಿಗಳು)

KARNATAKA ACT NO. 11 OF 2013

THE KARNATAKA LAND REVENUE (THIRD AMENDMENT) ACT, 2011

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 2
3. Amendment of section 80

STATEMENT OF OBJECTS AND REASONS

Amending Act 11 of 2013.- It is considered necessary to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) to confer certain rights including assessment of Bane Land in Coorg District.

Hence the Bill.

[L.A. Bill No.49 of 2011, File No. Samvyashae 53 Shasana 2011]

[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 11 OF 2013

(First published in the Karnataka Gazette Extra-ordinary on the first day of February , 2013)

THE KARNATAKA LAND REVENUE (THIRD AMENDMENT) ACT, 2011

(Revisaed the assent of the President on the Twenty Second day of January, 2013)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas, it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purpose hereinafter appearing.

Be it enacted by the Karnataka State Legislature in the Sixty Second year of the Republic of India, as follows :-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Third Amendment) Act, 2011.

(2) It shall come into force at once.

2. Amendment of section 2.- In the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), (hereinafter referred to as the Principal Act), in section 2, in clause (20), in the explanation for the words “land-holder in the Coorg District” the words “land-holder including Jammabane privileged and un-privileged, umbli land in the Coorg District” shall be substituted

3. Amendment of section 80.- In section 80 of the Principal Act, for the words “wherever situate” the words “wherever situate, including un-alienated Jammabane land held by the occupant in Coorg District” shall be substituted.

By Order and in the name of the Governor of Karnataka,

G.K. BOREGOWDA
Secretary to Government,
Department of Parliamentary
Affairs and Legislation

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು. (ಪಿ7) (800 ಪ್ರತಿಗಳು)

KARNATAKA ACT NO. 51 OF 2013

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2012

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of Section 94C
3. Transfer of pending applications

STATEMENT OF OBJECTS AND REASONS

Amending Act 51 of 2013.- It is considered necessary to amend section 94-C of the Karnataka Land Revenue Act, 1961 (Karnataka Act 12 of 1964), for regularization of the un-authorized construction of dwelling houses on Government lands prior to first day of January, 2012 subject to certain conditions.

Hence the Bill.

[L.C. Bill No. 02 of 2012, File No. Samvyashae 47 Shasana 2012]

[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 51 OF 2013

(First published in the Karnataka Gazette Extra-ordinary on the
Eleventh day of July , 2013)

THE KARNATAKA LAND REVENUE (AMENDMENT) ACT, 2012

(Received the assent of the Governor on the Sixth day of July, 2013)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Third Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2012.

(2) It shall come into force at once.

2. Amendment of Section 94C.-For Section 94C of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) the following shall be substituted, namely.-

"94C. Grant of Land in case of construction of dwelling house in occupied land.- Notwithstanding anything contained in this Act and except as hereinafter provided in this section, the prescribed authority, if satisfied after holding such enquiry as it deems fit that any person is in unauthorized occupation of any land belonging to Government and has constructed a dwelling house on such land, prior to first day of January 2012, may on an application made to it by such person within such period, in such form along with such fee and on payment of such amount, as may be prescribed grant in such manner and subject to the following conditions and such other restrictions and conditions as may be prescribed, such land to the extent covered by the house to be specified in the order of grant, namely,-

(i) The applicant shall submit proof for having constructed the dwelling house prior to first day of January 2012;

(ii) No house built unauthorisedly on the land belonging to State Government shall be regularized which is coming under the jurisdictional limits of the Bruhat Bengaluru Mahanagara Palike, City Corporations CMCs, TMCs in the State;

(iii) No land shall be granted if the person who has applied for grant of such land or any member of his family owns any building or site within the urban or rural areas in which the land for which application is made is situated;

(iv) No person shall be eligible for grant of land for more than one dwelling house either in his name or in the name of any member of his family;

Explanation : For the purpose of this clause "Members of Family" means and includes the husband, wife, un-married daughters and minor sons as the case may be.

(v) The land so granted shall not be alienated for a period of fifteen years from the date of receipt of order of grant;

(vi) The grantee shall not use the building for any purposes other than as dwelling house;

(via) That no land shall be granted in the areas lying within the limits of Cities and City Municipalities specified in column (2) of the table below and within the distance from such limits specified in the corresponding entries in column (3) thereof ;

TABLE

Sl. No.	Places	Distance
(1)	(2)	(3)
1.	Bruhat Bangalore Mahanagarapalike under the Karnataka Municipal Corporations Act, 1976.	18 Kms.
2.	The Cities of Belgaum, Gulbarga, Hubli-Dharwad, Mangalore and Mysore respectively under the provisions of Karnataka Municipal Corporations Act, 1976.	10 Kms.
3.	All City Municipalities under the Karnataka Municipalities Act, 1964.	5 Kms.

(vib) For other Municipal Corporations under the Karnataka Municipal Corporations Act, 1976, the outer limit of 10 Kms. shall apply ;

(vic) The unauthorised buildings lying within the limit of 3 Kms. from the outer periphery of TMCs and Town Panchayats shall not be regularized;

(vid) Existing Government approved conditions for eligibility under Ashraya Housing Scheme shall apply in toto;

(vie) The area actually occupied by the built up house or built up area upto 2,400 sq.feet whichever is less shall be regularized.

(vii) No land shall be granted where construction of dwelling house in occupied land;

(a) lies in the line of natural drains or course of valley;

(b) belongs to an authority owned or controlled by State Government or any local authority;

(c) coming in the way of existing or proposed roads, inner or outer ring roads, national highways, by pass over ring roads including those proposed for widening and railway lines, tramways, mass rapid transit system projects, communications and other civic facilities or public utilities;

(d) is a forest land;

(e) belongs to another person over which the applicant has no title;

(f) is reserved for parks, play grounds, open places or for providing any civic amenities;

(g) is abutting to neighbouring property, storm water drain, tank bed areas, river course or beds and canals or below the high tension electric lines;

(h) use is against height restrictions specified in zoning regulations for heritage monuments, aerodromes and Defense regulations;

(i) not conforms to any clearance from high-tension lines or fire protection measures;

(j) is in the area covered by the Coastal Zone Regulation of the Ministry of Environment and Forest, Government of India:

Provided that, regularization of violation in respect of change of land use shall be made as far as may be in accordance with Section 14-A of Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

3. Transfer of pending applications.-All applications under section 94C pending before the prescribed authority on the date of commencement of the Karnataka Land Revenue (Amendment) Act, 2012 shall be considered and disposed of as if such application has been made in accordance with the provisions of the Karnataka Land revenue (Amendment) Act, 2012 to the prescribed authority.

By Order and in the name of the Governor of Karnataka

K.S. MUDAGAL
Secretary to Government(I/C)
Department of Parliamentary Affairs
and Legislation

ಸರ್ಕಾರಿ ಮುದ್ರಣಾಲಯ, ವಿಕಾಸ ಸೌಧ ಘಟಕ, ಬೆಂಗಳೂರು. (ಪಿ7) (850 ಪ್ರತಿಗಳು)