

94

Government of Karnataka

No. RD 140 LRM 80

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated: 14-5-1980

CIRCULAR

Sub:- Land Reforms - observance of Rule 19 of the Karnataka Land Reforms Rules and the Flow Chart of Operations and paper work in regard to tenancy cases re:

---

It has come to the notice of Government that though Rule 19 of the Karnataka Land Reforms Rules 1974 enjoins on the Tahsildar that he should on receipt of the application under Section 48-A of the Act in Form No.7 verify the particulars mentioned in the applications with reference to the revenue records including the RORs wherever they are prepared and also note the same on the application, this is not being done in most of the pending cases. In some cases it is found that only extracts of R.T.C. have been obtained and placed with the records. Even such extracts have not been attested either by the Village Accountant, Revenue Inspector or the Tahsildar. The Tahsildars/Special Tahsildars are not noting the result of verification of the particulars mentioned in the tenancy application regarding the landlord and the cultivator's name after verifying the R.T.C. and other revenue records including the Mutation Register, Katha etc., from the earliest period for which the records are available. In cases where there are changes either in the name of the landlord or the cultivator of the land, it has to be verified whether the changes made are in accordance with the law i.e., whether supporting entries are found in the Mutation Register. Without a mutation entry any change made in the R.T.C. subsequent to the coming into force of the Karnataka Land Revenue Act and Rules would not be in order. Such cases will have to be specifically noted on the tenancy application after the verification. Further under Section 103 of the Karnataka Land Reforms Act an entry in the R.T.C. regarding the cultivator of the land has a presumptive value. Such a presumptive value will be forthcoming only if the R.T.Cs are prepared and maintained in accordance with law. The R.T.C. should have been prepared and maintained under Chapter XI of the Karnataka Land Reforms Act and Chapter VIII to X of the Rules.

It has also been noticed that in some taluks duplicate R.T.Cs i.e., one at the Village level and the other at the Taluk level have not been maintained. Where they have been maintained, the entries are not compared in the annual jamabandi and brought up to-date. In some cases it was noticed that the entries in the village copy and those found in the taluk copy differ. In many of the cases it was found by the Adviser, Land Reforms that the re-written copies of the R.T.C. maintained at the village level were not properly maintained. As per Rule 71 of the Karnataka Land Revenue Rules, whenever the R.C.R. Register is re-written such a Register shall be re-written incorporating

Booth  
22.5.80

R.No. 2305

p.t.o.

all the Hissas and rights in force up to the date specified by the Assistant Commissioner and when the R.O.R. Register is re-written, the Assistant Commissioner shall cause it to be compared and shall check not less than 5% of the entries and certify therein specifically the entries checked by him. The Adviser has noticed on perusal of the R.T.Cs maintained that the R.T.C. has neither been page numbered nor the entries attested by any officer, much less ~~xxxx~~ the certificate required by the Assistant Commissioner forthcoming. It will be obvious that entries found in such R.T.Cs not maintained in accordance with law cannot have the presumptive value given to them under Section 133 of the Karnataka Land Reforms Act. Therefore the scrutiny that is expected to be done by the Tahsildar under Rule 19 of the Karnataka Land Reforms Rules has to be necessarily with reference to the provisions of Rule 71 of the Land Revenue Rules also and he should note the result thereof on the application. The Deputy Commissioners are therefore requested to ensure that the R.T.C. and other revenue records are maintained in accordance with law and that the Tahsildars verify and note the result of verification on the pending tenancy applications strictly in accordance with the rules.

Under item No.1.11 of the Flow Chart of Operations, communicated in Government letter No.RD 109 LRM 79 dated 6-4-1979, the Secretary of the Tribunal has to place and admit files before the Tribunal and under Item No.1.12 the Tribunal decides the date and place of first hearing for each applicant. Then only the Secretary will have to issue the individual and public notices as contemplated in rule 19. Despite this clear provision it has come to the notice of Government that in most of the cases, the Secretaries of Tribunals have issued notices of first hearing without obtaining the orders of the Tribunal. It is the Tribunal that has to decide whether the application is ready for hearing and this decision cannot under any circumstances be presumed by the Secretary. It is therefore of the utmost importance that the Secretaries of Tribunals and Chairmen of Tribunals are made specifically aware of these provisions and asked to follow them scrupulously in cases which are yet to be taken on file by the Tribunals, so that the irregular procedure adopted at present is put a stop to.

*H. N. Ranganathan*  
4/5/80

(H.N.Ranganathan),  
Asst.Spl. Officer for Land Reforms & Ex-  
officio Under Secy. to Govt. Rev. Dept.

- To
- All the Divisional Commissioners.
- All the Deputy Commissioners/Spl. Deputy Commissioners.
- All the Assistant Commissioners/Spl. Assistant Commissioners, Adl. Spl. Assistant Commissioners.
- All the Tahsildars/Spl. Tahsildars/Addl. Spl. Tahsildars.
- All the Chairmen of the Tribunals.
- Copy to:- P.A. to Revenue Commissioners.
- The Staff Officer to Adviser for Land Reforms/Adviser.
- Spare.
- S.G.F.

*6023*  
*4/5/80* *21/5/80*