

CIRCULAR

Sub:- Land Reforms - Karnataka Land Reforms
(Amendment) Act 1978 (Act I of 1979) -
Effect of -

The above Amendment Act has been published in the Extra-ordinary issue of Karnataka Gazette dated 1-1-1979 and it has come into force from that date. The effect of the various amendments contained therein is explained below for the information of all concerned.

Section 8:- By the substitution of clause (b) of sub-section (1) by a new clause, rent as prescribed therein shall be the total of a single water rate, if any, payable and 10 times the land revenue payable in respect of such land. This amendment is deemed to have come into force with effect from 1-3-1974. On this basis, the premium to be collected from the ex-tenants and the amount payable to ex-landlords in respect of lands chargeable with water-rate have been reduced. The premium and amount payable will therefore have to be re-calculated even in past cases and steps taken to recover excess payment, if any and the orders have to be suitably modified.

Sections 38 and 104:- By the substitution of section 38 by a new Section, the agricultural labourer is made eligible for registration as owner of the dwelling house in which he ordinarily resides, with the land appurtenant thereto not exceeding 2.024 acres (Five cents). The Field Officers should ensure that the agricultural labourers are made aware of the benefits accruing under this section and that they come forward to apply for registration to the Tribunals well in time, viz. before 31-12-1979. Arrangements to receive, process and dispose of the applications should also be made from now on.

Section 48A:- Under the Amendments to Section 48A, the tenants are being afforded some more time to file applications in Form-7 for a further period of 6 months from the date of coming into force of the Amendment Act 1978 viz. 1-1-1979. The Deputy Commissioners are requested to see that this fact is given wide publicity in villages and the tenants who have not so far applied to the Tribunals due to some reason or the other, and the class of tenants specified in the new clause 34 (iiA) under Section 2(A), put in their applications. For this purpose, the Deputy Commissioners should ensure that adequate number of application forms are made available to the Tahsildars, Special Tahsildars, Revenue Inspectors and the Village Accountants. It may also be brought to the specific

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notice of Tribunals that Section 48 has been so amended as to dispense with the necessity for the tenants to show cause for delay in submitting the applications after 31-12-1974. This amendment is deemed to have come into force with effect from 1-3-1974. Therefore, all pending applications will have to be disposed of by the Tribunals bearing this fact in mind.

Section 51:- Even small-holders whose annual income from all sources is not more than Rs.4,800/- have now been made eligible for payment of the amount due in lumpsum. Under explanation to item (ii) of the second proviso, a widow who has been widowed after 1-3-1974 is also eligible for payment in lumpsum or, an annuity, in lieu of the lumpsum payment, if she so desires.

Section 53:- In as much as the ex-landlords having an income of not more than Rs.4,800/- are now eligible for payment in lumpsum, provision has been made in this section for collection of premium from the ex-tenants of such landlords also in lumpsum. Likewise ex-tenants who held leases under religious, charitable, etc., institutions (vide Sec.51, 2nd proviso (iii)) have also to pay the premium in lumpsum. Therefore, the Tahsildars/Special Tahsildars should collect the balance amount of premium from the ex-tenants of such landlords and institutions in cases where only first instalment has been collected under the unamended section.

Section 61:- The period of non-alienation under Sections 61 and 77 has now been increased to 15 years, from the present 6 years. The Tahsildars/Special Tahsildars should make necessary corrections in the Form of Certificates of registration and title deeds accordingly.

Section 77:- The power of distribution of surplus land has been taken away from the Tribunals and granted to Deputy Commissioner or an Officer (to be) authorised by State Government in this behalf. Henceforth no distribution of surplus land shall be made by the Tribunal. The grants should be made in accordance with the provision with the provisions made in Sec.77 of the Karnataka Land Reforms Act.

Section 79A:- The Deputy Commissioners will particularly note that in cases of land vesting in the State Government under sub-section 5 of Sec.79A where the acquisition of land was otherwise than by bequest or inheritance, no amount is payable for the lands taken over by Government.

Section 106:- Deletion of this section comes into force prospectively. Therefore, in future the annual payment will have to be made as prescribed in Section 51.

Section 107:- By deletion of clause (ii) in sub-section (1), it is made clear that, subject to section 110 Government lands, whether leased out or not, do not attract any of the provisions of the Karnataka Land Reforms Act, except Sec.8.

Section 118:- By the amendment to this section, an appeal against the order of the prescribed authority under Section 83 also lies to the Karnataka Appellate Tribunal. Appeal against the order of disposal of surplus land is also provided for.

Section 122A:- This section provides for reopening cases where orders under Sec.67(1) have been obtained by fraud, misrepresentation, suppression of facts, furnishing false declaration, etc. The powers may be exercised suo motu or otherwise. The Government desire that wherever complaints have been received or there is prima facie evidence of fraud played upon Government by land owners, the past cases of determination of surplus should be looked into and placed before the Tribunals for review in accordance with Section 122A.

Section 126:- Under Section 8 of the Mysore Village Offices Abolition Act, 1961, if any, land granted, or continued in respect of or annexed to a Village Office excluding the 11 inferior Village Servants viz. 1. Talari, 2. Thati, 3. Nirganti, 4. Seth Sandhis or walikars, 5. Mahars, 6. Barkers, 7. Ugranis, 8. Walkars or falwars, 9. Neeradis, 10. Baluthidars, 11. Talayari, 12. Vetti and 13. Kulwadi has been lawfully leased and such lease was subsisting on the appointed date (1-2-1963), the provisions of the tenancy law for the time being in force in that area in which the land is situate shall apply to the said lease and the rights and liabilities of the person to whom such land is granted under Section 5, 6 or 7 (as amended by the Karnataka Act 13/78) be governed by the provisions of the said tenancy law. Under the amendment to Section 126 of the Karnataka Land Reforms Act 1961 such tenants have been specifically brought within the purview of the provisions of the Land Reforms Law. In Circular No. RD 390 LRM 76 dated 19-8-1976, it has been clarified that lawful leases created in respect of lands granted in favour of ex-holders of the superior village office, will be governed by the provisions of the Land Reforms Act. It has to be noted that under the new Section 7(1) inserted by the Karnataka Village Offices Abolition (Amendment) Act 1978 (Act 13/1978), the unauthorised holders of service inam lands resumed under the Act shall be summarily evicted and the land shall be taken possession of by the Deputy Commissioner after due process. The lands so taken over are assignable to inferior Village Officers, if any, or to new grantees. In the circumstances, applications under Section 48A of the Land Reforms Act cannot be entertained in respect of such lands, and if any applications are received from the illegal tenants occupying such lands, they have to be rejected as not maintainable.

Schedule I:- By this amendment, the necessity for the State Government to notify the list of canals and Government tanks capable of supplying water for A class and B class lands has been dispensed with. The Tahsildars and Special Tahsildars should decide the classification of lands with reference to the factual position of the lands. It should also be noted that lands utilized for raising sugar-cane crop are also brought under the A or B class lands. Preparatory action should be taken to collect information needed by the Tahsildars in the cases relating to the fixation of premium and in pending cases of declaration

under Sec.66(4) where land classification is involved.

Under Section 43 of the Karnataka Land Reforms (Amendment) Act of 1978, it is provided that the tenancy cases rejected solely on the ground that sufficient cause has not been shown for the delay beyond 31-12-1974 in filing Form No.7 applications by the tenants shall be re-opened and disposed of in accordance with the amended Act. It is also provided that all applications for restoration under Sec.7 of the Act disposed of by the Tahsildars/Special Tahsildars shall also be re-opened and heard by the tribunals in addition to the applications pending. This may be noted for guidance.

2. The Deputy Commissioners are requested to ensure that the above instructions are scrupulously followed.

H N Ranganathan

(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/Special Deputy Commissioners.

All the Assistant Commissioners/Special Assistant Commissioners/Additional Special Assistant Commissioners.

All the Tahsildars/Special Tahsildars/Additional Special Tahsildars.

The Under Secretary to Govt. Rev.Dept. (F) Section.

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