

"Circular"

Sub:-Implementation of Section 79A and 79B of
Karnataka Land Reforms Act.

While inspecting some of the Taluk offices in Bangalore District, the Special Cell in Revenue Department has observed that cases involving violations of section 79A of the Karnataka Land Reforms Act were detected on the basis of entries made in the mutation registers and notices were accordingly issued to the parties asking them to file their declarations under section 79A(4). In many of these cases although the parties has not responded to the notices and the Tahsildars have levied a penalty of Rs.500/- ex-parte and then forwarded the papers to Assistant Commissioner for taking further action under section 83 of the Act. At the Assistant Commissioner's level also ex-parte orders have been passed forfeiting the properties involved in such cases in favour of the Government. At no level therefore has any authority taken due care to verify whether there is in fact any violation of the provisions of section 79A.

It is further observed that there is a good deal of confusion in understanding the relevant provisions of the Act. Section 79(A)(4) stipulates that persons acquiring land in violation of the provisions of the Karnataka Land Reforms Act should declare the same to the Tahsildar. However the consequences of filing such a declaration are such as to act as a deterrent to this course of action. On the other hand at the time of registering the transaction itself the party should have filed a declaration to the effect that provisions of the Karnataka Land Reforms Act have not been violated thereby keeping these aspects in view, all such cases should be dealt with under Section 82 of the Act after examining the legality or otherwise of the transaction in the first instance. This examination should be done by the Revenue Inspector/Sheristedar at the time of certifying the concerned mutation entry itself. Further more the filing of the declaration should be insisted upon when the parties claim to have to have acquired the land by inheritance. Thus the Revenue Inspector should maintain a separate register for recording all these illegal transactions and send a report every month of these fresh cases to the Tahsildar for appropriate action. He should also maintain a register showing the declarations filed by persons acquiring land by inheritance. The proformas for both these registers are given in the annexure.

It is observed that efforts have also not been made to identify the violations of section 79B of the Act. The Tahsildar should therefore prepare a list of all institutions and associations functioning in his taluks, villagewise and verify whether they own any agricultural lands. If any of them are found to have not filed the proscribed declarations under Section 79A(4) either before the Land Tribunal or Deputy Commr, a notice should promptly issued asking them to do the needful. After the declarations are filed, the Tahsildar should conduct an inquiry under rules 31 of the KLR rules and send the papers to Deputy Commr for necessary action.

In certain cases it has been observed that when the Tahsildar issued notices to them to file declarations under Section 79A(4), the parties produced orders issued by the Assistant Commissioners granting them permission to purchase lands under Section 80 of the Karnataka Land Reforms Act. One of the conditions imposed while granting such permission was that the party must take up agriculture within a year and that if he gives up agriculture within 5 years, the land will vest in Government. Yet it is further observed that in many of such cases, the parties have succeeded in getting the lands...

conditions imposed while granting permission to purchase agricultural lands. Therefore, it is quite essential that the Assistant Commissioner maintains a register for recording all those cases where permissions are granted under section 80 of the Karnataka Land Reforms Act and closely watches the utilization of the land for the purpose for which permission is granted. If the land is not being used for the purpose for which permission was granted, the Assistant Commissioner should immediately proceed to cancel the said permission and resume the land to Government. The proforma for this register is also suggested in the Annexure.

The lapses and discrepancies pointed out above have crept in, view of the fact that this particular item of work is not being maintained by superior officers like Assistant Commissioner/Deputy Commissioner/Divisional Commissioners and there has been no proper guidance imparted to the Tahsildars and lower level officers in this respect. By not inspecting this item of work, mistakes committed unwittingly go corrected and cases which are deliberately committed remain undetected.

It is felt that many more such lapses and discrepancies are likely to surface if detailed inspections are carried out in all the Districts. The Divisional Commissioners and DCs and therefore requested to see that the above observations are duly noted and these instructions are carried out faithfully by all concerned, by making the scrutiny of these registers and the follow up action taken thereon a regular part of their inspection programmes from now onwards.

sd/-J.Alexander
Revenue Commissioner.

No.LRF.20/88-89/1-8-1988

Copy of the above is forwarded to the Assistant Commissioner, Hassan and Sakleshpur all the Tahsildars/Special Tahsildars in the District for information and to take immediate action as per said Circular without fail.

Channarayana

P. H. ...
For Deputy Commissioner,
Hassan District.

*TO: ~~RRS~~ RRSA
All RIs,
Dy Tahsildars, Nalli*

Di Timapayya

*A. Comply with the observations.
RRF: Compilations may also be
informed to take follow up action
who is dealing with the mutation cases
verification of declaration 81(A).*

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4/8/88*