

Karnataka Government Secretariat,
Sachivalaya II,
Bangalore, dated the 19th March, 91

NOTIFICATION

The draft of the following rules further to amend the Karnataka Land Revenue Rules, 1966, which the Government of Karnataka proposes to make in exercise of the powers conferred by Section 197 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) is hereby published as required by Sub-section(1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration after fifteen days from the date of publication in the Official Gazettee.

Any objection or suggestion which may be received by the State Government from any person with respect to the said draft before the date specified above will be considered by the State Government. Objections or suggestions may be addressed to the Commissioner and Secretary to Government, Revenue Department, V Floor, III stage, Multistoreyed buildings, Bangalore- 560 001.

1. TITLE AND COMMENCEMENT: (1) These rules may be called the Karnataka Land Revenue (Amendment) Rules, 1991.

(2) They shall come into force at once.

2. INSERTION OF NEW CHAPTER XIII A: After Chapter XIII of the Karnataka Land Revenue Rules, 1966, the following shall be inserted, namely:-

"CHAPTER XIII A"REGULARISATION OF UNAUTHORISED OCCUPATION OF LAND

108B: Definitions: For the purpose of this Chapter, unless the context otherwise requires,-

(a) 'Committee' means committee constituted under Section 94A.

(b) 'To cultivate personally' shall have the same meaning as assigned under the Karnataka Land Reforms Act, 1961:

Handwritten signatures and dates:
25/3/91

108C. APPLICATION FOR GRANT OF LAND:

(1) Any person who is in unauthorised occupation of any land may make an application in writing to the Tahsildar of the Taluk in Form No.50 along with a fee of Rupees Two payable by affixing a court fee stamp.

(2) Immediately on receipt of application under Sub-rule (1), the Tahsildar shall cause the particulars of the application to be entered in a register which shall be in Form No.51 kept in his office. He shall, thereafter, place the application before the committee after such scrutiny as may be necessary.

108D: PROCEDURE OF THE COMMITTEE:

(1) The Committee shall, after verifying the particulars furnished by the applicant and after holding such enquiry as it deems necessary determine the extent of land to which the applicant is entitled for grant and the amount required to be paid by him for the grant of land, publish a notice which shall be in Form No.52 in the chavadi of the village in which the land is situated and also in the office of the Mandal Panchayat, inviting objections from the interested persons for the proposed grant, within such time as may be specified in the notice, which shall not be less than fifteen days from the date of the notice.

(2) After the expiry of the period specified in the notice, the committee shall, after considering the objections received and after further enquiry, if necessary, grant the land unauthorisedly occupied by him, subject to the provisions of Rule 108I.

(3) The Tahsildar shall, thereafter issue an order of provisional grant.

Provided that if the grantee belongs to Scheduled Caste or Scheduled Tribe, the Tahsildar shall confirm the order of grant and shall issue certificate of grant or saguvali chit in form VII specified under Karnataka Land Grant Rules, 1969.

(4) For the purpose of Clause (a) of Sub-section (6) of Section 94A, the period for payment of remaining two instalments of amount shall be sixty days from the expiry of the last date fixed for payment of first instalment.

(5) If the applicant pays the amount payable by him as determined and expresses his willingness in writing to accept the grant under the conditions specified therein, the Tahsildar shall confirm the order of grant and issue the certificate of grant or saguvali chit.

108E. MEMBERS OF THE COMMITTEE: The committee shall consist of the following members,-

1. The Member of the Karnataka Legislative Assembly representing the major part of the taluk who shall be the Chairman.
2. A person belonging to Scheduled Caste or Scheduled Tribe nominated by the State Government.
3. The Tahsildar of the concerned taluk.

Provided that if such member of the Legislative Assembly, belongs to Scheduled Castes and Scheduled Tribes the member to be nominated shall not belong to Scheduled Castes and Scheduled Tribes:

Provided further that where the member representing major part of taluk is not available or is not willing, for any reason, the State Government may nominate any other member of the Legislative Assembly to be the Chairman.

108F: ELIGIBILITY FOR GRANT: No person shall be eligible for grant of land under this chapter, unless,-

- i) he has attained the age of eighteen years; and
- ii) his gross annual income does not exceed rupees eight thousand; and
- iii) he is a permanent resident within the limits of the Taluk in which the land is situated or in the adjacent taluk; and
- iv) he is a bonafide agriculturist cultivating the land personally and is not prohibited from holding or

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acquiring land under the provisions of
Karnataka Land Reforms Act, 1961, and
he is an unauthorised occupation of land for
atleast a continuous period of not less than
three years prior to the fourteenth day of
April 1990,

Provided that in the case of persons belonging to
Scheduled Castes and Scheduled Tribes, such period shall be not
less than one year.

108G: AMOUNT PAYABLE FOR GRANT OF LAND: The amount payable for
the grant of land under Section 94A, shall, subject to the provisions
of sub-rules (2) and (3) be two hundred times the land revenue
payable for such land:

Provided that no amount shall be payable by persons belonging
to Scheduled Castes and Scheduled Tribes.

(2) In computing the amount payable for the land, the Tahsildar
shall not take into consideration the value of any trees standing
on the land or improvements made by the applicant during the period
of unauthorised occupation.

(3) If at the time of determining the amount payable, there is
reason to believe that the tree has been cut, the Tahsildar shall,
verify the entries in the record of rights and hold an enquiry as
he deems necessary after giving the grantee an opportunity of being
heard. After such enquiry, on being satisfied that the grantee has
cut the tree, the Tahsildar shall get the value of the tree
assessed by the authorities of the forest Department and include
the same in the amount payable by the grantee.

(4) Land Revenue assessment for the entire period of unauthorised
occupation shall be collected in addition to the amount payable
by the grantee.

108H: LAND NOT ALREADY ASSESSED TO BE ASSESSED BEFORE IT IS GRANTED:

Every land in unauthorised occupation, if not assessed, shall
be assessed to payment of land revenue, in accordance with the

provisions of this Act before the order of grant is made. Such land shall also be surveyed and demarcated and its boundaries fixed. The grantee shall be liable to pay the charges, if any, for the same;

Provided that no such charges shall be payable by persons belonging to Scheduled Castes and Scheduled Tribes.

1081: CERTAIN LANDS NOT TO BE GRANTED: ✓

Notwithstanding anything contained in this Chapter, lands assigned for special purposes under Section 71 of the Act, and lands described in revenue records, as Devarakadu, Urduve, Gunduthop, Tankbed, Phut Kareb, Khoreb halla, datereserve, burial grounds and such lands, which in the opinion of the government is required for public purpose, shall not be granted. //

1083: CONDITIONS FOR GRANT OF LAND:

(1) The grant of land under this chapter shall be subject to the following conditions, namely:-

- i) the grantee shall not ~~xxxxxxx~~ alienate the land nor use it for non agricultural purposes for a period of fifteen years from the date of issue of saguvali chit or certificate of grant to him;
- ii) the grantee shall cultivate the land personally;
- iii) the grantee shall within a period of six months from the date of issue of saguvali chit or certificate of grant in respect of the granted land, plant and maintain not less than one tree per every ten ares, (guntas) of land or ten trees per hectare of land, at his cost. In case the tree planted were to die or get damaged due to causes beyond his control, he shall replant in its place another tree and rear them.
- iv) for contravention of any of the above conditions, the grant shall be liable to be cancelled and resumed to Government free from all encumbrances by the Assistant Commissioner.

Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard.

(2) The following shall not be regarded as alienation for purposes of sub-rule (1),-

(a) Mortgage of the land in favour of State Government or a Co-operative Society or a Scheduled Bank or the Agricultural Re-financing Corporation or the Karnataka State Agro Industries Corporation for loans obtained for improvement of such land or for buying cattle or agricultural implements for the cultivation of such land; and

(b) leasing of the land in accordance with the provisions of the Karnataka Land Reforms Act, 1961.

108K: CANCELLATION OF GRANT: Any grant of land made under this chapter shall be liable to be cancelled and the land resumed by the Assistant Commissioner, where the grant has been obtained by making false or fraudulent representation or is contrary to these rules.

Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard.

108L: GRANT OF LAND DISCRETIONARY: Nothing contained in these rules, shall be deemed to confer on any person any right to the grant of the land under his unauthorised occupation.

108M: GRANTEES OF LAND TO EXECUTE AN AGREEMENT: Every person who is granted lands for agricultural purposes under these rules shall execute an agreement in Form V prescribed under rule 28 of Karnataka Land Grant Rules, 1969.

108N: POWERS OF THE STATE GOVERNMENT: Notwithstanding anything contained in this chapter, the State Government may, suo-moto, or on the recommendation of the Divisional Commissioner or the Deputy Commissioner, if it is of the opinion that in the circumstances of any case or classes of cases, it is just and