

**THE KARNATAKA VILLAGE OFFICES
ABOLITION ACT, 1961.**

Arrangement of Sections

PREAMBLE

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KARNATAKA ACT No. 14 OF 1961.

(First published in the **Karnataka Gazette** on the
Twentieth Day of July 1961)

THE KARNATAKA VILLAGE OFFICES ABOLITION ACT, 1961

(As amended by Karnataka Act No.8 of 1968 and
13 of 1978)

(Received the assent of the President on the
Eighth day of July 1961)

An Act to abolish Village Offices in the State of Karnataka

Whereas it is expedient in the public interest to abolish the village offices which were held hereditarily before the commencement of the Constitution and the enrolment appertaining thereto in the state of Karnataka and to provide for matters consequential and incidental thereto :

Be it enacted by the Karnataka State Legislature in the Twelfth Year of the Republic of India as follows :-

1. Short title, extent and Commencement - This Act may be called Karnataka Village Offices Abolition Act, 1961.

2) It extends to the whole of the State of Karnataka.

3) It shall come into force on such date as the state Government may, by notification, appoint.)

2. Definitions-1) In this Act, unless the context otherwise requires,

a) "appointed date" means the date appointed under sub-section (3) of Section 1 :

b) "authorised holder" means a person in whose favour a land granted or continued in respect of, or annexed to a village offices by the State or part thereof has been validly alienated permanently, whether by sale, gift, partition or otherwise under the existing law relating to such village offices :

c) ("Code" means the Karnataka Land Revenue Act 1964:)

d) "Deputy Commissioner" means an officer appointed

by the State Government in respect of any area to perform the function and exercise the powers of the Deputy Commissioner under this Act, and where no such officer is appointed the Deputy Commissioner of the District :

- e) "emoluments" means -
 - 1) lands.
 - ii) assignment of revenue payable in respect of lands.
 - iii) fees in money or agricultural produce.
 - iv) money, salaries and all other kinds of remuneration, granted or continued in respect of, or annexed to any village office, by the State :
 - f) "existing law relating to a village office" includes any enactment, ordinance, rule, bye-law, regulation order, notification, firman, hukum, vat hukum or any other instrument or any custom or usage having the force of law relating to a village office, which may be in force immediately before the appointed date;
 - g) "holder of a village office" or "holder" means a person having an interest in a village office under an existing law relating to such office:

Provided that where any village office has been entered in a register or record under an existing law relating to such village office as held by the whole body of person having interest in the village office the whole of such body shall be deemed to be the holder :

- h) "inferior village office" means every village office of lower degree than that of Patel or Village Accountant :
- i) "notification" means a notification published in the Official Gazette.
- j) "Officiator" means the person actually performing the duties of a village office, whether he be a person having a right to perform the duties of such office or a substitute appointed under the existing law relating to such office;
- k) "prescribed" means prescribed by rules made under this Act:
- 1) ("tenancy law" means the Karnataka Land Reforms act, 1961 :)

m) "unauthorised holder" means a person in possession of a land granted or continued in respect of or annexed to a village office by the State without any right, or under any lease, mortgage, sale, gift or any other kind of allocation thereof, which is **null** and **void** under the existing law relating to such village office.

n) "village office" means every village office to which emoluments have been attached and which was held hereditarily before the commencement of the Constitution under an existing law relating to village office, for the performance of duties connected with the administration or collection of the revenue of with the maintenance of order or with the settlement of boundaries or other matter of civil administration of village, whether the services originally appertaining of the office continue or have ceased to be performed or demanded and by whatsoever designation the office may be locally known.

2) The other words and expressions used but not defined in this Act, shall have the meaning assigned to them in the Code.

3. Powers of Deputy Commissioner to decide certain questions and appeal: 1) If any question arises -

- a) Whether any land was granted or continued in respect of or annexed to a village office by the State, or
- b) Whether any person is a holder of a village office, or
- c) Whether any person is an authorised holder, or
- d) Whether any person is an unauthorised holder, the Deputy Commissioner shall, after giving the party affected an opportunity to be heard and after holding an enquiry in the prescribed manner decide the question.
- 2) Any person aggrieved by such decision may file an appeal to the District Judge of the District within ninety days of such decision and the decision of the District Judge on such appeal shall be final:

(The provisions of section 4, 5, 12 and 14 of the Limitation Act, 1993 (Central Act 36 of 1963) shall be applicable to such appeal:)

4. Abolition of village office together with incidents thereof : Notwithstanding anything in any usage, custom, settlement, grant, agreement, sanad, or in any decree or order of a Court, or in an existing law relating to village offices, with effect on and from the appointed date -

- 1) All village offices shall be and are hereby abolished;
- 2) All incidents (including the right to hold office and the emoluments attached hereto; the right to levy customary fees or perquisites in money or in kind and the liability to render service) appertaining to the said village offices shall be and are hereby extinguished;
- 3) Subject to the provisions of section 5, section 6 and section 7, all land granted to continued in respect of or annexed to a village office by the State shall be and is hereby resumed and shall be subject to the payment of land revenue under the provisions of the Code and the rules and orders made there under as if it were an unalienated land or ryotwari land.

5. Re-grant of land resumed under section 4 to the holder of the village office : (1) A land resumed under clause (3) of section 4 shall, in cases not falling under section 6 and section 7, be granted to the person who was the holder of the village office immediately prior to the appointed date (hereinafter referred to as the holder) on payment by or on behalf of such holder to the State Government, of the occupancy price equal to three times in the case of holders of inferior village office and six times in the case of holders of other village offices, and amount of the full assessment of such land within the prescribed period and in the prescribed manner and the holder shall be deemed to be an occupant or holder of a ryotwari patta within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue the State Government from the appointed date in accordance with the provisions of the Code and the rules and orders made there under; and all the provisions of the Code and the rules and orders relating to unalienated land or ryotwari land shall, subject to the provisions of the Act, apply to the said land.

Provided that in respect of land which was not assigned

under an existing law relating to the village office as the remuneration of the village office, an occupancy price equal to the amount of the full assessment or such land in the case of holders of inferior village offices and three times such amount in the case of holders of other village offices, shall be paid by or on behalf of the holder for its re-grant.

2) If there is a failure to pay the occupancy price under sub-section (1) within the prescribed period and in the prescribed manner, the holder shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily evicted there from by the Deputy Commissioner, in accordance with the provisions of the Code.

3) The occupancy or the ryotwari patta of the land, as the case may be, re-granted under sub-section (1) shall not be transferable otherwise than by partition among members of Hindu Joint Family for a period of fifteen years from the date of commencement of section 1 of the Karnataka Village Office Abolition (Amendment) Act, 1978.]

4) Any transfer of land in contravention of sub-section (3) shall be null and void and the land so transferred shall, as penalty, be forfeited to and vest in the State Government free from all encumbrances and any person in possession thereof shall be summarily evicted there from by the Deputy Commissioner and the land shall be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands :

Provided that if the person who has transferred the land in contravention of sub-section (3) is not alive, while disposing of such land performance shall be given to the heirs of such person.

Explanation : For removal of doubts it is hereby declared that in Sub-section (3) and in this sub-section transfer includes creation of a lease.

5) Nothing in sub-section (3) shall apply to transfer in favour of the State Government, a co-operative society and a bank as security for loans granted from improvement of such land or for buying cattle or agricultural implements for the cultivation of such land.

Explanation : 'bank' means-

- i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949);
- ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);
- iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);
- iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);
- v) a regional rural bank constituted under the Regional Rural Banks act, 1976 (Central Act 21 of 1976);
- vi) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963);
- vii) the Agricultural Finance Corporation Limited a company incorporated under the Companies Act, 1956 (Central Act 1 1956).

6) Notwithstanding anything contained in any law of the time being in force, any agreement for transfer of land resumed under clause (3) of section 4, entered into prior to regrant thereof under sub-section (1), shall be null and void and any person in possession thereof in furtherance of such agreement shall be summarily evicted there from by the Deputy Commissioner.)

6. Re-grant of land resumed under section 4 to authorised holders : Where any land resumed under clause (3) of section 4 is held by any authorised holder, it shall be re-granted to the authorised holder on the payment by him to the State Government of the occupancy price equal to six times the full assessment of the land and subject to the conditions and consequences mentioned in section 5 and all the provisions of section 5 shall **mutatis mutandis** apply in relation to the re-grant of the and under this section to the authorised holder as if they were the holder of the village office.

7) Eviction of unauthorised holders etc : (1) Where

any land resumed under clause (3) of section 4 is in the possession of an unauthorised holder such unauthorised holder shall be summarily evicted there from and the land shall be taken possession of by the Deputy Commissioner or in accordance with law.

Provided that no such summary eviction shall be made except after giving the person affected a reasonable opportunity of making representation.

2) Any order of eviction passed under sub-section (1) shall be final and shall not be questioned in any court of law and no injunction shall be granted by any court in respect of any proceeding taken or about to be taken by the Deputy Commissioner in pursuance of the power conferred by Sub-section (1).

3) The land from which an unauthorised holder is evicted under sub-section (1) shall -

- a) if it was granted or continued in respect of or annexed to an inferior village office be re-granted to the holder of such village office; and
- b) in other cases be disposed of in accordance with the law applicable to the disposal of unoccupied unalienated lands.

7A. Restriction of transfer etc. : (1) No person shall transfer or acquire by transfer for a period of fifteen years from the date of commencement of this section any land disposed or re-granted under sub-section (4) of section 5 or sub-section (3) of section 7 and any transfer of such land in contravention thereof shall be null and void. The land so transferred shall vest in the State Government free from all encumbrances. The provision or sub-section (5) of section 5 shall **mutatis mutandis** apply to transfer of such land.

2) Any person who acquires by transfer such land in contravention of sub-section (1) shall on conviction be punished with imprisonment which may extend to six months.

8. Application of Tenancy Law : If any land granted or continued in respect of or annexed to a village office by the State has been lawfully leased and such lease is subsisting on the appointed date, the provisions of the tenancy law for the time being in force in that area in which 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 and his tenants or tenants shall, subject to the provision of this Act, be governed by the provisions of the said tenancy law.

Explanation : For the purpose of this section, the expression "land" shall have the same meaning as assigned to it in the tenancy law referred to above.

9) Relief to holder of a village office : 1) A holder of a village office abolished under this Act, shall be paid in such manner and in such instalments as may be prescribed -

i) in the case of a holder of an inferior village office, an amount equal to the aggregate of the amounts calculated in the manner provided in the following clauses (a), (b) and (c);

ii) in the case of a holder of any other village office an amount equal to the aggregate of the amounts calculated in the manner provided in the following clauses (a) and (b) :

a) where the full or a portion of the assessment of the land granted or continued in respect of or annexed to; any village office by the State was assigned towards the emoluments of the holder of such office, six times the amount equal to the difference between the amount of such assessment or portion and the amount of quite rent or jodi, if any, payable to the State Government by the holder;

b) six times the amount equal to the annual cash allowance or other annual payment of money (not being the rent of land resumed under clause (b) of section 12 of the Bombay Hereditary Offices Act, 1874 (Bombay Act III of 1874), or a like provision under any existing law relating to village offices) made by the State Government to the holder under the existing law relating to village offices.

Provided that where the land granted or continued in respect or annexed to a village office is not less than three acres in extent, the sum payable shall be three times the amount specified in this clause :

Provided further that in determining the amount of annual cash allowance or other annual payment of money made by the State Government under this clause, the enhancement in such allowance or money ordered :

i) in the Mysore Area, excluding the Bellary District, by G.O. No. R.23,77/L.R. 69-42-17., dated 18th October 1942, G.O. No. R-3919-4007/L.R. 155-47. Dated 24th September 1947 and G.O. No. RDF 111 VOA 57, dated 8th June 1957 :

ii) in the Belgaum Area, by G.O. No. GRRD No. 9790/33 dated 24th May 1944, GRD No. 5741/45, dated 3rd July 1948 and G.O. RD No. RDF 111 VOA 57, dated 8th June 1957 :

iii) in the Gulburga Area, by G.O. No. (2) dated 8th October 1949, G.O. No.2, dated 22nd December 1949 and G.O. No. RDF 111 VOA 57, dated 8th June 1957 ;

iv) in the Mangalore and Kollegal Area and Bellary District, by G.O. No. Mis 877/Rev., dated 27th April 1945 G.O. No. 2108, dated 27th September 1946, and G.O. No. RDF 111 VOA 57, dated 8th June 1957 :

shall be excluded :

c) six times the cash value of the **average** of the customary fees or perquisites in money or in kind levied or leviable by the holder of the inferior village office under the existing law relating to such office during the three years immediately preceding the appointed date; and such cash value shall be determined in the prescribed manner and shall not exceed the amount which under the existing law could, on default of payment in kind be recovered :

Provided that when the land granted or continued in respect of or annexed to the inferior village office is not less than three acres in extent, the sum payable shall be three times the cash value not exceeding the maximum specified in this clause.

(2) i) As soon as may be after the commencement of the Karnataka Village Offices Abolition (Amendment) Act, 1967, the Deputy Commissioner shall determine in accordance with such of the provisions of sub-section (1) as may be applicable to any holder of a village office, the amount payable in respect of the office which has been abolished.

ii) A holder of a village office entitled to payment under sub-section (1) may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his

discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the amount payable under sub-section (1). On receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the application and he shall also before passing any order under clause give the (i) applicant reasonable opportunity of making his representation in regard thereto in writing or orally.

iii) A copy of every order passed under clause (i) shall be communicated to the holder of the village office commenced.

10. Inquiries and proceedings to the Judicial proceedings- All inquiries and proceedings before the Deputy Commissioner under this Act shall be deemed to the judicial proceedings within the meaning of sections 193, 219 and 229 of the Indian Penal Code.

11. Rules : 1) The State Government may, subject to the condition of previous publication, by notification, make rules for the purposes of carrying out the provisions of this Act.

2) Every rule made under the section 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 successive sessions and if, before the expiry of the session in which it is so laid of the session immediately following, both House agree in making any modification in any rule or both Houses agree that the rules 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.

12. Repeal and savings : 1) The enactments specified in Schedule and any existing law relating to a village office in force in any area of the State of Karnataka so far as they apply to village offices or to emoluments attached to such offices are hereby repealed.

2) The provisions of the enactments specified in schedule II shall be amended to the extent specified in column 4 of the said Schedule.

3) Nothing in sub-section (1) and (2) shall be deemed to affect-

- a) any obligation or liability already incurred by the holder of a village office or other person before the appointed date;
- b) any proceedings or remedy in respect of such obligation or liability and any such proceedings may be continued or any such remedy may be enforced as if this Act had not been passed.

SCHEDULE I

Section 12 (1)

Year	No.	Short title	Extent of repeal
1908	IV	The Mysore Village Offices Act, 1908	The Whole
1895	III	The Madras Hereditary Village Officer Act, 1895	Do
1874	III	The Bombay Hereditary Offices Act, 1874	Do
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Do
1894	II	The Madras Proprietary Estates Village Service Act, 1894.	Do
1802	XXXIX	The Madras Karmams Regulation, Act 1802.	Do

SCHEDULE II

Section 12 (2)

Year	No.	Short title	Extent of Amendment
1888	IV	The Mysore Land Revenue Code 1888	For Section 14, the following shall be substituted, namely: " 14. Appointment of Stipendiary Patel and Village Accountant. " It shall be lawful for the Deputy Commissioner, under the general orders of the State Government to appoint a stipendiary Patel or Village Accountant or both for a village or group of villages. The village Accountant and the Patel shall perform all the duties including the duties of Village Accountant. Patel as hereinafter prescribed in this Act or in any other law for the time being in force and shall hold office under the rules in force with regard to subordinate Revenue Officers".

SCHEDULE II-Contd.

Year No.	Short title	Extent of Amendment
1879 V.	The Bombay land Revenue Code, 1879	

i) For section 16, the following shall be substituted, namely:

"16. Appointment of Stipendiary Patel and Village Accountant.

It shall be lawful for the Deputy Commissioner, under the general orders of the State Government to appoint a stipendiary Patel or Village Accountant or both for a village or a group of villages. The Village Accountant and the Patel shall perform all the duties including the duties of village Accountant or Patel as hereinafter prescribed in this Act or in any other law for the time being in force and shall hold their office under the rules in force with regard to subordinate Revenue Officers".

SCHEDULE II-Contd.

Year No.	Short title	Extent of Amendment
1317F NII	The Hyderabad Land Revenue Act, 1317F.	

ii) In sections, 58, 85 and 94-A for the words "hereditary Patel" wherever they occur, the word "patel" shall be substituted.

After Section 15, insert Section, 15-A as follows:

"15-A. Appointment of Village Officer.

It shall be lawful for the Deputy Commissioner, under the general orders of the State Government to appoint a stipendiary Village Officer or of villages. The village officer shall perform all the duties including the duties of a Village Officer as hereinafter prescribed in this Act, or in any other law for the time being in force and shall hold office under the rules in force with regard to subordinate Revenue Officers".

SCHEDULE II-Contd.

Year	No.	Short title	Extent of Amendment
1899	1	The Coorg Land and Revenue Regulation, 1899.	For Section 24, the following shall be substituted namely: "24. Appointment of Village Officer. It shall be lawful for the Deputy Commissioner, under the general orders of the State Government, to appoint a stipendiary village officer or officers for a village or group of villages. The village officer shall perform all the duties including the duties of a village officer as hereinafter prescribed in this Act, or in any other law for the time being in force and shall hold office under the rules prescribed by the State Government in this behalf".

NOTIFICATION

(Published in Part IV, Section 2-C of the **Karnataka Gazette**, dated 17th January 1963)

No. RD 327 GVO 62, dated Bangalore, 9th January 1963
(Pushya 19, Saka Era 1884)

In exercise of the powers conferred by Sub-section (3) of the sections 1 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act 14 of 1961), the Government of Karnataka hereby appoints the first day of February 1963 as the date on which the said Act shall come into force.

By order and in the name of the Government of Karnataka.

P. NAGESHA RAO
Under Secretary of Government
Revenue Department.

GOVERNMENT OF KARNATAKA

Department of Law and Parliamentary Affairs

KARNATAKA ACT No.8 OF 1968

(First published in the **Karnataka Gazette** on the
Eighteenth day of January 1968)

**THE KARNATAKA VILLAGE OFFICE ABOLITION
(AMENDMENT) ACT, 1967**

(Received the assent of the Governor on the Ninth
day of January 1968)

An Act to Amend the Karnataka Village Offices
Abolition Act, 1961.

Whereas it is expedient to amend the Karnataka Village
Offices Abolition Act, 1961. (Karnataka Act No. 14 of 1961) :

Be it enacted by the Karnataka State Legislature in the
Eighteenth Year of the Republic of India as follows:

1. Short title and Commencement- (1) This Act may
be called the Karnataka Village Offices Abolition (Amendment)
Act 1967.

2. It shall be deemed to have come into force on the
twelfth day of September 1967.

(Section 2 incorporated in the principal Act)

3. Savings- Notwithstanding the period specified in
sub-section (2) of section 9 of the principal Act as originally
enacted, applications made to the Deputy Commissioner
under the said sub-section at any time after the commencement
of the principal Act, and before the commencement of this Act,
shall be deemed to have been validly made, and may be
disposed of as if this Act had not been passed.

4. Repeal of Karnataka Ordinance 4 of 1967- The
Karnataka Village Offices Abolition (Amendment) Ordinance
1967 (Karnataka Ordinance No. of 1967) is hereby repealed.

KARNATAKA ACT No. 13 OF 1978

(First Published in the Karnataka Gazette Extraordinary
on the Seventh day of the August, 1978.)

**THE KARNATAKA VILLAGE OFFICES ABOLITION
(AMENDMENT) ACT, 1978**

(Received the assent of the President on the Seventh
day of August, 1978.)

An act further to amend the Karnataka Village Offices
Abolition Act, 1961.

Whereas it is expedient further to amend the Karnataka
Village Offices Abolition Act, 1961 (Karnataka Act, 14 of 1961)
for the purposes hereinafter appearing :

Be it enacted by the Karnataka State legislature in the
Twenty-ninth Year of the Republic of India as follows :-

1. Short title and Commencement - (1) This Act may
be called the Karnataka Village Offices Abolition (Amendment)
Act, 1978.

2) This section, section 2, section 3 and section 7A in
section 4 shall come into force at once and the other provisions
shall be deemed to have come into force on the twenty fourth
day of December, 1975.

2. Amendment of section 3- (incorporated in the
principal Act.)

3. Amendment of section 5- (Incorporated in the
principal Act.)

4. Substitution of new section for section 7-
(incorporated in the principal Act.)

5. Savings- All pending applications and proceedings
relating to regrant or land to unauthorised holders under the
proviso to sub-section (1) of Section 7 of the principal Act as
it stood to the commencement of this Act shall not have effect
and shall abate.

6. Repeal of Karnataka Ordinance No.7 of 1978-

(1) The Karnataka Village Offices Abolition (Amendment)
Ordinance, 1978 (Karnataka Ordinance No.7 of 1978) 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.

**THE KARNATAKA VILLAGE OFFICES
ABOLITION RULES, 1961**

Arrangement of Rules

PREAMBLE

Rules

1. Title
 2. Definitions
 3. Manner of holding enquiry under Section 3
 4. Time and manner of payment of occupancy price under Section 5 and 6
 5. Application for re-grant
 - 5A. Eviction of an Unauthorised holder or person in wrongful possession
 6. Determination of relief under Section 9
 7. Power of Deputy Commissioner in making enquiries.
- FORMS**

NOTIFICATION

**No. RD 118 GVO 61 dated Bangalore,
19 20 the December 1962.**

In exercise of the powers conferred by sub section (1) of Section 11 of the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act. 14 of 1961), the Government of Karnataka hereby makes the following rules, the draft of the same having been previously published in the **Karnataka Gazette**, dated 30th November 1961 as required by the said sub-section namely:

1. Title : These Rules may be called the Karnataka Village Offices Abolition Rules, 1961.

2. Definitions : In these Rules, unless the context otherwise requires :

a) "Act", means the Karnataka Village Offices Abolition Act 1961.

b) "Section" means a section of the Act.

3. Manner of holding enquiry under Section 3 :

1) Any person interested in the Village office or in any land granted or continued in respect of, or annexed to, such office and desiring a decision on any question referred to in Section 3, may make an application to the Deputy Commissioner.

2) Every application under sub-section (1) shall contain the following particulars:

i) name of the village or villages;

ii) name and address of the applicant;

iii) the question or questions on which a decision is sought for;

iv) name of the barward-dar;

v) nature of the interest possessed by the applicant in the village office or in land pertaining to such office in respect of which such question arises;

vi) names of other persons, if any interested in the matter; and

vii) other particulars in support of the claim.

3) On receipt of the application under sub-rule (1); the Deputy Commissioner, may call upon the applicant to furnish any further particulars that may be required and fix a date for furnishing such particulars. When the particulars called for the furnished within the specified time, the Deputy Commissioner shall fix a date for hearing; notice of which shall be given to the applicant and to other persons mentioned in the application as interested in the subjectmatter. A Copy of the notice shall also be affixed on the notice board of the office of the Deputy Commissioner.

4) The notice under sub-rule (3) shall be served in the manner prescribed for service of notices under the Code.

5) On the date fixed for hearing or such other date to which the case may be adjourned, the Deputy Commissioner shall hold an enquiry in the manner prescribed for a formal enquiry under the Code and then by order decide the questions.

5) Every decision or order under sub-rule (5) shall contain a full statement of the grounds on which it is made and shall be written and signed by the officer making the order or from the dictation of such officer, in which case, a certification to that effect shall be made and signed by such officer in his own hand.

(4) Time and manner of payment of occupancy price under section 5 and 6 : 1) The occupancy price referred to in section 5 and 6 may be paid in a lumpsum or in three equal annual instalments the first to be paid within **(31st March, 1984)** by remitting the amount to the Treasury by a challan or depositing it in the taluk office and a receipt obtained.

2) The Deputy Commissioner, shall, well in advance of the date fixed for payment of the first instalment of occupancy, cause to be served a notice on every holder of a village office intimation the date on which such payment has to be made. He shall, also cause a similar notice to be ser-

ved on every holder of a village office in respect of payment of second and third instalments of the occupancy price. The notice under this rule shall be served in the manner prescribed for service of notices under the Code.

3) Notwithstanding anything contained in sub-rules (1) and (2), where the holder of a village office produces a certificate from the Deputy Commissioner to the effect that an application under rule 6 for relief under section 9, made by him disclosing a **prima facie** valid claim for relief is pending, then such occupancy price may be paid within one month from the date of the decision of the application if no amount by way of relief is awarded or the date on which such amount is awarded to the holder of the village office.)

5. Application for re-grant

(1) (a) Deputy Commissioner shall, after satisfying himself that a person entitled to the regrant of a land resumed under sub-section (3) of section 4 has paid the full occupancy price under rule 4, cause to be served a notice on every such person intimating that he shall make an application to the Deputy Commissioner for such regrant within three months from the date of payment of the full occupancy price under rule 4. The notice under this rule shall be served in the manner prescribed for service of notices under the code.

b) A person entitled to the regrant of a land resumed under sub-section (3) section 4 shall make an application to the Deputy Commissioner for such regrant within three months from the date of payment of the full occupancy price under rule 4 :

Provided that the Deputy Commissioner may for sufficient reason, condone the delay in the making of the application.)

2) Every application under sub-rule (1) shall be accompanied with the extracts from the Records of Rights and the Inam Register in respect to the land whose regrant is claimed and shall contain the following particulars, namely:

- i) the name of the village or villages in which the land is situate :
- ii) details of the land such as survey number, area, assessment, jodi or other amounts which were being paid to Government:

iii) whether the applicant was a holder or an authorised holder: in the latter case, details of alienations made and how they were valid under the existing law, are to be stated: and

iv) the challan for having credited the occupancy price under Rule 4 or the receipt obtained from the Treasury such payment.

3) The Deputy Commissioner, shall, after satisfying himself of the truth of the allegations made in the application, pass orders for re-grant of the land.

(5A. Eviction of an unauthorised holder or person in wrongful possession- (1) The Deputy Commissioner may, evict any person under sub-section (1) of section 5 or section 7, in the following manner, namely:

i) by serving a notice on the person in possession to vacate the land within such time after the service or such notice as may appear reasonable to him; and

ii) if such notice is not obeyed, by removing or causing the removal of any person who may refuse to vacate the land, and.

iii) if such person or any other person on his behalf resists or obstructs such removal, he shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause, may without prejudice to any proceedings to which such person or other person may be liable under any law for the time being in force for such resistance or obstruction, take or cause to be take, 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.

2) Subject to the above sub-rule, the provisions of the Karnataka Land Revenue Act, 1964, shall apply to such eviction.)

6. Determination of relief under section 9 -An application to be made by a holder of a village office under sub-section (2) of Section 9 shall be in the Form appended to these rules.

2. The Deputy Commissioner, on receipt of an application under sub-rule (1), shall fix a date for hearing and give due notice of the applicant.

3. On the date fixed or such other date to which the case may be adjourned, the deputy commissioner shall hold an enquiry in the manner prescribed for a summary enquiry under the Code.

4) For the purpose of clause (c) of sub-section (1) of section 9 the cash value of customary fees or perquisites levied or leviable in kind by the holder of the village office in a year shall be determined on the basis of prices of commodities covered by such fees or perquisites as recorded for the month of January of the year in the price register for the taluk in which the village office existed.

5. The Deputy Commissioner shall, by order, determine the amount payable to the applicant under sub-section (1) Section 9. The amount payable shall be written in figures and words in the own hand writing of the Deputy Commissioner, who shall affix his signature to it.

6. If the amount determined as payable under sub-rule (5) in respect of any village office, does not exceed rupees five hundred such amount shall be paid in cash in full. In case the amount exceeds rupees five hundred, rupees five hundred shall be paid in cash in one instalment and the balance paid in three annual instalments with interest at three percent per annum).

7. Power of Deputy Commissioner in making

enquiries- The Deputy Commissioner, in making enquiries under these rules, may exercise all or any of the powers conferred on a Revenue Officer making formal or summary inquiry under the Code, and the procedure to be followed shall, as far as practicable, be the procedure prescribed in the Code of Civil procedure 1908, in respect of the following matters, namely :

- i) Summoning and enforcing the attendance of any person and examining him on oath, and
- ii) Compelling the production of documents,

FORM

Form of Application for relief under section 9 of the Karnataka Village Abolition Act, 1961

(See Rule 6)

A. Full name and Address of the applicant.....

B Details of village office, the abolition of which has entitled the applicant to relief under the Act.

a) Name of the village, in which the village office was situated.

b) Details of lands granted or continued in respect of or annexed to the village office.

i) Survey No.

ii) Area

iii) Assessment

iv) Jodi or other amounts which were being paid to Government.

c) Details of cash allowance

d) Details of remuneration payable which was payable to the officiator

e) Details of customary fees of perquisites levied or which were leviable by the holder of the village office.

If the applicant was a holder the extent of his share in the village office.

If the applicant was not a holder, the interest he had in the office.

C. Compensation claimed :

i) for the extinguishment of the holder's right in land which was assigned towards the emoluments of the holder

Details of lands : Village, S No. Area, Assessment, Jodi, amount of compensation claimed.

ii) For the extinguishment of the right to annual cash allowance or other annual payment of money (not by the rent of resumed lands) made by the State Government to the holder under the existing law :
 The amount of the annual cash allowance or other payment
 Treasury from which the amount was received.

iii) for the extinguishment of the right to customary fees or perquisites :

Details of customary fees or perquisites levied or which were leviable in each of the three years immediately preceding the appointed date :

In cash

Year	Amount levied	Amount leviable but not levied
1	2	3

In kind

Kind, quality Year levied	Quantity able but not levied	Estimated cash value of the amount levied and the amount leviable but not levied
1	2	3
2	3	4

iv) for the extinguishment or modification of other rights-

Details of the rights modified or extinguished.

Amount of compensation claimed

Basis on which the compensation is claimed
 v) total amount of compensation claimed :
 (i), (ii), (iii), and (iv)-

I declare that true to the best of my information and belief.

Place :

Date :

Signature of the applicant

**THE KARNATAKA GENERAL SERVICES
(REVENUE SUBORDINATE BRANCH) VILLAGE
ACCOUNTANTS (RECRUITMENT) RULES, 1970.**

**Arrangement of Rules
PREAMBLE**

- Rules**
1. Title and Commencement.
 2. Cadre of Village Accountants.
 3. Appointing Authority.
 4. Recruitment.
 5. Committee for Selection.
 6. Probation (Omitted).
 7. Training.
 8. Bond to be executed by Village Accountants
 - 8A. Liability to serve as Panchayat Secretary.
 9. Application of General Recruitment Rules.
 10. Application of other Rules.
 11. Repeal and Savings.

**THE KARNATAKA GENERAL SERVICES
(REVENUE SUBORDINATE BRANCH) VILLAGE
ACCOUNTANTS (RECRUITMENT) RULES, 1970.
NOTIFICATION**

No. RD 173 MVS 63, dated Bangalore, the 25th March, 1970.

In exercise of the powers conferred by Sections 16 and 197 of the Karnataka Land Revenue Act, 1964 (Karnataka Act No. 12 of 1964). The Government of Karnataka hereby makes the following rules. The draft of the same having been previously published as required by sub-section (1) of the said Section 197 in Notification No. GSR 70 (RD173 MVS 68), dated 24th February 1970 in Part IV Section 2-C (f) of the **Karnataka Gazette**, dated 5th March 1970, namely:

1. **Title and commencement :** 1) These Rules may be called the Karnataka General Services (Revenue subordinate Branch) Village Accountants (Recruitment) Rules, 1970.
- 2) They shall come into force on the date of their publication in the **Karnataka Gazette**.
2. **Cadre of Village Accountant :** The cadre of Village Accountants shall be district-wise and the scale of pay shall be as may be fixed by the State Government.
3. **Appointing Authority :** The appointing authority in respect of a Village Accountant shall be the Deputy Commissioner of the District.
4. **Recruitment :** 1) Recruitment to the Cadre of Village Accountants shall be made by direct recruitment from amongst.
 - i) Persons who have served as Village Officers. (i-a) (XXX)

ii) persons who have been regularly recruited as Panchayat Secretaries in accordance with the rules in force at the time of the recruitment and working as Panchayat Secretaries who have passed the S.S.L.C. Examination or any other examination declared as equivalent thereto by the State Government (XXX).

iii) persons who are regularly recruited as Panchayat Secretaries in accordance with the rules in force at the time of recruitment and working as Panchayat Secretaries who-

a) have passed the Middle School Examination or any other examination declared as equivalent thereto by the State Government; and

b) have put in not less than 10 years of service as Panchayat Secretaries as the case may be (if sufficient number of eligible persons are not available under (ii);

iv) (XXX)

v) Others if sufficient number of persons are not available under any of the above categories.

2) No person other than the persons referred to in categories (ii) and (iii) of sub-rule (1) shall be eligible for appointment under these rules unless he has passed the S.S.L.C. Examination or any other examination declared by the State Government as equivalent there to.

3) The age limit for appointment under sub-section (1) shall be-

i) 33 years in the case of a person belonging to any of the Scheduled Castes or Scheduled Tribes; and

ii) 28 years in the case of others. (XXX)

provided that in the case of person who has served as Village Officer or as Panchayat Secretary such age shall not exceed 50 years on 1st April 1967.

Provided further that in the case of local candidates, such age shall be as on 1st January 1955.

Explanation : For the purposes of this rule "Village Officer" means a person who held a 'Village office' other than an "inferior Village Office" as defined in the Karnataka Village Offices Abolition Act, 1961 (Karnataka Act No. 14 of 1961).

4. Committee for Section : 1) There shall be a Selection Committee for each district which shall be constituted by the Government consisting of:

Chairman :

i) Deputy Commissioner of the District.

Member Secretary :

ii) Head Quarters Assistant to the Deputy Commissioner of the District.

Members :

iii) Not exceeding three members nominated by the Government of whom one shall be from amongst persons belonging to the Scheduled Castes and Scheduled Tribes and one shall be a person having Special knowledge or practical experience in social service in the District and another shall belong to minority communities.

2) The Committee shall call for applications for, appointment as Village Accountants and make the selection in the manner laid down in the Karnataka State Civil Services (Direct Recruitment by Selection) Rules, 1967.

3) The decision of the Committee shall be final subject to the approval of the Divisional Commissioner.

4) The list approved by the Divisional Commissioner shall be published and appointments shall be made in the order in which the names of persons selected are arranged in the said list.

6. Probation: (XXX)

7. Training : Every person appointment as a Villages Accountant may be required to under go during the period of probation, a course of training for a period not exceeding three months also pass a test as may be determined by State Government :

Provided that persons who have successfully completed training under rule 12 of the rules repealed under sub-rule (1) of rule 11 shall not be required to undergo training.

8. Bond to be executed by Village Accountants :

(1) Every person appointed as a Village Accountant shall furnish security of rupees three hundred in the form of cash or other valuable security or execute a bond along with a survey for the said amount.

Explanation : In this sub-rule valuable security means Post Office Savings Bank Deposit Government Promissory Notes or National or Post Office Savings Certificates.

2. Persons failing to comply with the provisions of sub-rule (1) shall be liable to be removed from service.

8-A Liability to serve as Panchayat Secretary :

Where for a Village Panchayat with an annual income of less than rupees twelve thousand separate panchayat Secretary is not appointed, the Village Accountant of the Village in which the said Panchayat is situated if so appointed, shall **Ex-Officio** be the Secretary of the said Panchayat.

9. Application of General Recruitment Rules-

Except in respect of matters for which provision is made in these rules, the provisions of the Karnataka State Civil Services (General Recruitment) Rules, 1957 shall be applicable for purposes of recruitment under these rules.

10. Application of other rules-1) The Karnataka Civil

Service Rules the Karnataka Civil Services (Conduct) Rules 1966 and other rules for the time being in force, together with such other Rules and amendment as may be made from time to time regulating the conditions of service of Government servants made under the proviso to Article 309 or the Constitution in so far as they are not inconsistent with the provisions of the Rules, shall be applicable to persons recruited under these Rules.

2) Appointments under these rules, shall be subject to orders issued from time to time by Government regarding reservation of posts for the Scheduled cases, Scheduled Tribes and other Backward classes.

11. Repeal and Savings- (1) The Karnataka General Services (Revenue Subordinate Branch) Village Accountants (Cadre and Recruitment) Rules, 1961, are hereby repealed:

Provided that such repeal shall not affect previous operation of the said rules in respect of persons appointed in accordance with the said rules during the period the said rules remained in force.

(2) Notwithstanding anything contained in these rules, the list of persons selected and approved by the Divisional Commissioner in accordance with rules 11 of the rules repealed under sub-rule (1) shall be deemed to be a list of persons selected and approved by the Divisional Commissioner in accordance with rules 5 of these and appointment shall be made from such list in the manner specified in the said Rule 5.