

Government of Karnataka

Copy of the Circular No. BD-329-LRM-79 dt; 6-7-1979 from Mr. Sri. Ranganathan, Asst. Spl. Officer for Land Reforms & Ex-Officio Under Secy. to Govt. Rev. Dept. and copied marked to this Office.

---  
Circular.

Sub:- Land Reforms- Confirmation of occupancy rights in respect of lands granted under Darkast Rules- Clarification- reg.

-----  
A doubt has been raised whether occupancy rights in respect of the lands granted under Darkast Rules and which are under the cultivation of a person other than the grantee or his family members could be confirmed by the Tribunal in favour of the person claiming occupancy rights.

2 It is seen that under the Karnataka Land Grant Rules, 1969 the grantee is required to personally cultivate the Darkast land under Rule 9(1)(iii) and under sub-rule (1)(i) of Rule-9 of alienation of the land is barred for a period of 15 years, but it is provided at the same time under Rule 9(2)(b) that leasing out the land in accordance with the provisions of the Karnataka Land Reforms Act, 1961 shall not be regarded as alienation. Condition of personal cultivation and prohibition of alienation of Darkast land for a prescribed period from the date of assignment or permanently were also the conditions of grant in the earlier Land Grant Rules in the integrated areas and in the re-organised State of Mysore, and leasing out of the Darkast land was not permitted. Under the Karnataka Scheduled Castes and Sch. Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 which has retrospective effect, assigned lands of SCs/STs are liable for resumption by Government, if the lands have been leased-out to other persons. In the above circumstances, the point for consideration is whether the assigned lands, the condition of grant of which required personal cultivation would be available for confirmation of occupancy rights by the Tribunal, if a person other than the grantee who is cultivating them, applies for the occupancy rights under Section-48-A of the Land Reforms Act.

3. So far as there is a condition of personal cultivation, prescription under the rules of grant, may be for a limited period, leasing out of assigned land during that period, even in accordance with the Karnataka Land Reforms Act, 1961, as permitted in Rule 9(2)(b), would be a violation of conditions of grant, making the land liable for resumption by Government. Therefore, despite the provision in Rule 9(2) of the K.L.G. Rules, 1969 permitting lease of granted land in certain circumstances, could not be a lawful lease meriting confirmation of occupancy right under the FLR Act 1961, in favour of persons cultivating the land as on 1-3-1974. In such such circumstances, the tribunals would be in order in rejecting the applications of persons claiming occupancy on Govt. lands granted subject to ~~xxx xxxxx xxx xxxkl xxx~~ personal cultivation under the various land grant rules and which are still subject to the conditions of grant. Once the case before the Tribunal is ~~xxxxxxkxkx~~ concluded, it will be upto the Tahsildar of the Taluk to take suitable action for violation, if any, of the provisions of the concerned Land Grant Rules or the Karnataka Scheduled Castes and Scheduled Tribes (prohibition of transfer on certain lands) Act, 1978 and Rules thereunder, and for resumption of the land.

4. The Deputy Commissioners are requested to bring ~~xxxx~~ to the notice of Field Officers and Tribunals the above position for their information and guidance.

sd/- (F.N. Ranganathan),  
Asst. Spl. Officer for Land Reforms & Ex-Officio Under Secy. to Govt., Rev. Dept.

Bassal dt. 31-7-79.

No. LRF-153/79-80

Copy of the circular is f/d to all the Asst. Comms, Hassan, Skpur and Sakalgaud.

*Handwritten notes:*  
16.8.79  
10/8/79  
5628