

GOVERNMENT OF KARNATAKA

NO. RD 181 LRM 74

Karnataka Government Secretariat,  
Vidhana Soudha,  
Bangalore, dated August 1974.

C I R C U L A R

Sub: Alienation of Agricultural lands-  
prohibited - under Karnataka Land  
Reforms Act, 1961.

All lands held by or in possession of tenants as on 1-3-74 other than those held by them under leases permitted under Sec.5 of the Karnataka Land Reforms Act 1961 have stood transferred to and vested in Government from 1-3-1974. All rights, title and interest vesting in the owners of such lands and other persons interested in such lands, have ceased; and these are vested absolutely in the State Government free from all encumbrances (Sec.44). These lands will ultimately be given to the tenants under the procedure laid down for the registration of tenants as occupants. There is an interval between divestment of the ex-land-lord and the registration of the ex-tenant. It is clear that during this interval neither the ex-landlord nor the ex-tenant (or sub-tenant) in actual occupation of the land, has any right of transfer of such land.

There are various ways in which lands become vested in Government under the Land Reforms Law. For instance lands in excess of the ceiling come to Government after the fulfilment of the due procedure. Disposal of all such lands is provided for under Sec.77.

If a tenant holding land from a date prior to 1-3-74 is not entitled to be registered as an occupant or his right to become occupant becomes in-effective, such land will be brought under the surplus land pool and disposed of under Sec.77(Sec.58). When a tenant registered as an occupant fails to cultivate the land personally for three consecutive years he is to be evicted and the land is to be disposed of under Sec.77 (Sec.60).

Where a tenant has become occupant of a land, under the Land Reforms Act, he is prohibited from transferring such land for a period of six years from the date of issue of certificate under Sec.55 by the Tahsildar. If such tenant desires to give up personal cultivation of the land of which he has been registered as an occupant, within six years of registration, he has to surrender such land to Government and get refund of the amount paid therefor under Sec.72.

K All the above provisions which mainly relate to the lands under lease as on 1-3-1974 and which have vested or will vest in Government should be specifically brought to the notice of the landlords and tenants by publicity at village level through all possible local media including Village Panchayats, Block Development Offices, Agricultural Extension Centres etc.

Chapter V of the Land Reforms Act contains the various restrictions on the holding or transfer of agricultural lands. Those who are specifically barred from holding agricultural lands are indicated below -

1. Non-cultivating persons.
2. Institutions not covered by Sec.63(7)
3. Companies
4. Associations or other Bodies

from sources other than agriculture are barred from acquiring land after 1-3-1974.

Sec.80 specifically bars sales of agricultural lands to non-agriculturists. Where lands under self-occupation are within the ceiling area fixed under Section 66 they can be transferred to someone who is entitled to hold it or acquire it, under the provisions mentioned above. If the transferee is an agriculturist who is a self-cultivator he must be one holding less than the ceiling area. Even so the transfer can only take place provided the purchaser's holding after the purchase does not exceed the ceiling area. Even future acquisition of land by way of inheritance, bequest etc. by a person already holding land up to the ceiling limit on 1-3-1974 is prohibited by Section 64. Lands so acquired are to be declared and surrendered to Government.

The Assistant Commissioner of the Sub-division is the authority empowered to enquire into illegal transactions under the Land Reforms Act and make a declaration that any particular transaction is in contravention of the provisions of the Act, on such declaration the transaction shall be null and void and the land in respect of which such transaction has taken place shall be forfeited to and vest in the State Government. No amount shall be payable therefor.

From 1-3-1974 restrictions on alienation of holdings by persons owning land in excess of the ceiling limit fixed under the Karnataka Land Reforms (Amendment) Act, 1973 have come into operation and any alienation which prima face appears to be in contravention of the Land Reforms Law has to be dealt with under Sec.83.

Penalties for the various offences under the Law are provided in Sec.125 of the said Act.

All the Village Accountants and the local Revenue Officers should be suitably educated by the Tahsildars on these provisions of the Land Reforms Act and they in turn should be asked to advise the Agriculturists appropriately.

It is necessary to ensure that agriculturists and others do not involve themselves in illegal transactions relating to agricultural land. It will be appreciated that such transactions invite heavy penalties. Prospective purchasers may be warned that they become party to illegal transactions. Wide dissemination of the provisions mentioned above is essential to save innocent parties from the dire consequences of ignorance of the new provisions of the Land Reforms Law.

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Under Secy. to Govt. Rev. Dept.

/ they stand to lose the  
land altogether if

To:

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