

C I R C U L A R

Sub:- Lands held by institutions etc., which are prohibited from holding lands under the Karnataka Land Reforms Act.

Sections 79B and 79C of the Karnataka Land Reforms Act read as follows:

79B. PROHIBITION OF HOLDING AGRICULTURAL LAND BY CERTAIN PERSONS -- (1) With effect on and from the date of commencement of the Amendment Act, except as otherwise provided in this Act,--

- (a) no person other than a person cultivating land personally shall be entitled to hold land; and
- (b) it shall not be lawful for,
  - (i) an educational, religious or charitable institution or society or trust, other than an institution or society or trust referred to in sub-section (7) of Section 63 capable of holding property;
  - (ii) a company;
  - (iii) an association or other body of individuals not being a joint family, whether incorporated or not, or
  - (iv) a co-operative society other than a co-operative farm

to hold any land.

(2) Every such institution, society, trust, company, association body or co-operative society,--

(a) which holds lands on the date of the commencement of the Amendment Act and which is disentitled to hold lands under sub-section (1), shall, within ninety days from the said date, furnish to the Tahsildar within whose jurisdiction the greater part of such land is situated a declaration containing the particulars of such land and such other particulars as may be prescribed; and

(b) which acquires such land after the said date shall also furnish a similar declaration within the prescribed period.

(3) The Tahsildar shall on receipt of the declaration under sub-section (2) and after such enquiry as may be prescribed, send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by notification, declare that such land shall vest in the State Government free from all encumbrances and take possession thereof in the prescribed manner.

(4) In respect of the land vesting in the State Government under this section an amount as specified in section 72 shall be paid.

EXPLANATION.-- For purposes of this section it shall be presumed that a land is held by an institution, trust, company, association or body where it is held by an individual on its behalf.

79C. PENALTY FOR FAILURE TO FURNISH DECLARATION.--

(1) Where a person fails to furnish the declaration under Section 79B or section 79C or furnishes a declaration knowing or having reason to believe it to be false, the Tahsildar shall issue a notice in the prescribed form to such person to show cause within fifteen days from the date of service thereof

why the penalty specified in the notice, which may extend to five hundred rupees, may not be imposed upon such persons.

(2) If the Tahsildar on considering the reply, if any, filed, is satisfied that the person had failed to furnish the declaration without reasonable cause or had filed it, knowing or having reason to believe, it to be false, he may, by order, impose the penalty and also require such person to furnish within a period of one month from the date of the order a true and correct declaration complete in all particulars.

(3) If the person fails to comply with such order, his right, title and interest in the land concerned shall ~~be~~ penalty, be forfeited to and vest in the State Government.

2. It will be seen therefrom that educational, religious or charitable institutions or societies or trusts, other than an institution or society or trust referred to in sub-section (7) of Section 63 capable of holding property, a company, an association or other body of individuals not being a joint family, whether incorporated or not, or a co-operative society other than a co-operative farm, cannot hold agricultural land after 1-3-1974 on which date the Amendment Act came into force. Institutions, Societies, Trusts, Companies, Associations bodies of individuals or Co-operative Societies which held agricultural land on 1-3-1974, are required to furnish declarations in Form 13 prescribed under the Karnataka Land Reform Rules published in the Gazette Extraordinary dated 19th April 1974. These declarations had to be filed within 90 days from 1-3-1974. If such declarations, have not been filed in the Tahsildar can issue a show cause notice in Form 14 specifying the penalty (not exceeding Rs.500) which the Tahsildar proposes to impose and after considering the reply, the Tahsildar, can, in addition to imposing the penalty, require the person concerned to furnish the declaration within one month from the date of the order.

3. The Tahsildars may be instructed to list out the institutions, associations, societies, etc., which are required to furnish declarations under Section 79B, verify whether the declarations have been furnished and in all cases of default, start further proceedings by issue of a show cause notice in Form 14.

4. In respect of Trusts which claim to come within sub-section 7 of Section 63, the person in charge may be advised to approach the Divisional Commissioner to make a declaration that the income from the land is solely used for educational, religious or charitable purpose. Action in such cases may be stayed on production of evidence that an application for such declaration by the Divisional Commissioner has been made.

5. Show cause notices should not be issued to the institutions which have obtained orders staying of the operation of Sections 79B and 79C. The stay orders received from the High Court in the Secretariat have all been communicated to the respective Deputy Commissioners. The Deputy Commissioners and Tahsildars will verify whether any stay orders have been received in their offices from the High Court direct and take care to see that show cause notices are not issued in such cases, as issue of notices where there is stay would amount to contempt of court.

N.B. Sakhardande

(N.B. Sakhardande)

Asst. Spl. Officer for L.R. Ex-officio  
Under Secy. to Govt. Rev. Dept.

- To: 1) The Divisional Commissioners of Division,  
2) The Deputy Commissioners of Districts.  
3) The Assistant Commissioners of Sub-Divisions.  
4) The Tahsildars of Taluks.

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