

30

Government of Karnataka

No.RD 338 LRM 77

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated: 18-4-1979

NOTIFICATION

In exercise of the powers conferred by Section 137 of the Karnataka Land Reforms Act, 1961, (Karnataka Act No.10 of 1962), the Government of Karnataka hereby make the following Rules, the draft of the said rules having been previously published as required by sub-section (1) of the said section in Notification No.RD 338 LRM 77 dated 19/25-1-1979, Part IV Section 2-C(ii) of the Karnataka Gazette dated 1-2-1979 namely:-

RULES

1. Title and commencement.-(1) These rules may be called the Karnataka Land Reforms (First Amendment) Rules, 1979.

(2) They shall come into force at once.

2. Insertion of new rule 9A.- After rule 9 of the Karnataka Land Reforms Rules, 1974, (hereinafter referred to as the said rules) the following rule shall be inserted namely:-

9A. Form of application under Section 38 etc. (1) The application under sub-section (1) of Section 38 shall be in form 2A.

(2) (i) On receipt of the application under sub-rule (1) a public notice in form 2B(1) shall be published in the Village in which the dwelling house and land are situated. Individual notices in Form 2B(2) to the opponent mentioned in the application and also to such others as may appear to be interested in the dwelling house and land shall be issued.

(ii) Public notice in form 2B(1) shall be published in the Chavadi of the Village concerned and in the offices of the Village Panchayat and of the Tahsildar for a period of not less than 30 days.

(iii) Notice in Form 2B(2) shall be served in the manner laid down in Rule 43.

(3) The certificate issued under clause (c) of sub-section 38 shall be in Form 2C.

3. Insertion of new Rule 15A.- After Rule 15 of the said Rules, the following Rule shall be inserted, namely:-

"15A. Determination of assessment of wet or dry land containing fruit bearing trees.- The notional assessment as for garden land referred to in sub-section (2) of Section 47 shall be determined by the Tahsildar in consultation with the concerned Assistant Superintendent of Land Records and after giving the party a reasonable opportunity of being heard."

p. t. o.

P
LRF
2
15/79
gl. 1117

4. Insertion of new Rule 20A.- After Rule 20 of the said rule, the following rule shall be inserted, namely:-

"20A. Payment of annuity to a widow.-(1) The annuity payable in the case of a widow, who elects in writing for such payment shall be the amount determined in accordance with the principles specified in sub-section (2) of section 72. The Deputy Commissioner shall issue the non-redeemable and non-negotiable annuity bond in Form 9A. The Tahsildar shall draw and disburse the amount annually after preparing a bill in form 9B duly countersigned by the Assistant Commissioner.

5. Amendment of Rule 24.- In sub rule (3) of rule 24, for the word "Tahsildar" substitute "Tribunal".

6. Omission of rules 25A and 25B.- Rules 25A and 25B of the said rules shall be omitted.

7. Insertion of new rule 24A.- After rule 24 of the said rules, the following rule shall be inserted, namely:-

24A.- Determination of the amount under section 67A.- The Tribunal shall, in an enquiry under section 67A of the Act, follow the procedure specified for a formal enquiry under Section 33 of the Karnataka Land Revenue Act, 1964. It shall give to the holder of the surplus land a reasonable opportunity of being heard and adducing oral and documentary evidence. It may also examine such other person or persons, and peruse such other documents as it considers necessary."

8. Amendment of rule 26.- Item (iii) of sub-rule (1) of the said rule shall be omitted.

9. Insertion of new Rule 26AA.- After rule 26A of the said rules, the following rule shall be inserted, namely:-

26AA. Grant of surplus land.- (1) Out of the surplus land vesting in the State Government as specified in Section 77, and remaining after reservation for any public purpose under sub-section 3 of Section 77, fifty per cent shall be reserved for grant to persons belonging to Scheduled Castes and Scheduled Tribes. The land so reserved shall be distributed to the following categories to the extent noted against each in the following order of preference.

1. Dispossessed tenants who are not registered as occupants, .. Not exceeding one unit each.
2. Displaced tenants having no land; .. -do-
3. Landless agricultural labourers; .. -do-
4. Landless persons and ex-military Personnel whose gross annual income does not exceed Rs.2,000/- .. Not exceeding one unit each.
5. Released bonded labourers, .. Not exceeding one unit each.
6. Other persons residing in villages of the same Panchayat and whose gross annual income does not exceed Rs.2,000/- .. Not more than the extent required to make up one unit.

Provided that if there are no applications falling under item 6, belonging to Scheduled Castes and Scheduled Tribes residing in villages of the same Panchayat, the land available may be granted to applicants belonging to Scheduled Castes and Scheduled Tribes, but residing in villages of neighbouring Panchayats.

(2) The remaining fifty percent of the land mentioned in sub-rule (1) shall be distributed to the following categories of applicants to the extent noted against each, in the following order of preference.

1. Dispossessed tenants who are not registered as occupants, .. Not exceeding one unit each.
2. Displaced tenants having no land; .. -do-
3. Landless agricultural labourers, .. -do-
4. Landless persons and Ex-Military Personnel whose gross annual income does not exceed Rs.2,000/- .. -do-
5. Released bonded labourers; .. -do-
6. Other persons residing in villages of the same Panchayat and whose gross annual income does not exceed Rs.2,000/- .. Not more than the extent required to make up one unit.

(3) The Consultative Committee constituted for the Taluk by the Government under Rule 24 of the Karnataka Land Grant Rules, 1969 shall be consulted in respect of all applications for grant of surplus land in the Taluk concerned and its recommendations shall be given due consideration by the authority authorised to grant the land under these rules.

10. Amendment of rule 26B.- In rule 26B of the said rules.-

(i) in the heading for the word 'Tribunal' the words "Deputy Commissioner or any other officer authorised by the State Government in this behalf" shall be substituted;

(ii) in sub-rule (1) for the words "which the Tribunal is empowered to grant under the said section, the Secretary of the Tribunal shall simultaneously publish" the words "which the Deputy Commissioner or any other officer authorised by the State Government in this behalf is empowered to grant under the said section and he shall simultaneously publish" shall be substituted;

(iii) in sub-section (3), for the words "Tribunal" the words "Deputy Commissioner or any other officer authorised by the State Government in this behalf" shall be substituted;

11. Amendment of rule 27.- In rule 27 of the said rules, the words "by the Tribunal" shall be omitted.

12. Insertion of new rule 27A.- After rule 27 of the said rules, the following rule shall be inserted, namely:-

"27A. Management of surplus lands.- The procedure specified in rule 7 shall mutatis mutandis apply for the management of surplus lands under section 79."

13. Amendment of rule 37.- In rule 37 of the said rules, for the words and figure "under section 83" the words and figures "under Section 83 and 85" shall be substituted.

14. Amendment of Rule 42.- In the second proviso to sub-rule (1) of Rule 42, between the words "under section 48A" and "of the Karnataka Land Reforms Act 1961", the words and figures "and section 38" shall be inserted.

15. Insertion of new Forms"2A, 2B and 2C.- After Form 2 of the said rules, the following Form shall be inserted, namely:-

"Form 2A
(enclosed)

Form 2B(1) and 2B(2)
(enclosed)

Form 2C
(enclosed)"

16. Insertion of new Forms 9A and 9B.- After Form 9 of the said rules, the following forms shall be inserted, namely.-

"Form 9A
(enclosed)

Form 9B
(enclosed)"

By Order and in the name of the
Governor of Karnataka,

H. N. Ranganathan
(H.N.Ranganathan),

Asst.Spl.Officer for Land Reforms & Ex-
officio Under Secy.to Govt.Rev.Dept.

To
The Compiler, Karnataka Gazette for publication in Part IV 2C
of the Karnataka Gazette and to supply to Government in Revenue
Department(Land Reforms Branch) 500 copies of rules.

Copy to:-

All the Divisional Commissioners.

All the Deputy Commissioners/Spl.Deputy Commissioners.

All the Assistant Commissioners/Spl.Assistant Commissioners/
Addl.Spl.Assistant Commissioners.

The Other Chairmen of the Tribunals.

All the Tahsildars/Spl.Tahsildars/Addl.Spl.Tahsildars.& Ex-officio
Spare. Secretaries of Tribunals.