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GOVERNMENT OF KARNATAKA

No.RD 90 LRW 77

Karnataka Government Secretariat,
Vidhana Soudha,
Bangalore, dated: 14th April 1977

CIRCULAR

Subject:- Legal aid to tenants under Land Reforms Act - Clarification

Reference: Circular No.RD 399 LRM 76 dt. 12.7.1976

Under Section 127 of the Karnataka Land Reforms Act, 1961 as amended there is a provision to give legal assistance to the tenants whose pecuniary circumstances are such that legal assistance is, in the opinion of the State Government, required by such tenants.

For the above purpose a Special Cell for providing legal aid to poor tenants, whose total income from all sources does not exceed Rs.5,000/-, has been created in the Law Department. This Special Cell deals with all cases where poor tenants are involved in Writ Petitions before the High Court, (or a corresponding forum) in connection with the decision of the Tribunals set under the Land Reforms Act. Details regarding this Special Cell are available in G.O.No.LAW 14 LAD 77 dt. 25.2.77 (copy enclosed for ready reference).

Wherever poor tenants have prima-facie cases and irrespective of whether the Government have any particular angle or interest to defend or oppose the decision of the Tribunal, legal aid will be provided to the poor tenants by this special cell in the Law Department. The Deputy Commissioners may advise the tenants to approach the special cell for any legal aid required by them. A set of notice, publicising the establishment of this special Cell, and the form of application for legal aid to be made by the tenant, both in Kannada and English are enclosed herewith for adequate publicity.


In respect of cases where Government or a Government Officer or a Tribunal is made a party in the Writ Petitions, they will be defended, though not indiscriminately as has been done so far. In such cases, a selective approach will be adopted and only where Government feel that the decision of the Tribunal should be defended, on policy consideration,

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arrangements will be made to defend the same. Relevant records in such cases along with written briefs highlighting particular points should be sent to the Government expeditiously. In respect of other cases before the High Court (or the corresponding forum) where Government have no interest, the parties concerned will be allowed to agitate their respective cases before the High Court; even though Government Officers, Government or Tribunals are impleaded.

In view of the constitution of the Special Cell for providing legal assistance to poor tenants, the existing instructions regarding Government filing Writ petitions on behalf of the tenants against the perverse decisions of the Tribunals on the reports made by Deputy Commissioners will not be operative henceforth, except in very special cases.

The Deputy Commissioners are requested to note the above instructions carefully and to give adequate publicity through the Tribunals and other revenue officers regarding these instructions and the constitution of the Special Cell in the Law Department for providing legal aid to tenants.


(B.M. NAGARAJ)

Asst. Spl. Officer for L.R. & Ex-Officio
Under Secy. to Govt. Revenue Department

To

The Secretary, Law & Parliamentary Affairs, Department
All Divisional Commissioners
All Deputy Commissioners/Special Deputy Commissioners/
All Assistant Commissioners/Special Assistant Commissioners
All Tahsildars/Special Tahsildars
Spare copies