

## KARNATAKA LAND GRANT RULES, 1969

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### **SCHEDULE 3 :- FORM**

## KARNATAKA LAND GRANT RULES, 1969

In exercise of the powers conferred by Section 197 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), the Government of Karnataka, hereby makes the following rules, the draft of the same having been published as required by sub-section (1) of Section 197 of the said Act, in the Karnataka Gazette, dated 12th June, 1969 as GSR 204, dated 3rd June, 1969.

### **1. Title and commencement :-**

- (1) These rules may be called the Karnataka Land Grant Rules, 1969.
- (2) They shall come into force at once.

### **2. Definitions :-**

. In these rules, unless the context otherwise require.

(1) "Act" means the Karnataka Land Revenue Act, 1964;

(2) "Agriculture" means.

(a) Horticulture;

(b) the raising of crops, grass or garden produce;

[(c) dairy farming, poultry farming, the use by an agriculturist of land held by him or a part thereof for the grazing of cattle, but does not include allied pursuits like breeding of live-stock, grazing (other than pasturage of ones own agricultural cattle) and such other pursuits as may be prescribed or the cutting of wood only.

<sup>1</sup>[(d) aboriculture.]

- (3) "Displaced holder" means a person who has been deprived of an agricultural land owned by him by acquisition of such land under the Land Acquisition Act;
- (4) "Displaced tenant" means a person who has been deprived of agricultural land of which he was a tenant, on account of acquisition of such land under the Land Acquisition Act;
- (5) "Ex-serviceman" means a person who has been permanently returned from the former Karnataka State Forces, the former Hyderabad State Forces or the former Indian Army or from the Armed Force of the Union;
- (6) "Family" in relation to a person means such person, and if married, the wife or husband as the case may be, and the dependant children and grand children of such person;
- (7) "Form" means a form appended to these rules;
- (8) "Insufficient holder" means a person who is not a sufficient holder;
- (9) "Plantation Crops" means Cardamom, Coffee, Pepper, Rubber and Tea;
- (10) "Political Sufferer" means any person who on account of participation in the national movement.
- (a) had been sentenced to imprisonment for not less than six months; or
- (b) had been kept in detention (including detention as under trial prisoner) for not less than six months; or
- (c) lost his job or means of livelihood or the whole or substantial part of his property.
- (11) "Reserved trees" means Teak or Saguvani (*technona grandis*), black wood or Bite (*Dalbergia latifolia*), Myrobolam or gallanut or Atale (*Terminalia hebbul*), yile Cedar or Davangere (*Dysoxylum malabaricum*), Jalari (*Shorea lacoufera*), Benteak or Nandi (*Lewstoeemia lanceolata*), Satin wood or Huragalu (*Cloesia swietenia*), Soapnut or Antawala (*Saundersia emarginata*), Karachi Kamara (*Hardwickia bintal*), oil tree or Yenne mara (*Hdrawickia pinnata*), Hebbhalasu (*Artocarpus hirsuta*), Ebony or Karimara or Bate (*Disopyros benum*), Iron wood or Jombee (*Xylia xylocarpa*), Poon-par, or Sarahonne (*Calophyllum elatum*), Chittagong wood (*Chickrassia tabularis*), Kiralbogi (*Hopea parviflora*), Kachu or Kaggali (*Acecia catechu*), Bore (*Ziypus jujubal sagade*) (*Scheleichere trijuga*), Yethaga (*Venteak*), (*Aridina cordifolia*), Tamarindus (*Indica*), Karimatti (*Terminia liattomtosall*), Mavu (*Mangitera indica*), Kasarka (*Stricanos nuxvomica*), Alasu (*Artocarpus integrifolio*), Bilihatti (*Terminalla arjana*), Chop (*Atlanthus malberica*), Sandal Tree (*Santalum album*), and such other trees as the State Government may, by notification, declare to be reserved trees for purposes of Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964).
- (12) "Section" means a section of the Act.
- (13) "Soldier" means a person in the service of the Armed Forces of the Union and includes in the case of a soldier who has died while <sup>2</sup> [in service], the father, the mother, the spouse, the child and grand-child who were dependent upon such soldier at the time of his death:
- Provided that if a question arises whether any person is soldier or whether any soldier died while <sup>2</sup> [in service], such question shall be decided by the State Government and its decision shall be final.
- (14) "To cultivate personally" and "Land possessing facilities for assured irrigation" shall have the same meaning as assigned to them in the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962);
- (15) "Sufficient holder" means a person who owns not less than four hectares of garden or wet land possessing facilities for assured irrigation or 8 hectares of dry or rainfed wet land.
- Explanation. If a person owns more than one class of land, the extent owned by him for purposes of this clause shall be determined by converting the extent of different classes of lands into the equivalent extent of lands as follows: One hectare of garden land or one hectare of wet land possessing facilities for assured irrigation shall be deemed to be equivalent to two hectares of rainfed wet land or dry land.
- (16) Words and expressions used in these rules, but not defined shall have the meaning assigned to them in the Karnataka Land Revenue Act, 1964 and rules thereunder.

1. Clause (d) inserted by GSR 90, dated 19-7-1985, w.e.f. 16-1-1986.

2. Substituted for the words "engaged in operation for the defence of India" by GSR 15, dated 11-2-1991, w.e.f. 14-2-1991.

### **3. Preparation and publication of list of lands available for disposal :-**

- (1) For determining the lands available for disposal in any village the Tahsildar of the taluk shall prepare a list of lands which have been or have to be assigned for special purposes under <sup>1</sup> [Section 71 of the Act and the lands which have been classified as belonging to Categories C and D by the Department of Agriculture] and the lands which have been classified as belonging to categories C and D by the Department of Agriculture. <sup>2</sup> [Unoccupied lands other than lands classified as belonging to Categories C and D by the Department of Agriculture] other than lands classified as belonging to categories C and D by the Department of Agriculture fit for cultivation remaining after reserving sufficient extent for the aforesaid special purposes, shall be included in the list of lands available for disposal.
- (2) Such lists in so far as they relate to all the villages in a taluk shall be notified in the Taluk Office and so far as they relate to each village shall be notified in the Chavadi of the Village and the Office of the <sup>3</sup> [Grama Panchayat]. The list relating to each village shall be available for inspection with the concerned Village Accountant.
- (3) Every list shall be prepared, revised and brought up-to-date each year and notified not later than the 1st day of July of that year.

1. Substituted for the words and figures "Section 71 of the Act" by GSR 424, dated 22-12-1971, w.e.f. 30-12-1971.

2. Substituted for the words "Unoccupied lands" by GSR 424, dated 22-12-1971, w.e.f. 30-12-1971.

3. Substituted for the words "Village Panchayat" by Notification No. RD 59 LGP 99, dated 22-1-1999, w.e.f. 24-1-

2000.

#### **4. Persons eligible for grant of land for agricultural purposes :-**

(1) Lands available for disposal may be granted for agricultural purposes under these rules to a person.

(i) who has attained the age of eighteen; and

<sup>1</sup>[(ii) whose gross annual income does not exceed rupees eight thousand; and]

(iii) who is either a bona fide agriculturist cultivating the land personally or has bona fide intention to take up personal cultivation; and

(iv) who is not a sufficient holder:

<sup>2</sup>[Provided that in the case of Ex- servicemen and Soldiers, lands may be granted, if the gross annual income of the applicant <sup>3</sup>[exceed rupees eight thousand but less than <sup>4</sup> [rupees twenty thousand:]]

Provided further that the extent of land granted to any person shall not together with the land already held by such person exceed the limits prescribed for a sufficient holder in Rule 2(15).]

(2) Notwithstanding anything contained in sub-rule (1) any person may be granted the land adjacent or close to the land already held by him on collection of market value as on the date of grant to be determined by the authority granting the land, if such land is, in the opinion of such authority required for better enjoyment or better cultivation of the land so held:

Provided that no such grant shall be made of an extent exceeding in the case of wet or garden land half hectare and in the case of dry land one hectare and that the total extent of land held after such grant does not exceed the ceiling area according to the Karnataka Land Reforms Act, 1961.

1. Item (ii) of sub-rule (1) substituted by GSR 314, dated 10-12-1987, w.e.f. 11-12-1987.

2. Provisos to sub-rule (1) substituted by GSR 382, dated 7-11-1970, w.e.f. 12-11-1970.

3. Substituted for the words "does not exceed rupees five thousand" by GSR 314, dated 10-12-1987, w.e.f. 11-12-1987.

4. Substituted for the words "rupees twelve thousand" by GSR 985, dated 31 -8-1991, w.e.f. 2-9-1991.

#### **5. Reservations :-**

(1) The land available for disposal in any village shall be granted observing the reservations indicated below.

(i) Ex-servicemen and Soldiers-10 per cent

(ii) Persons belonging to Scheduled Castes and Scheduled Tribes-50 per cent

<sup>1</sup>(ii-a) Backward Tribes-5 per cent

(iii) Political sufferers-10 per cent

(iv) Others-<sup>2</sup>25 per cent

(2) Where the extent reserved under (ii) and (iii) is in excess of the extent that can be granted to the persons belonging to those categories, the excess land shall with the approval of the Deputy Commissioner be disposed of among persons in category (iv).

<sup>3</sup> [Explanation. "Backward Tribes" means the Backward Tribes, as mentioned in the list appended to the Government Order No. SWL 12 TBS 77, dated 22nd February, 1977.]

(3) Notwithstanding anything in sub-rule (1), where the land available for disposal in village is less than four hectares, the whole of such land shall be disposed of to persons belonging to the Scheduled Castes and Scheduled Tribes who are ordinarily residents of such village or who reside in the neighbouring village and where no persons belonging to Scheduled Castes and Tribes apply, it shall be disposed of to others.

1. . Item (ii-a) inserted by GSR 365, dated 5-12-1977, w.e.f. 7-12-1977.

2. Substituted for the figures and words "30 per cent" by GSR 365, dated 5-12-1977, w.e.f. 7-12-1977.

3. Explanation to sub-rule (2) inserted by GSR 365, dated 5-12-1977, w.e.f. 7-12-1977,

#### **5A. Lands disposed of to Scheduled Castes and Scheduled Tribes in a Taluk to be not less than fifty per cent :-**

. Where, in any taluk, the total extent of lands disposed of from the date of commencement of these rules till the date of commencement of the Karnataka Land Grant (Amendment) Rules, 1979, to persons belonging to Scheduled Castes and Scheduled Tribes is less than fifty per cent of the lands which were available for disposal in the taluk during that period then until such disposal reaches such percentage for the taluk, the percentage of reservation of lands in each village in the taluk shall be 1[five per cent for the purpose of item (i) of sub-rule (1) of Rule 5 in respect of ex-servicemen and soldiers, seventy-five per cent for the purpose of item (ii) of the said sub-rule in respect of persons belonging to Schedule Castes and Scheduled Tribes, five per cent for the purpose of item (iii) of the said sub-rule in respect of political sufferers and ten per cent for the purpose of item (iv) of the said sub-rule in respect of others.

#### **6. Order of Priority :-**

. In disposing of land among persons belonging to Category (iv) of sub-rule (1) of Rule 5, the following order of priority shall be observed.

- (i) landless persons residing in the village;
- (ii) insufficient holders residing in the village;
- (iii) landless persons residing in other villages in the same or adjacent taluk;
- (iv) others:

Provided that when Government directs under Section 71 of the Act that in any particular area Government land shall be reserved for grant to displaced persons and tenants affected by any Government <sup>1</sup> [x x x x x] Project, provisions of Rules 5 and 6 will not apply.

1. The word "Irrigation" omitted by GSR 382, dated 7-11-1970, w.e.f. 12-11-1970.

## **7. Powers of Revenue Officers to grant lands :-**

(1) The following Revenue Officers shall be competent to grant land for agricultural purposes other than cultivation of plantation crops to the extent noted against each.

- (i) Tahsildar in charge of a Taluk. Up to two hectares of dry land or one hectare of wet land or garden land;
- (ii) Assistant Commissioner in-charge of the Revenue Sub- Division or any Assistant Commissioner in a District to whom the powers of the Deputy Commissioner to grant lands are delegated.
- (iii) Deputy Commissioner of a District. Not exceeding six hectares of dryland or three hectares of wet or garden land;
- (iv) Divisional Commissioner. Exceeding six hectares of dry land or three hectares of wet or garden land but not exceeding ten hectares of dry land or five hectares of wet or garden land;
- (v) In any other case in excess of the extent specified in sub-clause (iv), the proposals shall be submitted to Government for sanction.

(1A) Notwithstanding anything contained in sub-rule (1), where Special Assistant Commissioners for grant of land under these rules are appointed, the Revenue Officers specified in items (i) and (ii) of sub- rule (1) shall not be competent to grant land and the said Special Assistant Commissioners shall, within their jurisdiction, be competent to grant land for the purpose specified in sub-rule (1) upto four hectares of dry land or two hectares of wet or garden land.

(2) For the purpose of cultivation of plantation crops, the Deputy Commissioner of a district may grant lands upto an extent of 10 hectares and the Divisional Commissioner may grant lands upto an extent of fifteen hectares. In all other cases the proposals have to be submitted to Government for sanction.

(3) For non-agricultural purposes other than building sites the following Revenue Officers may subject to the provisions of Rule 10(3) grant lands to the extent noted against each on collection of market value which should include conversion fine also to be determined by them.

- (i) Deputy Commissioner. Up to an extent of four hectares;
- (ii) Divisional Commissioner. Exceeding four hectares but not exceeding 8 hectares;
- (iii) In any other case in excess of the extent specified in sub-clause (ii) the proposals shall be submitted to Government for sanction.

## **8. Procedure for grant of lands for agricultural purposes :-**

(1) Any person who under these rules is eligible for grant of lands for agricultural purposes shall make an application in writing to the Tahsildar of the taluk in Form 1 giving the following particulars.

- (i) name, age and address of <sup>1</sup>[the applicant and his wife];
- (ii) the extent and particulars of the land asked for namely, survey number, village, taluk, sub-division in which the land is situated;
- (iii) the extent and details of the land if any already owned or held by him or by any member of his family;
- (iv) whether he belongs to the scheduled caste or the Scheduled Tribe or is a displaced person, displaced holder, displaced tenant, an ex-serviceman, soldier or political sufferer;
- (v) whether he or any member of his family had previously applied for land, if so, the particulars of the endorsement received thereon;
- (vi) the particulars of any land previously granted to him or any member of his family.

(2) Immediately on receipt of such application, the Tahsildar shall cause the particulars of the application to be entered in a register which shall be in Form 11 kept in his office.

(3) The Tahsildar shall after the last day of September of each year scrutinise the applications received and classify them according to the priorities specified in Rule 6. Applications received after 30th November, 1969 (for the year 1969) and after 30th September (subsequent years) shall be scrutinised and classified by the Tahsildar once a month.

(4) Thereafter, the Tahsildar shall make such enquiry as he thinks fit and if satisfied that the applicant is eligible under these rules for the grant of land applied for he may, subject to the provisions of Rules <sup>2</sup>[5,6, 7 and 24] pass an order granting the land:

<sup>3</sup>[Provided that such an order may be passed in the joint name of the applicant and his wife, where the Tahsildar is satisfied that the wife is living with the applicant and she fulfills the requirement as to eligibility and other conditions referred to under these rules for the grant of land.]

(5) Where the land applied for is not available for grant or the Tahsildar is satisfied that the applicant is not eligible

for grant, he may reject the application and inform the applicant accordingly.

(6) <sup>4</sup> [Where the Tahsildar is not competent to grant land under these rules or where the extent of land applied for is more than the extent of land which he is competent to grant] he shall submit the application to the Officer who is competent under these rules to grant such extent of land along with the report in the matter and such competent officer may pass orders granting the land.

(7) The Tahsildar shall record a certificate whenever the grant of land is taken up to the effect that the reservations specified in Rule 5 have been observed.

1. Substituted for the words "the applicant" by Notification No. RD 68 LGP 87, dated 17-12- 1999, w.e.f. 18-12-1999.

2. Substituted for the figures and word "5, 6 and 1" by GSR 297, dated 31-8-1972, w.e.f. 1-9-1972.

3. Proviso inserted by Notification No. RD 68 LGP 87, dated 17-12-1999, w.e.f. 18-12-1999.

4. Substituted for the words "Where the extent of land applied for is more than the extent of land which the Tahsildar is competent to grant" by GSR 223, dated 14-7-1971. w.e.f. 22-7-1971.

## **9. Conditions of grant :-**

(1) The grant of lands under these rules <sup>1</sup>[for agricultural purposes] shall be subject to the following conditions namely.

(i) the grantee shall not alienate the land for a period of fifteen years from the date of taking possession: Provided that he may, after a period of five years, with the previous permission of, and subject to 2[the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979), and] such conditions as may be specified by the Deputy Commissioner, alienate the whole or any portion of such land. But however, the Deputy Commissioner shall not grant such permission unless he is satisfied that the alienation is for the purpose of acquiring other land or for improving the remaining land and the grantee credits to Government an amount equal to fifty per cent of the market value of such land as on the date of sanction of such alienation as determined by the Deputy Commissioner:

Provided that no person who has obtained permission to alienate land under the rule shall, notwithstanding the provisions of Rule 4 be eligible for grant of any Government Land.

(ii) the land granted shall be brought under cultivation within three years from the date of taking possession:

Provided that the Deputy Commissioner, may, if he is satisfied that the grantee could not do so for bona fide reasons extend the aforesaid period upto 5 years;

(iii) the grantee shall cultivate the land personally;

<sup>2</sup>(iiia) where the land is granted for coffee cultivation the grantee shall apply within the period specified in Section 14 of the Coffee Act, 1942 (Central Act 7 of 1945) to the Registering Officer appointed under the said section to be registered as an owner of such land;

(iv) the land shall not be appropriated for any purpose other than that for which it was granted, except with the prior approval of the Granting Authority who may grant such permission subject to such conditions as he may consider proper and subject to payment of additional upset price as he may consider fit provided the conversion is for a non-agricultural purpose and the price is within the maximum specified in Rule 12;

<sup>3</sup>(iva) the grantee shall within a period of one year from the date of his taking possession of the granted land plant and maintain not less than one tree per every 10 (ten) acres of land or ten trees per hectare of land, at his cost. In case the tree/trees planted were to die or get damaged due to causes beyond his control, he shall replant in its place another tree/trees and rear them;]

(v) for contravention of any of the above conditions the grant shall be liable to be cancelled and resumed to Government free from all encumbrances by the authority granting the land:

Provided that before cancelling the grant, the grantee is afforded with an opportunity of being heard. Provided further that where the grant has been cancelled for non-payment of upset price, the Deputy Commissioner may restore the grant on payment of upset price with a penalty of 10 per cent of the upset price, within a period of 2 years after the grant if the land in question has not been disposed of otherwise.

(2) The following shall not be regarded as alienation for purposes of sub-rule (1).

(a) mortgage of the land in favour of State Government or a Co-operative Society or the Indian Coffee Board or a Scheduled Bank <sup>4</sup>[or the Agricultural Refinancing Corporation or the Karnataka State Agro Industries Corporation] for loans obtained for improvement of such land or for buying cattle or agricultural implements for the cultivation of such land; and

(b) leasing of the land in accordance with the provisions of the Karnataka Land Reforms Act. 1961,

<sup>5</sup> (3) The grant of lands other than building sites under these rules, for non-agricultural purposes shall be subject to the following conditions, namely.

(i) the land shall be utilised for the purpose for which it was granted within two years from the date of taking possession:

Provided that the authority granting the land may, if satisfied, that the grantee could not for bona fide reasons utilise the land within the said period, by order, in writing, extend the time for a further period not exceeding two years;

(ii) the land shall not be appropriated for any purpose other than that for which it was granted except with the prior approval of the Granting Authority who may grant such permission subject to such conditions as he may consider proper and fit;

(iii) for contravention of any of the above conditions, the grant shall be liable to be cancelled and resumed by the Granting Authority, free from all encumbrances and without payment of any compensation.

1. Inserted by GSR 300, dated 1-9-1972, w.e.f. 7-9-1972.
2. Clause (iii-a) inserted by GSR 93, dated 6-3-1975, w.e.f. 3-4-1975.
3. Clause (iv) inserted by GSR 162, dated 20-5-1977, w.e.f. 2-6-1977.
4. Inserted by GSR 382, dated 7-11-1970, w.e.f. 12-11-1970.
5. Sub-rule (3) inserted by GSR 300, dated 1-9-1972, w.e.f. 7-9-1972.

#### **10. Restriction on disposal of land in certain cases :-**

(1) No land with more than fifty reserved trees in a hectare shall be disposed of for cultivation except under the orders of the Deputy Commissioner.

<sup>1</sup>[(2) No land.

(i) within the municipal limits of the City of Bangalore and in any village situated within a radius of sixteen kilometres from the municipal limits of the City of Bangalore:

<sup>2</sup>[Provided that the Deputy Commissioner may, if satisfied that any such land is not required for a public purpose grant such land for agricultural purposes;] or

(ii) within the municipal limits of cities of Mysore, Davangere, Mangalore, Hubli-Dharwar, 1[Belgaum], Kolar Gold Fields area and Bagalkote Town in any village situated within a radius of seven kilometres from the municipal limits of the said places; or

(iii) within the municipal limits of District Headquarters and towns of Gadag-Betegeri and Dandeli and in any village situated within a radius of five kilometres from the municipal or town limits of the said places; or

(iv) within the municipal limits of Taluk Headquarters and towns connected by railway and in any village situated within a radius of three kilometres from the municipal or town limits of the said places; or

(v) within the limits of other municipalities, other Taluk Headquarters and Town Panchayats and in any village situated within a radius of one and a half kilometre from the said places, shall be granted under these rules for the purpose of agriculture.

Explanation. For the purpose of this sub-rule, if the headquarters, gramathana or chavadi of a village is within the radius specified in this sub-rule, the whole of such village shall be deemed to be within the radius specified in this sub-rule;

(vi) One mile from the municipal limits of other Taluk Headquarters, towns and other Municipal and Panchayat town; shall be granted under these rules for the purpose of agriculture:]

(3) Notwithstanding anything contained in Rules 7(3) and 18, lands within the radius specified in sub-rule (2) shall not be granted for non-agricultural purposes without the previous approval of the State Government:

<sup>3</sup>[Provided that such approval shall not be necessary for grant of building sites within the radius specified in clauses (iii), (iv) and (v) of sub-rule (2) excluding the municipal limits of District Headquarters:]

<sup>4</sup> [Provided that such approval shall not be necessary for grant of building sites within the radius specified in clauses (iii), (iv) and (v) of sub-rule (2) excluding the Municipal limits of District Head Quarters.]

1. Sub-rule (2) substituted by GSR 382, dated 7-11-1970, w.e.f. 12-11-1970
2. Proviso to clause (i) inserted by GSR 288, dated 18-9-1978, w.e.f. 19-9-1978.
3. First Proviso to sub-rule (3) inserted by GSR 41, dated 17-1-1972, w.e.f. 27-1-1972.
4. Second Proviso to sub-rule (3) inserted by GSR 180, dated 11-10-1994, w.e.f. 15-11-1994.

#### **11. Disposal of tree growth on lands granted :-**

(1) The value of all trees standing on the land granted under these rules shall be assessed by the authorities of the Forest Department.

<sup>1</sup> [(2) Where the value of trees so assessed is not more than rupees twenty-five thousand in case of lands granted for the cultivation of plantation crops and is not more than rupees five thousand in case of other lands, the grantee should be given the option of paying that estimated price within a time to be stipulated by the granting authority and the trees sold to him. If he once agrees to pay the value of trees the default should occasion cancellation. If the grantee is not willing to pay the value of trees assessed by the Forest Department, the trees shall be disposed so by the authorities of the Forest Department by tender-cum-auction sale.

(3) Where the value of trees so assessed is more than Rupees Twenty-five thousand in case of land granted for the cultivation of Plantation Crops and is more than Rupees Five thousand in case of other Lands the Trees shall be removed by the authorities of the Forests Department within One Year from the date of the grant of land:

Provided that the Divisional Commissioner may, on the recommendation of the Divisional Forest Officer having jurisdiction over the area in which such land is situate, extend the period by one more year, and, in exceptional circumstances, by such further period as to coincide with the end of one more working season.

(4) If within the aforesaid period, such trees are not so removed, the trees may be sold to the grantee of the land on payment of the value of such trees as assessed by the authorities of the Forest Department with reference to the prevailing market rate.

(4A) Subject to the provisions of sub-rule (4) in cases where trees standing on the land granted are required by these rules, to be removed by the authorities of the Forest Department, possession of the land shall not be given until such trees are removed by the authorities of the Forest Department:]

(5) Where the grantee desires that any fruit yielding trees like Mavu, Halsu, Nerale, Hunse, Neli, Seethaphal, Cashew and any manural trees like Honge, Seemethangadi, Basavanapada and Glyricidia standing on such land be granted to him, such trees shall not be extracted or disposed of by the authorities of the Forest Department, if the grantee pays the value of such tree or trees assessed by the authorities of the Forest Department.

1. Sub-rules (2) and (3) substituted by GSR 10, dated 30-12-1986, w.e.f. 6-1-1987.

## **12. Price payable for the land granted under these rules :-**

(1) In respect of lands granted under these rules for purpose of agriculture.

(i) the price payable for dry land and rainfed wet land shall be, not less than fifty times and not more than two hundred times the land revenue payable on such land;

(ii) the price payable for garden lands or wet lands with assured irrigation facilities from tanks or channels shall ordinarily be not less than rupees five hundred and not more than two thousand five hundred rupees per hectare.

(2) Notwithstanding anything contained in sub-rule (1), where the land is very valuable, the Deputy Commissioner or the other Officer authorised by him in this behalf may sell such land by public auction.

(3) The price payable in respect of lands granted for cultivation of plantation crops shall be the market value of such land to be determined by the Deputy Commissioner subject to a minimum of one thousand two hundred and fifty rupees per hectare:

Provided that where the market value is lower than the minimum prescribed in Rules 1(1) and (3), it shall be competent to the granting authority to grant the land on collection of market value: y

<sup>1</sup>[Provided further that in respect of lands granted <sup>2</sup>[for coffee, tea, cardamom or rubber cultivation] to persons belonging to Scheduled Castes and Scheduled Tribes, who are members of a Co-operative Society which grants loan to its members, for cultivation of plantation crops, the price payable for such land shall be recovered at the time the lands are confirmed in their favour:]

<sup>2</sup>[Provided further that where a person who owns <sup>3</sup>[coffee, tea, cardamom or rubber lands] not exceeding ten acres in extent or a person who does not own any lands applies for lands <sup>4</sup>[for growing coffee, tea, cardamom or rubber] he may be granted lands upto five acres or an

<sup>5</sup>[(3-A) In respect of the lands granted for cultivation of plantation crops, if the Deputy Commissioner is satisfied that the grantee is unable to pay in a lumpsum the price of the lands granted, he may, for reasons to be recorded in writing, permit the grantee to pay the value of such land in three equal annual instalments. The first instalment shall be recovered before the grantee is given possession of the land.]

<sup>6</sup>[(3-B) Notwithstanding anything contained in sub-rule (3) of this rule, the price payable in respect of lands granted for coffee cultivation to the persons belonging to the Scheduled Castes and Scheduled Tribes shall be Rs. 250/- (rupees two hundred and fifty only) per hectare.]

(4) The authority granting the land may waive upto seventy-five per cent the upset price subject to a maximum of rupees five hundred payable under sub-rule (1) in respect of lands granted to persons belonging to the Scheduled Castes and Scheduled Tribes and to persons who are unable to pay the price on account of poverty, and direct that the balance be recovered in three annual instalments. But the Deputy Commissioner may waive the entire price payable if the amount does not exceed rupees five hundred: <sup>3</sup>[Provided that the authority granting the land shall waive in full the upset price under sub-rule (1) in respect of.

(i) dry lands granted to persons belonging to Scheduled Castes and Scheduled Tribes and Backward Classes; and

(ii) wet lands granted to persons belonging to the Scheduled Castes and Scheduled Tribes.

Explanation. In this proviso Backward classes are those mentioned as Backward Classes in the order made by the State Government from time to time under clause (4) of Article 15 of the Constitution.]

<sup>7</sup>[(5) Notwithstanding anything contained in sub-rule (1) of this rule, no price shall be payable in respect of lands granted to <sup>8</sup> [Ex-servicemen, soldiers and political sufferers] upto 3.2 hectares of dry land or 1.6 hectares of garden land or wet land with assured irrigation facilities from tanks or channels.]

1. Second proviso inserted by GSR 424, dated 22-12-1971, w.e.f. 30-12-1971.

2. Third proviso inserted by GSR 12, dated 28-12-1971, w.e.f. 6-1-1972.

3. Substituted for the words "coffee lands" by GSR 294, dated 31-8-1976, w.e.f. 9-9-1976.

4. Substituted for the words "for growing coffee" by GSR 294, dated 31-8-1976, w.e.f. 9-9-1976.

5. Sub-rule (3-A) inserted by GSR 243, dated 14/15-9-1973, w.e.f. 20-9-1973.

6. Sub-rule (3-B) inserted by GSR 257, dated 22-11-1982, w.e.f. 16-12-1982.

7. Sub-rule (5) inserted by GSR 206, dated 2-5-1972, w.e.f. 25-5-1972.

8. Substituted for the words "Ex-servicemen and soldiers" by GSR 381, dated 12-12-1977, w.e.f. 22-12-1977.

## **13. Land not already assessed to be assessed before it is disposed of :-**

<sup>1</sup>[(1) Where any land to be disposed of under these rules has not been assessed, it shall be assessed in accordance with the provisions applicable to assessment of land. The land should be surveyed and demarcated and boundaries fixed before possession is given to the grantee, <sup>2</sup>[x x x x x.]

<sup>3</sup> [(2) A fee of Rs. 25 shall be recovered from the grantees towards charges incurred for survey and demarcation: Provided that in the case of persons belonging to Scheduled Castes, Scheduled Tribes and Weaker Sections, no fee shall be recovered towards charges incurred for survey and demarcation.]

1. Rule 13 renumbered as sub-rule (1) thereof by GSR 6, dated 26-12-1977, w.e.f. 2-1-1978.

2. The words "The charges incurred for such survey and demarcation shall be recovered from the grantee" omitted by GSR 6, dated 26-12-1977, w.e.f. 2-1-1978.

3. Sub-rule (2) inserted by GSR 6, dated 26-12-1977, w.e.f. 2-1-1978.

#### **14. Grant of salt-marsh lands for reclamation :-**

. Salt land or land occasionally overflowed by salt water which is not required or likely to be required for salt manufacture, be leased for purpose of reclamation by the Deputy Commissioner, on the following terms.

(a) free of rent for the first ten years;

(b) on payment of rent at the rate of two rupees per hectare for the next twenty years on the total area so leased whether reclaimed or not;

(c) after the expiry of thirty years, the lease may be continued in the case of reclaimed lands at the rate at which they would be assessed to land revenue from time to time if they were subject to survey settlement; and in the case of un-reclaimed lands, if any, at the average rate for reclaimed lands;

(d) no rent shall be levied for any portion used for the public roads;

(e) if the reclamation is not carried on with due diligence within two years from the date of lease or if half the area is not reclaimed so as to be in a state fit for use for agricultural purpose at the end of ten years, or any land once reclaimed as aforesaid is not maintained in a state fit for use for agricultural purposes the lease shall be liable to cancellation at the discretion of the Deputy Commissioner:

Provided that the lessee shall have, during the first ten years, the right to relinquish any area which he cannot reclaim;

(f) If the land reclaimed is used for any non-agricultural purpose, the rent shall be liable to be revised in accordance with these rules even though the periods specified above have not expired.

#### **15. Grant of lands near Coast :-**

(1) No lands near the sea coast within <sup>1</sup>[five hundred metres] of the high watermark of the sea which is the property of the State Government shall be granted except as hereinafter specified.

(2) The Deputy Commissioner shall permit casuarina, palm trees and coconut plantations to be raised in lands <sup>2</sup> [one hundred metres] above the high watermark of the localities which are not less than <sup>3</sup>[half a kilometre] from the nearest villages subject to levy of full assessment in the area from the year in which licence is issued. The assignment of such lands shall be made with the previous permission of the Divisional Commissioner.

(3) The Deputy Commissioner may also in consultation with the Director of Fisheries and Port Officers, assign lands near the coast for the erection of fish oil and fish guano factories or on lease renewable annually to fishermen for erecting temporary dwelling. No grant shall be made unless the applicant has previously obtained a licence from the Competent Authority for the establishment of a factory on the site.

1. Substituted for the words "two hundred metres" by GSR 99, dated 11-5-1993, w.e.f. 20-5-1993.

2. Substituted for the words "hundred yards" by GSR 382, dated 7-11-1970, w.e.f. 12-11-1970.

#### **16. Grant of land for cultivation of plantation crops :-**

(1) The grant of land for cultivation of plantation crops may be made to any person subject to the condition that the total holding under plantation crops of such person together with the area to be granted shall not exceed fifty hectares:

Provided that.

(i) the extent of land granted for cardamom, coffee, tea and rubber cultivation shall not in the first instance exceed ten hectares;

(ii) the extent of land granted for pepper cultivation shall not in the first instance exceed five hectares:

Provided further the grant of lands under this rule is subject to the provisions of Rules 7 and 9.

<sup>1</sup> [(2) x x x x x.]

(3) In respect of lands required for coffee cultivation, the Indian Coffee Board shall be consulted as to the fitness or otherwise of the lands for cultivation of coffee. If the Coffee Board is of the opinion that prima facie the land is fit for cultivation, the competent Officer may dispose of the application on merits. If the Coffee Board is not of such opinion, the application shall be rejected.

1. Sub-rule (2) omitted by GSR 93, dated 6-3-1975, w.e.f. 3-4-1975.

#### **17. Grant of land for Cashewnut cultivation :-**



. An extent of land not exceeding five hectares may be granted on collection of market value by the authority competent to grant lands under Rule 7 for cultivation of cashewnut subject to the condition that the total holding under cashew cultivation of such applicant does not exceed ten hectares:

Provided that the extent of land granted shall not together with the land already held by the grantee exceed the ceiling area specified in the Karnataka Land Reforms Act, 1961.

**17A. Procedure for grant of land for own agricultural purposes :-**

<sup>1</sup> (1) Any person desiring the grant of land for any non- agricultural purposes shall make an application to the Tahsildar of the taluk in which the land is situated furnishing the following particulars.

(i) name, age (if the applicant is an individual) and address;

(ii) the extent and particulars of land applied for, namely, survey number, village, taluk and sub-division in which the land is situated;

(iii) if the applicant is an individual, whether he or any member of his family had previously applied for the said land, if so, the particulars of such application;

(iv) the particulars of any land previously granted;

(v) if the applicant is an individual, the particulars of any land previously granted to any member of his family;

(vi) the purpose for which the land is required.

(2) On receipt of such application, the Tahsildar shall cause the particulars of the application to be entered in a register to be kept for the purpose. The Tahsildar shall make such enquiry as he thinks fit with a view to satisfy himself that the applicant has bona fide intention of using the land for the purpose for which it has been applied for. If the land applied for is available for grant, the Tahsildar shall submit a report to the Deputy Commissioner along with the application and the connected records.]

1. Rule 17-A inserted by GSR 147, dated 9-5-1973, w.e.f. 14-6-1973.

**18. Grant of building sites :-**

(1) The Deputy Commissioner may grant building sites after reserving 18 per cent of the sites available for the members of the Scheduled Castes and Scheduled Tribes where necessary subject to all or any of the following conditions, on payment of such price as he may fix which shall not except in specially deserving cases be less than the market value of such site:

Provided that no site shall be granted to a person who owns a home or a site within the village, town or city concerned <sup>1</sup>[or who has been] granted a site by any authority during the last twenty years.

(a) the site shall not be tenanted for a period of five years from the date on which the grantee takes possession of the site. If the grantee desires to alienate the site after five years and within a period of fifteen years, previous sanction of the Deputy Commissioner shall be obtained. The Deputy Commissioner may sanction such alienation, after recovery of the amount equal to fifty per cent of the market value of such site on the date of sanction: Provided that mortgage of the site in favour of <sup>2</sup>[the State Government or] the Karnataka Housing Board or a House Building Co-operative Society or a Scheduled Bank or Life Insurance Corporation of India for obtaining loan for construction of building or improvement of building shall not be regarded as alteration for the purpose of this rule;

(b) the grantee shall not use the site for any purpose other than that for which it is granted;

<sup>3</sup>[(bb) the grantee shall utilise the site for the purpose for which it was granted within two years from the date of taking possession: Provided that the authority granting the site may, if satisfied, that the grantee not for bona fide reason utilise the site within the said period, by order, in writing, extend the time for a further period not exceeding two years;]

(c) the utilisation of the grant shall be subject to any law relating to the Local Authority having jurisdiction over the area in which the site is situated;

(d) contravention of any of the aforesaid conditions shall render the building site liable to resumption at the discretion of the Deputy Commissioner without payment of any compensation to the grantee.

(2) Where a building site cannot with advantage be granted as an independent site, the adjoining holder, if he so desires, may be granted such site at such value as the Deputy Commissioner may determine.

(3) Notwithstanding anything contained in these rules, the Deputy Commissioner, may grant sites on payment of upset price fixed by him for any educational or charitable institution or to a public authority and free of charge to persons belonging to <sup>2</sup>[Scheduled Castes or Scheduled Tribes or to a siteless person of the village whose annual income including that of his family, does not exceed <sup>3</sup>[rupees eight thousand and four hundred.]]

(4) When a building site is reserved for a specific purpose, the Deputy Commissioner may lease such site temporarily, for a period not exceeding twelve months, subject to recovery of rent to be fixed by him having regard to the circumstances and the purpose in each case.

<sup>4</sup>[(5) A building site to be granted under this rule shall not exceed <sup>5</sup>[five ares.]]

(6) Notwithstanding anything stated in this rule or in the Government Notification No. RD 26 GNA 69, dated 21st June, 1969, it shall be competent, for the Tahsildar of a Taluk to grant building sites not exceeding <sup>6</sup>[two <sup>7</sup>[Grama Panchayat] in the taluk and not exceeding <sup>8</sup>[one are] in Town Panchayat limits, to poor residents without the Panchayat limits who do not own any house or a building site:

<sup>9</sup> [Provided that in such areas as the State Government may, by notification specify, the Officers specified in such

notification shall be and the Tahsildar of the taluks shall not be competent within their respective jurisdiction to grant building sites to the extent and subject to the conditions specified in this sub-rule.]

1. Substituted for the words "and who has been" by GSR 323, dated 12-10-1971. w.p.f. 21-10-1971.
2. Tnsortec) bv fWR 281, dated 4-8-1972. w.p.f. 17-8-1972.
3. Clause (bb) and the proviso inserted by GSR 300, dated 1-9-1972, w.e.f. 7-9-1972.
4. Sub-rule (5) substituted by GSR 382, dated 7-11-1970, w.e.f. 12-11-1970.
5. Substituted for the words "five acres" by GSR 180, dated 11-10-1994, w.e.f. 15-11-1994.
6. Substituted for the words "two acres" by GSR 180, dated 11-10-1994, w.e.f. 15-11-1994
7. Substituted for the words "Village Panchayat" by Notification No. RD 59 LGP 99, dated 22-1-2000, w.e.f. 24-1-2000.
8. Substituted for the words "one acre" by GSR 180, dated 11-10-1994, w.e.f. 15-11-1994.
9. Proviso to sub-rule (6) inserted by GSR 247, dated 15-6-1972, w.e.f. 29-6-1972.

#### **18A. Grant of land for House Site Scheme, etc :-**

<sup>1</sup> Notwithstanding anything contained in these rules.

- (i) the Deputy Commissioner may make available the land belonging to the State Government for the purpose of grant of house sites to siteless persons under any scheme as may be framed by the Government from time to time;
- (ii) committee, if any, constituted under such scheme shall subject to the general or special orders of the Government in the concerned Department select the beneficiaries under the relevant scheme and send the list of selected beneficiaries to the Tahsildar; and
- (iii) the Tahsildar or any other officer specified by the Government shall on receipt of such list of selected beneficiaries grant house sites to the beneficiaries and also issue grant certificate in such manner and subject to such restrictions and conditions as may be specified by the concerned Department of the Government from time to time.]

1. Rule 18-A inserted by Notification No. RD 89 LGP 99, dated 9-2-2000, w.e.f. 9-2-2000.

#### **19. Lease of lands :-**

(1) The Deputy Commissioner may, subject to availability, lease lands to.

- (a) Educational Institutions;
  - (b) Co-operative Farming Societies;
  - (c) <sup>1</sup>[Grama Panchayats, Taluk Panchayats and Zilla Panchayats]; and
  - (d) Any Company or Association for purposes of agriculture, industry, or any public utility.
- (2)

(a) The extent of land to be leased in favour of the Educational Institutions such as Schools, Colleges, Training Institutions for social welfare workers and students (other than the Government Schools, Colleges and Hostels) recognised by the Director of Public Instruction or any other authority for cultivation by the students of the institution hectares in each case;

(b) the extent of land that may be leased in favour of the Co-operative Fanning Societies registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act II of 1959), for cultivation, shall be determined by the Deputy Commissioner with reference to the number of members of the Society on the basis of two hectares per each member of the Society;

(c) the extent of land that may be leased in favour of a <sup>2</sup>[Grama Panchayat, Taluk Panchayat or a Zilla Panchayat] raising vegetable gardens and fruit trees, and Farm Forestry shall not exceed five hectares of wet land or ten hectares of dry land;

(d) the extent of land that may be leased to any <sup>3</sup>[x x x x] Company or Association for non-agricultural purposes, shall not exceed four hectares;

<sup>1</sup>(d-i) the extent of land that may be leased to any individual shall not together with any land already held by him exceed the limits prescribed for a sufficient holder in Rule 2(15);]

(e) In any other case in excess of the extent specified above the proposal shall be submitted to the Government for sanction.

(3) The period for which lands may be leased under this rule shall not

(a) except with the previous sanction of the State Government, be more than five years, in the case of an individual, company or association; and

(b) be less than ten years and more than thirty years, in other cases:

Provided that the Deputy Commissioner shall be competent to renew the lease after the expiry of this period for a further period of five years.

(4) (a) Lease of lands under sub-rule (1) for agricultural purposes shall be subject to the following conditions also.

- (i) the lease shall not do anything which is destructive or permanently injurious to the land;
- (ii) the lessee shall not sub-let or alienate the land;

- (iii) the land shall be cultivated personally or by the members of the respective institutions, as the case may be;
- (iv) the land shall not be utilised for any purpose other than that for which it is leased;
- <sup>4</sup> [(v) the lessee shall pay annually a rent not exceeding ten times the land revenue plus water rate, if any, payable in respect of such land subject to the condition that the water rate to be taken into account while fixing the rent shall not exceed Rs. 16-50 per acre in respect of A class of lands, Rs. 11-00 per acre in respect of B class of lands and Rs. 5-50 per acre in respect of C class of lands;

Explanation. For purpose of this item, A class, B class or C class of lands shall have the meaning assigned to them in Schedule I to the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962);]

- (vi) the lease shall be liable to be terminated when registration of the Institution is cancelled;
- (vii) the lessee shall at all times allow the Deputy Commissioner or any person authorised by him to inspect the land to satisfy himself that the conditions of the lease are not violated;
- (viii) if the land or a portion of the land is required for any public purpose, the authority sanctioning the lease can resume the land after issue of three months, notice to the lessee;
- (ix) the lease shall be liable to be terminated for contravening any of the aforesaid conditions.
- (b) In respect of the lands leased for non-agricultural purpose, the Deputy Commissioner shall fix the rent payable in respect of such land taking into account the locality, the purpose for which the land is utilised, etc. He may also impose such conditions as he deems necessary having regard to the circumstances of each case.
- (5) Wherever any lease is granted under this rule, the lessee shall execute a lease deed in Form III or IV incorporating all the terms of the lease.

1. Substituted for the words "Village Panchayats and Taluk Development Boards" by Notification No. RD 59 LGP99, dated 22-1-2000, w.e.f. 24-1-2000.

2. Substituted for the words "Village Panchayats or a Taluk Development Board" by Notification No. RD 59 LGP99, dated 22-1- 2000, w.e.f. 24-1-2000.

4. Item (v) of clause (a) substituted by GSR 82, dated 26/27-2-1977, w.e.f. 10-3-1977.

#### **19A. Lease of Brackish Water Land for aquaculture or prawn cultivation :-**

<sup>1</sup> (1) Subject to Rule 15 and on the recommendation of the Scrutiny Committee constituted by the State Government, by notification in respect of such areas as State Government may deem fit, the State Government may lease Brackish Water Land, declared as such, by the State Government, for the purposes of aquaculture or prawn cultivation in favour of Brackish Water Fish Farmers Development Agency, on payment of lease amount to be determined by Government and on such terms and conditions as may be specified by the Government.

(2) The Brackish Water Fish Farmers Development Agency shall sub-lease the said land among the individuals and Institutions on payment of such lease amount and on such conditions as specified in Government Order No. AHFs 315 SFM 91, dated 23rd December, 1991, as may be amended from time to time.

Explanation. For the purpose of this section an aquaculture means and includes prawn and fish farming.

1. Rule 19-A inserted by GSR 98, dated 7-5-1993, w.e.f. 13-5-1993.

#### **20. Grant of land to Housing Board, Grama Panchayat, Taluk Panchayat, Zilla Panchayat, Co-operative Societies and other Statutory Board :-**

<sup>1</sup>(1) Lands may be granted by the Deputy Commissioner with the prior approval of the State Government under these rules to.

(a) the Karnataka Housing Board, <sup>2</sup>[or any Urban Development Authority] free of cost for construction of houses under the subsidised rental housing scheme or subsidised industrial housing scheme and on payment of fifty per cent of the market value in all other cases;

(b) <sup>3</sup>[Grama Panchayats, Taluk Panchayats and Zilla Panchayats] free of cost for construction of schools, hospitals, dispensaries and public amenities and such other purposes deemed obligatory under <sup>4</sup>[the Karnataka Panchayat Raj Act, 1993];

(c) Co-operative Societies and Statutory bodies like the Karnataka State Road Transport Corporation, The <sup>5</sup>[Karnataka Power Transmission Corporation], etc., on collection of 50 per cent of market value to be determined by the Deputy Commissioner:

<sup>6</sup>[Provided that where the extent of the land does not exceed five acres, no such prior approval shall be necessary.]

(2) If the lands granted under sub-rule (1)(a) to (c) are not utilised for the purpose for which they are granted, <sup>7</sup>[the same shall be resumed by the State Government free from all encumbrances]. The State Government shall not be liable to pay any compensation or damages for the lands so resumed.

1. Substituted for the words "Village Panchayat, Taluk Development Board" by Notification No. RD 59 LGP 99, dated 22-1-2000, w.e.f. 24-1-2000.

2. Inserted by Notification No. RD 59 LGP 99, dated 22-1-2000, w.e.f. 24-1-2000.

3. Substituted for the words "Village Panchayats and Taluk Development Boards" by Notification No. RD 59 LGP99, dated 22-1-2000, w.e.f. 24-1-2000.

4. Substituted for the words "the Karnataka Village Panchayats and Local Boards Act, 1959" by Notification No. RD 59 LGP 99, dated 22-1-2000, w.e.f. 24-1-2000.

5. Substituted for the words "Karnataka State Electricity Board" by Notification No. RD 59 LGP 99, dated 22-1-2000, w.e.f. 24-1-2000.

6. Proviso to sub-rule (1) inserted by GSR 146, dated 5-5-1979, w.e.f. 10-5-1979.

7. Substituted for the words "shall be resumed" by GSR 146, dated 5-5-1979, w.e.f. 10-5-1979.

## **21. Grant of land to religious and charitable institutions :-**

. Notwithstanding anything contained in these rules, the Deputy Commissioner may grant lands upto an extent of one hectare and with the prior approval of the Divisional Commissioner upto an extent of two hectares and with the prior approval of the State Government upto any extent, to any religious or charitable institutions for non-agricultural purposes on payment of the price to be fixed by him and subject to such other conditions as he may impose.

## **22. Grant of land to Industrial concerns :-**

(1) Lands may be granted by the Deputy Commissioner to Industrial concerns registered under the Industries {Development and Regulation} Act, 1951 (Central Act) 3 [and to small scale industrial units registered with the State Directorate of Industries and Commerce] subject to the following conditions.

(i) the grantee shall not, without the permission of the State Government, sell, lease, mortgage, transfer, gift or otherwise alienate in any manner such land within a period of thirty years from the date of the grant;

(ii) if the grantee at anytime thereafter proposes to sell, lease, mortgage, transfer, gift or otherwise alienate in any manner such land, the industrial concern shall make the first offer to the State Government and if the State Government do not propose to take the land, the Industrial concern may dispose of the land to any person;

<sup>1</sup> [(iii) not more than two hectares of land shall be granted to any small scale industrial unit.]

(2) The value of the land granted under sub-rule (i) shall include the market value and the conversion charges of the land so granted, unless conversion fine is exempted by the State Government.

(3) Notwithstanding anything contained in sub-rule (1), the grantee may mortgage the land in favour of such Financial Corporations as may be recognised by the State or the Central Government for obtaining loans for the development and expansion of the industry.

1. Clause (iii) of sub-rule (1) inserted by GSR 424, dated 22-12-1971, w.e.f. 30-12-1971.

## **23. Confirmation of lands to persons to whom the lands have been leased temporarily :-**

. Notwithstanding anything contained in these rules.

(1) Where, before the commencement of these rules agricultural lands were leased temporarily to any person for purposes of cultivation and the lease contemplated the subsequent grant of the land to the lessee and all the conditions of the lease have been complied with, such lands may be granted to the lessee by the Deputy Commissioner on payment of the price fixed by him in accordance with <sup>1</sup> [rules under which the lands were leased.]

(2) Where, after the coming into force of these rules, lands have been leased temporarily for cultivation and the lessee has fulfilled all the terms of the lease, such land may be granted to the lessee on payment of the price fixed by the Deputy Commissioner, if the lessee is either a landless person or an insufficient holder.

(3) Where the period of lease has expired and proposals for grant of land to the lessee are under consideration the period of lease may be deemed to have been extended till such time as orders are passed by the Deputy Commissioner on such proposals.

1. Substituted for the word and figures "Rules 12" by GSR 255, dated 4-8-1978, w.e.f. 17-8-1978.

## **24. Constitution of Consultative Committees :-**

<sup>1</sup>(1) The State Government may, by order, constitute for each taluk a Consultative Committee consisting of such number of official and non-official members and for such period as may be determined by it.

(2) The members of the Committee shall be nominated by the State Government <sup>2</sup>[and one of them may be nominated as the Chairman thereof]

(3) It shall be competent for the State Government to effect such changes in the personnel of the Committee as it deems fit, at any time.

<sup>3</sup> (3A) A non-official member of the Committee who remains absent consecutively for three meetings without previous intimation to the Chairman shall cease to be a member of the Land Grant Consultative Committee.

(4) The Committee shall be consulted in respect of all the applications for grant of land for agricultural purposes including the raising of plantation crops in the taluk concerned and the recommendations of the committee shall ordinarily be accepted by the authority competent to grant the land.

1. Rule 24 inserted by GSR 297, dated 31-8-1972, w.e.f. 1-9-1972,

2. Inserted by GSR 338, dated 8-11-1979 and shall be and shall always be deemed to have been inserted.

3. Sub-rule (3-A) inserted by GSR 386, dated 6-12-1977, w.e.f. 22-12-1977.

**25. Cancellation of grant :-**

. Any grant of land made under these rules shall be liable to be cancelled and the land resumed by the authority which granted it, where the grant has been obtained by making false or fraudulent representations or is contrary to these rules:

Provided that no such cancellation shall be made without giving the grantee an opportunity of being heard.

**26. Grant of land discretionary :-**

Nothing contained in these rules, shall be deemed to confer on any person any right to the grant of any land.

**27. Powers of the State Government :-**

Notwithstanding anything contained in the preceding rules, the State Government may, suo motu, or on the recommendation of the Divisional Commissioner or the Deputy Commissioner, if it is of the opinion that in the circumstances of any case or classes of cases, it is just and reasonable to relax any of the provisions of these rules, it may, by order direct such relaxation, recording the reasons for such relaxation, subject to such conditions as may be specified in the orders and thereupon lands may be granted in such a case or classes of cases in accordance with such direction.

**28. Grantees of land to execute an agreement :-**

(1) Every person who is granted lands for agricultural purposes under these rules shall execute an agreement in Form V: <sup>1</sup>[Provided that where an order of grant is made under the proviso to sub-rule (4) of Rule 8, the agreement shall be executed jointly by the applicant and his wife in Form No. V-A.]

(2) Every person who has granted land for non-agricultural purposes under these rules shall execute an agreement in Form VI:

Provided that where the land is granted to the Karnataka Housing Board, <sup>2</sup>[any Urban Development Authority], <sup>3</sup>[the Industrial Areas Development Board, <sup>4</sup> [a Grama Panchayat, Taluk Panchayat or a Zilla Panchayat], the condition that the lands shall not be alienated shall not be applicable.

1. Proviso inserted by Notification No. RD 68 LGP 87, dated 17-12-1999, w.e.f. 18-12-1999.

2. Inserted by Notification No. RD 59 LGP 99, dated 22-1-2000, w.e.f. 24-1-2000.

3. Substituted for the words "a Village Panchayat" by GSR 202, dated 8-7-1976, w.e.f. 22-7-1976.

4. Substituted for the words "a Village Panchayat or a Taluk Development Board" by Notification No. RD 59 LGP99, dated 22-1-2000, w.e.f. 24-1-2000.

**28A. Grant of land in exchange for land relinquished :-**

<sup>1</sup> (1) Notwithstanding anything contained in these rules, land may be granted to any person in exchange for the land relinquished by such person to the State Government in the following cases, namely.

(i) where by changing course, a river, water-way or cart-track runs through a private land:

Provided that the land to be granted in exchange shall be the land registered in the revenue records as river, water-way or cart-track;

(ii) where a channel or pathway divides the private land of a person into two and it can be diverted along the boundary of such land without inconvenience to the public;

(iii) where the private land is required for straightening the course of a channel or pathway;

(iv) where private land is situated on the bed of an irrigation tank or river and the State Government desires to take over such land;

(v) where private lands not exceeding five hectares in extent in each case, are required for public purposes such as construction of chavadies, cattle pounds, wells, schools or for minor improvements to any irrigation work or the setting apart such land for free pasturage for the cattle;

(vi) whereby any action of Government, a private land or any portion thereof is rendered valueless or has diminished in value;

(vii) where private land is required for extension of village sites.

(2) Any person desiring grant of land in exchange for the land to be relinquished by him shall make an application in writing to the Deputy Commissioner in Form VIII giving the following particulars.

(i) name, age and address of the applicant;

(ii) the extent and particulars of the land proposed to be relinquished;

(iii) the extent and particulars of the land asked for, namely, survey number, village, taluk, sub-division in which the land is situated.

(3) In all cases where the value of the land to be granted exceeds rupees one hundred, the application shall be accompanied by an encumbrance certificate in respect of the land to be relinquished: Provided that in other cases,

the applicant shall produce such encumbrance certificate if called upon to do so.

(4) The Deputy Commissioner shall on receipt of such application, make such enquiry as he thinks fit and if satisfied that the applicant is eligible under this rule for the grant of land in exchange for the land relinquished, determine the market value of the land to be relinquished and also of the land to be granted. Thereafter he may pass an order granting the land, if the value of such land is not more than one thousand rupees. If the value exceeds rupees one thousand, he shall submit the application together with his report in the matter to the Divisional Commissioner. The Divisional Commissioner may pass an order granting the land if the value of such land does not exceed rupees ten thousand. If the value exceeds ten thousand rupees the records shall be submitted to the State Government which may pass orders granting such land.

(5) The grant of land under this rule shall be subject to the following conditions, namely.

(i) the grant shall be subject to the provisions of Rules 9 and 13;

(ii) the applicant should have absolute title to the land to be relinquished,

(iii) the value of land to be granted shall as far as possible be not more than the value of the land relinquished and the difference if any in value shall be paid by the applicant.]

1. Rule 28-A inserted by GSR 44, dated 28-1-1971, w.e.f. 18-2-1971.

## **29. Form of permission :-**

. Permission granted, under Section 93 of the Act shall be in Form VII. A sketch of the land granted shall be annexed to the said form, the cost of the sketch shall be recovered from the grantee.

## **29A. Certain conditions not to apply :-**

<sup>1</sup> Notwithstanding anything contained in Rule 40 of the Karnataka Land Grant Rules, 1969, the provisions of any rule (repealed by the said rule), that the land granted shall not be alienated except to the members of the Scheduled Castes or Scheduled Tribes shall, with effect from the commencement of the Karnataka Land Grant (Amendment) Rules, 1974, cease to operate.

1. Rule 29-A inserted by GSR 284, dated 27-9-1974, w.e.f. 17-10-1974.

## **30. Repeal and Savings :-**

. The Karnataka Land Grant Rules, 1968 and the Karnataka Land Revenue (Amendment) Rules, 1967 (Rule 93-A) are hereby repealed:

Provided that the repeal shall not affect.

(a) the previous operation of any rule so repealed or anything duly done or suffered thereunder;

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any rule so repealed;

(c) any penalty, forfeiture or punishment incurred in respect of any breach of or any offence committed against any rule so repealed; or

(d) any investigation or legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if such rule had not been repealed:

Provided further that subject to the preceding proviso anything done or any action taken (including any notification, order, instruction or direction issued), under any such rule shall be deemed to have been done or taken under the corresponding provision of these rules shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under the Act or these rules, as the case may be.

## **31. Repealed rules not to apply to certain mortgages :-**

Nothing in clause (vi) of Rule 12 of the Karnataka Land Grant Rules, 1968 or the corresponding provisions of any of the rules repealed by Rule 40 of the said rules shall apply to mortgage of the land granted under the said rules, in favour of a Scheduled Bank 2[or the Agricultural Refinance Corporation or the Karnataka State Agro Industries Corporation] as security for loans obtained for improvement of such land or for buying cattle or agricultural implements for the cultivation of such land.

## **SCHEDULE 1** FORM

SCHEDULE					
District	Taluk	Town or Village	Survey number	Area acres	Boundaries N.S.E.W.

(1)	(2)	(3)	(4)	(5)	(6)

In witness whereof (name and designation) acting for and on behalf of and by the order and direction of the Governor of Karnataka and the lessee aforesaid have hereunto set their hands this ..... day of. . ,

Signed by Aforesaid

In the presence of.

- 1.
- 2.

Signed by Aforesaid

In the presence of.

- 1.
- 2.

#### FORM IV

[See Rule 19(5)]

#### Form of lease deed for temporary occupation of State land for non-agricultural purposes

This deed of lease made this.....day of.....one thousand nine hundred and.....between the governor of Karnataka (which expression shall include his successors in office and assigns) of the one part and.....residing at.....hereinafter called "the lessee" (which expression shall include his heirs, executors, administrators, legal representatives and assigns) of the other part witnesseth as follows.

The Governor of Karnataka hereby grants the land described in the schedule below on lease to (name and address of the lessee) for temporary occupation for a period of.....years/months commencing from

(date, month and year) subject to the following terms and conditions to which the aforesaid lessee has agreed.

(1) The lease is liable to cancellation if it be found that it was grossly inequitable or was made under a mistake of fact or owing misrepresentation or fraud or that there was an irregularity in the procedure.

(2) In the event of such cancellation of the lease the lessee shall not be entitled to compensation or any loss caused to him by the cancellation.

(3) The lessee shall pay the sum of Rs.....as and for security for the fulfillment and observance by him of the conditions contained in the lease. The sum so deposited shall be liable to be forfeited to the Government of Karnataka (hereinafter called the Government) under the orders of the Deputy Commissioner of the District (hereinafter referred to as the Deputy Commissioner) in the event of failure by the lessee to fulfill or observe any of the conditions of the lease.

(4) The lessee shall, so long as the lease be in force pay clear of all deductions a sum of Rs.....per annum for credit to the general revenue.

of the State and further sum of Rs.....on account or rates, taxes, assessments and outgoings, payable by the Government to the Corporation/Municipality as a result of his occupation of the land. The consolidated charge shall be payable to the Government in advance

annually/monthly, the first of such payments to be made on the..... day of.....and the subsequent annual/ monthly payments on the corresponding day of the succeeding years/months.

(5) In the event of the Corporation/ Municipality varying its demand the Government shall be at liberty to revise, without notice, the second part of the charge referred to in condition (5) as the sum payable by the lessee on account of taxation by the Corporation/Municipality and, on such revision any balance due shall become immediately payable by the lessee.

(6) If the lessee fails to pay the Government any sums payable under the lease on the respective dates on which they are made payable, shall pay interest at 12 per cent per annum on such amounts from the dates on which they were so payable until the date of payment or recovery.

(7) The lessee shall not do any act which is destructive or permanently injurious to the land.

(8) The grantee shall not use the land except for the purposes of which the land is leased.

(9) The lessee may erect.....in accordance with the plan(s) hereto

annexed.

(10) The land and the building(s) thereon shall not be used for political meetings.

(11) The lessee shall not, except as provided in condition (9), erect any buildings, fences or structures of a permanent or temporary character on the land without the previous written sanction of the Deputy Commissioner.

(12) The lessee shall maintain the said land in a clean and sanitary condition to the satisfaction of the Government and shall also maintain its structures, if any, erected thereon as aforesaid, in good, and substantial repair to the satisfaction of the Deputy Commissioner.

(13) The lessee shall permit the Officers and servants of the Government with or without workmen at all times to enter upon the land aforesaid to view the condition and state thereof.

(14) The lessee shall not assign or underlet the benefits arising under this lease or any part thereof without the previous written permission of the Government.

(15)(a) The Government reserve to themselves the right to all sandal-wood

trees and their branches and roots which exist at the time of lease (which are described in the schedule attached) as well as those which may grow subsequently on the lands leased and the Government shall be at liberty to cut or dig out any such trees or their roots and branches and remove them from the land in question be entitled to cut or remove them or cause them to be cut or removed without the permission of the Deputy Commissioner;

(b) the lessee shall take all reasonable measures to the satisfaction of the Deputy Commissioner for the protection of the sandalwood trees from theft or damage and for the careful protection of immature

trees growing on the land;

(c) the lessee shall take steps to see that the marks made by the Officers of the Government on the sandalwood trees are preserved and are not tampered with; and

(d) in the event of the infringement of, or failure to observe any of the conditions mentioned in (a), (b) or (c) above, the lessee shall pay to the Government such compensation as is determined by the Deputy Commissioner for any loss or damage caused by such infringement or failure on any part. The Government shall also be at liberty to cancel the lease and re-enter on the land and the whole land shall thereupon vest absolutely in the Government. In that case the lessee shall not be entitled to any compensation whatever.

(16) The lessee may uproot, cut down or destroy such trees, plants, groves or bushes as in the opinion of the Deputy Commissioner it is necessary to uproot, cut down or destroy to make the land fit for the

purpose of.....and may take them free of charge and dispose of them in any manner he likes. The lessee may level the ground by removing embanked pathways and filling up low-lying places on the land so as to make the ground fit for the purpose of.....and may mow and cut the grass thereon and dispose of the same in any manner he likes and do any work on the land which, in the opinion of the Government, is necessary for such purposes.

(17) The lessee shall remove immediately any unauthorised building, fence or structure on receiving notice from the Deputy Commissioner and in default of immediate compliance with any such notice, the Deputy Commissioner shall have power to remove the same and the lessee shall upon demand made by or on behalf of the Deputy Commissioner pay the cost of removal and the cost of the storage materials removed and take delivery of the same. The lessee shall have no claim to any materials removed under this condition which shall not have been taken delivery of or the cost of removal and storage of which shall have been paid by the lessee on demand made as aforesaid.

(18) The lessee shall not without the previous written sanction of the Deputy Commissioner permit any person to use the land or any structure thereon or any portion of the land or structure except as provided in condition (8).

(19) The lessee shall on termination or revocation of this grant, restore the said land to the Government in as good a condition as inconsistent with the foregoing conditions.

(20) The lessee shall be answerable to the Government for all or any injury or damage done to the said land or other Government property thereon except as is permitted by the foregoing conditions.

(21) The Government may revoke the lease wholly or in part if the sums specified in conditions (4) above or any part thereof shall remain unpaid for 15 days after they have become payable whether formally demanded or not, or if the lessee shall have contravened any of the conditions of the lease herein contained and assume control or otherwise dispose of all or any part of the land and any buildings, fences and structures thereon and the lessee shall not be entitled to any compensation thereafter.

(22) If the amount specified in condition (4) or (6) above or any part thereof is in arrear, it shall also be competent for the Government to recover the same from the lessee as an arrear of land revenue.

(23) The lease hereby given may be revoked by the Deputy Commissioner acting on behalf of the Governor of Karnataka, after giving (..) months notice in writing and by the Government and shall be terminable by the lessee by giving to the Deputy Commissioner, months notice in writing but without prejudice to any right of action or remedy of the Government in respect of any antecedent breach of any of the foregoing conditions. The lessee shall not in case of such revocation or termination be entitled to any compensation in respect of any structures on the land



any improvements effected by him to the land or for the loss caused by the interruption of his occupation but he may, before the revocation termination of the lease takes effect or if the lease is revoked without notice within such time, as may be allowed by the Deputy Commissioner that behalf, remove such structures.

(24) In the event of termination of the lease under condition (21) or (23) the Government shall be at liberty to levy proportionate rental up to the date of such termination.

(25) The sum of Rs.....deposited by the lessee under condition ( ) of such portion thereof as may be returnable to him shall be returned him on the expiration or soonafter termination of the lease.

(26) If any dispute or difference shall at any time hereafter arise between the Government or their Officers, on the one part and the lessee to the rights, duties or liabilities or either party in respect of any matter or thing relating to arising out of the lease or the construction or the meaning of all or any of the provision herein contained, the said dispute or difference shall be referred for settlement to the arbitration of the Deputy Commissioner for the time being, and his decision shall be final.

(27) The lease includes all rights, easements and appurtenances belonging to the land or purports to belong to it or usually held or enjoyed with it. The existing and customary right of Government and the public in roads and paths and rivers, streams and channels running through or bounding the land and the right of Government to the mines and quarries, adjacement to the land are however reserved and are in no way affected by the lease.

## **SCHEDULE 2**

### **FORM**

SCHEDULE					
District	Taluk	Town or Villaae	Survey number	Area acres	Boundaries N.S.E.W.
(1)	(2)	(3)	(4)	(5)	(6)

In witness whereof (name and designation) acting for and on behalf of and by the order and direction of the Governor of Kamataka and the lessee aforesaid have hereunto set their hands this ..... day of. . .

Signed by Aforesaid \_\_\_\_\_

In the presence of.

1. \_\_\_\_\_

2. \_\_\_\_\_

Signed by Aforesaid \_\_\_\_\_

In the presence of.

1. \_\_\_\_\_

2. \_\_\_\_\_

### **FORM V**

[See Rule 28(i)]

#### **Form of agreement to be executed by persons granted land for agricultural purposes**

To the Tahsildar.....

I, A.B, inhabitant of.....in.....Taluka, hereby accept the right of the occupation of the land comprised in Survey No. ....(or of the building site herein below described, or otherwise as the case may be) in the village of.....in the .... Taluka and I pray that my name be entered in the Government records as the occupant of the said land.

The said land has been granted to me subject to the provisions of the Karnataka Land Revenue Act, 1964 and of rules in force thereunder in perpetuity, from the.....date of 19....; and I undertake to pay

the land revenue from time to time lawfully due in respect of the said land (or I undertake, whenever the State Government shall see fit to discontinue the exemption of the said land from payment of land revenue,

to pay such revenue be lawfully imposed.....thereupon under the order of the State Government or otherwise as the case may be.

If I contravene any of the conditions of the grant, the Deputy Commissioner, may without prejudice to any other penalty to which I may be liable under the provisions of the said Act and the rules made thereunder, continue the said land in my occupation on payment of such fine and/or assessment as he may direct.

Dated the.....day of.....19.....at .

(Signed) A.B.

We declare that A.B., who has signed this agreement is to our personal knowledge the person he represents himself to be, and that he has affixed his signature hereto in our presence.

(Signed) C.D.

(Signed) E.F.

We declare that to the best of our knowledge and from the best information we have been able after careful inquiry to obtain the person who has executed this agreement is a fit person to be accepted by the State Government as responsible for the punctual payment of the land revenue from time to time due on the above land.

(Signed) G.H.

(Signed) I.J.  
Village Accountant.

**FORM V-A**

**[See Rule 28(1)]**

**Form of Agreement to be executed jointly by persons granted land for agricultural purposes.**

To

The Tahsildar of

We, A.B. & X.Y., husband and wife respectively, the inhabitants of ..... in the Taluka, hereby accept the right of occupation of the land comprised in Survey No..... (or of the building site herein below described, or otherwise as the case may be) in the Village of ..... in the ..... Taluka and we pray that our names be entered in the Government records as the occupants of the said land.

The said land has been granted to us subject to the provisions of the Karnataka Land Revenue Act, 1964, and of rules in force thereunder in perpetuity, from the ..... day of ..... and we undertake to pay the land revenue from time to time lawfully due in respect of the said land (or We undertake, whenever the State Government shall be fit to discontinue the exemption of the said land from payment of land revenue, to pay such revenue by lawfully imposed.....thereupon

under the order of the State Government or otherwise as the case may be).

If we contravene any of the conditions of the grant, the Deputy Commissioner, may, without prejudice to any other penalty to which we may be liable under the provisions of the said Act and the rules made thereunder, continue the said land in our occupation on payment of such fine and/or assessment as he may direct.

Dated the ..... day of ..... 19 ..... at .....

(Signed) A.B.

(Signed) X.Y.

We declare that A.B. and X.Y. who have signed this agreement are to our persons knowledge the persons they represent themselves to be, and that they have affixed their signature hereto in our presence.

(Signed) A.B.

(Signed) X.Y.

We declare that to the best of our knowledge and from the best information we have been able after careful inquiry to obtain the persons who have executed this agreement are fit persons to be accepted by the State Government as responsible for the punctual payment of the land revenue from time to time due on the above land.

(Signed) A.B.

(Signed) X.Y.  
VILLAGE ACCOUNTANT.]

**FORM VI**

**[See Rule 28(2)]**

**Form of agreement to be executed by persons granted land for non-agricultural purpose**

To the Tahsildar of.....

I, A.B., inhabitant of.....in the.....Taluka hereby accept the right of occupation of the land comprised in Survey No. . . . .in the Village of .... in the Taluk and I pray that my name be entered in the Government records as the occupant of the said land.

The said land has been granted to me in.....perpetuity from the day of.....19.....subject to the provisions of the Karnataka Land Revenue Act, 1964 and of the rules in force thereunder, and further condition that, I, my heirs, assigns and legal representatives shall not at any time by partition, inheritance, lease, mortgage or otherwise however transfer the said land or allow any portion of it to be cultivated, used or occupied by any other person so as to divide it.

If I fail to perform any of the aforesaid conditions, I shall be liable without prejudice to any other penalties that I may incur under the said Act, and the rules made thereunder, to have the said land summarily forfeited by the Deputy Commissioner, and I shall not be entitled to claim compensation for anything done or executed by me in respect of the said land.

And I undertaken to pay the land revenue from time to time lawfully due in respect of the said land (or I undertake, whenever the State Government shall see fit to discontinue the exemption of the said land from payment of land revenue, to pay such revenue as may be lawfully imposed thereon under the orders of the State Government or otherwise as the case may be).

Dated the.....day of.....19.

(Signed) A.B.

We declare that A.B., who has signed this agreement, is to our personal knowledge the person he represents himself to be and that he has affixed his signature hereto in our presence.

(Signed) C.D.

(Signed) E.F.

We declare that to the best of our knowledge and from the best information we have been able, after careful inquiry to obtain, the person who has executed this agreement is a fit person to be accepted by the State Government as responsible for the punctual payment of the land revenue from time to time due on the above land.

(Signed) G.H.

(Signed) I.J.  
Village Accountant.

#### FORM VII

[See Rule 29]

#### Certificate of Grant/Saguvali Chit

Whereas, under the rules for the disposal of unoccupied Government land for cultivation and the grant of occupancy rights the land specified in the schedule hereunder written has been sold, and A.B. has purchased it in public auction or for upset price and the same has been duly confirmed, and A.B. declared the purchaser thereof, and whereas the said A.B. has paid into the Government Treasury the full sum of the purchase money amounting to Rs.....No. I.C.D. Tahsildar. . . . . Taluk.....permit the said A.B. to enter into occupation of the said land and hereby grant and confirm subject to cancellation or modification in appeal or revision under the provisions of the Land Revenue Act, the said land to the said A.B., his heirs, personal representatives and assigns subject to the provision hereinafter mentioned and subject also to the regular payment of the Land Revenue Assessment on the land as fixed under the rules for the time being in force:

(1) Provided that this assessment shall be paid for each revenue year as per rules prescribed in this behalf from time to time under provision of the Land Revenue Act, failing which it will be recoverable by coercive process in the manner prescribed by the Land Revenue Act and rules framed thereunder:

(2) Provided also that this title-deed in no way affects the liability of the abovesaid land to such rates, taxes and cess other than land revenue as are or as may be imposed by law, whether for general, municipal or other local purposes:

(3) Provided also that the said A.B. or other lawful owner of the said land shall at all times hereafter at his own expenses maintain in good order, the restored major and minor tanks of the village with respect to which the customary obligation to maintain is imposed on the said A.B. by virtue of his being the occupant or other lawful owner of the said survey number and shall put up, repair and maintain in good order the boundary marks around and in the said land, failing which it shall be lawful for the State Government after due notice to cause the maintenance work of the said tank in so far as his liability in this behalf extends and the repair of the said boundary marks to be carried out and to recover the cost of such maintenance work and such repair as a revenue demand from the said A.B. or other lawful owner:

(4) Provided also that nothing in the title deed contained shall affect the existing or customary rights of Government or of proprietors of land adjoining or lying near the said land or of the villages in common in all existing roads and paths and in streams of water running through or bounding the said land:

(5) Provided also that this title-deed shall in no way be considered to grant to or in any way vest in the said A.B., his heirs, personal representatives or assigns any right, title or interest in or to precious stones, gold and other minerals or coal or stone or rock containing or supposed to contain precious stones, gold or other minerals or coal known to exist or which may at any time hereafter be discovered on or under the said land or any part thereof all of which are hereby respectively reserved to the State Government subject to the conditions now in force or which may be prescribed in this behalf from time to time. Subject to the conditions that the said A.B., his heirs, personal representatives or assigns shall always be allowed to use free of charge any limestone, granite and ordinary minerals other than metals or coal or precious stones which may be found on or under the said land and which may be applied to the bona fide private use of the said A.B., his heirs, personal representatives or assigns and not removed for purpose of sale:

(6) Provided also that this title-deed shall not be considered in any way to grant to or vest in the said A.B., his heirs, personal representatives or assigns the right to sandal trees which are hereby reserved to the State Government except in so far as the rules that are or may be framed in

the matter, if the grant of bonuses for such trees may permit:

(7) Provided also that the land shall not be alienated for a period of fifteen years (15 years from.....the date of taking possession).

Explanation. For purposes of this proviso the following shall not be regarded as alienation.

(a) mortgage of the land in favour of the State Government or a Co-operative Society or the Indian Coffee Board or a Scheduled Bank or the Agricultural Refinance Corporation or the Karnataka State Agro Industries Corporation as a security for loans obtained for improvement of such land or for buying cattle or agricultural implements for the cultivation of the land; and

(b) lease of the land in accordance with the provisions of Karnataka Land Reforms Act, 1961:]

(8) Provided also that the grant shall be subject further generally to the provisions of the Land Revenue Act and the Rules made thereunder or any other law for the time being in force.

(9) It is obligatory on the part of the grantee to undertake soil conservation measures as directed by the Soil Conservation Officer.

### FORM VIII

[See Rule 28-A]

#### Application for grant of land in exchange for the land relinquished

1. Name and age of the applicant:

2. Address and Occupation:

3. Father's Name:

4. Particulars of land proposed to be relinquished:

(i) Sy. No. and Sub-Division No.

(ii) Extent: Dry.....

Wet.....

Garden.....

(iii) Value

5. The extent and particulars of the land asked for, namely Survey Number, Village, Taluk, Sub-division in which the land is situated.

### SCHEDULE 3

FORM

SCHEDULE							
Specification of the Land							
District	Taluk	Village	Name if any	Boundaries	S. No.	Extent	Assessment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

H.  
Total  
Phot Kharab  
Dry  
Wet  
Garden

The purpose for which Phot Kharab is allowed to be specifically mentioned here.

Dated this.....day of.....19

Tahsildar.