

KARNATAKA LAND RECORD OF RIGHTS ACT, 1958

17 of 1958

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KARNATAKA LAND RECORD OF RIGHTS ACT, 1958

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An Act to consolidate and amend the laws relating to the Land Record of Rights in the State of Karnataka. Whereas, it is expedient to consolidate and amend the laws relating to Land Record of Rights in the State of Karnataka, Be it enacted by the Karnataka State Legislature in the Ninth Year of Republic of India as follows.

1. Short title, extent and commencement :-

(1) This Act may be called the Karnataka Land Record of Rights Act, 1958.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force at once.

2. Application of the Act :-

This Act shall apply to all the areas in the State of Karnataka wherein the provisions of any of the laws repealed by Section 20 were in force immediately before the commencement of this Act; and to such other areas in the State from such date or dates as the State Government may by notification in the Official Gazette specify from time to time.

3. Definitions :-

In this Act, unless the context otherwise requires.

(1) "Certified copy" or "Certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by Section 76 of the Indian Evidence Act, 1872;

(2) "Chavadi" means in any village in which there is no Chavadi, such place as the Deputy Commissioner may by notification direct shall be deemed to be the Chavadi for the purposes of this Act;

(3) "To hold land" or to be a "Land-holder" or "holder" of land means to be lawfully in possession of land, whether such possession is actual or not;

(4) "Holding" includes a portion of land held by a holder;

(5) The term "Joint holders" or "Joint occupants" means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu Law or otherwise and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant" as the case may be, means all of the joint holders or joint occupants;

(6) "Land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory;

(7) "Landlord" means a lessor;

(8) "Land Records" means records maintained under the provisions

of, or for the purpose of, this Act and the laws relating to Land Revenue in force in the State of Karnataka;

(9) "Notification" means a notification published in the Official Gazette;

(10) "Occupation" means possession;

(11) "To occupy land" means to possess or take possession of land;

(12) "Occupant" means a holder in actual possession of unalienated land, other than a tenant: provided that where the holder in actual possession is a tenant, the landlord or superior holder, as the case may be, shall be deemed to be the occupant;

(13) "Occupancy" means a portion of land held by an occupant;

(14) "Prescribed" means prescribed by rules made under this Act;

(15) "Revenue Officer" means every Officer of any rank whatsoever appointed under the laws relating to Land Revenue in force in the State of Karnataka;

(16) "Superior holder" means a land-holder entitled to receive rent or land revenue from other land-holders (hereinafter called "inferior holders"), whether he is accountable or not for such rent or land revenue or any part thereof, to Government: provided that where land has been granted free of rent or land revenue, subject to the right of resumption, in certain specified contingencies, by a Jahgirdar, Inamdar, or such other holder of alienated land whose name is authorisedly entered as such in the land records, such Jahgirdar, Inamdar or holder shall, with reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land;

(17) "Survey Number" means a portion of land of which the area and assessment are separately entered, under an indicative number in the land records;

(18) "Sub-division of a Survey Number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion;

(19) "Tenant" means.

(i) a lessee, whether holding under an instrument or under an oral agreement;

(ii) a person who is or is deemed to be a tenant under any law for the time being in force; or

(iii) a mortgagee of a tenant's rights with possession; or

(iv) a lessee holding directly under the Government; a Local Authority or a body corporate;

(20) "Village" includes a town or city and all the land comprised within the limits of to a village, town or city.

(21) "Village Accountant" means a Shanbhog, talati Patwari or Karnam and includes such other persons as may be notified by the State Government to be the Village Accountant for the purposes of this Act.

4. Record of Rights :-

(1) A record of rights shall be maintained for every village and such record shall include the following particulars.

(a) the names of all persons who are holders, occupants, owners, mortgagees, landlords or tenants of the land or assignees of the rent or revenue thereof;

(b) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto;

(c) the rent or revenue (if any) payable by or to any of such persons;

(d) such other particulars as the State Government may prescribe by rules made in this behalf.

(2) When in respect of any village the preparation of the record of rights referred to in sub-section (1) is completed, such completion shall be notified in the Official Gazette and in such other manner as may be prescribed.

5. Acquisition of rights to be reported :-

(1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land, or assignee of the rent or revenue thereof, shall report orally or in

writing his acquisition of such right to the Village Accountant within three months from the date of such acquisition, and the said Village Accountant shall at once give a written acknowledgement of the receipt of such report to the person making it:

Provided that the report to be made shall be optional where the right consists of an easement or a charge not amounting to a mortgage of the kind specified in Section 100 of the Transfer of Property Act, 1882 (Central Act IV of 1882):

Provided also that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the Village Accountant:

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the Village Accountant.

Explanation I. The rights mentioned above includes a mortgage without possession.

Explanation II. A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

(2) Notwithstanding anything contained in sub-section (1) the State Government may by notification specify any Revenue Officer to whom a report under sub-section (1) may also be made, and such Officer shall give a written acknowledgement of the receipt of such report to the person making it, and transmit the report to the Village Accountant of the village.

(3) If any person makes a report referred to in sub-section (1).

(a) after the period of three months but within a period of one year, the report shall be received, if it is accompanied by a penalty of five rupees;

(b) after a period of one year, the report shall be received on payment of a penalty of not less than five rupees but not exceeding twentyfive rupees, as may be ordered by the Deputy Commissioner.

(4) No document by virtue of which any person acquires a right in any land as holder, occupant, owner, mortgagee, landlord or tenant

or assignee of the rent or revenue thereof, shall be registered under the Indian Registration Act, 1908 (Central Act XII of 1908), unless the person liable to pay the registration fee also pays to the Registering Authority such fees as may be prescribed for making necessary entries in the Records of the Rights, and the Registers referred to in Section 6; and on the registration of such a document, the registering authority shall make a report of the acquisition of the right to the Village Accountant.

6. Register of mutations and register of disputed cases :-

(1) The Village Accountant shall enter in a register of mutations every report made to him under sub-section (1) of Section 5 or received by him under sub-section (2) or sub-section (4) of Section 5 and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (1) of Section 5 which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(2) Whenever a Village Accountant makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavadi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to any entry made under sub-section (1) in the register of mutations be made either orally or in writing to the Village Accountant, it shall be the duty of the Village Accountant to enter the particulars of the objection in a register of disputed cases.

(4) The objections entered in the register of disputed cases and such other objections as may be preferred during the inquiry shall be enquired into and disposed of by such Officer and in such manner as may be prescribed. Orders disposing of such objections shall be recorded in the register of mutations by such Officer.

(5) The Officer holding any enquiry under sub-section (4) shall have the same powers in making enquiries under this Act as are vested in Courts in respect of the following matters under the Code of Civil Procedure, 1908 in trying a suit, namely.

(a) proof of facts by affidavits;

(b) summoning and enforcing the attendance of any person and examining him on oath; and

(c) compelling the production of documents.

(6) Entries in the register of mutations shall be verified and, if found correct, or after correction, as the case may be, shall be certified by such Officer as may be prescribed.

(7) The transfer of entries from the register of mutations to the record of rights shall be effected in the prescribed manner provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

7. Obligation to furnish information :-

(1) Any person whose rights, interests or liabilities are required to be, or have been entered in any record or register, under this Act shall be bound, on the requisition of any Revenue Officer or Village Accountant engaged in compiling or revisiting the record or register to furnish or produce for his inspection, within thirty days from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power.

(2) A Revenue Officer or Village Accountant to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgement thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

(3) Any person neglecting to furnish information or produce the documents required by sub-section (1) within the prescribed period shall be liable, to pay a penalty not exceeding twenty-five rupees as may be fixed by the Deputy Commissioner and the amount payable as penalty shall be recoverable as an arrear of land revenue.

8. Division of survey numbers into sub-divisions :-

Subject to the provisions of any law in force for the time being relating to the prevention of fragmentation and consolidation of holdings.

(1) survey numbers may from time to time and at any time be

divided into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) the division of survey numbers into sub-divisions and the fixing of the assessments of the sub-divisions shall be carried out and from time to time revised in accordance with the rules made by the State Government in this behalf:

Provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under any law relating to land revenue in force in the State of Karnataka unless such assessment is liable to alteration under the provisions of those laws.

(3) the area and assessment of such sub-divisions shall be entered in such land records as the State Government may prescribe in this behalf.

9. Requisition of assistance in preparation of Maps :-

Subject to rules made in this behalf by the State Government.

(1) any Revenue Officer or Village Accountant may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Act, exercise any of the powers of.

(a) a Survey Officer under.

(i) Sections 96 and 97 of the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879), except the power of assessing the cost of hired labour under Section 97;

(ii) Sections 107 and 108 of the Karnataka Land Revenue Code, 1888 (Karnataka Act VI of 1888), except the power of assessing the cost of hired labour under Section 108; and

(iii) Section 78 of the Hyderabad Land Revenue Act, 1337-F. (Hyderabad Act VII of 1317-F);

(iv) Section 23 of the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923); or

(b) a Revenue Officer, under Section 121 of the Coorg Land and Revenue Regulation, 1899 (Regulation I of 1899) and

(2) any Revenue Officer of a rank not lower than that of an

Assistant Commissioner or of a Survey Officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plan relate, and such costs shall be recoverable as a revenue demand.

10. Certified copies of Records to be annexed to plaint or application :-

(1) The plaintiff or applicant in every suit or application as hereinafter defined relating to > land situated in any area in respect of which a notification under sub-section (2) of Section 4 has been published shall annex to the plaint or application a certified copy of any entry in the record of rights, or register of mutations relevant to such land.

(2) If the plaintiff or applicant fails so to do for any cause which the Court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court or Conciliator, and if such certified copy is not so annexed or produced the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject matter, with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights or register of mutations. The provisions of this sub-section shall apply also to an appellate or revisional Court; provided that, in the case of an appellate or revisional decree or order passed by the High Court or the Supreme Court, the communication shall be made by the Court from which the appeal by or the record was called for.

(4) In this section.

(a) "suit" means a suit, to which the provisions of the Code of Civil Procedure, 1908, or of the Mamlathdar's Court Act, 1906 (Bombay Act II of 1906), apply;

(b) "application" means an application.

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure, 1908 (Central Act V of 1908);

(iii) for the filing of an agreement to refer to arbitration under Section 20 of the Arbitration Act, 1940 (Central Act X of 1940);

(iv) for the filing of an award under Section 14 of the said Arbitration Act;

(v) of any other kind to which the State Government may by notification in the Official Gazette direct that this section shall apply;

(c) an application shall be deemed to relate to land if the decree of other matter, with respect to which the application is made relates to land;

(d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

11. Refusal of assistance :-

Notwithstanding anything contained in any of the laws relating to Land Revenue in force in the State of Karnataka, the Deputy Commissioner shall refuse assistance to any superior holder under the provisions of those laws, if his claim to such assistance is not supported by an entry, or entries duly made in the record of rights or register of mutations,

12. Presumption of correctness of entries in record of rights and register of mutations :-

An entry in record of rights and certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

13. Record of rights and register of mutations open to inspection and extracts and copies to be given :-

Subject to such rules and the payment of such fees as the State Government may from time to time prescribe in this behalf, all maps, the record of rights and register of mutations shall be open

to the inspection of the public at reasonable hours, and certified extracts therefrom or certified copies thereof shall be given to all persons applying for the same:

Provided that applications for such certified extracts or certified copies may be made to and such certified extracts or certified copies may be given by, such Officer as may be empowered by the State Government.

14. Bar of suits :-

No suit shall lie against the Government or any Officer of Government in respect of a claim to have an entry made in any record or register that is maintained under this Act, or to have any such entry omitted or amended:

Provided that if any person is aggrieved as to any right of which he is in possession by an entry made in any record or register maintained under this Act, he may institute a suit against any person denying or interested to deny his title to such right for a declaration of his right under Chapter VI of the Specific Relief Act, 1877; and the entry in the record or register shall be amended in accordance with any such declaration.

15. Appeal :-

Any person affected by an order made under sub-section (4) or any entry certified under sub-section (6) of Section 6, may within a period of sixty days from the date of communication of the order to the party, appeal to such Officer as may be prescribed by Government in this behalf and his decision shall be final.

16. Revision :-

The Deputy Commissioner may, of his own motion or on application of a party, call for and examine any records made under Sections 4 and 6 and pass such orders as he may deem fit: Provided that no order shall be passed except after hearing any party who will be adversely affected thereby.

17. Exemption from the provisions of the Act :-

(1) The State Government may by notification in the Official Gazette direct that all or any of the provisions of this Act shall not be in force in any specified local area or with reference to any class of villages or lands.

(2) Every notification under sub-section (1) shall be laid as soon as

may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in the notification or directs that the notification shall not have effect and if the modification or direction is agreed to by the other House, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be.

18. Power to make rules :-

(1) The State Government may, subject to the condition of previous publication by notification make rules to carry out the purposes and objects of this Act and for the guidance of all persons in matters connected with the enforcement of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made.

(a) regulating the division of survey numbers into sub-divisions and the fixing of the assessments of sub-divisions under Section 8;

(b) regulating the construction, laying out, maintenance and repair of boundary marks;

(c) regulating the compilation, maintenance and revision of the record of rights and the register of mutations, disputed cases and tenancies and prescribing the forms in which they are to be compiled, the places at which and the Officer by whom such records and registers have to be maintained and the Officers by whom the said records and registers are to be verified and revised;

(d) regulating the exercise by Village Accountants and Revenue Officers of the powers of a Survey Officer or Revenue Officer and the assessment of costs and expenses under Section 9;

(e) prescribing the manner in which appeals shall be drawn up and presented;

(f) delegating the powers of the State Government or the Deputy Commissioner to any Subordinate Officer of the Government or the Deputy Commissioner, as the case may be;

(g) prescribing the records, registers, accounts, maps and plans to be maintained for the purposes of this Act and the manner and

forms in which they shall be prepared and maintained;

(h) prescribing the fees payable for making entries in the record of rights, register of mutations and other registers maintained under this Act, and for the inspection of the records, registers and documents maintained under this Act and the grant of copies thereof or extracts therefrom;

(i) providing for the recovery of such fees as may be specified by the Government as arrears of land revenue.

(3) In making a rule under sub-section (1) or sub-section (2), the Government may provide that a person guilty of a breach thereof shall be liable to pay a penalty not exceeding fifty rupees as may be fixed by the Tahsildar in respect of each breach and the amount payable as penalty shall be recoverable as arrear of land revenue.

(4) All rules made under this section shall be laid as soon as may be after they are made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in the rules or directs that the rules shall not have effect and if the modification or direction is agreed to by the other House, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be.

19. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may by notification in the Official Gazette make such provisions as appear to it to be necessary or expedient for removing the difficulty.

20. Repeal and savings :-

The Karnataka Land Record of Rights Act, 1927 (Karnataka Act X of 1927), as in force in the Karnataka Area, except Bellary District, Chapter X-A of the Bombay Land Revenue Code, 1879 (Bombay Act V of 1879), as in force in the Bombay Area, the Hyderabad Record of Rights in Land Regulation, 1358-F. (Hyderabad Regulation No. LVIII of 1358-F), as in force in the Hyderabad Area, Chapter VI of the Coorg Land and Revenue Regulation, 1899 (Coorg Regulation I of 1899) and all standing orders in force in the Madras Area or Bellary District and any other provision of law relating to the land record of rights as in force in the Madras Area are hereby repealed:

Provided that the provisions of Section 6 of the Karnataka General Clauses Act 1899, shall be applicable in respect of the repeal of the said enactments and Standing Orders and Section 24 of the said Act shall be applicable as if the said enactments and provisions of law had been repealed and re-enacted.