

Karnataka Land Revenue And Certain Other Laws (Amendment) Act, 2007

17 of 2007

[08 May 2007]

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**Karnataka Land Revenue And Certain Other Laws
(Amendment) Act, 2007**

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An Act further to amend the Karnataka Land Revenue Act, 1964 and certain other laws in the State of Karnataka. Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) and certain other laws for the purposes hereinafter appearing; Be it enacted by the Karnataka State Legislature in the fifty eighth year of the Republic of India, as follows:-

1. Short Title And Commencement :-

- (1) This Act may be called the Karnataka Land Revenue and Certain other laws (Amendment) Act, 2007.
- (2) It shall be deemed to have come into force from Fifth day of January 2007.

2. Amendment Of The Karnataka Land Revenue Act, 1964 (Karnataka Act 12 Of 1964) :-

In the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964),-

(1) in section 4,-

- (i) in the heading, for the words "divided into Districts" the words "divided into Regions into Districts" shall be substituted;
- (ii) after the heading, the following sub-section shall be inserted, namely:-

"(1) The State Government may, by notification, determine the areas in the State which shall form a region and may, by notification, alter the limits of or abolish the region so formed."

(iii) in sub-section (2), for the words "The State" the words " Each Region" shall be substituted.

(2) In section 6,-

(i) in the heading, for the word "districts" the words and comma "regions, districts," shall be substituted.

(ii) for the word "districts" in the three places, the words and comma "regions, districts," shall be substituted.

(3) After section 6, the following new sections shall be inserted, namely:-

"7. Appointment, duties and functions of Regional Commissioner.-

(1) The State Government shall, by notification, appoint for each Region, a Regional Commissioner.

(2) Subject to the control of the State Government, the Regional Commissioner shall be the Chief Revenue Officer in the region and shall exercise powers of superintendence and control within the region over all Officers subordinate to him.

(3) The Regional Commissioner shall exercise the powers and discharge the duties conferred and imposed on him by or under this Act or any other law for the time being in force. He shall also exercise such powers and discharge such duties as the State Government may confer or impose in this behalf for the purpose of carrying out the provisions of this Act or any other law for the time being in force.

(4) In section 8, in sub-section (1), after the words "Deputy Commissioner" the words "who shall be subordinate to the Regional Commissioner" shall be inserted.

(5) In section 9, in sub-section (3), for the words, figure and brackets "The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Deputy Commissioner of the District," the words "The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Regional Commissioner. He shall also be subordinate to the Deputy Commissioner of the district," shall be substituted.

(6) In section 10, in sub-section (1), for the words "the Deputy Commissioner" the words "the Regional Commissioner and the Deputy Commissioner" shall be substituted.

(7) In section 13, for the words " Deputy Commissioner" the words "Regional Commissioner or Deputy Commissioner" shall be substituted.

(8) In section 14, before sub-section (2), the following sub-section shall be inserted, namely:-

"(1) If the Regional Commissioner is disabled from performing his duties, or is on leave or for any reason vacates his office or dies, the Deputy Commissioner stationed at the headquarters of the Regional Commissioner, shall unless other provision is made by the

Government, succeed temporarily to his office and shall be deemed to be the Regional Commissioner of the Region under this Act, until the Regional Commissioner resumes charge of his Region, or until the Government appoints a successor to the former Regional Commissioner, and such successor takes charge of his appointment."

(9) In section 15, in sub-section (1), for the words "The Deputy Commissioner may, subject to the general orders of the State Government" the words "The Deputy Commissioner may subject to the general orders of the Regional Commissioner or the State Government" shall be substituted.

(10) In section 16, in sub-section (1), for the words "The State Government" the words "The State Government and the Regional Commissioner" shall be substituted.

(11) In section 27, before sub-section (2), the following sub-sections shall be inserted, namely:-

(1) The Tribunal, on an application made to it in this behalf or otherwise may, if it is of opinion that it is expedient for the ends of justice, order that any case or class of cases arising under this Act, or any other law for the time being in force, be transferred from any Regional Commissioner to any other Regional Commissioner.

(1A) The Regional Commissioner, on an application made to him in this behalf or otherwise, may, if he is of opinion that it is expedient for the ends of justice, order that any case or class of cases arising under this Act, or any other law for the time being in force, be transferred from any Revenue Officer to any other Revenue Officer competent to deal with it in the same district or any other district in the same region."

(12) In section 40, in sub-section (2), in clause (a), for the words "a Secretary to Government" the words "Regional Commissioner" shall be substituted.

(13) In section 49, after clause (c), following shall be inserted, namely:-

"(d) if such an order is passed by the Regional Commissioner, to the Tribunal."

(14) In section 69, for the words " the State Government" the words "the State Government, the Regional Commissioner" shall be substituted.

(15) In section 122-B, in sub-section (2) for the words, "may, within sixty days from the date of such order, appeal to the Tribunal and the decision of the Tribunal" the words "may, within sixty days from the date of such order, appeal to the Regional

Commissioner, and the decision of the Regional Commissioner" shall be substituted.

3. Amendment Of The Mysore (Personnel And Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 Of 1955) :-

In the Mysore (Personnel and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955),-

(i) in section 27-A, in the heading and in the section, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;

(ii) in section 27-B, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

4. Amendment Of The Mysore (Religious And Charitable) Inams Abolition Act, 1955 (Mysore Act 18 Of 1955) :-

In the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Karnataka Act 18 of 1955),-

(i) in section 28A, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;

(ii) in section 28B, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

5. Amendment Of The Karnataka Stamp Act, 1957 (Karnataka Act 34 Of 1957) :-

In the Karnataka Stamp Act, 1957 (Karnataka Act 34 of 1957), in section 45A, in sub-section (5), for the words "Deputy Inspector General of Registration of the Department of Registration and Stamps" the words "Regional Commissioner" shall be substituted.

6. Amendment Of The Karnataka Land Reforms Act, 1961 (Karnataka Act 10 Of 1962) :-

In the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), in section 118-A, in the heading and in the section, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

7. Amendment Of The Karnataka Municipalities Act, 1964 (Karnataka Act 22 Of 1964) :-

In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964), in section 2, after sub-section (4), the following shall be inserted, namely:-

"(5) "Commissioner" means the Regional Commissioner or other Officer appointed to perform the duties of the Commissioner under this Act."

8. Amendment Of The Karnataka Irrigation Act, 1965 (Karnataka Act 16 Of 1965) :-

In the Karnataka Irrigation Act, 1965 (Karnataka Act 16 of 1965), in section 66, for the words "Divisional Commissioner" in the three places where they occur, the words "Regional Commissioner" shall be substituted.

9. Amendment Of The Karnataka Agricultural Credit Operations And Miscellaneous Provisions Act, 1974 (Karnataka Act 2 Of 1975) :-

In the Karnataka Agricultural Credit Operations and Miscellaneous Provisions Act, 1974 (Karnataka Act 2 of 1975), in section 19, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

10. Amendment Of The Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 Of 1976) :-

In the Karnataka (Sandur Area) Inams Abolition Act, 1976 (Karnataka Act 54 of 1976),-

(i) in section 26, in the heading and in section, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;

(ii) in section 27, in the heading and in section, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;

(iii) in section 28, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

11. Amendment Of The Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 Of 1977) :-

In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977),-

(i) in section 26,-

- (a) in sub-section (2), in clause (c), in the second proviso, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;
- (b) in sub-section (3), for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.
- (ii) in section 71, in sub-section (1), for the words "Deputy Commissioner of the District" the words "Regional Commissioner of the revenue region" shall be substituted;
- (iii) in section 178-A, in sub-section (1), for the words "Deputy Commissioner of the concerned District" the words "Regional Commissioner of the concerned revenue region" shall be substituted.

12. Amendment Of The Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 Of 1978) :-

In the Karnataka Certain Inams Abolition Act, 1977 (Karnataka Act 10 of 1978),-

- (i) in section 27, in the heading and in section for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;
- (ii) in section 28, in the heading and in section for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted;
- (iii) in section 29, for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

13. Amendment Of The Karnataka Scheduled Castes And Scheduled Tribes And Other Backward Classes (Reservation Of Appointments, Etc.,) Act, 1990 (Karnataka Act 7 Of 1991) :-

In the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of appointments, etc.,) Act, 1990 (Karnataka Act 7 of 1991), in section 4-D, sub-section (3) shall be omitted.

14. Amendment Of The Karnataka Regularisation Of Unauthorised Constructions In Urban Areas Act, 1991 (Karnataka Act 29 Of 1991) :-

In the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991 (Karnataka Act 29 of 1991), in section 8A,

in the heading and in the section for the word "Divisional Commissioner" the word "Regional Commissioner" shall be substituted.

15. Amendment Of The Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 Of 1993) :-

In the Karnataka Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993), in section 2, in sub-section (7), for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

16. Amendment Of The Hindu Religious Institutions And Charitable Endowments Act, 1997 (Karnataka Act 33 Of 2001) :-

In the Hindu Religious Institutions and Charitable Endowments Act, 1997 (Karnataka Act 33 of 1997), in section 63.-

(i) In the heading for the word "Commissioner" the words "Regional Commissioner" shall be substituted;

(ii) In sub-section (1), for the word "Commissioner" in the two places where they occur the words "Regional Commissioner" shall be substituted;

(iii) In sub-section (2), for the word "Commissioner" in the two places where they occur the words "Regional Commissioner" shall be substituted.

17. Amendment Of The Karnataka Rent Act, 1999 (Karnataka Act 34 Of 2001) :-

In the Karnataka Rent Act, 1999 (Karnataka Act 34 of 2001), in section 2, in sub-section (3), in clause (a), in the explanation for the words "Divisional Commissioner" the words "Regional Commissioner" shall be substituted.

The translation of sections 13 to 17 of the Karnataka Land Revenue and Certain other laws (Amendment) Act, 2007 (Karnataka Act No 17 of 2007) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

18. Amendment Of The Karnataka Land Revenue (Amendment) Act, 2002 (Karnataka Act 21 Of 2003) :-

In the Karnataka Land Revenue (Amendment) Act, 2002 (Karnataka Act 21 of 2003), section 21 shall be omitted.

19. Creation Of Regions And Office Of Regional Commissioner And Consequences To Ensur On Such Creation :-

On the date commencement of the Karnataka Land Revenue and Certain Others Laws (Amendment) Act, 2006,-

(1) all appeals, revisions and other proceedings connected therewith transferred to the State Government under section 21 of the Karnataka Land Revenue (Amendment) Act, 2002 and which are pending on the date of commencement of this Act shall stand transferred to the Regional Commissioner and the Regional Commissioner shall dispose of all such appeals, revisions and other proceedings connected therewith as if they were instituted before it.

(2) all appeals, revisions and other proceedings connected therewith transferred to the Tribunal under section 21 of the Karnataka Land Revenue (Amendment) Act, 2002 and which are pending on the date of commencement of this Act shall stand transferred to the Regional Commissioner and the Regional Commissioner shall dispose of all such appeals, revisions and other proceedings connected therewith as if they were instituted before it.

20. Power Of State Government To Adapt Laws :-

For the purpose of bringing the provisions of any law in force in accordance with the provisions of the principal Act as amended by this Act, the State Government may by order published in the Official Gazette make such adaptations and modifications of such law whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made until altered, repealed or amended by the legislature.

Explanation: The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the date appointed for the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all or any particular areas in the State.

21. Orders Bringing This Act Into Force :-

Notwithstanding anything contained in the principal Act or any other law for the time being in force, the State Government may, by order published in the Official Gazette make such provision as appears to it to be necessary or expedient for making omissions from, additions to, and the adaptations and modifications, of the rules, regulations, bye-laws, notifications and orders made under any law in their application to the creation of the office of the Regional Commissioner, and for bringing the principal Act as amended by this Act into force.

22. Removal Of Difficulties :-

If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act the State Government may by order, published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

23. Orders To Be Laid Before The Houses Of The State Legislature :-

Every order made under sections 19, 20 and 21 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 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 any order or directs that any order shall not have effect, and such order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

24. Repeal And Savings :-

(1) The Karnataka Land Revenue and certain other Laws (Amendment) Ordinance, 2006 (Karnataka Ordinance 5 of 2006) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.