

KARNATAKA RESETTLEMENT OF PROJECT DISPLACED PERSONS ACT, 1987

24 of 1994

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KARNATAKA RESETTLEMENT OF PROJECT DISPLACED PERSONS ACT, 1987

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An Act to provide for the resettlement of certain persons displaced from lands which are acquired for projects of public utility, and for matters connected therewith. Whereas, it is expedient to provide for the resettlement of certain persons displaced from lands which are acquired for projects of public utility, and for matters connected therewith. Be it enacted by the Karnataka State Legislature in the Thirty-eighth year of the Republic of India as follows.

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Karnataka Resettlement of Project Displaced Persons Act, 1987.

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

(3) It shall come into force on such date, as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

(1) In this Act, unless the context otherwise requires.

(a) "Affected Zone" in relation to a project means lands declared under Section 15 as constituting the area of the affected zone under the project;

(b) "Agricultural Land" includes lands used or capable of being used for purpose of.

(i) agriculture or horticulture;

(ii) dairy farming, poultry farming, pisciculture, breeding of livestock and nursery growing medicinal herbs;

(iii) raising of crops, grass or garden produce; and

(iv) the lands used by an agriculturist for the grazing of cattle, but does not include land used for the cutting of wood only;

(c) "Agricultural Labourer" means a person normally resident in the affected zone for a period of not less than two years immediately before the declaration of the affected zone under Section 15 who does not hold any land in the affected zone but who earns his livelihood principally by manual labour on agricultural land therein immediately before such declaration and who has been deprived of his livelihood principally by manual labour on the land comprised in the affected zone;

(d) "Benefitted Zone" in relation to a project means, the lands declared under Section 15 to constitute the area of the benefitted zone under that project;

(e) "Deputy Director" in relation to a project means, an officer not below the rank of the Deputy Commissioner of a district appointed by the State Government, by an order in writing for that project for purposes of this Act;

(f) "Director" means the Director of Resettlement appointed under Section 4 ;

(g) "Displaced Person" means any tenure holder, tenant, Government lessee or owner of other property, who on account of acquisition of his land including plot in the gramathana or other property in the affected zone for the purpose of the project, has been displaced from such land or other property;

(h) "Family" in relation to a displaced person means the family of

the displaced person consisting of such person and his or her spouse, minor sons, unmarried daughters, minor brothers or sisters, father and mother and other members residing with him and dependent on him for their livelihood.

(i) "Gramathana" means all lands including residential buildings situated thereon which form part of the population centre of a particular village as assigned or notified for the purpose under Section 71 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964);

(j) "Holding" means the total land held by a person as an occupant or tenant, or as both;

(k) "Irrigable land" means land already irrigated from unauthorised Government source or which is intended to be irrigated in future under any Government scheme;

(1) "Joint Director", means a Joint Director of Resettlement appointed under Section 4 of this Act.

(m) "Land pool" means the lands referred to in sub-section (3) of Section 13, which may be available for resettlement of displaced persons;

(n) "Local Authority" means and includes a command area development authority, city corporation, municipal council, zilla parishad, mandal panchayat or a statutory board constituted under any law for the time being in force, and specified by Government;

(o) "Non-agricultural labourer" means a person who is not an agricultural labourer but is normally residing in the affected zone for a period of not less than two years immediately before the declaration of the affected zone under Section 15 and who does not hold any land under the affected zone but who earns his livelihood principally by manual labour or as a rural artisan immediately before such declaration and who has been deprived of earning his livelihood principally by manual labour or as such artisan in the affected zone;

(p) "Project" means the construction, extension or improvement of any work for the supply of water for the purposes of irrigation (hereinafter called an Irrigation Project) or for the production and supply of electricity or of any work conducive to electrical development (hereinafter called a Power Project), and includes any

other work of public utility, construction, extension, improvement or development of which results in displacing persons from lands which may be used for such work;

(q) "Project Engineer" in relation to a project means, an officer not below the rank of an Executive Engineer, appointed by the State Government, by an order in writing for that project for the purposes of this Act;

(r) "Resettlement Officer" in relation to a project means, an officer not below the rank of a Tahsildar, appointed by the State Government, by an order in writing for that project for the purposes of this Act;

(s) "Schedule" means Schedule appended to this Act;

(t) "To Cultivate" means to carry on any agricultural operation and the expression 'cultivation' shall be construed accordingly.

(2) Words and expressions used in this Act but not defined shall have the meaning assigned to them in the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964).

CHAPTER 2

Directorate of Resettlement, Resettlement Officer and their powers and duties etc

3. Chief Controlling Authority in resettlement matters :-

The Chief Controlling Authority in all matters connected with the resettlement of displaced person shall vest in the Director, subject to the superintendence, direction and control of the State Government.

4. Directorate of Resettlement :-

(1) For carrying out the purposes of this Act, the State Government shall establish a Directorate of Resettlement consisting of.

(a) the Director of Resettlement;

(b) one or more Joint Directors of Resettlement;

(c) one or more Deputy Directors of Resettlement, and

(d) one or more Project Engineers and Resettlement Officers and such other officers and servants with such designations, as the State Government may, from time to time, by an order in writing, appoint.

(2) The State Government shall, by an order in writing appoint one

of the officers of the State Government, not below the rank of an Additional Chief Secretary to be the Director and one or more officers of the State Government, not below the rank of Secretary to Government, as Joint Directors of Resettlement.

(3) Each such officer shall be subordinate to such officer or officers as the State Government may direct.

(4) Except where specific orders are issued by the State Government to the contrary, the Deputy Commissioner of the District, in whose jurisdiction the area included in a project lies, shall be the ex-officio Deputy Director for Land and the Chief Secretary of Zilla Parishad in whose jurisdiction the project area lies shall be the ex officio Deputy Director for Resettlement.

5. Functions of the Director :-

It shall be the duty of the Director.

(a) to give advice to the State Government in all matters relating to the resettlement of displaced persons;

(b) to ensure speedy resettlement of displaced persons;

(c) to prepare or cause to be prepared annual budget for providing funds for carrying out the purposes of this Act;

(d) subject to the general or special orders of the State Government, if any, to disburse, out of the grants duly sanctioned by law for resettlement of displaced persons, sums to such officers and authorities at such intervals according to their requirement, as he may think fit for carrying out the purposes of this Act;

(e) to supervise the work of the resettlement and give advice to the officers during their work from time to time;

(f) to arrange, as far as practicable, for employment to displaced persons either on any work connected with the project or otherwise; and

(g) to perform such other functions as the State Government may, from time to time, by an order in writing entrust to him.

6. Duties of the Joint Director :-

Subject to any orders of the State Government, it shall be the duty of the Joint Director.

(a) to draw up and implement the resettlement programmes for the

project within the framework of the policy of the State Government relating to the resettlement of displaced persons;

(b) to co-ordinate and supervise the work of resettlement of displaced persons of the project;

(c) to ensure speedy resettlement of displaced persons, and for that purpose, hold meetings of the officers attending to the work of resettlement and take decisions in that behalf and require the subordinate officers to attend to such work as may be assigned to them;

(d) to scrutinise budget proposals of the Deputy Directors of the Project;

(e) to disburse grants to the Deputy Directors of the project, according to the requirements as assessed by him;

(f) to require the Deputy Directors of the Project to report to him the progress made in the matter of execution of the layout of a gramathana relating to public utilities, amenities and services referred to in sub-section (1) of Section 22 and entrusted by the State Government under Section 24 and render him such assistance as the circumstances of the case may require; and

(g) to perform such other functions as may be assigned to him by the Director or the State Government.

7. Duties of the Joint Director :-

The Joint Director may, with the prior approval of the Director and by an order in writing, delegate such of the powers and duties conferred and imposed on him by or under this Act to such officers not below the rank of a Tahsildar, or to such officer of the State Government or local authority, as may be specified in the order.

8. Constitution of Advisory Committees :-

For the purposes of assisting it in the speedy resettlement of displaced persons, the State Government may, from time to time, constitute one or more Advisory Committees for advising the State Government or any officers appointed for any of the purposes of this Act on such matters regarding the speedy resettlement of displaced persons, as may be referred to it or them. The composition of an Advisory Committee, the regulation of its business, the allowances or fees, if any, to be paid to its members and all matters incidental thereto shall be such as may be

prescribed.

CHAPTER 3

Application of the Act to the project and its consequences to ensure improvement therefrom

9. . :-

(1) If the State Government is of the opinion that it is necessary or expedient in the public interest so to do for the resettlement of displaced persons, it may by notification in the Official Gazette, declare that the provisions of this Act shall apply in relation to the project specified in the notification, and thereupon, the provisions of this Act shall apply to such project. The notification shall also specify the villages or areas which are likely to be in the affected zone or benefited zone.

(2) The declaration shall also be published in the villages or areas which are likely to be in the affected and benefited zones by beat of drum or otherwise and by affixing a copy of the notification in some prominent place or places in the zones, and in the village chavadi, and in the office of the Mandal Panchayat, if any, and also in the office of the Resettlement Officer.

10. Restrictions on transfer, sub-division or partition of land in benefited zone :-

(1) Notwithstanding anything contained in any law for the time being in force, no land in the villages or areas specified in the notification under Section 9 shall, after publication of that notification in the Official Gazette, and until the Deputy Director makes a declaration to the effect that all proceedings for the acquisition of lands in the benefited zone are completed be.

(a) transferred, whether by way of sale (including sale in execution of a decree of a Civil Court or of an award or order of any other Competent Authority) or by way of gift, exchange, lease or otherwise;

(b) sub-divided (including partition by a decree or order of any Court or any other Competent Authority); or

(c) partitioned (including partition by a decree or order of any Court or any other Competent Authority), except with the permission in writing of the Joint Director.

(2) The Joint Director may refuse to give such permission, if, in his

opinion, the transfer, sub-division or partition of land is likely to defeat the object of this Act.

(3) Any transfer, sub-division or partition of land made in contravention of sub-section (1) shall be void and inoperative.

11. Assessment of extent of land from which persons are likely to be displaced and census of displaced persons :-

(1) On the publication of the notification under Section 9 , the Joint Director shall, according to the provisions of this section, and with reference to the position as existing on the date of publication of the said notification.

(a) assess the extent of land from which persons are likely to be displaced;

(b) take a census in the villages or areas specified in the notification of persons, who,

(i) ordinarily reside; or

(ii) hold agricultural land, a plot in a gramathana or other property; or

(iii) agricultural labourers, who in each case are likely to be affected by any project which is the subject of declaration under Section 9 .

(2) For the purpose of assessing the extent of land or taking a census under sub-section (1), the Joint Director may ask such questions to all persons concerned as he may deem necessary for the purpose, and record the substance of the information furnished by such persons.

(3) Every person to whom any question is asked under sub-section (2) shall be legally bound to answer such question to the best of his knowledge or belief. A document giving such information or substance thereof and signed by the person shall be conclusive proof of the correct position at the time of the census.

(4) The Joint Director shall provisionally declare the result of the assessment and census in the manner provided by sub-section (2) of Section 9 .

(5) The declaration under sub-section (4) shall invite objections to and suggestions for the matters included therein within a period of not less than thirty days from the date the declaration is first made

under sub-section (4) as may be specified by the Joint Director in this behalf.

(6) On expiration of the period specified for inviting objections and suggestions, the Joint Director shall, by notification publish the result of the assessment and the census finally in the manner provided by sub-section (2) of Section 9 .

12. Appeal :-

(1) Any person, aggrieved by inclusion or non-inclusion of any land or any name in the finally published result of assessment and census under sub-section (6) of Section 11 may prefer an appeal in the manner prescribed to the Director within thirty days of such final publication. The Appeal Memorandum shall be accompanied by such fees as may be prescribed.

(2) The decision of the Director in appeal, which shall be heard as per procedure as may be prescribed shall be final and shall not be called in question in any Court of law. The Director shall state the points arising for determination in the appeal and give reasons in brief in support of his decision.

13. Assessment of land available for resettlement :-

(1) The Joint Director shall also assess the extent of land which may be available for grant to the displaced persons. The Joint Director shall also indicate in such assessment, the location of such lands and of the area of extension of any existing gramathana where resettlement of displaced persons may be made.

(2) In selecting the site for a gramathana, (hereinafter referred to as "the new gramathana") or, as the case may be, for extension of an existing gramathana, the Joint Director shall have regard to the following factors, namely.

(a) the proximity of alternative agricultural lands (which may be earmarked for grant to the displaced persons) to the new gramathana, or as the case may be, to the extended part of the existing gramathana (the distance between such agricultural lands and new gramathana or the extended part of the existing gramathana may ordinarily not exceed 8 Kilometres);

(b) the availability of water sources in, or in the vicinity of, the new gramathana or extended part of the gramathana or possibility of striking water if a well is construed in, or in the vicinity of, such

gramathana;

(c) access to roads;

(d) suitability of land for constructing houses; and

(e) such other factors as the State Government may, by an order in writing, specify.

(3) The Joint Director shall draw up a list of lands which may be available for resettlement of the displaced persons and in doing so may indicate the area which may be included in the benefited zone, or which may be specified under Section 10 . Such lands shall consist of.

(a) Government waste lands;

(b) Government forest lands which are released for cultivation, in accordance with the provisions of any law for the time being in force;

(c) lands which may be included in the benefited zone, or in any village or area to be specified under Section 18 and which may be acquired under the Land Acquisition Act, 1894 (Central Act 1 of 1894), in accordance with the provisions of Section 16 of the LAND ACQUISITION ACT, 1894 ;

(d) lands acquired under Section 16 OF THE LAND ACQUISITION ACT, 1894 ; and

(e) any other land vesting in the State Government and available for the resettlement of displaced persons.

(4) For the purpose of making assessment under this section, the Project Engineer-in-charge of the project shall.

(a) prepare or cause to be prepared an index map of the submergence area which is likely to be submerged showing the villages at different reservoir levels, that is.

(i) for storage with gates; and

(ii) for storage without gates;

(b) prepare or cause to be prepared the village maps indicating the submerged area, and the actual survey numbers which may be submerged;

(c) collect information regarding.

- (i) the extent of land required for the project;
 - (ii) the extent of land which is likely to be benefited by the project, together with a list of survey numbers in each village.
- (5) The maps prepared under sub-section (4) and the information collected under that sub-section shall be sent by the Project Engineer to the Joint Director.
- (6) On receipt of the maps and information under sub-section (5), the Joint Director shall collect information regarding.
- (a) Government lands available for resettlement, the extent of lands in the area which is likely to be in the benefited zone, and which may have to be acquired under the provision of Section 16 ;
 - (b) details of persons affected by the project, such as the extent of the holding of the displaced persons, the extent of area therefrom to be acquired for the project, the number of structures to be acquired for the project, the number of members in the family of each displaced person;
 - (c) the location of the new gramathana or extension of the existing gramathana preferably, in consultation with the persons who are likely to be displaced on account of undertaking works relating to the project.
- (7) The Joint Director shall send a copy of his assessment made under sub-sections (1), and (2) to the Director and the State Government.

14. Provisional declaration of affected zone and benefited zone :-

- (1) As soon as may be after the receipt of the copy of the assessment under Section 13 , the State Government shall, after such inquiry, as it thinks fit, provisionally declare by notification in the Official Gazette and also in the manner provided by sub-section (2) of Section 9 .
- (a) the area which is required for the project and thereby would be adversely affected by or under the project; and
 - (b) if the project is an irrigation project or is a composite project, consisting of irrigation project, power project and any other project of public utility or any combination thereof, the area under the command of the project which is likely to be benefited by the

project.

(2) The declaration under sub-section (1) shall invite objections to, and suggestions for the inclusion of any land in the area referred to in clause (a) or clause (b) of sub-section (1) within a period of not less than thirty days specified in the notification.

15. Final declaration of affected zone and benefited zones and power to make changes in such zones :-

(1) The State Government shall, after considering the objections and suggestions received within the period specified in the notification under Section 14 , after giving a reasonable opportunity to the persons affected by that notification to be heard, and after making such further enquiry as it may think fit, finally declare by notification in the Official Gazette and also in the manner provided by sub-section (2) of Section 9 .

(a) the extent of area which shall constitute the area of the affected zone under the project;

(b) if the project is a project falling under clause (b) of sub-section (1) of Section 14 , the extent of area which constitute the area of the benefited zone under the project.

(2) A copy of the notification shall be sent to the Director and the Joint Director.

(3) If at any time during the course of execution of a project, the Joint Director is satisfied that any change in the affected zone or benefited zone is necessary, he shall communicate such change to the State Government through the Director.

(4) On receipt of the communication under sub-section (3), the State Government may, after making such enquiries as it thinks fit, make provisional and final declarations in respect of such change, in accordance with the provisions of Section 14 and this section.

16. Power to acquire land for the purpose of this Act :-

(1) The State Government or any officer authorised by it in this behalf, may subject to such rules as may be prescribed, enter into an agreement with any person for the purchase or exchange of any land required for carrying out the purposes of this Act.

(2) Subject to the provisions of this section, the State Government may also, for carrying out the purposes of this Act, compulsorily

acquire land under the Land Acquisition Act, 1894 (Central Act 1 of 1894), including.

(a) lands included in a gramathana in the affected zone as far as practicable according to the provisions of Part I of Schedule A; and

(b) lands from the holding in the benefited zone or from any village or area specified under Section 18 , as far as practicable according to the provisions of Part II-A and II-B of Schedule A, and the acquisition of any land for the said purpose shall be deemed to be a public purpose within the meaning of that Act:

Provided that notwithstanding anything contained in Section 23 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), the market value of the land on the date of publication of the declaration under sub-section (1) of Section 9 shall be deemed to be the market value for the purpose of determining the amount of compensation to be awarded for the land so acquired.

(3) All lands acquired under this section shall form part of the land pool.

17. Appropriation of compensation payable to displaced persons under the Land Acquisition Act, 1894 :-

Notwithstanding anything contained in the Land Acquisition Act, 1894 (Central Act 1 of 1894), the compensation for acquisition of the land to a displaced person shall be not payable to him, except where he opts for retaining the compensation under the first proviso to Section 18 :

Provided that where a displaced person does not opt for retaining the compensation, the compensation payable to him shall be appropriated by the Resettlement Officer in such manner as may be prescribed towards the cost of land granted to the displaced persons:

Provided further that the whole, or as the case may be part of the compensation payable to a displaced person who is provided with self-employment under the third proviso to the Section 18 , shall be appropriated by the Resettlement Officer towards the cost of the expenditure for providing such self-employment.

CHAPTER 4

Resettlement of displaced persons

18. Resettlement of displaced persons :-

The State Government shall resettle as many displaced persons as possible on land in the benefited zone or other villages or areas outside the benefited zone (being villages and areas specified by the State Government, by an order in writing for that purpose), subject to availability of land and as far as practicable in accordance with the provisions of this Act and the rules made thereunder, and the areas so specified outside the benefited zone may also form part of the affected zone:

Provided that any displaced person who is not desirous of being resettled in the manner aforesaid in accordance with the provisions of this Act, but is desirous of retaining the compensation in whole receivable by him under the Land Acquisition Act, 1894 (Central Act 1 of 1894), for the acquisition of his land or property in the affected zone may, by a declaration made to that effect in the manner and form prescribed, exercise his option to do so and thereafter he shall not be entitled to resettlement as aforesaid:

Provided further that the option once exercised shall be final and shall, in no circumstances be changed or allowed to be changed:

Provided also that subject to such rules as may be prescribed, the State Government may, provide assistance for self-employment to any displaced person who has opted for retaining compensation or to a person who has not opted for retaining compensation but has not been allotted any land due to its non-availability.

19. Extent of land to be granted to displaced persons etc :-

(1) Subject to such conditions as may be prescribed.

(a) the extent of land granted (not being gramathana land) to displaced persons and agricultural labourers shall as far as practicable be according to the provisions of Parts I, II and III of Schedule B;

(b) the plots of land to be granted to displaced persons, agricultural labourers and non-agricultural labourers in a new gramathana or extended part of an existing gramathana shall be according to the provisions of Part IV of Schedule B;

(c) in granting alternative land to a displaced person, the value of such land shall ordinarily be the same which the displaced person has received in respect of his land in the affected zone which is acquired for the project.

(2) Notwithstanding anything contained in this section, the State Government may, after previous publication amend Schedule A, regard being had to the provisions of the Karnataka Land Reforms Act, 1961 , the number of displaced persons, and agricultural labourers to be resettled and the extent of land available for resettlement.

20. Occupancy price :-

(1) Subject to the provisions of this section, the occupancy price payable in respect of land to be granted under Section 19 shall.

(a) in the case of agricultural lands acquired from holdings in a benefited zone or from any villages or areas specified under Section 18 , be equal to the amount of compensation paid for their acquisition or the current market value thereof, whichever is more, and also the amount of expenses incurred on demarcation of all the lands so acquired, on levelling of such lands on joint measurements, on land improvement, if any, of fixing boundary marks or stones and on labour;

(b) in the case of any Government agricultural lands, be in accordance with the provisions of the Karnataka Land Revenue Act, 1964 and the Rules made thereunder:

Provided that in case of residential plots in a new gramathana or extended part of an existing gramathana, established either on lands acquired specially for the purpose or on Government lands, no occupancy price shall be payable by the allottees and the entire expenditure towards the cost of acquisition and the development charges for formation of layout shall be borne by the Government.

Explanation. In cases of unassessed lands, the occupancy price shall be payable having regard to the assessment leviable on the adjacent lands of similar quality and similarly situated.

(2) The question whether adjacent lands are of similar quality or are similarly situated shall be decided by the State Government and the decision of the State Government on the question shall be final and conclusive.

(3) For the purpose of determining the occupancy price payable under clause (a) of sub-section (1), by a displaced person for the land granted to him, there shall be worked out first the occupancy price payable per hectare of such land by dividing the sum of the

amount of compensation or market value, whichever is more, and the amount of expenses referred to in the said clause (a) by the total area of the acquired lands in hectares referred to in that clause. Thereupon, the occupancy price payable in respect of such land shall be equal to the amount of occupancy price payable per hectare of land so worked out multiplied by the area in hectares on such land.

(4) Where the amount of occupancy price determined and payable under sub-section (1) in respect of land granted under sub-section (1) of Section 19 of this Act to any displaced person is in excess of the amount of compensation received by him in respect of his agricultural land acquired for the project, the occupancy price payable by him in respect of the land granted to him under this Act shall be equal to the amount of compensation received by him in respect of his lands, and the excess amount of occupancy price shall be borne by the State Government

(5) In addition to the occupancy price payable as aforesaid, the grantee shall be liable to pay any such amount towards the value of trees, if any, standing on the lands as may be determined by the Deputy Director, in consultation with the Divisional Forest Officer of the District.

(6) The occupancy price shall be payable in such manner and in lumpsum or in such instalments as may be prescribed.

21. Public notice calling upon displaced persons to state if they want lands for resettlement :-

(1) The Resettlement Officer shall, as soon as may be after the assessment is made under Section 13 , publish a public notice in the Official Gazette and also as provided by sub-section (2) of Section 11 calling upon the displaced persons in the affected zone to intimate to him in writing before, the date specified in the notice (not being earlier than 60 days from the date of publication of the notice in the Official Gazette) whether they require land for resettlement on occupancy price provided under Section 20 , and if so, to submit to him in duplicate, before the said date, a statement containing the following particulars, namely.

(a) the area of land held by each displaced person as occupant or tenant in the affected zone, separately;

(b) the area of land held by each displaced person, if any, in the

benefited zone or outside that zone in any village of area specified under Section 18 as occupant or tenant;

(c) the description of land on which he was working as agricultural labourer;

(d) the place of residence in the old gramathana, and whether the displaced person holds that place as owner or tenant; and

(e) choice of land for purposes of grant in the benefited zone, or in the village or area specified under Section 18 , and choice of land in the gramathana or, as the case may be in the extended part of the existing gramathana:

Provided that the Resettlement Officer, shall in the same notice do call upon persons eligible to assistance for self-employment to so intimate whether they require such assistance or not.

(2) The Resettlement Officer shall take particular care to ensure that the notice published under sub-section (1) is given as wide publicity as possible and for that he may render such assistance to the displaced persons to understand the contents of the notice, as he thinks fit in the circumstances of each case.

22. Resettlement Officer to prepare draft scheme of resettlement :-

(1) For enabling the State Government to resettle displaced persons as required by Section 18 , the Resettlement Officer shall, as soon as may be on the basis of the statement received under Section 21 and on the basis of the statement received under Section 21 and on the basis of the assessment of land made under Section 13 , prepare one or more draft schemes for the resettlement of the displaced persons. The scheme shall contain the following particulars, namely.

(a) the extent of area included in the Project indicating therein the area of the affected zone and the number of villages affected by the Project; a Plan indicating the area and villages therein shall be appended to the draft scheme;

(b) date of submergence of the holding under the water of the Project;

(c) a list of displaced persons (not being agricultural labourers) and the extent of land in his holding indicating the survey numbers

thereof held by each person in the affected zone, and a list of agricultural labourers in such zone, and the extent of land held by him, if any, in that zone, and the names of such persons on whose lands he has been earning his livelihood principally by manual labour;

(d) the area of the gramathana in the affected zone and the names of persons owning land therein and the extent of such land;

(e) the number of families in the affected zone, and the number of members in each family;

(f) a list of persons benefited or likely to be benefited on the completion of the Project, and the extent of land held by each such person in the benefited zone;

(g) the extent of land available from the benefited zone and from the villages and areas specified under Section 18 for resettlement of the displaced persons;

(h) the names of the displaced persons, the number of members in each family, and the extent of land (with particulars of location) proposed to be granted to each displaced person from the land pool and the occupancy price which a displaced person will have to pay;

(i) the site of the gramathana in the benefited zone, or the area of extension thereof or as the case may be, the area where it is proposed to locate the new gramathana therein. A plan indicating the layout of the new gramathana or extension of the existing gramathana as aforesaid shall be appended to the draft scheme. The layout shall explain the public utilities, amenities and services proposed to be provided in the new gramathana or, as the case may be, in the extension of the existing gramathana;

Explanation. For the purposes of this clause, the expression "public utilities and amenities", includes provision for reservation of such extent of land for threshing ground and for cremation and burial ground in the resettlement village as the rules may provide in that behalf, regard being had to the nature and type of threshing ground existing in the submerged village, the extent of land existing for cremation and burial purposes in the submerged village, the population of different communities and availability of land for resettlement;

(j) the names of displaced persons and the extent of land proposed

to be granted to each family for resettling in the new gramathana or, as the case may be, in the proposed extension of the existing gramathana;

(k) the particulars of the scheme of assistance for self-employment under the third proviso to Section 18 and the expenditure therefor;

(1) such other particulars as the Resettlement Officer may think fit to include for the information of the displaced persons.

(2) The draft scheme shall indicate the time schedule for shifting the displaced persons in the affected zone to the new gramathana or to the extended part of the existing gramathana according to the submergence schedule of the project.

(3) The draft scheme drawn up by the Resettlement Officer shall be submitted by him to the Joint Director through the Deputy Director, who may refer to the Advisory Committee for the project concerned, and in the light of the recommendations of the Committee, the Joint Director may make such changes as he thinks fit in the draft scheme.

(4) The draft scheme shall state that the Resettlement Officer shall afford facilities to the displaced persons to see for themselves the agricultural lands proposed to be granted to them on occupancy price and the location of the new gramathana or as the case may be the extended part of the existing gramathana.

(5) A copy of the draft scheme prepared under sub-section (1) shall be submitted to the Director.

23. Publication of scheme and sanctioning of Scheme :-

(1) As soon as may be after the draft scheme for resettlement is finalised by the Joint Director under sub-section (3) of Section 22 , the Joint Director shall publish the draft scheme in the Official Gazette and also in the manner provided by sub-section (2) of Section 9 .

(2) The draft scheme shall call upon each of the displaced persons to send his objections and suggestions to the draft scheme within forty-five days from the date the draft scheme is published in the Official Gazette.

(3) The Joint Director may, after considering any objections or suggestions, duly received under sub-section (2) and after making

such enquiries as he thinks fit, sanction the draft scheme with or without modification and publish it in the Official Gazette and also in the manner provided by sub-section (2) of Section 9 :

Provided that the draft scheme shall not be sanctioned with any modification, unless the parties affected by the modification are given a reasonable opportunity of being heard.

(4) A plan or map forming part of any scheme may not be published along with the scheme as required by this Act, but a copy of the plan shall be kept open for inspection in the office of the Resettlement Officer the Deputy Director and the Joint Directors concerned.

(5) Any person aggrieved by any of the provisions of the sanctioned scheme may within thirty days of the date of publication of such scheme in the Official Gazette, file an appeal to the Director who may after giving such person a reasonable opportunity to be heard amend the sanctioned scheme or may refuse to amend it.

(6) Government may on application or otherwise call for the record of proceedings relating to the sanctioned scheme for satisfying itself regarding the correctness or otherwise of any of the provisions made therein, and may amend the sanctioned scheme, after giving the parties affected by such amendment a reasonable opportunity of being heard.

24. Entrustment of execution of layout to the local authority :-

(1) The execution of every layout of a new gramathana or the extension of an existing gramathana, as the case may be, insofar as it relates to public utilities, amenities and services and maintenance thereof shall be entrusted by the State Government by an order in writing to any local authority having jurisdiction over the area included in the layout, subject to such terms and conditions (including provision for their vesting in the local authority), as may be specified in the order, and thereupon the provisions of respective Acts relating to the local authority shall apply to the execution of such layout and also the maintenance thereof, as they apply in relation to the execution and maintenance of works or development schemes entrusted to the local authority under the said provision.

(2) For ensuring speedy execution of works relating to public

utilities, amenities and services and for their proper maintenance, the State Government shall arrange for release of the necessary funds to the local authority and for that purpose, the State Government may make such orders, as it thinks fit, regard being had to the circumstances of each case.

25. Implementation of the Resettlement Scheme :-

After publication of the sanctioned scheme in the Official Gazette under Section 23 , but subject to the provisions of Section 18 and such conditions as may be prescribed and in accordance with the provisions of the sanctioned scheme, the Deputy Director shall.

(a) to the extent specified in Schedule 'B'.

(i) grant land and thereupon except as expressly provided by this Act, the provisions of the Karnataka Land Revenue Act, 1964 (Karnataka Act No, 12 of 1964) and the rules made thereunder which provides for disposal of Government land shall apply to such grant as they apply in relation to Government land granted under the said Act;

(ii) allot residential plots, if any, free of cost to the displaced persons and agricultural labourers and non-agricultural labourers; and

(b) implement the schemes for providing self-employment.

CHAPTER 5

Miscellaneous

26. Transfer of encumbrances :-

(1) Where any land held by a displaced person in an affected zone is burdened with a mortgage, debt or any other encumbrance such mortgage, debt or other encumbrance shall be deemed to be transferred therefrom and attach, itself to the land granted to such displaced person under Section 25 and the mortgagee, creditor or, as the case may be, other encumbrancer shall exercise his rights accordingly.

(2) If the land to which a mortgage, debt or other encumbrance is transferred under sub-section (1) is of less market value than the original land from which it is transferred, the mortgagee, creditor, or as the case may be, other encumbrancer shall be entitled to payment of such compensation by the displaced person owning the land, as may be determined by the Deputy Director.

27. Penalty for false declaration :-

If any person knowingly makes a false declaration or statement under this Act, he shall, on conviction, be punished with fine, which may extend to one thousand rupees:

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the Court, such fine shall not be less than one hundred rupees.

28. Power of officers of Government and local authorities to assist :-

Every officer of Government in any Department and every officer or servant of a local authority shall be bound to assist any Resettlement Officer or Deputy Director, Project Engineer, or any officers duly authorised, for the purpose of carrying out the provisions of this Act.

29. Officers and servants appointed under this Act to be public servant :-

All officers and servants appointed under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 .

30. Bar of jurisdiction. :-

No Civil Court shall have jurisdiction to settle, decide or deal with any question; which is by or under this Act required to be settled, decided or dealt with by the Director or Joint Director, or Deputy Director or Resettlement Officer or the State Government.

31. Protection of action taken under this Act :-

No suit, prosecution other legal proceeding shall lie against the State Government, LOG Authority or any public servant for anything which is in good faith done purported to be done under this Act.

32. Rules :-

(1) The State Government may by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules may provide for charging fees for any of the purposes of this Act.

(2) Every rule made under this Act 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 successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, so, however, that such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

SCHEDULE A

SCHEDULE

SCHEDULE A

[See Section 16(2)(a)]

PART I

Extent of acquisition of land in a gramathana of the village falling in the affected zone

(A)	If Less than 75 per cent of the houses in the gramathana are acquired for a project;	The remaining lands and houses in the gramathana need not be acquired.
(B)	If 75 per cent or more of the houses in the gramathana are acquired for a project;	All the remaining lands and houses in the gramathana should also be acquired.
(C)	If any area included in the gramathana is not acquired for the project but more than 75 per cent of the agricultural lands in the village are acquired;	All the lands and houses in the gramathana should also be acquired.

PART II-A

[See Section 16(2)(b)]

Scale of acquisition of irrigable land for allotment to displaced persons in the benefited zone or outside the benefited zone

Size of the holdings	Area to be acquired therefrom
(1)	(2)
(i) Not more than 2 hectares 42.82	Nil

Ares (6 acres)	
(ii) More than 2 hectares 42.82 Ares (6 acres) and not more than 4 hectares 4.70 Ares (10 acres)	The area in excess of 2 hectares 42.86 ares (6 acres) but not more than 1 hectare 21.41 ares (3 acres)
(iii) More than 4 hectares 4.70 Ares (10 acres) and not more than 5 hectares 66.58 Ares (14 acres)	The area in excess of 3 hectares 23.76 ares (8 acres) but not more than 1 hectare 61.88 ares (4 acres)
(iv) More than 5 hectares 66.58 ares (14 acres) but not more than 7 hectares 28.46 Ares (18 acres)	The area in excess of 4 hectares 85.64 ares (12 acres) but not more than 2 Hectares 2.35 ares (5 acres)
(v) More than 7 hectares 28.46 ares (18 Acres)	All the area in excess of 5 hectares 66.58 ares (14 acres)

PART II-B

[See Section 16(2)(b)]

Scale of acquisition of Non-irrigable land for allotment to displaced persons outside the benefited zone

Size of the holding	Area to be acquired there from
1	2
(i) Not more than 3 hectares 23.76 ares (8 acres)	Nil
(ii) More than 3 hectares 23.76 ares (8 acres) and not more than 4 hectares 85.64 ares (12 acres)	The area in excess of 3 hectares 23.76 ares (8 acres) but not more than 80.94 ares (2 acres)
(iii) More than 4 hectares 85.64 arcs (12 acres) and not more than 6 hectares 47.52 ares (16 acres)	The area in excess of 4 hectares 4.70 ares (10 acres) but not more than 1 hectare 21.41 ares (3 acres)
(iv) More than 6 hectares 47.52 ares (16 acres) but not more than 8 hectares 9.40 ares (20 acres)	The area in excess of 5 hectares 26.11 ares (13 acres) but not more than 1 hectare 61.88 ares (4 acres)
(v) More than 8 hectares 9.40 ares (20 acres) and not more than 9 hectares 71 .28 ares (24 acres)	The area in excess of 6 hectares 47.52 ares (16 acres) but not more than 2 hectares 2.35 ares (5 acres)
(vi) More than 9 hectares 71.28 ares (24 acres)	All the area in excess of 7 hectares 68.93 ares (19 acres)

SCHEDULE B

SCHEDULE

SCHEDULE B

[See Section 19(1)]

**Scale of allotment of agricultural land/non-agricultural land/house sites
to the displaced persons**

PART I

Irrigable agricultural land

Area of land lost by displaced persons for a project	Area of land to be granted to the displaced persons
(i) Not more than 80.94 ares (2 acres)	Not less than 40.87 ares (1 acre) but not more than 80.94 ares (2 acres)
(ii) Not more than 80.94 ares (2 acres) but not more than 2 hectares 2.36 ares (5 acres)	Not less than 40.47 ares (1 acre) but not more than 1 hectare 21.41 ares (3 acres)
(iii) More than 2 hectares 2.35 ares (5 acres)	Not less than 40.47 ares (1 acre) but not more than 1 hectare 61.88 ares (4 acres)

PART 2

[See Section 19(1)]

Non-irrigable agricultural land

Area of land lost by displaced persons for a project	Area of land to be granted to the displaced persons
(i) Not more than 80.94 ares (2 acres)	Not less than 80.94 ares (2 acres) but not more than 1 hectare 61.88 ares (4 acres)
(ii) More than 80.94 ares (2 acres) but not more than 2 hectares 2.35 ares (5 acres)	Not less than 80.94 ares (2 acres) but not more than 2 hectares 42.82 ares (6 acres)
(iii) More than 2 hectares 2.35 ares (5 acres)	Not less than 80.94 ares (2 acres) but not more than 3 hectares 23.76 ares (8 acres)

PART 3

[See Section 19(1)]

Non-irrigable, Non-agricultural land

Category of Persons	Area of land to be
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Category of Persons	Area of land to be granted
1. In the case of a displaced person holding 24.00 ares (.06 acres) of land before acquisition or an agricultural labour.	Not less than 2 hectares 02.35 ares (5 acres)

PART 4

[See Section 19(1)]

House sites in Gramathana

Category of displaced persons	Scale of grant of Plot
1. If the members of the displaced family do not exceed 5;	A plot measuring 11.63 sq. metres (1200 sq. ft.) minimum, or up to 371.61 sq. metres (3994.73 sq. ft.) maximum
2. If the members of the displaced family exceed 5;	A plot measuring 223,26 sq. metres (2400 sq.ft.) minimum or upto 557.418 sq. metres (59923.13 sq. ft.) maximum.