

KARNATKA LAND IMPROVEMENT RULES, 1962

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KARNATKA LAND IMPROVEMENT RULES, 1962

In exercise of the powers conferred by Section 35 of the Karnataka Land Improvement Act, 1961 (Karnataka Act 6 of 1962), the Government of Karnataka hereby makes the following rules, the draft of the same having been published in Notification No. AF 76 AMS 62, dated 8th August, 1962, in Section 2-C(i) of Part IV of the Karnataka Gazette, dated 9th August, 1962, namely:

1. Title :-

These rules may be called the Karnataka Land Improvement Rules, 1962.

2. Definitions :-

In these rules, unless the context otherwise requires.

(a) "Act" means the Karnataka Land Improvement Act, 1961;

¹ (aa)[x x x x x]

(b) "Form" means a form appended to these rules;

(c) Words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

1. Clause (aa) omitted by GSR 537, dated 31-5-1965

2A. . :-

¹ The Secretary of the Board, in consultation with the President of the Board, shall notify the place, date and time of the meeting of the Board, at least a week in advance, by addressing letters to various members of the Board along with the copy of the agenda.]

1. Rule 2-A inserted by Notification No. AF 22ASC 63, dated -6-1963

3. Notice of publication of scheme under Section 6(2) :-

(1) Simultaneously with the publication of a scheme under sub-section (2) of Section 6 of the Act, the Board shall give notice in Form I in English as well as in Kannada, of the publication of the scheme to all persons affected thereby. The notice shall be given by affixing a copy thereof on the notice board in the Office of the Deputy Commissioner and of the Tahsildars concerned and at conspicuous places in the village or villages affected by the scheme.

(2) Notice under sub-section (4) of Section 6 shall be served in the following manner, namely.

(a) personally by delivering or tendering it to the person concerned; or

(b) by post.

4. Manner of publication of scheme under Section 8(2) :-

On a scheme being sanctioned under sub-section (1) of Section 8 of the Act, the Board shall publish it in the Official Gazette and in such local newspapers, if any, and by affixing notices in Form II in

English as well as in Kannada on the notice boards in the Office of the Deputy Commissioner and of the Tahsildars concerned and at conspicuous places in the village or villages affected by the scheme.

4A. Cost of work and recovery of the cost in respect of Contour Bunding Works :-

1

(1) In respect of Contour Bunding Work undertaken as a land improvement scheme, the cost of the work shall comprise.

(i) the cost on surveying and levelling;

(ii) the cost on supervision and lining out at the time of construction;

(iii) the cost on construction of earth works and waste weirs; and

(iv) the cost of establishment charges, that is, one-third of the total of the costs referred to in clauses (i), (ii) and (iii).

2[(v) the cost of construction of water sources such as construction of farm ponds, construction of earthen and masonry works in fields, gullies and ravines.]

(2) The total amount to be recovered from the owner shall be seventy-five per cent of the cost of the work as determined under sub-rule(1) and the amount recoverable shall be recovered with interest at **3**[six per cent per annum], in fifteen annual instalments:]

4[Provided that in respect of **5** [works taken up for execution] before 1st June, 1965, the amount recoverable shall be recovered with interest at four and half per cent per annum.]

1. Rule 4-A inserted by GSR 537, dated 31-5-1965

2. Clause (v) added by S.O.323, dated 22/29-1-1979

3. Substituted for the words "five per cent per annum" by GSR 1118, dated 29-8-1966

4. Proviso added by GSR 1118, dated 29-8-1966

5. Substituted for the words "a work executed" by GSR 473, dated 20-10-1967

4B. Cost of work and recovery of the cost in respect of works of reclamation of waste, saline or water logged land or of land from the sea :-

1

(1) In respect of works of reclamation of waste, saline or waterlogged

(i) the cost of surveying and levelling;

(ii) the cost of supervision and lining out at the time of construction;

(iii) the cost of construction of main drains and the surplussing structures;

(iv) the cost of construction of cross-drains and the surplussing structures in lands belonging to the Government;

(v) The cost of construction of cross-drains and the surplussing structures in lands other than the lands specified in clause (iv);

(vi) the cost of soil amendments required to be applied to the saline lands; and

(vii) the cost of establishment charges, that is, one-third of the total of the costs referred to in clauses (i), (ii) and (v).

(2) The cost of work under items (iii) and (iv) of sub-rule (1) shall be met by the Government.

(3) The total amount to be recovered from the owner for every acre of land or part thereof, shall be

(i) seventy-five per cent of the aggregate average cost per acre of the works under items (i), (ii), (v) and (vii); and

(ii) the cost per acre or part thereof of soil amendments applied under item (vi), of sub-rule (1). Such amount shall be recovered with interest at six per cent per annum in fifteen annual instalments.

(4) The drains and structures constructed under items (iii) and (iv) of sub-rule (1) shall be maintained by the Government at its cost.

1. Rule 4-B inserted by GSR 71, dated 26-2-1970, w.e.f. 5-3-1970

4C. Cost of work and recovery of the cost in respect of land development works on outlet basis in the command areas of irrigation projects :-

1

(1) Notwithstanding anything contained in Rule 4-A in respect of land development works undertaken by a Governmental agency or

by a Government appointed contractor under the land Improvement Scheme in Command Areas the cost of work shall comprise. (i) the cost of surveying and levelling; (ii) the cost of supervision and lining out at the time of execution of the scheme; (iii) the cost on earth work and construction of field ditches and farm drains including drops; (iv) the cost of establishment charges at 15% of the total costs referred to in clauses (i), (ii) and (iii).

(2) The total amount to be recovered from the owner shall be the entire cost of the work as determined under sub-rule (1) and the amount shall be recovered with interest at the rate and in such number of annual instalments in conformity with terms of financing by the Agricultural Refinance and Development Corporation applicable to ineligible or un-willing farmers.]

1. Rule 4-C inserted by GSR 327, dated 27-10-1977, w.e.f. 3-11-1977

5. Preparation of statements and entries in record of rights under Section 13 :-

(1) The statement under sub-section (1) of Section 13 of the Act shall be in Form III and prepared in Kannada. It shall be sent in triplicate by the Executive Officer to the Tahsildar concerned as soon as possible after the First day of April in each year.

(2) On receipt of the statement, the Tahsildar shall retain one copy and shall forward the other two copies to the Village Accountant of the village concerned.

(3) The Village Accountant shall make the necessary entries in the Mutation Register corresponding to each entry in the statement.

(4) After the entry in the Mutation Register is certified by the Competent Authority, the Village Accountant shall transfer the entry to the record of rights under the column 'other rights'.

(5) The Village Accountant shall also fill in column (13) of the statement in Form III and return one of the copies to the Executive Officer through the Tahsildar concerned.

Explanation. For purposes of this rule, "Village Accountant" means the Village Accountant as defined in the Karnataka Land Record of Rights Act, 1958.

6. Alteration of statement prepared under Section 13 :-

When the entries in the record of rights are altered on account of

change of ownership of land, corresponding changes shall be carried out by the Tahsildar concerned under this signature in column (12) of the statement in Form III prepared under Section 13 and received by him under Rule 5.

7. Matters connected with the acquisition of land, right or interest, under Section 17 :-

For the purposes of the enforcement of the provisions of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), for the acquisition of any land under Section 17, the following procedure shall be observed.

(1) After the land proposed to be acquired has been marked out, measured and planned under Section 8 of the said Act, the Deputy Commissioner shall send to the Board a statement showing the approximate cost of the acquisition of the land.

(2) On receipt of the statement under clause (1), the Board shall deposit with the Deputy Commissioner, the amount of the cost shown in the statement.

(3) After an award made by the Deputy Commissioner has become final under Section 12 of the said Act, the Deputy Commissioner shall send a copy thereof to the Board, and unless a reference is made to a Court under Section 18 of the said Act, the Deputy Commissioner shall take possession of the land (if not already taken under Section 17 of the said Act) and inform the Board of it and of the actual amount of the cost of the acquisition and of the amount, if any, remaining surplus out of the amount deposited with him under clause (2). The Board shall then arrange to take back the surplus amount, if any, and to take possession of the land. Where possession of land is taken by the Deputy Commissioner under Section 17 of the said Act, before an award is made under Section 11 of the said Act, the Deputy Commissioner shall give immediate intimation of it to the Board, in order to enable the Board to take immediate possession of the land from the Deputy Commissioner.

(4) If a reference is made to a Court under Section 18 of the said Act, the Deputy Commissioner shall inform the Board of it and deposit the amount deposited with him under clause (2) in the Court. When the matter is finally decided by the Court, the Deputy Commissioner shall intimate to the Board the decision of the Court as also the additional amount, if any, that the Board has to pay in view of the Court's decision. The Board shall then pay the

additional amount, if any, to the Deputy Commissioner or to the Court, as may be required.

8. Manner of granting licence and levy of fees under Section 21 :-

(1) A person desiring to obtain a licence under Section 21 shall apply to the Board or an officer duly authorised by it in this behalf.

(2) The licence shall be granted in Form IV on payment of a fee of Rs. 5 and subject to all or any of the following conditions in addition to those which may be specified in the licence having regard to the circumstances of a particular case.

(a) The licensee shall not fish within 50 feet on either side of the embankment in the Tidal or Khar land, as the case may be, except in drainage channels;

(b) The licensee shall not cause damage to or in any way interfere with any of the said embankments;

(c) The licensee shall not fish or exercise his right of fishery in any water on the Tidal or Khar land to which the licence relates for such period or on such days as may be required by the Board or the officer authorised under sub-rule (1);

(d) The licensee shall not object to draining off such water as and when necessary for the purpose of any scheme under the Act;

(e) If the licensee, while fishing or exercising the right of fishery in any water on the Tidal or Khar land to which the licence relates, causes any damage to any scheme of the Board under the Act, the licensee shall be liable to pay the cost of the damage caused by him to the scheme. If the licensee fails to pay it, it shall be recoverable as an arrear of land revenue;

(f) The licence shall be liable to be cancelled at any time if the holder thereof commits breach of any of its conditions or if in the opinion of the Board it should be cancelled for any other cause.

9. Levy of annual contribution and the manner of levying it under Section 24 :-

(1) The annual contribution payable under Section 24 shall be fixed by the State Government after consultation with the Board and shall be declared in the notification published in the Official Gazette.

(2) The annual contribution shall be levied in the form of Khar Bandist Akar and be paid along with land revenue as a land revenue demand.

10. Notice of entry upon land under Section 27 :-

(1) The notice to be given by a person authorised by the Board or the Deputy Commissioner or the ¹ [Divisional Soil Conservation Officer], under Section 27 of the Act, shall be in Form V and in Kannada.

(2) The notice shall be served on the owner, occupier or other persons interested in the land.

(a) personally by delivering or tendering it to him; or

(b) through his agent, if any, by delivering or tendering it to the agent; or

(c) by affixing a copy thereof to some conspicuous place on the land to which it relates; or

(d) by post.

1. Substituted for the words "Sub-Divisional Soil Conservation Officer" by GSR 188, dated 10-6-1964 and GSR 185, dated 31-5-1971

11. Extent of enhancement of rent and conditions subject to which enhancement may be made under Section 29 :-

(1) The owner of any land included in a scheme in any area in which levy of rent payable by a tenant is regulated under any law for the time being in force may, after three years from the date on which the scheme comes into force under Section 9 of the Act enhance the rent payable by a tenant in respect of such land by not more than 10 per cent of the rent payable on the date on which the scheme comes into force.

(2) If any such owner desires to enhance the rent by more than the said 10 per cent he shall apply in writing to the State Government for the purpose.

(3) The State Government shall forward any application received under sub-rule (2), through the Deputy Commissioner to the Tahsildar within whose jurisdiction the land in respect of which the enhancement of rent is to be made, is situated, for enquiry and report on the increase in the profits of agriculture, consequent on

the carrying out of works on the land under the scheme.

(4) On receipt of an application under sub-rule (3), the Tahsildar shall after giving ¹[notice to the owner and tenant of the land] hold an enquiry in accordance with the provisions of ² [the Karnataka Land Revenue Act, 1964], as in force in the Mysore Area or any other corresponding law in force in any area, and make the necessary report through the Deputy Commissioner to the State Government.

(5) On receipt of the report under sub-rule (4), the State Government shall determine the extent of enhancement of rent which may be allowed and communicate its decision to the applicant.

1. Substituted for the words "notice to the tenant of the land" by GSR 681, dated 10-9-1965

2. Substituted for the words and figures "the Karnataka Land Revenue Code, 1888" by GSR 681, dated 10-9-1965

12. Manner in which documents, plans and maps relating to the scheme which has come into force shall be accessible to the public under Section 30 :-

Documents, plans and maps relating to the scheme which has come into force shall be open for public inspection at the office of the Tahsildar concerned at any time during office hours. Certified copies thereof shall be supplied on payment of the fees as prescribed in the rules issued under ¹ [the Karnataka Land Revenue Act, 1964] as in force in the Mysore Area or any other corresponding law in force in any area.

1. Substituted for the words "Sub-Divisional Soil Conservation Officer" by GSR 188, dated 10-6-1964 and GSR 185, dated 31-5-1971

13. Manner of publication of the scheme under Section 37 :-

On a scheme being approved under sub-section (3) of Section 37 of the Act, the Board shall publish it in the Official Gazette and in such local newspapers, if any, as it may decide by affixing notices in Form VI in English as well as in Kannada on the notice boards in the Office of the Deputy Commissioner and of the Tahsildar concerned and at conspicuous places in the village or villages affected by the scheme.

14. Manner of publication of revocation of scheme under Section 38 :-

1 Where a scheme is revoked under Section 38 of the Act a copy of the notification published in the Karnataka Gazette, shall be published in English both at the Headquarters of the Taluk and the Headquarters of the District and in Kannada in the village or villages in which the lands included in such scheme are situated.

1. Substituted for the words "notice to the tenant of the land" by GSR 681, dated 10-9-1965