KARNATAKA LAND REFORMS

SECTION 79A (1) TO (2):-

NO ONE CAN ACQUIRE AGRICULTURAL LAND IN KARNATAKA WHOSE ANNUAL NON AGRICULTURAL INCOME IS TWO LAKH RUPEES AND ABOVE:- On and from 20-10-1995, no person who or a family or a joint family which has an assured annual income of not less than rupees two lakhs from sources other than agricultural lands shall be <u>entitled to acquire any land whether as land owner, landlord, tenant or mortgagee with possession or otherwise or partly in one capacity and partly in another.</u>

INCOME HOW CALCULATED

The aggregate income of all the members of a family or a joint family from sources other than agricultural land shall be deemed to be income of the family or joint family, as the case may be, from such sources during a period of five consecutive years preceding such day. A person who or a family or a joint family which has been assessed to income tax under the Income Tax Act, on an yearly total income of not less than rupees two lakhs for five consecutive years shall be deemed to have an average annual income of not less than rupees two lakhs from sources other than agricultural lands.

SECTION 2
[(12)**"Family"means,**

(a) in the case of an individual who has a spouse or spouses, such individual, the spouse or spouses and their minor sons and unmarried daughters, if any;

(b) in the case of an individual who has no spouse, such individual and his or her minor sons and unmarried daughters;

(c) in the case of an individual who is a divorced person and who has not remarried, such individual and his minor sons and unmarried daughters, whether in his custody or not; and

(d) where an individual and his or her spouse are both dead, their minor sons and unmarried daughters;]

INHERITANCE AND BEQUEST

SECTION 79A (3) TO (6)

3. Every acquisition of land otherwise than by way of inheritance or bequest in contravention of this section shall be null and void.

4. Where a person acquires land in contravention of sub-section (1) or acquires it by bequest or inheritance he shall, within ninety days from the date of acquisition, furnish to the Tahsildar having jurisdiction over the Taluk where the land acquired or the greater part of it is situated a declaration containing the following particulars, namely:

(i) particulars of all lands;

(ii) the average annual income of himself or the family;

(iii) such other particulars as may be prescribed.

5. The Tahsildar shall, on receipt of the declaration under sub-section (4) and after such enquiry as may be prescribed send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by notification, declare that with effect from such date as may be specified in the notification, such land shall stand transferred to and vest in the State Government without further assurance free from all encumbrances. From the date specified in such notification the Deputy Commissioner may take possession of such land in such manner as may be prescribed.

6. For the land vesting in the State Government under sub-section (5), where the acquisition of the land was by bequest or inheritance, an amount as specified in Section 72 shall be paid and where the acquisition was otherwise than by bequest or inheritance shall be paid

SECTION 72. AMOUNT PAYABLE FOR LANDS SURRENDERED TO AND VESTING IN THE STATE GOVERNMENT.

(1) Save as otherwise provided in this Act, the amount payable in respect of land to be taken over by the State Government under Sections 68, 70, 71, 79-A and 79-B shall be determined with reference to the net annual income derivable from the land in accordance with the following scale, namely:

(i) for the first sum of rupees five thousand or any portion thereof of the net annual income from the land, fifteen times such sum or portion;

(ii) for the next sum of rupees five thousand or any portion thereof of the net annual income from the land, twelve times such sum or portion;

(iii) for the balance of the net annual income from the land, ten times such balance:

Provided that where the land taken over by the State Government is D Class land referred to in Part-A of Schedule I, an amount equal to twenty times the net annual income thereof shall be payable.

(2) For the purpose of sub-section (1), the net annual income from the land shall be deemed to be the amount payable as annual rent in respect of the land as specified in Section 8. But where in a land assessed as wet land or dry land, the owner has raised fruit bearing trees, the net annual income of such land for purposes of sub-section (1) shall be determined on the basis of assessment for garden land which could have been levied having regard to the nature of the fruit bearing trees.

(3) The amount under sub-section (1) shall be payable as follows:

(a) to the tenant, if any, in possession of the land, an amount equal to one year's net annual income,

(b) to the owner, the balance.

(4) Where there are wells or other structures of a permanent nature on the land, constructed by the owner then, the value thereof calculated in the prescribed manner shall also be payable.

(5) Notwithstanding anything in sub-sections (1) and (4), the aggregate amount payable according to the said sub-sections shall not exceed rupees two lakhs.

INCOME ELIGIBILITY FOR ACQUIRING LAND IN KARNATAKA ?

Acquisition of land by person having two lakh rupees and above annual income (non agricultural sources) shall be null and void. But if acquired violating such limits then acquirer should file declaration as per 79a(4) before tahsildar and then deputy commissioner by notification declare the land be vested with government. No compensation will be paid for confiscation of it. Failure to file declaration will be enquired under illegal transactions by assistant commissioner or enquired by tahsildar after issuing notice under form 14.

ACQUISITION THROUGH INHERITANCE AND BEQUEST ALSO HAVE ADVERSE CONSEQUENCE ?

When land is acquired through inheritance or by bequest it shall not become null and void. But acquirer should file declaration as per 79a(4) before tahsildar and then deputy commissioner by notification declare the land be vested with government. Compensation will be paid as per section 72 of land reforma act. Failure to file declaration will be enquired under illegal transactions by assistant commissioner or enquired by tahsildar after issuing notice under form 14.

WHETHER AGRICULTURAL LAND CAN BE INHERITED BY PERSON HAVING NON-AGRICULTURAL INCOME OF TWO LAKH RUPEES AND ABOVE ?

He can inherit, but he has to file declaration before tahsildar, failure to file declaration will be enquired under illegal transactions by assistant commissioner or enquired by tahsildar after issuing notice under form 14. **Ultimately land will be confiscated by giving compensation under section 72.**

WHAT IS THE COMPENSATION AMOUNT THAT CAN BE GIVEN IN SECTION 72 ?

Compensation can be given only for acquisition on inheritance and bequest, and not to other null and void and illegal transactions. Amount depends upon **net annual income from that land** in the following sclaes

For the first rs 5000 annual income -> 15 times of such sum
For the next rs 5000 annual income -> 12 times of such sum

For the next -> 10 times of such sum
For d class land -> 20 times net annual income
Wells and other structure gets compensation
But all the above compensation shall not exceed rs two lakhs

SECTION 79 B

PROHIBITION OF HOLDING AGRICULTURAL LAND BY PERSON NOT CULTIVATING LAND PERSONALLY.

(1) With effect on and from the date of commencement of the Amendment Act, (01-03-1974) except as otherwise provided in this Act,

(a) no person other than a person cultivating land personally shall be entitled to hold land; and

SECTION 2
(10) "To cultivate" with its grammatical variations and cognate expressions means to till or husband the land for the purpose of raising or improving agricultural produce whether by manual labour or by means of cattle or machinery, or to carry on any agricultural operation thereon; and the expression "uncultivated" shall be construed correspondingly;

Explanation.

A person who takes up a contract to cut grass, or to gather the fruits or other produce of any land, shall not on that account only be deemed to cultivate such land;

(11) "To cultivate personally" means to cultivate land on one's own account

(i) by one's own labour; or

(ii) by the labour of any member of one's family or;

(iii) by hired labour or by servants on wages payable in cash or kind, but not in crop share, under the personal supervision of oneself or by member of one's family;

Explanation II.--

In the case of a joint family, the land shall be deemed to be cultivated personally, if it is cultivated by any member of such family;

PROHIBITION OF HOLDING AGRICULTURAL LAND BY SOCIETY/TRUST/COMPANY/ EDUCATIONAL INSTITUTION/ CO-OPERATIVE SOCIETY/ASSOCIATION OF PERSONS/ INSTITUTION

(b) it shall not be lawful for,

(i) an educational, religious or charitable institution or society or trust, other than an institution or society or trust referred to in sub-section (7) of Section 63, capable of holding property;

(ii) a company;

(iii) an association or other body of individuals not being a joint family, whether incorporated or not; or

(iv) a co-operative society other than a co-operative farm, to hold any land.

SUCH INSTITUTION/SOCIETY ETC SHALL DECLARE ITS LAND HOLDING

(2) Every such institution, society, trust, company, association, body or co-operative society,

(a) which holds lands on the date of commencement of the Amendment Act and which is disentitled to hold lands under sub-section (1), shall, within ninety days from the said date furnish to the Tahsildar within whose jurisdiction the greater part of such land is situated a declaration containing the particulars of such land and such other particulars as may prescribed; and

(b) which acquires such land after the said date shall also furnish a similar declaration within the prescribed period.

(3) The Tahsildar shall, on receipt of the declaration under sub-section (2) and after such enquiry as may be prescribed, send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by notification, declare that such land shall vest in the State Government free from all encumbrances and take possession thereof in the prescribed manner.

(4) In respect of the land vesting in the State Government under this section an amount as specified in Section 72 shall be paid.

Explanation.

For purposes of this section it shall be presumed that a land is held by an institution, trust, company, association or body where it is held by an individual on its behalf.

SECTION 2
(10) [Explanation I.--
In the case of an educational, religious or charitable institution or society or trust, of a public nature capable of holding property, formed for educational, religious or charitable purpose, the land shall be deemed to be cultivated personally if such land is cultivated by hired labour or by servants under the personal supervision of an employee or agent of such institution or society or trust;]

NOTES:-

JOINT FAMILY IS NOT BARRED FROM HOLDING AGRICULTURAL LAND. CO-OPERATIVE FARM CAN HOLD AGRICULTURAL LAND.

SECTION 2
(17) "Joint family" means in the case of persons governed by Hindu Law, an undivided Hindu family, and in the case of other persons, a group or unit the members of which are by custom joint in estate or residence;

(18) "Land" means agricultural land, that is to say, land which is used or capable of being used for agricultural purposes or purposes subservient thereto and includes horticultural land, forest land, garden land, pasture land, plantation and tope but does not include house-site or land used exclusively for non agricultural purposes;

SECTION 79-C. PENALTY FOR FAILURE TO FURNISH DECLARATION.

(1) Where a person fails to furnish the declaration under Section 79-A or Section 79-B or furnishes a declaration knowing or having reason to believe it to be false, the Tahsildar shall issue a notice in the prescribed form to such person to show cause within fifteen days from the date of service thereof why the penalty specified in the notice, which may extend to five hundred rupees, may not be imposed upon such person.

(2) If the Tahsildar on considering the reply, in any, filed, is satisfied that the person had failed to furnish the declaration without reasonable cause or had filed it, knowing or having reason to believe it to be false, he may, by order, impose the penalty and also require such person to furnish within a period of one month from the date of the order a true and correct declaration complete in all particulars.

(3) If the person fails to comply with such order, his right, title and interest in the land concerned shall, as penalty, be forfeited to and vest in the State Government.]

SECTION 80. TRANSFER TO NON-AGRICULTURISTS BARRED.

[(1)] (a) No sale (including sales in execution of a decree of a civil court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift or exchange or lease of any land or interest therein, or

(b) no mortgage of any land or interest therein, in which the possession of the mortgaged property is delivered to the mortgagee, shall be [lawful] { Substituted for the word "valid" by Act No. 3 of 1982 and shall be deemed to have come into force w.e.f. 25-11-1980.} in favour of a person.

(i) who is not an agriculturist, or;

(ii) who being an agriculturist holds as owner or tenant or partly as owner and partly as tenant land which exceeds the limits specified in Section 63 or 64; or

[(iii) who is not an agricultural labourer; or

(iv) who is disentitled under Section 79-A or Section 79-B to acquire or hold any land:]

Provided that the Assistant Commissioner having jurisdiction over the area or any officer not below the rank of an Assistant Commissioner authorised by the State Government in this behalf in respect of any area may grant permission for such sale, gift or exchange, **[to enable a person other than a person disentitled to acquire or hold land under Section 79-A or Section 79-B]** { Substituted for the words "to enable persons" by Act No. 1 of 1974, w.e.f. 1-3-1974.} who bona fide intend taking up agriculture to acquire land on such conditions as may be prescribed in addition to the following conditions, namely:

(i) that the transferee takes up agriculture within one year from the date of acquisition of land, and

(ii) that if the transferee gives up agriculture within five years, the land shall vest in the State Government subject to payment to him of an amount equal to eight times the net annual income of the land or where the land has been purchased, the price paid for the land, if such price is less than eight times the net annual income of the land.

[(2) Nothing in sub-section (1) shall apply to lands granted under Section 77.]

SECTION 81.

SECTIONS 79-A, 79-B AND 80 NOT TO APPLY IN CERTAIN CASES.

(1) Nothing in Section 79-A or Section 79-B or Section 80 shall apply to.

(a) the sale, gift or mortgage of any land or interest therein in favour of the Government, [the Karnataka Housing Board constituted under the Karnataka Housing Board Act, 1962 (Karnataka Act No. 10 of 1963), the Industrial Areas Development Board constituted under the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act No. 18 of 1966), the Karnataka Slum Clearance Board established under the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act No. 33 of 1974), the Bangalore Development Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act No. 12 of 1976), a Nagarabhivruddhi Pradhikara constituted under the

Karnataka Nagarabhivruddhi Pradhikaragala Adhiniyama, 1987 (Karnataka Act No. 34 of 1987);] {Inserted by Act No. 31 of 1991 shall be and shall be deemed to have been inserted, w.e.f. 1-1-1988.}

(b) the mortgage of any land or interest therein in favour of

(i) a co-operative society;

(ii) [(ii) a financial institution;]

(vi) any company as defined in Section 3 of the Companies Act, 1956 (Central Act 1 of 1956) in which not less than fifty-one per cent of the paid up share capital is held by the State Government [or the Central Government or both;]

(vii) any corporation, not being a company as defined in Section 3 of the Companies Act, 1956 (Central Act 1 of 1956) established or constituted by the State Government [or the Central Government or both;]

(viii) the Coffee Board constituted under the Coffee Act, 1942 (Central Act 7 of 1942);

as security for any loan or other facility given by such society, bank, company, corporation or Board for agricultural purposes.

Explanation.

In this clause **'agricultural purposes'** include making land fit for cultivation, cultivation of land, improvement of land, development of sources of irrigation, raising and harvesting of crops, horticulture, forestry, planting and farming, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, apiculture, sericulture, piggery, poultry farming and such other activities as are generally carried on by agriculturists, dairy farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities including marketing of agricultural products, their storage and transport and the acquisition of implements and machinery in connection with any such activity;

(c) the sale of any land or interest therein referred to in clause (b) in enforcement of the said security;

(d) the sale of any land in favour of a sugar factory for purposes of research or seed farm or sale in favour of the Coffee Board constituted under the Coffee Act, 1942 (Central Act No. 7 of 1942).

["Provided that the Deputy Commissioner may also exercise the powers of the State Government under sub-section, subject to the restrictions and in the manner specified therein, in respect of the land to be used for,-

(i) industrial development, the extent of which shall not exceed ten units;

(ii) educational institutions recognized by the State or Central Government to be used non-agricultural purpose the extent of which shall not exceed two units;

(i) places of worship to be specified by Government by notification which are established or constructed by a recognized or a registered body for non-agricultural purpose, the extent of which shall not exceed one fourth of a unit;

(iv) a housing project, approved by the State Government the extent of which shall not exceed ten units;

(v) the purpose of horticulture including floriculture and agro based industries the extent of which shall not exceed ten units."]{Inserted by Karnataka Land Reforms (Amendment) Act, 2002. (Karnataka Act No. 20 of 2003)}

(2) The institutions referred to in clause (b) of sub-section (1) acquiring land or interest therein shall dispose of the same by sale, within the prescribed period:

Provided that pending such sale the land may be leased for a period not exceeding one year at a time and the lease shall stand determined when the land is sold or on the expiry of one year, whichever is earlier and notwithstanding anything to the contrary in this Act or in any other law for time being in force the lessee shall not be entitled to any right other than as such lessee in the land.

(3) Any sale by the institution under this section shall be subject to the other provisions of this Act.]

KARNATAKA LAND REFORMS RULES

RULE 28 FORM OF DECLARATION AND OTHER PARTICULARS UNDER SECTION 79-A.-

The declaration under sub-section (3) of Section 79-A shall be in Form No. 12 and it shall contain the following other particulars, namely:-

(1) class of land i.e., whether A, B, C or D mentioned in the Schedule to the Act;

(2) tree or wells or other structures of permanent nature on the land;

FORM 12

[See Rule 28]

Form of declaration under Section 79-A

1. Name and address of the person furnishing the declaration (He/she/Head of the family or joint family)

2. Particulars of land held as on 28th February, 1974 as in Annexure-A

3. Particulars of lands acquired on or after 1st March, 1974 otherwise than by bequest or inheritance as in Annexure-B

4. . Particulars of lands acquired on or after 1st March, 1974 by bequest or inheritance as in Annexure-B

5. Amount of assured annual income from sources other than agricultural lands of himself/herself/family or joint family.

I hereby declare that to the best of my knowledge and belief the information furnished in this Form and Annexures A and B is full and complete information of the entire holding of the persons of family within the State of Karnataka.

Place:

Date:

Signature of the person furnishing the declaration

To

The Tribunal .... Taluk.

Note: The information given above, if found to be incomplete or incorrect the petitioner is liable to conviction and levy of penalties as provided under Section 125 of the Act.

FORM 12

Annexure-A

Particulars of lands held on 28th February, 1974

Capacity in which held	District	Taluk	Village	Sy. No.	Assessment	Extent in units
1	2	3	4	5	6	7
1. Land owner						

2. Landlord 3. Tenant 4. Mortgagee in possession

Class of land whether, it is supplied with water from Government source, or ram fed or dry	Particulars of encumbrance s, if any	Particulars of pending litigation, if any	Trees, wells or other structures of permanent nature, if any	Remarks
8	9	10	11	12

FORM 12

Annexure-B

Particulars of lands acquired after 1-3-1974

Capacity in which held	District	Taluk	Village.	Sy. No.	Assessment	Extent in units
1	2	3	4	5	6	7

Otherwise than by bequest or inheritance

1. Land owner

2. Landlord

3.Tenant

4. Mortgagee in possession

By bequest or inheritanence

1. Land owner

2. Landlord

3. Tenant

4. Mortgagee in possession

Class of land whether, it is supplied with water from Government source, or ram fed or dry	Particulars of encumbrance s, if any	Particulars of pending litigation, if any	Trees, wells or other structures of permanent nature, if any	Remarks
8	9	10	11	12

RULE 29. ENQUIRY BY THE TAHSILDAR.-

(1) On receipt of the declaration under sub-section (4) of Section 79-A, the Tahsildar shall verify the particulars furnished with reference to the entries in the record of rights and the other documents, if any, produced. The Tahsildar shall also verify from the Income-tax Officer concerned whether such persons has been assessed to income-tax and if so, the amount and the period for which the income of such persons has been assessed.

(2) The statement under said sub-section (4) shall contain the following particulars, namely:-

(a) full particulars of the land such as the survey number, extent, boundaries, location, assessment.

(b) whether the person acquiring such land is land owner or tenant or both or agriculturist or is partly one and partly the other.

(3) In respect of land vesting in the State Government under sub-section (3) of the said section the Deputy Commissioner shall serve notice on the person in possession of the land requiring him to deliver within a period specified in the notice vacant possession of the land. If possession is not delivered within the said period, the Deputy Commissioner may take possession of the land by summarily evicting the person in occupation using such force as may be Miscellaneous Repayments of Judicial Deposits

FORM 13

[See Rule 30]

Form of declaration under Section 79-B

1.	Name and address of the institution, society, trust, company, association, body of individuals or co-operative society	
2.	Particulars of lands held on 1-3-1974 as in Annexure-A	
3.	Particulars of lands acquired after 1-3-1974 as in Annexure-'B'	

I hereby declare that to the best of my knowledge and belief, the information furnished in the form and Annexures-A and B is a full and complete information of the entire holding of the institution/society/trust/company/association/body of individuals/ co-operative society within the State of Karnataka.

Signature and designation of the

person furnishing the information.

Place:
Date:

To

The Tribunal ...... Taluk

Note: The information given above, if found to be incomplete or incorrect, the petitioner is liable to conviction and levy of penalties as provided under Section 125 of the Act.

FORM 13

Annexure-A

Particulars of lands held on 1st March, 1974

Capacity in which held	District	Taluk	Village	Sy.No.	Assessment	Extent in units
1	2	3	4	5	6	7

1. Land owner

2. Landlord

3. Tenant

4. Mortgagee in possession

Class of land whether, it is supplied with water from Government source, or ram fed or dry	Particulars of encumbrance s, if any	Particulars of pending litigation, if any	Trees, wells or other structures of permanent nature, if any	Remarks
8	9	10	11	12

FORM 13

Annexure-B

Particulars of lands acquired after 1st March, 1974

Capacity in which held	District	Taluk	Village	Sy.No.	Assessment	Extent in units
1	2	3	4	5	6	7

1. Land owner

2. Landlord

3. Tenant

4. Mortgagee in possession

Class of land whether, it is supplied with water from Government source, or ram fed or dry	Particulars of encumbrance s, if any	Particulars of pending litigation, if any	Trees, wells or other structures of permanent nature, if any	Remarks
8	9	10	11	12

RULE 31. MANNER OF ENQUIRY.-

(1) The Tahsildar shall give to the institution, society, trust, company, association, body or co-operative society furnishing the declaration reasonable opportunity ,of being heard and to adduce evidence both oral and documentary as may be considered necessary. He shall also examine such other person or persons, documents if any, as he considers necessary to ascertain the area of the land held by such declarant. After such enquiry the Tahsildar shall prepare a statement and send it to the Deputy Commissioner. The statement shall contain the following particulars:-

(a) Extent of land;

(b) Boundaries;

(c) Assessment;

(d) Survey Number;

(e) Village and taluk in which it is situated.

(2) The Deputy Commissioner shall take possession of the land vesting in the State Government under sub-section (3) of Section 79-B in the manner specified Miscellaneous Repayments of Judicial Deposits

RULE 32. FORM OF NOTICE.-

The notice under sub-section (1) of Section 79-C shall be in Form 14.

FORM 14

[See Rule 32]

Notice under Section 79-C(l)

To

Shri/Smt. ....

(Full address)

Whereas you have,

(i) failed to furnish a declaration required by Section 79-A or Section 79-B;

(ii) furnished a declaration under Section 79-A and 79-B knowing or having reason to believe it to be false;*

Now, therefore, you are hereby required to show cause within fifteen days from the date of service of this notice why a penalty of Rs. .... may not be imposed upon you.

If no reply is received within the time given, it will be presumed that you have no cause to show and further action will be taken to impose the penalty purposed.

Place:
Date:

Signature ....

Tahsildar.

RULE 35 DECLARATION UNDER SECTION 81-A.-

(1) The declaration to be made by a transferee under sub-section (1) of Section 81-A shall be in Form No.15.

Explanation I.-

Where the declaration has been signed by the transferee, it shall be filed by the transferee, either in person or by an authorised agent.

Explanation II.-

Where the transferee is-

(a) dead before filing the declaration, it shall be filed by each legal representative of the deceased transferee;

(b) a minor, lunatic, idiot or one, who is subject to a like disability, the declaration shall be made and filed by the guardian, manager or other person in charge of such persons or of the property of such person;

(c) a company or other corporate body, the declaration shall be signed and filed by any person competent to act for such company or body in this behalf.

(2) One copy of the declaration referred to in sub-rule (1) shall be forwarded to the Tahsildar concerned by the registering authority. Copies of the declarations filed during a fortnight shall be forwarded by the registering authority within a week after the expiry of the fortnight by registered post with an invoice in duplicate showing the number of declarations sent and the registration numbers of documents to which the declarations relate. The Tahsildar shall, on receipt of the declarations, return the duplicate copy of the invoice duly acknowledged.

(3) The Tahsildar shall verify the correctness of the particulars furnished in the declaration with regard to the extent of land already held as well as that of the land acquired by the transferee by making such local enquiry and inspection as he considers necessary either by himself or through any officer of the Revenue Department not lower in rank than a Revenue Inspector. If the Tahsildar has reason to believe that there has been contravention of any of the provisions of the Act in any particular case, he may take such action as he deems fit in accordance with the provisions of the Act or these rules.

(4) If the Tahsildar has reason to believe that a part of the holding of the transferee is situated within the jurisdiction of another Tahsildar, he may address the Tahsildar concerned for verification of the correctness of the particulars furnished in the declaration relating to such holdings and the later shall verify the correctness of such particulars in the manner specified in sub-rule (3) and make a report to the former.

FORM 15

[See Rule 35]

DECLARATION TO BE MADE UNDER SECTION 81-A

1 (a) Name of the transferor

(b) Address in full

** Strike out whichever is not applicable*

2. (a) Name of the transferee (declarant)

(b) Address in full, name, age, relationship to transferee of each member of the transferee's family

3. Particulars of the land to which the document relates

SI. No.	*District*	*Taluk*	*Sub-Division*	*Village*	*Survey No.*	*Wet or dry*	*If irrigated by Government Source of irrigation, name of such source and whether by direct flow or by lift*
1	2	3	4	5	6	7	8

Extent	Assessment	Boundaries	Extent in units	Nature of transfer	Remarks
9	10	11	12	13	14

4. Whether the total extent of land held by the transferee including the land transferred exceeds the ceiling area.

5. Particulars of all lands already held by the transferee, and other members of his family e.g., wife or husband, minor sons and unmarried daughters.

6. Assured annual income from sources other than agricultural lands of member of the family and of the head of the family if separately assessed to income-tax.

Serial Number	District	Taluk	Village	Srvey Number	wet or wry
1	2	3	4	5	6

if irrigated by Government source of irrigation, name of such source and whether by direct flow or by lift	Extent	Assessment	Extent in units	Boundaries	Remarks
7	8	9	10	11	12

I declare that to the best of my knowledge and belief the information furnished above is correct and complete, that the particulars of land held by me as well as by the members of my family are truly stated.

Signature of the transferee

(Before me)

Registering Authority

Declarant's Identity proved by	Name	Occupation	Address
(1) (2)			

Particulars to be furnished by the Registering Authority -

Name of the office of registration

Date of registration of the document

Number of the document

Place:

Date:

Registering Authority.

Note: The information given above, if found to be incomplete or incorrect, the petitioner is liable to conviction and levy of penalties as provided under Section 125 of the Act.

38-D. APPLICATION FOR GRANT OF EXEMPTION.-

(1) Every application for exemption under Section 109 shall be made in Form 15-A along with a Court fee of rupees five to the concerned Deputy Commissioner.

(2) Immediately on receipt of the application the Deputy Commissioner shall cause it to be entered in a separate register maintained for each of the category depending on the extent of land sought to be exempted and the purpose for which exemption is sought. [He shall scrutinize the application in Form 15-A and the documents received from the applicant and fill up Form 15-AA] { Substituted for the words "He shall scrutinise the documents" by Notification No. RD 42 LRA, dated 2-3-2000, w.e.f. 11-7-2000 } and after following the procedure specified in Rule 38-B, forward the application to the Government.

(3)(a) The Deputy Commissioner shall after due verification of the application, in all cases, where he is not the recommending authority, transfer the same to the concerned recommending authority which shall along with its recommendation forward it to the Government

(b) in the case of institution governed under sub-rule (3) of Rule 38-B, the Deputy Commissioner shall send the' proposal through the Endowment Commissioner, who shall forward the same to the Government with his views. :

(c) in the case of institutions governed under the Wakf Act, 1995, (Central Act 43 of 1995), the Deputy Commissioner shall consult the District Wakf Committee before sending the proposal to the Government.

(4) The exemption of land under these rules shall be subject to the following conditions, namely.-

(i) land shall be utilised for the purpose for which it is exemptee within two years from the date of issue of the Notification exempting the land and the exempted shall immediately after the expiry of two years from such date intimate in writing to the Government, through the Deputy Commissioner concerned regarding the utilisation of the land for the purpose for which it was exempted. The Deputy Commissioner shall cause verification of the same by an Officer not below the rank of the Tahsildar within three months from the date of receipt of such intimation and shall record such verification in a separate register maintained for the purpose.

(ii) The land shall not be appropriated for any purpose other than the purpose for which it is exempted:

Provided that it shall be lawful for the exemptee to obtain loan on the security of the land by creating a mortgage or other charge over his interest in the land, in favour of the

Government or any Schedule Bank or a Co-operative Agricultural and Rural Development Bank or a Government company as defined in Section 3 of the Companies Act, 1956 in which not less than 51 per cent of the paid up share capital is held by the State Government or a Corporation owned or controlled by the Central Government or the State Government or both.

(iii) Where the land is exempted for a non-agricultural purpose such land shall be got converted for non-agricultural use under the provisions of the Karnataka Land Revenue Act, 1964.

(iv) Necessary permission shall be obtained from the concerned, if the exempted land falls under the Comprehensive Development Plan or Outline Development Plan.

(v) Any other condition as the State Government may by notification specify.] { Rules 38-B, 38-C and 38-D inserted by Notification No. RD 170 LRA 95, dated 26-10-1996. }

38-C CONDITIONS AND GUIDELINES OF EXEMPTION UNDER SUB-SECTION (1-A) OF SECTION 109.-

(1) Grant of exemption under sub-section (1-A) of Section 109 shall, depending on the purpose for which the exemption is granted, be in conformity with Rule 38-B, so far as they are not inconsistent with the general provisions of these rules.

(2) All exemptions under these rules shall be granted subject to clearance by the High Power Committee headed by the Chief Secretary, constituted under Government Order No. CI 88 SPF 95, dated 4-11-1995 or such other orders made in this behalf from time to time .

(3) The High Power Committee while giving clearance to the project under this rule shall ensure, depending on the purpose for which exemption is sought, that Miscellaneous Repayments of Judicial Deposits

38-B. CONDITIONS AND GUIDELINES FOR GRANT OF EXEMPTION UNDER SECTION 109.-

(1)(a) Exemption under Section 109, for the purpose of industrial development including tourism projects may be granted.-

(i) in case of Tiny Industry upto one quarter unit of agricultural land, on the recommendation of the District Level Single Window Agency headed by the Deputy Commissioner;

(ii) in case of Small Scale Industry, upto one unit of agricultural land, on the recommendation of District Level Single Window Agency headed by the Deputy Commissioner;

(iii) in case of Medium and Large Scale Industry having a total investment upto rupees fifty crores and requiring land upto five units, on the recommendation of the State Level Single Window Agency headed by the Principal Secretary to Government, Commerce and Industries Department;

(iv) in case of Medium and Large Scale Industry having a total investment of more than fifty crores and requiring land upto twenty units, on the recommendation of the High Level Committee/ Land Audit Committee headed by the Minister in-charge of Large and Medium Scale Industries.

Explanation.-

Tiny and Small Scale Industry, Medium and Large Scale Industry shall have the same meaning as defined in Government Order No. CI 130 SPC 96, dated 15-3-1996 or such other order as may in this behalf be issued from time to time.

(b) while making recommendations for exemption the committees specified in clause (a), shall be guided by.-

(i) the zonal regulations annexed to the comprehensive development plan or outline -development plan under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963);

(ii) the suitability of the land for the proposed project of the industrial unit, keeping in view the locational aspect, availability of infrastructures like water, power, communication etc., and environmental and ecological aspects; and

(iii) the extent of land required, keeping in view the nature and size of the proposed project, financial outlay, capacity of the enterprenuer, technical feasibility and economic viability;

(2)(a) Exemption under Section 109, for the purpose of Educational Institutions, may be granted on the recommendation of the Deputy Commissioner within whose local limits of jurisdiction the educational institution is situate or in the case of a branch of such institution, such branch institution is situate;

(b) While making recommendation for exemption under this sub-rule, the Deputy Commissioner shall be guided by.-

(i) the zonal regulations annexed to the comprehensive development plan or the outline development plan under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963);

(ii) the suitability of the land for the proposed purpose;

(iii) the necessity and extent of land required keeping in view the nature and size of the institution.

Explanation.-

For the purpose of this sub-rule the term "Educational Institution" shall include a Hostel or a Vocational Educational Institution.

(3) (a) Exemption under Section 109, for the purpose of places of worship, may be made on the recommendation of the Deputy Commissioner in whose local limits of jurisdiction the place of worship is situate;

(b) While making recommendation for exemption the Deputy Commissioner shall be guided by the following, namely.-

(I) Whether the place of worship is governed by any of the following Acts, namely.-

(i) Religious Endowments Act, 1863 (Central Act 20 of 1863);

(ii) The Charitable Endowments Act, 1890 (Central Act 6 of 1890);

(iii)The Coorg Temple Fund, Management Regulation, 1892 (Regulation No. 4 of 1892);

(iv) The Charitable and Religious Trust Act, (Central Act No. XIV of 1920);

(v) Karnataka Religious and Charitable Institutions Act, 1927 (Karnataka Act 7 of 1927);

(vi) The Bombay Public Trust Act, 1950 (Bombay Act 29 of 1950);

(vii) The Madras Hindu Religious and Charitable Endowment Act, 1951 (Madras Act 19 of 1951);

(viii) The Wakf Act, 1995 (Central Act 43 of 1995);

(ix) The Hyderabad Endowment Regulation (Fasli 1349) or is registered under the Indian Trusts Act, 1882 (Central Act 2 of 1882) or under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or under any other law for the time being in force.

(II) The zonal Regulations annexed to the Comprehensive Development Plan or Outline Development Plan under the Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963).

(III) The suitability of the land for the purpose of place of worship, keeping in view the maintenance of peace and harmony. Wherever necessary the Deputy Commissioner shall also obtain a no objection certificate from the concerned local authority

. (4)(a) Exemption under Section 109, for the purpose of a Housing Project, may be made on the recommendation of the State Level Single Window Agency constituted for this purpose

; (b) While making recommendation for exemption the Single Window Agency shall be guided by the following, namely.-

(i) Whether a no-objection certificate has been obtained by the applicant from the concerned Planning Authority or the Urban Development Authority or Local Authority, as the case may be;

(ii) The financial resources, technical feasibility, economic viability, capacity of the person seeking such exemption, and provision for public utility, playground and such other civic amenities, and availability of water and power supply etc.',

(iii) The comprehensive project report covering all the aspects;

(iv) Suitability of the project from the environmental and ecological aspects;

(v) any other relevant consideration.

(c) Exemption granted under this sub-rule shall be subject to the following conditions.-

(i) Out of the total area available for housing, as per land use rlassification under Outline Development Plan or Comprehensive Development Plan, published under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963)/or classified by or under any other law providing for regulation of housing activity, thirty per cent of the land shall be earmarked for Low Income Group Housing and twenty per cent for Middle Income Group Housing:

Provided that in the case of a housing project on a land not classified under the Outline Development Plan or Comprehensive Development Plan, the project shall be drawn up in consultation with the Director of Town Planning.

Explanation.-

For the purpose of this rule 'Low Income Group Housing' and 'Middle Income Group Housing' means norms as prescribed by the Housing and Urban Development Corporation from time to time.

(ii) The area meant for roads and parks shall be developed by the applicant in accordance with the project report and then transferred to the Urban Development Authority or the Local Authority, as the case may be;

(iii) Any other conditions as the State Government may specify.

(5)(a) Exemption under Section 109 for the purpose of Horticulture including Flouriculture and Agro-based industry, shall be made.-

(i) In respect of a project requiring upto two units of land on the recommendation of the District Level Single Window Agency headed by the Deputy Commissioner;

(ii) In respect of a project requiring land in excess of two units but not exceeding ten units, on the recommendation of the State Level Single Window Agency headed by the Principal Secretary to Government, Agriculture and Horticulture Department;

(iii) In respect of a project requiring more than ten units on the recommendation of the High Level Committee headed by the Minister in-charge of Agriculture or the Minister in-charge of Horticulture, as the case may be.

(b) While making recommendation for exemption, the Committee specified in clause (a) above shall be guided by the following, namely.-

(i) The zonal regulations annexed to the Comprehensive Development Plan or Outline Development Plan under the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963);

(ii) The suitability of the land for the proposed project;

(iii) the necessity and extent of land required keeping in view the nature and size of the project, financial outlay, capacity of the enterprenuer, technical feasibility and economic viability.

(c) Exemption under this sub-rule shall be granted subject to the following conditions, namely.-

(I) Total area to be used for non-agricultural purpose like office, cold storage, processing, factory building and staff quarters shall not exceed two units.

(II) The land shall be utilised for.-

(i) growing flowers; or

(ii) demonstration, nursery, research and development activities pertaining to cultivation of new varieties, stabilisation of process of utilization of agricultural products etc.; or

(iii) establishment of tissue culture laboratory, genetic engineering facilities etc.; or

(iv) any other purpose which would promote the growth of agro-based industries as may be specified by the Department of Commerce and industries in consultation with the Department of Agriculture and Horticulture, as the case may be.

(Ill) The land shall not be used for growing any agriculture or horticulture based raw-materials.

FORM 15-A

[See Rule 38-D]

Application for claiming/granting exemption under Section 109 of the Karnataka Land Reforms Act, 1961 (To be filled in by the Applicant/Institution).

1. Name of the Applicant/Institution with detailed address (in Block letters)	
2. Purpose for which exemption is sought.	
3. Date of Registration of the firm/institutions under the Indian Companies Act, Societies Registration Act or any Other law. (Copy of the Registration Document to be enclosed along with the Memorandum of Articles of Association) In case of Co-operative Housing Society, list of members to be enclosed).	
4. (a) Registration Certificate issued by the Department of Industries and Commerce for having registered as an industry (copy to be enclosed)	
(b) In case of Educational Institutions recognition letter/order issued by State/Central Government.	
(c) Place of workship Notification issued by Government as detailed in Rule (3)(iii).	

(d) Audit Report of the previous year of the Company.	
(e) Deputy Registrar of Co/operative Societies Report.	
5. (a) Agreement copy entered between the land owner and the applicant.	
(b) enclose certified copies of RRs and Mutations issued by the Revenue Authorities.	
(c) When and how the land/s has/have been obtained by the Seller(s). Furnish List.	
6. In such cases where seller has himself purchased the land he now proposes to sell.	
(i) Whether the seller has obtained Permission from competent authority before purchasing that land.	
(ii) If he is a Income Tax payee whether the Income Tax clearance certificate issued from the Income Tax Department is enclosed.	
(iii) Whether any case under 79-A and B has been registered in respect of land now *proposed to be sold. If yes, details thereof.*	
7. (i) Whether the applicant is already having agricultural land in his/its ;» *no3 b t name or in the name of any subsidiary institution/company. If so, furnish the details.* *Village, Taluk, Sy. No. extend category-A, B, C, D under Karnataka Land Reforms Act, In case of* *non-Agricultural land, the area in square meters and bifurcate utilised and non-utilised area.*	
(ii) Extent of land for which exemption is sought and justification thereof.	

8. If income Tax payee copy of the Income Tax certificate issued from the *Income Tax Department enclosed.*	
9. Whether the proposed land falls under Zoning regulations of the country and *Town Planning Act, 1961 (Certificate of the Concerned Planning Authority to be enclosed).*	
10. Source of finance for the proposed Project.	
11. Copy of the Project Report.	
12. Professional expertise of the applicant In the respective field.	
Place: *Date:*	*Signature of the Applicant Institution*

FORM 15-AA

[See Rule 38-D]

(To be filled in by the Revenue Authorities)

1. Name of the applicant/institution with detailed address (in block letters)	
2. Purpose for which exemption is sought.	
3. Date of Registration of the firm/Institutions under the Indian Companies Act, Societies Registration Act, or any other law.	

4. (a) Whether the Registration Certificate issued by the Department of Industries and Commerce for having Registered As an Industry is enclosed.	
(b) In case of Education Institutions: whether the recognition letter/order issued by the State Central Government is enclosed.	
(c) In case of Place of Worship whether the notification issued by Government detailed in Rule (3)(iii) is enclosed. *5. Whether recommendation letter of single Window Agency/High Power Committee Clearance Certificate/Order in case of Industries including Tourism, Agro based industries and Housing Projects is enclosed.*	
6. Whether the proposed land comes under the non-alienation clause under Karnataka Land Reforms Act, 1961 Any Inams Abolition Act, Karnataka Land Grant Rules, 1969 or the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of transfer of certain land) Act, 1978 or any other status etc., (if permission is obtained from Competent Authority attested copy to be enclosed). 7. Particulars of Seller of the land	
(a) When and how the land now proposed to be sold was obtained.	
(b) Extent of land held by the seller including the land now proposed to be sold. Essentiality of the extent sought to be exempted.	
(c) Annual income of the seller from the sources other than agriculture.	

(d) certified copies of extract of R.T.C. and mutation issued by the Tahsildar concerned to be enclosed	
8. (A) How the proposed land has been acquired. *(a) Inherited* *(b) Purchased* *(c) Granted* *(d) Others*	
(Give three previous transactions if any)	
(B) In such cases where seller himself purchased the land he now proposes to sell.	
(i) Whether the seller has obtained permission from the Competent Authority before purchasing that land.	
(ii) If he is a Income Tax payee whether the Income Tax Clearance Certificate issued form the Income Tax Department is enclosed,	
(iii) Whether any case under 79-A and B has been registered in respect of land now proposed to be sold. If yes, details thereof (certify that there is not violation of any provisions of the laws for the time being in force).	

Signature of the Revenue Authority.

KARNATAKA LAND REFORMS ACT ON LAND CEILING

SECTION 63. CEILING ON LAND.

(1) No person who is not a member of a family or who has no family shall, except as otherwise provided in this Act, be entitled to hold, whether as land owner, landlord or tenant or as a mortgagee with possession or otherwise or partly in one capacity and partly in another, land, in excess of the ceiling area.

(2) The ceiling area for a person who is not a member of a family or who has no family or for a family shall be ten units:

Provided that in the case of a family consisting of more than five members the ceiling area shall be ten units plus an additional extent of two units for every member in excess of five, so however that the ceiling area shall not exceed twenty units in the aggregate.

[(2-A) The ceiling area for a person who is tenant under clause (b) of sub-section (2) of Section 5 shall be forty units.] {Sub-section (2-A) inserted by Act No. 31 of 1995, w.e.f. 20-10-1995.}

(3) In the case of a family the ceiling area shall be applied to the aggregate of the lands held by all the members of the family, including the 'stridhana' land.

(4) In calculating the extent of land held by a person who is not a member of a family but is a member of. a joint family and also in calculating, the extent of land held by a member of a family who is also a member of a joint family, the share of such member in the lands held by a joint family shall be taken into account and aggregated with the lands, if any, held by him separately and for this purpose such share shall be deemed to be the extent of land which would be allotted to such person had there been a partition of the lands held by the joint family.

(5) In respect of lands owned or held under a private trust,

(a) where the trust in revocable by the author of the trust, such lands shall be deemed to be held by such author or his successor in interest; and

(b) in other cases, such lands shall be deemed to be held by the beneficiaries of the trust in proportion to their respective interests in such trust or the income derived therefrom.

Explanation.

Where a trust is partly private and partly public this sub-section shall apply only to lands covered by that part of the assets of the trust which is relatable to the private trust.

(6) In calculating the extent of land held by a person who is not a member of a family or

who has no family or by a member of a family, the share of such person or member in the lands held by a co-operative farm shall be taken into account.

(7) (a) No educational, religious or charitable institution or society or trust, of a public nature, capable of holding property, formed for an educational, religious or charitable purpose shall hold land except where the income from the land is appropriated solely for the institution or the society or the trust concerned. Where the land is so held by such institution, society or trust, the ceiling area shall be twenty units.

(b) If any question arises whether the income from the land is solely appropriated for the institution, society or trust, it shall be decided by the prescribed authority. The decision of the prescribed authority shall be final. Where the prescribed authority decides that the income is not so appropriated, the land held by the institution, society or trust shall be deemed to be surplus land and the provisions of Sections 66 to 76 shall, so far as may be, apply to the surrender to and vesting in the State Government of such land. The provisions of this sub-section shall have effect notwithstanding anything in this Act.

(8) (a) No sugar factory shall hold land except solely for purpose of research or seed farm or both. Where land is held by a sugar factory for such purpose the ceiling area shall be fifty units.

(b) If any question arises whether any land held by a sugar factory is solely used for the purpose of research or seed farm or both, the decision of the prescribed authority shall be final and the land not held for the said purpose shall be deemed to be surplus land and the provisions of Sections 66 to 76 shall, so far as may be, apply to the surrender to and vesting in the State Government of such land. The provisions of this sub-section shall have effect notwithstanding anything contained in this Act.

(9) In the case of any person holding land cultivated by plantation crops, the ceiling area in respect of other land held by him shall be determined taking into consideration, the agricultural land referred to in item (ii) of the Explanation to Section 104.

(10) Notwithstanding anything in the preceding sub-section, if any person has,

(i) after the 18th November, 1961 and before the 24th January, 1971 transferred any land the extent of which if added to the other land retained by him could have been deemed to be surplus land before the date of commencement of the Amendment Act; or

(ii) after the 24th January, 1971 transferred any land, otherwise than by partition or by donation to the Karnataka Bhoodan Yagna Board established under the Karnataka Bhoodan Yagna Act, 1963 (Karnataka Act 34 of 1963) or by sale to the tenant of such land in conformity with any law for the time being in force, then in calculating the ceiling area which that person is entitled to hold, the area so transferred shall be taken into 'account and the land exceeding the ceiling area so calculated shall be deemed to be in excess of the ceiling area notwithstanding that the land remaining with him may not in fact be in excess of the ceiling area.

If by reason of such transfer the person's holding is less than the area so calculated to be in excess of the ceiling area, then all his lands shall be deemed to be surplus land and the provisions of Sections 66 to 76 shall, as far as may be, apply to the surrender to and vesting in the State Government of such excess land.

Explanation.

For purposes of this sub-section the land shall be deemed to have been transferred if, it has been transferred by act of parties (whether by sale, gift, mortgage with possession, exchange, lease or any other kind of disposition made inter vivos).]

CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

64. FUTURE ACQUISITION OF LAND.

Where on account of transfer, gift, purchase, exchange, mortgage with possession, lease, surrender or any other kind of transfer inter vivos or by bequest or inheritance, partition or otherwise, [any land is acquired or comes into possession of any person or family after the date of commencement of the Amendment Act and in consequence thereof the total extent of land held by such person or family exceeds the ceiling area permitted under Section 63] {Substituted for the words and figures "any land is acquired or comes into the possession of any person after the appointed day, and in consequence thereof, the total extent of land held by such person either by himself or if he has a family or is a member of a joint family together with any other member of his family, or of the joint family, as the case may be exceeds the ceiling limit permissible under sub-section (1) of Section 63" by Act No. 1 of 1974, w.e.f. 1-3-1974.}, the excess land shall be deemed to be surplus land, and the provisions of Sections 66 to 76 shall, as far as may be, apply, to the surrender to and vesting in the State Government of such excess land.

[Explanation.

In this section "bequest" includes

(i) gift made in contemplation of death; and (ii) gift to take effect after the happening of any event.] { Explanation substituted for the proviso by Act No. 1 of 1974, w.e.f. 1-3-1974.}

CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

65. SURPLUS LAND TO BE SURRENDERED TO STATE GOVERNMENT.

The land which is in excess of the ceiling laid down in Section 63 or 64 (hereinafter referred to as "surplus land") shall be surrendered to the State CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

65-A. CERTAIN LANDS DEEMED TO BE IN EXCESS OF CEILING AREA.

Where as a result of irrigation from a source constructed by the State Government, any land held by a person or if he has family, together with any member of his family or a family, is converted into any other class of land and thereby the lands held by such person or family exceed the ceiling area, the land so in excess shall be deemed to be surplus land and accordingly the provisions of Sections 66 to 76 shall, as far as may be, apply to the surrender to and vesting in the State Government of such excess land.

Explanation.

For purposes of this section, the land shall be deemed to have been converted from the date of completion of the irrigation work notified under Section 3 of the Karnataka Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Karnataka Act 28 of 1957).] CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

66. FILING OF DECLARATION OF HOLDING.

(1) [(a) Every person who on the date of commencement of the Amendment Act holds

(i) ten acres or more of lands having facilities for irrigation from a source of water belonging to the State Government; or

(ii) twenty acres or more of lands on which paddy crop can be grown with the help of rain water; or

(iii) forty acres or more of lands classified as dry but not having any irrigation facilities from a source of water belonging to the State Government,

shall on or before 31st day of December, 1974;] { Clause (a) of sub-section (1) substituted by Act No. 26 of 1974 and shall be deemed to have come into force w.e.f. 1-3-1974.}

[(b) Every person who acquires land in excess of the extent specified in clause (a) in any manner referred to in Section 64; and

(c) Every person whose land is deemed to be in excess of the ceiling area under Section 65-A,

shall, within the prescribed period, furnish a declaration to the Tahsildar within whose jurisdiction the holding of such person or the greater part thereof is situated containing the following particulars, namely:

(i) particulars of all the lands;

(ii) particulars of the members of the family; and

(iii) such other particulars as may be prescribed.] { Clauses (b) and (c) of sub-section (1) substituted by Act No. 1 of 1974, w.e.f. 1-3-1974.}

[(1-A) Where a person holds different categories of land mentioned in clause (a) of sub-section (1), the total extent of lands held by such person shall, for purposes of this section, be determined by converting all categories of land into any one category in accordance with the following formula, namely

One acre of land referred to in category (i) two acres of land referred to in category (ii) four acres of land referred to in category (iii).] { Sub-section (1-A) substituted by Act No. 26 of 1974 and shall be deemed to have come into force w.e.f. 1-3-1974.}

(2) Without prejudice to the provisions of sub-section (1) the [Tahsildar] { Substituted for the word "Tribunal" by Act No. 6 of 1970 and shall be deemed to have come into force, w.e.f. 15-1-1970.} shall have power to issue notice requiring any person who,[he has] { Substituted for the words "it has" by Act No. 6 of 1970 and shall be deemed to have come into force w.e.f. 15-1-1970.}reason to believe holds land, or resides within [his jurisdiction] {Substituted for the words "its jurisdiction" by Act No. 6 of 1970 and shall be deemed to have come into force w.e.f. 15-1-1970.}, to furnish [to him] { Substituted for the words "to it" by Act No. 6 of 1970 and shall be deemed to have come into force w.e.f. 15-1-1970.}a declaration of all lands held by him within such period as may be specified in the notice (not being less than thirty days from the date of service of the notice), and it shall be the duty of such person to furnish the declaration.

(3) Every declaration furnished under sub-section (1) or sub-section (2), shall be in the prescribed form; and the person furnishing the declaration shall be entitled to obtain a receipt therefor.

[x x x x]. { Explanation omitted by Act No. 1 of 1974, w.e.f. 1-3-1974.}

[(4) Notwithstanding anything contained in sub-section (1), every person who had held on or after 18th November, 1961 and before the commencement of the Amendment Act,

(a) ten acres or more of lands having facilities for irrigation from a source of water belonging to the State Government; or

(b) twenty acres or more of lands on which paddy crop can be grown with the help of rain water; or

(c) forty acres or more of lands other than those specified in clauses (a) and (b),

shall in respect of the land so held by him also furnish a declaration within one hundred and eighty days from the eleventh day of September, 1975 to the Tahsildar within whose jurisdiction the holding of such person or a greater part thereof is or was situated containing the following particulars, namely:

(i) particulars of the land;

(ii) particulars of the members of his family;

(iii) particulars of lands transferred or disposed of in any manner prior to 24th January, 1971 and subsequent to that date;

(iv) particulars of the persons to whom lands if any, have been transferred or disposed of;

(v) such other particulars as may be prescribed.

(5) The provisions of sub-sections (1-A), (2) and (3) shall mutatis mutandis apply to the declaration to be furnished under sub-section (4).] { Sub-sections (4) and (5) inserted by Act No. 18 of 1976 and shall be deemed to have come into force w.e.f. 11-9-1975.}

CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

66-A. PENALTY FOR FAILURE TO FURNISH DECLARATION.

(1) Where a person ' required by Section 66 to furnish a declaration,

(a) fails without reasonable cause so to do within the time specified in that section, or

(b) furnishes a declaration which he knows or has reason to believe to be false,

the Tahsildar shall issue a notice to such person asking him to show cause within fifteen days of the service thereof why a penalty which may extend to five hundred rupees may not be imposed on him. Where no reply is filed or where a reply is filed the Tahsildar is satisfied that the person has without reasonable cause failed to furnish the declaration within time or has submitted the declaration knowing or having reason to believe it to be false, he may, by order, impose the said penalty and require such person to furnish a true and correct statement complete in all particulars, within a period of one month from the date of service of the order.

(2) If such person, fails to comply with the order within the time granted, the right, title and interest of such person in the land held to the extent in excess of the ceiling area shall, by way of penalty, be forfeited to the State Government and shall thereupon vest in the State Government.] { Section 66-A inserted by Act No. 1 of 1974, w.e.f. 1-3-1974.}

CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

67. SURRENDER OF LANDS IN CERTAIN CASES.

[(1) (a) Save as provided in Section 66-A, on receipt of the declaration under Section 66 the Tahsildar shall

(i) verify the particulars contained therein as regards the survey number and the extent of the land;

(ii) determine to which class, A, B, C or D, the land belongs; and

(iii) place the declaration and the connected records before the Tribunal.

[(aa) Where a portion of the holding declared before a Tahsildar is situated within the jurisdiction of another Tahsildar, the former shall send a copy of the declaration to the latter, who shall make the verification and determination specified in items (i) and (ii) of clause (a), in respect of such portion and send the copy of the declaration and the connected records to the former Tahsildar, who shall place them before the Tribunal.] { Clause (aa) inserted by Act No. 3 of 1982 and shall be deemed to have come into force w.e.f. 25-11-1980.}

(b) Thereupon and after such enquiry as may be prescribed, the Tribunal shall determine the extent of the holding and the area by which such extent exceeds the ceiling area.

(c) Where, the total extent of the holding so determined by the Tribunal is equal to or less than the ceiling area, the person concerned shall be entitled to retain his entire holding; but where the total extent is more than the ceiling area, such person shall be liable to surrender such extent of land as will, after such surrender, bring the total extent of land retained by him to the extent of the ceiling area.

(d) the order of the Tribunal shall be final and shall be communicated to the person concerned and also the Tahsildar.] {Sub-section (1) substituted by Act No. 44 of 1976, w.e.f. 2-6-1976.}

[(1-A) Where the lands held by a family consist of 'stridhana' land which may be surrendered, the extent of 'stridhana' land to be surrendered shall in no case be more than the proportion which the extent of 'stridhana' land bears to the extent of other land held by the family.

(1-B) Where a person holds lands cultivated by him personally as well as lands cultivated by a tenant, the surrender of surplus land by him, shall with reference to the land cultivated by a tenant, be subject to the provisions of Chapter III.] {Sub-sections (1-A) and (1-B) inserted by Act No. 1 of 1974, w.e.f. 1-3-1974.}

(2) The [Tribunal] {Substituted for the word "Tahsildar" by Act No. 44 of 1976, w.e.f. 2-6-1976.}shall serve on every person who is liable to surrender land under sub-section (1), a notice specifying therein the extent of land which he should surrender, and requiring him to file a statement in such manner and within such period as may be prescribed specifying

therein the land which he proposes to surrender.]

[(3) If the person concerned files such declaration within the prescribed period, the [Tribunal] {Substituted for the word "Tahsildar" by Act No. 44 of 1976, w.e.f. 2-6-1976.} may subject to the provision of sub-section (3-A) pass an order approving the surrender and the said land shall thereupon be deemed to have been surrendered by such person.

(3-A) If the land proposed to be surrendered is not suitable on the ground of inaccessibility or any other ground that may be prescribed, the [Tribunal] {Substituted for the word "Tahsildar" by Act No. 44 of 1976, w.e.f. 2-6-1976.}may pass an order rejecting it and call upon the person concerned to file a fresh statement specifying therein other suitable land. On the filing of such statement the [Tribunal] {Substituted for the word "Tahsildar" by Act No. 44 of 1976, w.e.f. 2-6-1976.} shall pass an order approving such surrender and the said land shall thereupon be deemed to have been surrendered by such person. If such person fails to file a fresh statement, the [Tribunal] {Substituted for the word "Tahsildar" by Act No. 44 of 1976, w.e.f. 2-6-1976.} may [itself] {. Substituted for the word "himself" by Act No. 23 of 1977 and shall be deemed to have come into force w.e.f. 1-3-1974. } select the land which shall be surrendered by such person and pass an order to that effect and thereupon the said land shall be deemed to have been surrendered by such person.] { Sub-sections (3) and (3-A) substituted for sub-section (3), by Act No. 1 of 1974, w.e.f. 1-3-1974.}

(4) If the person concerned does not file such statement within the prescribed period the [Tribunal] { Substituted for the word "Tahsildar" by Act No. 44 of 1976, w.e.f. 2-6-1976}may [itself] {Substituted for the word "himself" by Act No. 23 of 1977 and shall be deemed to have come into force w.e.f. 1-3-1974.} select the land which shall be surrendered by the person concerned, and pass an order to that effect; and thereupon the said land shall be deemed to have surrendered by such person.

(5) An order under sub-section [(3), (3-A) or (4)] { Substituted for the brackets, figures and word "(3) or (4)" by Act No. 1 of 1974, w.e.f. 1-3-1974.}relating to surrender of land shall be passed in respect of land which, as far as practicable, forms a survey number, or a recognised part of survey number or a sub-division of survey number.

CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

67-A. PAYMENT FOR USE AND OCCUPATION OF LAND.

(1) Every person f possessing land in excess of the ceiling area, as determined under this Chapter, shall pay to the State Government for the period he was in possession of such extent of land from the date of the order determining the excess, such compensation for the use and occupation of such land as the Tribunal may determine in the prescribed manner. f

(2) Any sum payable under sub-section (1) may be recovered as arrears of land revenue.] { Section 67-A inserted by Act No. 23 of 1977 and shall be deemed to CHAPTER IV Ceiling on Land Holdings { Chapter V inserted by Act No. 51 of 1974, w.e.f. 13-12-1974 }

SCHEDULE I

PART A

[See Section 2(A)(35-A)]

Classification of Lands

A Class

Lands having facilities for assured irrigation from such Government Canals and Government Tanks as are capable of supplying water for growing two crops of paddy or one crop of sugarcane

B Class

(ii) Lands irrigated by such lift irrigation projects constructed and maintained by the State Government as are capable of supplying water for growing two crops of paddy or one crop of sugarcane]

C Class

(i) Lands irrigated from any Government sources of irrigation, including lift irrigation projects constructed and maintained by Government other than those coming under A Class and B Class.

(ii) Lands on which paddy crop can be raised or areca crop is grown with the help of rain water.

(iii) Lands irrigated by lifting water from a river or Government Canal or Government tank where the pumping installation or other device for lifting water is provided and maintained by the land owner.

Notes:

(1) Lands having facilities for irrigation from a Government Source where the system of water supply is suitable for growing only light irrigated crop namely, crops other than

paddy and sugarcane shall come under this class.

(2) Lands growing irrigated garden crop will come under classes 'A', 'B' or 'C' as the case may be depending upon the source of irrigation and the system of water supply.

D Class

Lands classified as dry but not having any irrigation facilities from a Government source.

Note.- Lands growing paddy or garden crops not coming under A class, B class or C class shall belong to this class.

PART B

Formula for determining equivalent extent of different classes

One acre of A Class land having soil classification value above 8 annas = 1.3 acres of A Class land having soil classification value below 8 annas = 1.5 acres of B Class land having soil classification value above 8 annas = 2.0 acres of B Class land having soil classification value below 8 annas = 2.5 acres of C Class land having soil classification value above 8 annas = 3.0 acres of C Class land having soil classification value below 8 annas = 5.4 acres of D Class land.