KARNATAKA ACT NO. 56 OF 2020

THE KARNATAKA LAND REFORMS (SECOND AMENDMENT) ACT, 2020

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7. Amendment of section 80
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STATEMENT OF OBJECTS AND REASONS

AMENDING ACT 56 OF 2020.- Whereas several cases are being registered for the violation of the provisions of section 79A and 79B of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and the Government has been receiving huge requests for the removal of restriction for purchasing agricultural land.

And whereas, in W.P.No 16199/2019 Hon’ble High Court of Karnataka has given an interim judgment in which it has given direction to the State Government (Revenue Department) which is administrating section 79A and 79B of the said Act to simplify the services and to respond properly to the public grievances.

And whereas, the High Court Karnataka,-

(i) in the previous order dated: 28.05.2019 has observed that since 1974 to till this date though several orders have been passed in respect of the proceedings initiated under section 79-A and 79B of the Karnataka Land Reforms Act, 1961 in majority of them the proceedings are dropped. In some of the cases,
order for confiscation of the land to the State was passed but no action is taken by the authorities in taking over the possession of such land.

(ii) therefore, the Principal Secretary of the State who is present before the Court shall look into all these matters and come back to this Court with a plan of action that he would take to regulate the aforesaid proceedings and also to ensure grievances of the people are addressed in a systematic process where the intervention of the official for extraneous consideration is removed. Further he shall also ensure action as initiated for not recovering lands where section 79A and 79B orders are passed in favour of the State in confiscation of the said land to the State.

(iii) in the order dated: 29.07.2019, the principal Secretary, Revenue Department would also State that with reference to section 79A and 79B proceedings, time bound mechanism would be put in place to ensure that the proceedings are not initiated at the whims and fancies of the Officers but it would be based on legitimate revenue entries, he has given instructions to all the officers to pursue recovery of lands wherever the orders are passed in confiscating such lands to the State where violation of the provisions of section 79A and 79B is proved.

And whereas, the officers of the Revenue Department who are registering more cases against the persons who has purchased the land after several years for the violation of the provisions of section 79A and 79B of the Land Reforms Act, 1961, therefore public-general facing more problems by the action of Revenue Officers.”

Therefore it is considered necessary to amend the said Act to provide for,-

(i) removal of restriction on purchasing agriculture land and purchaser of agricultural land shall use such land for agricultural purpose only;

(ii) A-class irrigated Land shall be sold only for Agriculture purpose;

(iii) agriculture land shall only be mortgaged in favour of financial institution specified in section 81; and

(iv) no restrictions laid down in this Act shall be relaxed in respect of land granted under the Karnataka Schedule Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979)
Therefore after detail examination it is consider necessary to omit the sections 79A, 79B and 79C of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and certain consequential amendments are also made.

As the matter was urgent and both houses of the Karnataka state legislature were not in a session, therefore the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance No.13 of 2020) was promulgated to achieve the above object.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]
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KARNATAKA ACT NO. 56 OF 2020  
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THE KARNATAKA LAND REFORMS (SECOND AMENDMENT) ACT, 2020  
(Received the assent of the Governor on the 30th day of December, 2020)

An Act further to amend the Karnataka Land Reforms Act, 1961.

Whereas it is expedient further to amend the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Reforms (Second Amendment) Act, 2020.

(2) Sections 2, 3, 4, 5, 6, 10 and 11 shall be deemed to have been come into force with effect from the 1st day of March, 1974 and remaining provisions shall be deemed to have come into force with effect from the 13th day of July, 2020.

2. Amendment of section 70.- In the Principal Act, in section 70, in sub-section (1), the words, figures and letter "not being a person disentitled to hold lands under section 79A" shall be omitted.

3. Amendment of section 72.- In the Principal Act, in section 72, in sub-section (1), the figures, word and letters "79A and 79B" shall be omitted.

4. Omission of section 79A.- In the Principal Act, section 79A shall be omitted.

5. Omission of section 79B.- In the Principal Act, section 79B shall be omitted.

6. Omission of section 79C.- In the Principal Act, section 79C shall be omitted.

7. Amendment of section 80.- In the Principal Act, in section 80,-

(i) in the heading, for the words “Transfer to non-agriculturists barred” the words “Restrictions on transfer of certain lands” shall be substituted;

(ii) in sub section (1),-

(a) clause (b) shall be omitted;

(b) for sub-clause (i), the following shall be substituted, namely:-

“(i) in case of A-class irrigated land, who does not use for agriculture purpose; or";
(c) in sub-clause (ii), for the words “who being an agriculturist holds as owner” the words “who holds as a owner” shall be substituted;

(d) sub-clause (iii) shall be omitted;

(e) sub-clause (iv), shall be omitted; and

(f) the proviso shall be omitted.

8. Insertion of new section 80-A.- In the Principal Act, after section 80, the following shall be inserted, namely:-

“80-A. Restriction on lands granted to the Scheduled Castes or Scheduled Tribes.- No conditions laid down in this Act shall be relaxed in respect of lands granted to persons belonging to the Scheduled Castes and Scheduled Tribes, during the period of prohibition under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979).”

9. Amendment of section 81.- In the Principal Act, in section 81,-

(i) for the heading, the following shall be substituted, namely:-

“81. Restriction on Sale or Mortgage of Agriculture Land”

(ii) in sub-section (1), the words, figures and letters “section 79A or section 79B or” shall be omitted.

(iii) after sub-section (2), the following shall be inserted, namely:-

“(2-A) No mortgage of agriculture land shall be made in favour of any person, other than the institutions specified in clause (a) and (b) of sub section (1).

10. Amendment of section 104.- In the Principal Act, in section 104, the figures and letters “79A, 79B” shall be omitted.

11. Amendment of section 109.- In the Principal Act, in section 109,-

(i) in sub-section (1), the figures and letters “79A, 79B” shall be omitted; and

(ii) in sub-section (1A), the figures and letters “79A, 79B” shall be omitted.

12. Savings.- (1) Notwithstanding the omission of sections 79A, 79B and 79C with effect from 1st day of March, 1974, all cases finally disposed off before the promulgation of the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance 13 of 2020) shall remain unaffected by the said Ordinance.
(2) All cases pending before any Court, tribunal or other authority competent under the provisions of the Principal Act on the date of promulgation of the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance 13 of 2020) pertaining to sections 79A, 79B and 79C shall hereby stand abated.

13. Repeal and Savings.-(1) The Karnataka Land Reforms (Second Amendment) Ordinance, 2020 (Karnataka Ordinance 23 of 2020) is hereby repealed.

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

By Order and in the name of
the Governor of Karnataka,

(K.DWARAKANATH BABU)
Secretary to Government
Department of Parliamentary Affairs and
Legislation