

THE KARNATAKA LAND REFORMS (AMENDMENT) ACT, 1986

ARRANGEMENT OF SECTIONS

Sections:

1. Short title.
X X X X
15. Amendment of Act 1 of 1955.
16. Amendment of Mysore Act 18 of 1955
X X X X

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STATEMENT OF OBJECTS AND REASONS

Act 19 of 1986.- In the Karnataka Land Reforms Act, 1961, there is no provision for preferring an appeal against the order passed by the Land Reforms Tribunal.

The High Court of Karnataka in Writ Petition No. 28441/1981 has observed that the disposal of the cases by the Tribunal is not satisfactory and to facilitate proper adjudication of disputes a provision in the Act for preferring an appeal is desirable.

It is hence intended to provide for an appeal against decision of the Land Reforms Tribunal by constituting an Appellate Authority.

It is also intended to waive the installment of premium payable on or after 17th October 1984 by person registered as occupants of land equal to 10 acres of D Class land or less.

The Karnataka Land Reforms (Amendment) Ordinance 1985 (Karnataka Ordinance 18 or 1985) was promulgated for the said purpose.

This Bill seeks to replace the said Ordinance.

Opportunity is also taken to extend the jurisdiction of the Appellate Authority to the case under the Mysore (Personnel and Miscellaneous) Inams Abolition Act, 1954, the Mysore. (Religious and Charitable) Inams Abolition Act, 1955, the Karnataka (Sandur Areas) Inams Abolition Act, 1976 and the Certain Inams Abolition Act, 1977, decided by the Land Reforms Tribunal.

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KARNATAKA ACT NO 19 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Eighth day of May 1986)

THE KARNATAKA LAND REFORMS (AMENDMENT) ACT, 1986

(Received the assent of the Governor on the Seventh day of May, 1986)

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

WHEREAS in the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1961), there is no provision for preferring an appeal against the order passed by a Land Reform Tribunal;

And whereas the High Court of Karnataka in W.P.NO. 28441/1981 has observed that the disposal of the cases by the Tribunals is not satisfactory and to facilitate proper adjudication of disputes a provision in the Act for preferring an appeal is desirable;

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

BE it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:

1. Short title, extent and commencement.- (1) This Act may be called the Karnataka Land Reforms (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 6th day December, 1985.

X X X X

15. Amendment of Act 1 of 1955.- In the Mysore (Personal and Miscellaneous) Inams Abolition Act, 1954 (Mysore Act 1 of 1955),-

(1) after clause (1) of sub-section (1) of section 2, the following shall be inserted, namely:-

“(1a) “Appellate Authority” means the Appellate Authority constituted under section 116A of the Karnataka Land Reforms Act, 1961”.

(2) in section 10,-

(a) in clause (c) of sub-section (3), the words “and the decision of the Tribunal shall be final”, shall be omitted.

(b) after sub-section (3), the following shall be inserted, namely:-

“(4) (a) From every decision or order passed by the Tribunal under this Act, after the commencement of the Karnataka Land Reforms (Amendment) Act, 1986, an appeal shall lie to the Appellate Authority, and the Appellate Authority shall send a copy of every order passed by it to the Tahsildar, the Secretary of the Tribunal and the parties concerned.

(b) The provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries, proceedings and conduct of business of the Appellate Authority under the said Act, including provision of section 121A thereof, shall, mutatis mutandis, apply to enquiries, proceedings and conduct of business of the Appellate Authority under this Act.”

(3) in section 12, the words “and such decision shall be final” shall be omitted.

(4) in sub-section (1) of section 32, the words “and the decision of the Tribunal shall be final” shall be omitted.

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

(1) after clause (1) of sub-section (1) of section 2, the following shall be inserted, namely:-

“(1a) ‘Appellate Authority’ means the Appellate Authority constituted under section 116A of the Karnataka Land Reforms Act, 1961.”

(2) in section 9,-

(a) in clause (c) of sub-section (2), the words “and the decision of the Tribunal shall be final” shall be omitted;

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

“(3) (a) From every decision or order passed by the Tribunal, under this Act, after the commencement of the Karnataka Land Reforms (Amendment) Act, 1986, an appeal shall lie to the Appellate Authority and the Appellate Authority shall send a copy of every order passed by it to the Tahsildar, the Secretary of the Tribunal and the parties concerned.

(b) The provisions of the Karnataka Land Reforms Act, 1961 applicable to enquiries, proceedings and conduct of business of the Appellate Authority under the said Act including the provision of section 121A thereof shall, mutatis mutandis, apply to enquiries, proceedings and conduct of business of the Appellate Authority under this Act.”

(3) in section 11, the words “and such decision shall be final” shall be omitted.

(4) in sub-section (1) of section 30, the words “and the decision of the Tribunal shall be final” shall be omitted.

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