

KARNATAKA ACT NO. 21 OF 2003
THE KARNATAKA LAND REVENUE (AMENDMENT)
ACT, 2002

Arrangement of Sections

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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to abolish the posts of Divisional Commissioners and to,-

- (i) entrust the Karnataka Appellate Tribunal with the Appellate and revisional powers of the Divisional Commissioner;
- (ii) re-designate the posts of Deputy Commissioner of Land Records, Deputy Commissioner for Settlement, Superintendent of Land Records, Superintendent for Settlement, Assistant Superintendent for Settlement, Assistant Superintendent of Land Records as Joint Director of Land Records, Joint Director for Settlement, Deputy Director of Land Records, Deputy Director for Settlement, Assistant Director for Settlement, Assistant Director of Land Records;
- (iii) provide for disposal of the appeals/revisions pending before the Divisional Commissioner on the date of commencement of the proposed legislation.

Certain other consequential amendments are also made.

Hence the Bill.

[LA BILL No. 33 OF 2002]

[Entry 18 of List-II of Seventh Schedule to the Constitution of India]

KARNATAKA ACT NO. 21 OF 2003

(First published in the Karnataka Gazette Extra-ordinary on the sixth day of May, 2003)

**THE KARNATKA LAND REVENUE (AMENDMENT) ACT,
2002**

(Received the assent of the Governor on the third day of May, 2003)

An Act further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for the purposes hereinafter appearing:

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Amendment) Act, 2002.

(2) It shall come into force on such ¹[date] as the State Government may by notification appoint.

2. Amendment of section 4.- In section 4 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) (hereinafter referred to as the principal Act),-

- (i) in the heading, for the words "divided into Divisions Divisions into Districts" the words "divided into Districts" shall be substituted;
- (ii) sub-section (1) shall be omitted;
- (iii) in sub-section (2), for the words "Each division" the words "The State" shall be substituted.

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No. 485 dated 6-5-2003 in Notification No. ÉâªÀâXµÖE 53 µÖÉâ}â 2002)

1. The Act has come into force on 26th May 2003, vide Notification No. RD 54 SAMITHI 2002(P) dated 25-6-2003

3. Amendment of section 6.- In section 6 of the principal Act, the word "division" wherever it occurs, shall be omitted.

4. Omission of section 7.- Section 7 of the principal Act shall be omitted.

5. Amendment of section 8.- In section 8 of the principal Act, in sub-section (1), the words "who shall be subordinate to the Divisional Commissioner" shall be omitted.

6. Amendment of section 9.- In section 9 of the principal Act, in sub-section (3) for the words, figure and brackets "The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the divisional Commissioner. He shall also be subordinate to the Deputy commissioner of the district," the words, figure and brackets "The Special Deputy Commissioner appointed under sub-section (1) shall be subordinate to the Deputy Commissioner of the District," shall be substituted.

7. Amendment of section 13.- In section 13 of the principal Act, the words "Divisional Commissioner, or the" shall be omitted.

8. Amendment of section 14.- In section 14 of the principal Act, sub-section (1) shall be omitted;

9. Amendment of section 15.- In section 15 of the principal Act, in sub-section (1), for the words "The Deputy Commissioner may subject to the general orders of the Divisional Commissioner" the words "The Deputy Commissioner may, subject to the general orders of the State Government" shall be substituted.

10. Amendment of section 16.- In section 16 of the principal Act, in sub-section (1), the words "and the Divisional Commissioner" shall be omitted.

11. Amendment of section 18.- In section 18 of the principal Act, in sub-section (1), for the words "Joint

Commissioner of Land Records, Deputy Commissioner for Settlement, Superintendent of Land Records, Superintendent for Settlement, Assistant Superintendent for Settlement, Assistant Superintendent of Land Records” the words “Joint Director of Land Records, Joint Director for Settlement, Deputy Director of Land Records, Deputy Director for Settlement, Assistant Director for Settlement, Assistant Director of Land Records” shall respectively be substituted.

12. Amendment of section 22.- In section 22 of the principal Act,-

- (i) in sub-section (1) for the words “The Deputy Commissioner of a district or the Deputy Commissioner of Land records or the Deputy Commissioner for Settlement” the words “The Deputy Commissioner of a District or the Joint Director of Land Records or the Joint Director for Settlement” shall be substituted;
- (ii) in sub-section (2) for the words “the Deputy Commissioner of the district or Deputy Commissioner of Land Records or Deputy Commissioner for Settlement” the words “the Deputy Commissioner of the District or the Joint Director of Land Records or the Joint Director for Settlement” shall be substituted.

13. Amendment of section 23.- In section 23 of the principal Act, in sub-section (1), for the words “Deputy Commissioner of Land Records or the Deputy Commissioner for Settlement” the words “Joint Director of Land Records or the Joint Director for Settlement” shall be substituted;

14. Amendment of section 27.- In section 27 of the principal Act, subsections (1) and (2) shall be omitted;

15. Amendment of section 40.- In section 40 of the principal Act, in sub-section (2), in clause (a), for the words " a

Divisional Commissioner" the words "a Secretary to Government" shall be substituted;

16. Amendment of section 49.- In section 49 of the principal Act,-

- (i) clause (d) shall be omitted;
- (ii) in clause (e), for the words "Survey Officer below the rank of an Assistant Superintendent of Land Records or Assistant Superintendent for Settlement, to the Assistant Superintendent of Land Records or Assistant Superintendent for Settlement" the words "Survey Officer below the rank of an Assistant Director of Land Records or Assistant Director for Settlement, to the Assistant Director of Land Records or Assistant Director for Settlement" shall be substituted;
- (iii) in clause (f), for the words "Assistant Superintendent of Land Records or Assistant Superintendent for Settlement to the Deputy Commissioner of Land Records or Deputy Commissioner for Settlement" the words "Assistant Director of Land Records or Assistant Director for Settlement, to the Joint Director of Land Records or Joint Director for Settlement" shall be substituted;
- (iv) in clause (g), for the words "Deputy Commissioner of Land Records or Deputy Commissioner for Settlement" the words "Joint Director of Land Records or Joint Director for Settlement" shall be substituted.

17. Amendment of section 50.- In section 50 of the principal Act,-

- (i) in clause (b-1), for the words "Assistant Superintendent for Settlement or Assistant Superintendent of Land Records" the words

Assistant Director for Settlement or Assistant Director of Land Records" shall be substituted;

- (ii) in clause (c), for the words "Deputy Commissioner of Land Records or Deputy Commissioner for Settlement" the words "Joint Director of Land Records or Joint Director for Settlement" shall be substituted.

18. Amendment of section 69.- In section 69 of the principal Act, the words "the Divisional Commissioner" shall be omitted.

19. Amendment of section 122-B.- In section 122-B of the principal Act, in sub-section (2) for the words, "may, within sixty days from the date of such order, appeal to the Divisional Commissioner, and the decision of the Divisional Commissioner" the words, may, within sixty days from the date of such order, appeal to the Tribunal and the decision of the Tribunal" shall be substituted.

20. Substitution of the expressions "Deputy Commissioners of Land Records" etc.,- For the expressions "Deputy Commissioner of Land Records", "Deputy Commissioner for Settlement", "Superintendent of Land Records", "Superintendent for settlement", "Assistant Superintendent for Settlement" "Assistant Superintendent of Land Records" wherever they occur, in other places in the principal Act, the expressions, "Joint Director of Land Records", "Joint Director for Settlement", "Deputy Director of Land Records", "Deputy Director for Settlement", "Assistant Director for Settlement", "Assistant Director of Land Records" shall respectively be substituted."

21. Abolition of Division and office of Divisional Commissioner and consequences to ensue on such abolition.- Notwithstanding anything contained in this Act the Divisions and the office of the Divisional Commissioner existing immediately before the date appointed for commencement of the Karnataka Land Revenue Amendment

Act 2002 shall on the date so appointed, stand abolished and following consequences shall ensue, namely:-

- (i) any reference to Divisional Commissioner in any other enactment passed or the rules made thereunder before the date so appointed shall, unless the context otherwise requires, be construed as Deputy Commissioner:

Provided that in case of any appellate or revision powers of the Divisional Commissioner under such enactment or the rules it shall be construed as reference to the State Government and all appeals, revisions, and other proceedings connected therewith under such enactment or the rules pending before the Divisional Commissioner on the date so appointed shall stand transferred to the State Government and the State Government shall dispose of all such appeals, revisions and other proceedings connected therewith as if they were instituted before it.

- (ii) all appeals, revisions and other proceedings connected therewith under the principal Act pending before the Divisional Commissioner on the date so appointed shall stand transferred to the Tribunal and the Tribunal shall dispose of all such appeals revisions and other proceedings as if they were instituted before it;
- (iii) all other proceeding under the principal Act pending before the Divisional Commissioner on the date so appointed shall stand transferred to the Deputy Commissioner concerned;

- (iv) all officers and servants in the office of the Divisional Commissioner shall be transferred to such offices as the State Government may by order direct;
- (v) all the funds and properties of the office of the Divisional Commissioner shall be transferred to such office of the Deputy Commissioner as the State Government may by order direct.

22. Power of State Government to adapt laws.- For the purpose of bringing the provisions of any law in force in accordance with the provisions of the principal Act as amended by this Act, the State Government may by order published in the Official Gazette make such adaptations and modifications of such law whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall, as from such date as may be specified in the order, have effect subject to adaptations and modifications so made until altered, repealed or amended by the legislature.

Explanation: The expression "law in force" in this section shall include a law passed or made by the State Legislature or other competent authority in the State before the date appointed for the commencement of this Act and not previously repealed, notwithstanding that it or parts of it may not be then in operation either in all or any particular areas in the State.

23. Orders bringing this Act into force.- Notwithstanding anything contained in the principal Act or any other law for the time being in force, the State Government may, by order published in the Official Gazette make such provision as appears to it to be necessary or expedient for making omissions from, additions to, and the adaptations and modifications, of the rules, regulations, bye-laws, notifications and orders made under any law in their application to the

abolition of the office of the Divisional Commissioner, and for bringing the principal Act as amended by this Act into force.

24. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of the principal Act as amended by this Act the State Government may by order, published in the Official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

25. Orders to be laid before the Houses of the State Legislature.- Every order made under sections 22, 23 and 24 shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the said period, either House of the State Legislature makes any modification in any order or directs that any order shall not have effect, and such order shall thereafter have effect only in such modified form or be of no effect, as the case may be.

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

M.R.HEGDE
Secretary to Government,
Department of Parliamentary
Affairs and Legislation.