

---

**KARNATAKA PREVENTION OF FRAGMENTATION AND  
CONSOLIDATION OF HOLDINGS ACT, 1966**

**1 of 1967**

**[2nd February, 1967]**

CONTENTS

**CHAPTER 1 :- CHAPTER**

1. Short Title, extent and commencement
2. Definitions

**CHAPTER 2 :- Determination of Standard Area and Treatment of Fragments**

3. Determination of standard area
4. Entry in the Record of Rights
5. Sale, Lease, etc
6. Fragmentation prohibited
7. Fragment not to be sold in Court sale or created by such sale
8. Restriction on partition of land
9. Sections 5 and 6 not to apply to certain transfers

**CHAPTER 3 :- Procedure for Consolidation**

10. Government may, of its own accord or on an application, declare its intention to make scheme for consolidation of holdings
11. Preparation of the Scheme and the Provisions to be followed in such preparation
12. Schemes to Provide for compensation
13. Amalgamation of public roads, etc., within the scheme for consolidation
14. Lands Reserved for public purposes
15. Publication of draft scheme and of amended draft scheme
16. Confirmation of draft scheme or amended draft scheme
17. Enforcement of scheme
18. Coming into force of scheme
19. Rights transferable notwithstanding any Law
20. Certificate of transfer
21. Assessment and recovery of cost
22. Recovery of compensation or costs

**CHAPTER 4 :- Effect of Consolidation Proceedings and of Consolidation of Holdings**

23. Exercise by Consolidation Officer and Assistant Consolidation Officer of powers under certain Acts
24. Restrictions on certain proceedings and transfers during the continuance of consolidation proceedings
25. Rights in holdings
26. Encumbrances
27. Apportionment of compensation or net value in case of dispute
28. Correction of clerical and arithmetical mistakes in a Scheme
29. Power to vary scheme on the ground of error, irregularity or informality
30. Power to vary or revoke scheme at any time

#### **CHAPTER 5 :- Other Powers of Consolidation Officers**

31. Power of Officers to enter upon land for purposes of survey and demarcation
32. Penalty for destruction, injury or removal of survey marks
33. Report of destruction or removal or injury to survey mark
34. Power of Consolidation Officer and Assistant Consolidation Officer to summon persons
35. Control

#### **CHAPTER 6 :- General**

36. Appointment of Officers and Staff and delegation of powers
37. Power of State Government to call for proceedings
- 37A. Power of State Government to exclude the application of the Act
38. Appeal and revision barred save as provided in Act
39. Penalty for transfer or partition contrary to Act
40. Validation of certain transfers, partitions and sub-divisions made before the Commencement of this Act
41. Indemnity
42. Bar of Jurisdiction
43. Suits in Favour of Issues Required to be Decided Under this Act
44. Rules
45. Removal of difficulties
46. Rules and notification to be laid before the State Legislature
47. Repeal
48. Amendment of Karnataka Act 10 of 1962

#### **SCHEDULE 1 :- SCHEDULE**

### **KARNATAKA PREVENTION OF FRAGMENTATION AND CONSOLIDATION OF HOLDINGS ACT, 1966**

**1 of 1967**

**[2nd February, 1967]**

An Act to provide for the prevention of fragmentation of agricultural

holdings and for their consolidation. Whereas, it is expedient to prevent the fragmentation and to provide for the consolidation of agricultural holdings for the purpose of better cultivation thereof; Be it enacted by the Karnataka State Legislature in the Seventeenth Year of the Republic of India as follows.

CHAPTER 1

CHAPTER

**1. Short Title, extent and commencement :-**

(1) This Act may be called the Karnataka Prevention of Fragmentation and Consolidation of Holdings Act, 1966.

(2) It extends to the whole of the State of Karnataka.

(3) It shall come into force on such date as the State Government may by notification appoint.

**2. Definitions :-**

In this Act, unless the context otherwise requires.

(a) "Agricultural Year" means the year commencing on the First day of April;

(b) "Assistant Consolidation Officer" means an Officer appointed as such to perform the functions of the Assistant Consolidation Officer under this Act;

(c) "Commissioner" means the Officer appointed by State Government to perform the functions of the Commissioner under this Act;

(d) "Consolidation of Holdings" means the amalgamation and, where necessary, for such amalgamation, the redistribution of holdings or portions of holdings in any village, or in any taluk or part thereof, so as to reduce the number of holdings;

(e) "Consolidation Officer" means an Officer appointed as such and includes any Gazetted Officer authorised by the State Government to perform all or any of the functions of the Consolidation Officer under this Act;

(f) "Co-operative Society" means a co-operative society registered or deemed to be registered under the Karnataka Co-operative Societies Act, 1959;

(g) "Fragment" means a holding of land of less extent than the

appropriate standard area determined under Section 3:

Provided that no holding shall be deemed to be fragment by reason of any diminution in its area by diluvian;

<sup>1</sup> [Explanation. For the purpose of this clause, where a person holds different parcels of lands each such parcel of land assessed separately for land revenue shall be deemed to be a holding.]

(h) "Land" means agricultural land, whether alienated or unalienated;

(i) "Notification" means a notification published in the Official Gazette;

(j) "Owner" means, the occupant or a person who has permanent and heritable rights of possession of land, and when such land has been mortgaged, "owner" means the mortgagor; in the case of alienated land, "owner" means the superior holder.

(k) "Panchayat" means a Village Panchayat or a Town Panchayat, and in respect of any village for which there is no Village Panchayat or Town Panchayat, a Committee of representatives of persons interested in the lands of the village constituted by the Consolidation Officer in such manner as may be prescribed;

(l) "Prescribed" means prescribed by rules made under this Act;

(m) "Standard Area" means the area determined in accordance with the provisions of Section 3;

(n) words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Karnataka Land Revenue Act, 1964.

1. Explanation inserted by Act No. 15 of 1979, w.e.f. 24-2- 1979.

## CHAPTER 2

Determination of Standard Area and Treatment of Fragments

### **3. Determination of standard area :-**

For the purpose of this Act, standard area means the area specified in column (3) of the Schedule to this Act, in respect of the class of land specified in the corresponding entry of column (2) of the said Schedule: <sup>1</sup> [x x x x x.]

1. Heading and sub-section (1) substituted by Act No. 15 of 1979, w.e.f. 24-2-1979.

#### **4. Entry in the Record of Rights :-**

(1) As soon as may be after the commencement of this Act, all fragments in a village shall be entered as such in the Record of Rights, or where there is no Record of Rights, in such village record as the State Government may prescribe.

(2) Notice of every entry made under sub-section (1) shall be given in the manner prescribed for the giving of notice under Chapter XI of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), of an entry in the Register of Mutations.

#### **5. Sale, Lease, etc :-**

(1)

(a) No person shall sell any fragment in respect of which a notice has been given under sub-section (2) of Section 4, except in accordance with the provisions of clause (b).

[(b) Subject to the provisions of Sections 39 and 80 of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), whenever a fragment is proposed to be sold, the owner thereof shall sell it to the owner of a contiguous survey number or recognised sub-division of a survey number (hereinafter referred to as the contiguous owner). If the fragment cannot be so sold to the contiguous owner, for any reason, the owner of the fragment shall intimate in the prescribed form, the reasons therefore along with an affidavit in support thereof to the Tahsildar and also send copies of such intimation and affidavit to the Sub- registrar, in the prescribed manner and may thereafter sell such fragment to any other person.]

(2) Notwithstanding anything contained in any law for the time being in force or in any instrument or agreement, no such fragment shall be leased to any person other than a person cultivating any land, which is contiguous to the fragment.

(3) No such fragment shall be sub-divided or partitioned.

#### **6. Fragmentation prohibited :-**

No land in any area shall be transferred or partitioned or sub-divided so as to create a fragment.

#### **7. Fragment not to be sold in Court sale or created by such sale :-**

Notwithstanding anything contained in any law for the time being in force.

(a) no fragment, in respect of which a notice has been given under sub-section (2) of Section 4, shall be sold at any sale held under the orders of any Court except after notice to the owners of contiguous survey numbers of recognised sub-divisions of survey numbers; and

(b) no land shall be sold at such sale so as to leave a fragment.

**8. Restriction on partition of land :-**

(1) Where, by decree, succession or otherwise two or more persons are entitled to shares in an un-divided agricultural land, and the land has to be partitioned among them, such partition shall be effected so as not to create a fragment. Where such partition has to be effected otherwise than through of Court, the Deputy Commissioner shall on the application any person entitled to a share in undivided agricultural land, effect such partition.

(2) Where such partition is made by the Court or the Deputy Commissioner, the following procedure shall be adopted.

(a) if, in effecting a partition of property among several co-sharers, it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall be compensated in money for that share. The amount of compensation shall be determined so far as practicable in accordance with the provisions of Section 23 of the Land Acquisition Act, 1894;

(b) if, in effecting a partition, it is found that there is not enough land for the shares of all the co-sharers in accordance with the provisions of sub-section (1), the co-sharers may agree among themselves as to the particular co-sharer or co-sharers who should get share of the land and which of them should be compensated in money. In the absence of any such agreement the co-sharers to whom a share of land can be provided and those to whom money compensation should be given shall be chosen by lot in the manner prescribed;

(c) the compensation shall be payable by each co-sharer in proportion to the excess value of land he gets over the share of land legally due to him and such co-sharer shall deposit the

proportionate amount of compensation in the manner prescribed before such time as the Court or the Deputy Commissioner may determine. On his failure to do so, his share shall be allotted to any other co-sharer to whom land has not been previously allotted and who is chosen in the manner provided in clause (b) subject to the payment of similar compensation to the co-sharers not getting shares of land;

(d) if none of the co-sharers to whom land has been allotted under clause (c) pays the compensation and takes the share, the share shall be sold in public auction to the highest bidder, and the purchase money shall be paid to the co-sharers not getting land in proportion to their respective shares;

(e) where the parties agree upon any other method of partition which will not result in the creation of a fragment, that method shall be followed in effecting partition.

(3) Where a partition is effected in execution of a decree all questions relating to the partition of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Deputy Commissioner effecting the partition, as the case may be, in accordance with the provisions of sub-section (2).

### **9. Sections 5 and 6 not to apply to certain transfers :-**

**1**

(1) Nothing in Sections 5 and 6 shall apply to transfer of any land.

(i) to or by the Karnataka Bhoodan Yagna Board established under the Karnataka Bhoodan Yagna Act, 1963 (Karnataka Act 35 of 1963); or

(ii) for such public purpose as may be specified by notification in this behalf by the State Government.]

(2) Notwithstanding anything contained in Sections 5 and 6 but subject to such conditions as may be prescribed, the Deputy Commissioner may permit the transfer of any land for a bona fide non agricultural purpose.

1. Heading and sub-section (1) substituted by Act No. 15 of 1979, w.e.f. 24-2-1979.

### CHAPTER 3

Procedure for Consolidation

**10. Government may, of its own accord or on an**

**application, declare its intention to make scheme for consolidation of holdings :-**

With the object of consolidating holdings in any village or taluk or any part thereof for the purpose of better cultivation of lands therein, the State Government may, of its own motion or on an application made in that behalf, declare by a notification and by a publication in the prescribed manner in the village or villages concerned its intention to make a scheme for the consolidation of holdings in such village or villages or any part thereof, as may be specified. On such publication in the village concerned, the Assistant Consolidation Officer, shall proceed to prepare a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be, in the manner hereinafter provided.

**11. Preparation of the Scheme and the Provisions to be followed in such preparation :-**

(1)

(a) The Assistant Consolidation Officer shall, after giving notice in the prescribed manner to the land owners concerned and the Panchayat, visit each of the concerned villages and shall proceed to prepare a scheme for the consolidation of holdings.

(b) A holding which is burdened with a lease, or save as provided in clause (e) of sub-section (2) a holding which is not less than a standard area, shall not be included in a scheme of consolidation of holdings under this Act.

(2) For the purpose of preparing the scheme, the following provisions shall be complied with, namely.

(a) The Assistant Consolidation Officer shall first get the record of rights and the village map corrected up-to-date;

(b) He shall then prepare a statement of holdings of less than a standard area which in his opinion are likely to be affected by the scheme of consolidation of holdings, containing the names of the owners, survey numbers, sub-division numbers, the classes of land, tenures, areas, assessments and such other particulars as may be prescribed.

(c) He shall then prepare a preliminary statement of the estimated market value of each of the holdings referred in clause (b), and a copy of the said statements shall be sent to the Panchayat for



furnishing its views thereon within such period not being less than thirty days as may be specified by the Assistant Consolidation Officer. The owners of such holdings shall also be given an opportunity to file their objections, if any, to the estimated market value within the specified period. If the Panchayat approves the statement, or within the specified period, the Panchayat does not furnish its views and the owners do not file the objections, the Assistant Consolidation Officer shall proceed to prepare the draft scheme on the basis of the estimated market value. If the Panchayat does not agree with the estimated market value of any holding or any owner objects to such estimated value, the Assistant Consolidation Officer shall refer the matter to the Consolidation Officer. On receipt of such a reference, the Consolidation Officer shall, after giving an opportunity of being heard to the Panchayat or the owner concerned, determine the estimated market value of the holding concerned and his decision thereon shall be final, and the Assistant Consolidation Officer shall proceed to prepare the draft scheme accordingly.

(d) If, for the purpose of consolidation, the Assistant Consolidation Officer finds it necessary to partition any holding included in the statement under clause (b), he shall be entitled to do so, and if for doing so he finds it necessary to resurvey such land, he shall be entitled to do the resurvey also of such land.

(e) The Assistant Consolidation Officer may, where it is found practicable, amalgamate a contiguous fragment with any holding irrespective of the extent of its area, and he may also consolidate, with the mutual consent in writing of the respective owners of the holdings any holdings irrespective of the extent of the areas of such holdings, by way of exchange or otherwise.

(f) A scheme for the consolidation of holdings shall contain the following statements, records and maps, namely.

(i) A map of the village showing all the existing survey numbers and their sub-divisions, recognised roads, cart tracks, foot paths and areas assigned for public purposes;

(ii) another village map which shall be a copy of the one mentioned in sub-clause (i) but showing clearly how the original position of existing survey numbers, their sub-divisions, recognised roads, cart tracks, foot-paths and areas assigned or specified for public purposes will be altered after the consolidation scheme becomes

operative;

(iii) a statement showing the names of the owners of holdings which have been affected by the scheme of consolidation with particulars of survey numbers, sub-division numbers, classes of land, tenures, areas, assessments and such other prescribed particulars as they existed before the preparation of the scheme;

(iv) a statement showing the names of the owners of the holdings which have been affected by the scheme, with all the particulars as stated in sub-clause (iii), as they will exist after the preparation of the scheme;

(v) a statement showing the compensation to be given to or recovered from the owners; and

(vi) such other statements, records and particulars as may be prescribed.

(g) where, for the purpose of consolidation of holdings, contiguous holdings have to be amalgamated, such procedure as may be prescribed shall be followed for such amalgamation, and on such amalgamation, the two or more holdings so amalgamated shall be assigned a single entry in the land records, which shall be the first number in a series of amalgamated numbers.

(3) In preparing the scheme, the Assistant Consolidation Officer shall follow the procedure which the State Government may prescribe in regard to the manner of classification of lands on the basis of the actual use, the allotment of new holdings to the owners, and such other matters as may be prescribed.

(4)

(a) After preparing a draft scheme in accordance with the provisions of sub-sections (2) and (3), the Assistant Consolidation Officer shall send a copy thereof to the Panchayat for furnishing its views thereon within such period not being less than thirty days as he may specify.

(b) If the Panchayat suggests any amendments to the scheme within the specified period, the Assistant Consolidation Officer shall consider such suggestions and make such amendments to the scheme as he deems fit, and forward it to the Consolidation Officer;

(c) If the Panchayat approves the scheme or does not furnish its

views within the specified period, the Assistant Consolidation Officer shall forward the scheme to the Consolidation Officer without making any amendments therein.

(5) Notwithstanding anything contained in the Karnataka Village Panchayats and Local Boards Act, 1959 (Karnataka Act 10 of 1959).

(a) the views of a Panchayat under sub-section (2) or sub-section (4) shall be expressed by resolution passed at a meeting of the Panchayat;

(b) no business relating to the matter in which the views of the Panchayat are requested under sub-section (2) or sub-section (4) shall be transacted at any meeting of the Panchayat unless the Assistant Consolidation Officer is informed of the intention to transact such business there and of the motions or propositions, if any, to be brought forward concerning such business;

(c) the Assistant Consolidation Officer shall be entitled to be present at a meeting of the Panchayat referred to in clause (b) and to take part at such meeting in the discussion or consideration of the matter in respect of which the views of the Panchayat are requested:

Provided that the Assistant Consolidation Officer shall not be entitled to vote upon any question considered by the Panchayat.

## **12. Schemes to Provide for compensation :-**

(1) The scheme prepared by the Assistant Consolidation Officer shall provide for the payment of compensation to any owner who is allotted a holding of less market value than that of the original holding and for recovery of compensation from any owner, who is allotted a holding of greater market value than that of his original holding.

(2) The amount of compensation shall be determined so far as practicable in accordance with the provisions of sub-section (1) of Section 23 of the Land Acquisition Act, 1894.

(3) When a holding of greater market value than that of his original holding is allotted to an owner, the State Government may grant a loan to him to the extent of the amount of compensation he has to pay under sub-section (1), the loan being made repayable with such interest and in such annual instalments as may be prescribed.

**13. Amalgamation of public roads, etc., within the scheme for consolidation :-**

(1) Whenever in preparing a scheme for consolidation of holdings, it appears to the Assistant Consolidation Officer that it is necessary to amalgamate any road, street, lane or path with any holding in the schemes, he shall make a declaration to that effect stating in such declaration that it is proposed that the rights of the public as well as of the State Government in or over the said road, street, lane or path shall be extinguished or, as the case may be transferred, to a new road, street lane or path, laid out in the scheme of consolidation.

(2) The declaration in sub-section (1) shall be published in the village concerned in the prescribed manner, along with the draft scheme referred to in Section 15.

(3) Any member of the public, or any person having any interest or right, in addition to the right of public highway in or over the said road, street, lane, or path or having any other interest or right which is likely to be adversely affected by the proposal may, within thirty days after the publication of the declaration under sub-section (1), state to the Assistant Consolidation Officer in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected and the amount and the particulars of his claim to compensation for such interest or right:

Provided that no claim for compensation on account of the extinction or diminution of the right of public highway over such road, street, lane or path shall be entertained.

(4) The Assistant Consolidation Officer shall, after considering the objections, if any, made to the proposal, submit it with such amendments, if any, as he may consider necessary, to the Commissioner, together with the objections received, his recommendations thereon and a statement of the amounts of the compensation, if any, which, in his opinion are payable, and of the persons to whom such compensation is payable. The decision of the Commissioner on the proposal and regarding the amount of compensation and the persons by whom such compensation, if any, is payable, shall be final.

**14. Lands Reserved for public purposes :-**

(1) Notwithstanding anything contained in any law for the time being in force, it shall be lawful for the Assistant Consolidation Officer to direct, that if in any area under consolidation, no land is reserved for any public purpose including extension of the village sites, or if the land so reserved is inadequate to assign other land for such requirements, provided the State Government undertakes to pay the compensation payable for such land.

(2) The amount of compensation under sub-section (1) shall be determined so far as practicable in accordance with the provisions of sub-section (1) of Section 23 of the Land Acquisition Act, 1894.

**15. Publication of draft scheme and of amended draft scheme :-**

(1) When a scheme of consolidation is received from the Assistant Consolidation Officer, the Consolidation Officer shall publish a draft thereof in the prescribed manner in the village or villages concerned and notice of such publication shall be given to the owners likely to be affected by the scheme. Any person likely to be affected by such scheme, may, within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objections relating to the draft scheme.

(2) If any objections are received after giving an opportunity of being heard to the objectors, and after considering such objections the Consolidation Officer considers it necessary to amend the draft scheme, he shall amend the draft scheme and publish the amended draft scheme and give notice thereof to the owners as provided in sub-section (1). Any person likely to be affected by such amended draft scheme, may within thirty days of the date of such publication, communicate in writing to the Consolidation Officer any objections relating to the amended draft scheme.

(3)

(a) Where no objections are received to the draft scheme published under sub-section (1) or to the amended draft scheme published under sub-section (2) such draft scheme or amended draft scheme; or

(b) Where objections are received to the said draft scheme or amended draft scheme but after giving an opportunity of being heard to the objectors, the Consolidation Officer does not consider it necessary to amend the said draft scheme or amended draft

scheme, such draft scheme or amended draft scheme, together with the objections and his remarks thereon; or

(c) Where objections are received to the said amended draft scheme and after giving an opportunity of being heard to the objectors and considering the objections, the Consolidation Officer considers it necessary to amend further the amended draft scheme, such amended draft scheme as further amended, together with the objection, and his remarks thereon, shall be forwarded by the Consolidation Officer to the Commissioner for confirmation.

#### **16. Confirmation of draft scheme or amended draft scheme**

:-

(1) If on receipt of a draft scheme or an amended draft scheme under sub-section (3) of Section 15, the Commissioner, after considering the objection, if any, and the remarks of the Consolidation Officer thereon and after being otherwise satisfied about the correctness of procedure followed by the Assistant Consolidation Officer and the Consolidation Officer and the allotment of holdings and compensation, approves of the draft scheme or as the case may be, amended draft scheme, he shall confirm it.

(2) If the Commissioner does not approve of the draft scheme or the amended draft scheme forwarded by the Consolidation Officer and considers it necessary to amend it, he shall further amend it and publish it as amended in the prescribed manner in the village of villages concerned and notice of such publication shall be given to the owners likely to be affected by the scheme. Any person likely to be affected by the draft scheme as so published may within thirty days of the date of such publication, communicate his objections in writing to the Commissioner.

(3) If no objections are received within the period specified in sub-section (2), the Commissioner shall confirm the draft scheme as published under that sub-section. If any objections are received within the said period the Commissioner shall after giving an opportunity of being heard to the objectors and considering the objections, confirm the draft scheme as published under sub-section (2) without any modifications therein or with such modifications therein as he may consider necessary.

#### **17. Enforcement of scheme :-**

(1) Upon the confirmation of any scheme under Section 16, a notification stating that the scheme has been confirmed shall be published by the Commissioner in the Official Gazette and the scheme as confirmed shall be published in the prescribed manner in the village or villages concerned and notice of such publication shall be given to the owners likely to be affected by the scheme.

(2) Within one year from the date of publication of the notification in the Official Gazette under sub-section (1), the owners from whom compensation is recoverable under the scheme shall deposit the amount of compensation in the prescribed manner.

(3) The Assistant Consolidation Officer shall, from the commencement of the agricultural year next following the date of publication of the notification in the Official Gazette under sub-section (1) and in the prescribed manner, put the owners in possession of the holdings to which they are entitled under the scheme and for doing so may, in the prescribed manner, evict any person from any land which he is not entitled to occupy under the scheme.

(4) If the Assistant Consolidation Officer, is satisfied that any standing crops, trees, embankments or similar other improvements which were not taken into consideration at the time of determining the compensation payable by an owner or any holding under the scheme are found on such holding at the time of putting the owner in possession of such holding, or that any such standing crops, trees, embankments or similar other improvements which were, taken into consideration at the time of determining the compensation payable by an owner of any holding have ceased to exist or are substantially damaged at the time of putting the owner in possession of such holding, he shall by order determine in the prescribed manner the additional compensation payable by the owner or, as the case may be, the reduction to be made in the compensation payable to the original owner of such holding. Where additional compensation is to be paid, it shall be deposited in the prescribed manner by the owner from whom it is recoverable, within one year from the date of the order passed by the Assistant Consolidation Officer determining the additional compensation.

(5) If the owner from whom the compensation is recoverable fails to deposit it within the period specified in sub-section (2) or (4) or within such further period not exceeding one year as may be extended by the Consolidation Officer, it shall be recovered from

him as an arrear of land revenue.

(6) If an owner refuses to accept possession of the holding to which he is entitled under the scheme, his rights in such holding may be allotted in the prescribed manner by the Consolidation Officer to any other person who pays the value of the holding, and in such case the value realised after deducting the expense (hereinafter called "the net value") shall be paid to the owner and any other person having an interest in the holding.

(7) If no person is forthcoming to pay the value of the holding the State Government may recover from the owner the compensation recoverable from him under the scheme as an arrear of land revenue or the State Government may itself purchase the holding after paying the net value of the holding to the owner and any other person having interest in the holding.

**18. Coming into force of scheme :-**

As soon as the persons entitled to possession of holdings in accordance with a scheme of consolidation under this Act, have entered into possession of the holdings, respectively, allotted to them, the scheme shall be deemed to have come into force.

**19. Rights transferable notwithstanding any Law :-**

Notwithstanding anything contained in any law for the time being in force, the rights of owners or other persons having interest, shall, for the purpose of giving effect to any scheme of consolidation affecting them, be transferable by exchange or otherwise.

**20. Certificate of transfer :-**

(1) The Assistant Consolidation Officer shall grant to every owner to whom a holding has been allotted for the purpose of a scheme of consolidations and to every person to whom a holding is allotted under sub-section (6) of Section 17, a certificate in the prescribed form duly registered under the Indian Registration Act, 1908 (Central Act 16 of 1908), to the effect that the holding has been transferred to him for the purpose of the scheme. The Assistant Consolidation Officer may thereupon cause the record of rights to be amended in respect of the holdings so transferred.

(2) Notwithstanding anything contained in any law for the time being in force, no stamp duty or registration fee shall be payable in respect of such certificate.



**21. Assessment and recovery of cost :-**

The cost of carrying out the scheme of consolidation shall be assessed in the prescribed manner and recovered from the persons whose holdings are affected thereby, in such proportion and at such rates as may, from time to time, be determined by the State Government.

**22. Recovery of compensation or costs :-**

Compensation under Section 12 or sub-section (2) of Section 20 or costs under Section 21 or any other sums payable under this Act shall along with interest at nine per cent per annum be recoverable as arrears of land revenue.

**CHAPTER 4**

Effect of Consolidation Proceedings and of Consolidation of Holdings

**23. Exercise by Consolidation Officer and Assistant Consolidation Officer of powers under certain Acts :-**

(1) During the continuance of the consolidation proceedings, the Consolidation Officer shall exercise and discharge the functions of the Assistant Commissioner, and the Assistant Consolidation Officer shall exercise and discharge the functions of the Tahsildar, under Chapter XI of the Karnataka Land Revenue Act, 1964; and no Assistant Commissioner or Tahsildar shall take any proceedings under the said Act in respect of a holding or land for which a notice under sub-section (1) of Section 11 has been given.

(2) Where in respect of any holding an Assistant Consolidation Officer proceeds to prepare a scheme under Section 11.

(a) all applications and proceedings including execution proceedings pending before any Revenue Officer under the said Act in respect of any holding or land for which a notice under sub-section (1) of Section 11 has been given, shall be transferred to the Assistant Consolidation Officer, and

(b) the Assistant Consolidation Officer shall, by proclamation, call upon all persons who claim to be entitled to possession under the said Act, of any holding for which a notice under sub-section (1) of Section 11 has been given to make within the prescribed period, an application to be put in possession of such holding; and any person who fails to do so within the prescribed period shall, thereafter, be debarred from making it:

Provided that nothing in this clause shall debar any person from

making, after the coming into force of the scheme of consolidation under Section 18, any application in respect of any holding included in the scheme, if such application could lie under the provision of any law for the time being in force.

(3) The Assistant Consolidation Officer shall submit any order passed by him under the said Act to the Deputy Commissioner for confirmation, if an application in that behalf is made to him by any party to a proceeding under this section within thirty days from the date of the order.

**24. Restrictions on certain proceedings and transfers during the continuance of consolidation proceedings :-**

(1) When an Assistant Consolidation Officer proceeds to prepare a scheme under Section 11, during the continuance of the consolidation proceedings.

(a) no proceedings in respect of any holding shall be commenced or continued except with the permission in writing of the Assistant Consolidation Officer.

(i) for realisation of the land revenue and other revenue demands either by forfeiture, attachment or sale;

(ii) for execution of any award made under the Karnataka Cooperative Societies Act, 1959;

(iii) for execution of any award under any law relating to relief of agricultural debtors in force; or

(iv) for execution of any decree passed by a Civil Court;

(b) no person shall transfer any holding except with the permission in writing of the Assistant Consolidation Officer.

(2) The Assistant Consolidation Officer shall grant the permission referred to in sub-section (1) unless for reasons to be recorded in writing he is satisfied that the proposed proceeding or transfer is likely to defeat the scheme of consolidation.

(3) Any person aggrieved by an order of the Assistant Consolidation Officer under sub-section (2), may, within thirty days from the date of communication of such order, prefer an appeal to the Consolidation Officer, and the order of the consolidation Officer on such appeal shall be final.

**25. Rights in holdings :-**

Every owner to whom a holding is allotted for the purpose of the scheme of consolidation shall have the same rights in such holding as he had in his original holding:

Provided that nothing in this section shall apply to any person to whom a holding has been allotted under the provisions of sub-section (6) of Section 17.

**26. Encumbrances :-**

(1) If the holding of an owner included in a scheme of consolidation, which has come into force under Section 18 is burdened with a mortgage, debt or other encumbrance, other than a lease, such mortgage, debt or other encumbrance shall be transferred therefrom and attach itself to the holding allotted to him in the scheme or to such part of it as the Assistant Consolidation Officer may, subject to any rules made under Section 44, appoint, the mortgage creditor or other encumbrancer, as the case may be, shall exercise his rights accordingly.

(2) If the holding to which a mortgage, debt or other encumbrance is transferred under sub-section (1) is of less market value than the original holding from which it is transferred, the mortgage, creditor or other encumbrancer as the case may be, shall, subject to the provisions of Section 27, be entitled to the payment of such compensation by the owner of the holding, as the case may require, as the Assistant Consolidation Officer may determine.

(3) Notwithstanding anything contained in Section 17, the Assistant Consolidation Officer shall in the prescribed manner put any mortgagee or encumbrancer entitled to possession, into possession of the holding to which his mortgage or other encumbrance has been transferred under sub-section (1).

**27. Apportionment of compensation or net value in case of dispute :-**

Where there is a dispute in respect of the apportionment of.

(a) The amount of compensation determined under sub-section (2) of Section 12 or sub-section (4) of Section 3 or sub-section (2) of Section 14;

(b) the amount of additional compensation or reduction in compensation determined under sub-section 6 or the net value

realised or payable under sub-section (4) or (7) of Section 17;

(c) the total amount of compensation determined under sub-section (2) of Section 26. The Assistant Consolidation Officer shall refer the dispute to the decision of the Munsiff's Court and deposit the amount of compensation or the net value, as the case may be, in the Court, and thereupon the provisions of Sections 33, 53 and 54 of the Land Acquisition Act, 1894, shall, so far as may be apply.

**28. Correction of clerical and arithmetical mistakes in a Scheme :-**

If, after a scheme has come into force, it appears to the Commissioner that the scheme is defective on account of any clerical or arithmetical mistake or error arising therein from any accidental slip or omission and he is satisfied that the correction of such mistake or error would not vary the scheme in any material particular, he may, by order in writing, correct such mistake or error, and publish his order in the prescribed manner.

**29. Power to vary scheme on the ground of error, irregularity or informality :-**

(1) If, after a scheme has been confirmed or has come into force, it appears to the Commissioner that the scheme is defective on account of error (other than that referred to in a Section 28), irregularity or informality, and requires variation, the Commissioner shall publish a draft of such variation in the prescribed manner. The draft variation shall state every amendment proposed to be made in the scheme.

(2) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing any objection to such variation to the Commissioner.

(3) After receiving the objections under sub-section (2), the Commissioner may, after making such enquiry, as he may think fit, make the variation with or without modifications or may not make any variation.

(4) If the scheme is varied under sub-section (3), a notification stating that the scheme has been varied shall be published in the Official Gazette and the scheme so varied shall be published in the prescribed manner in the village or villages concerned.

(5) From the date of the notification stating that the scheme has

been varied, the variation shall take effect as if it were incorporated in the scheme.

**30. Power to vary or revoke scheme at any time :-**

A scheme for the consolidation of holdings confirmed under this Act <sup>1</sup> [or under any of the Acts repealed by Section 47] may, at any time, be varied or revoked by a subsequent scheme prepared, published and confirmed in accordance with this Act.

1. Inserted by Act No. 15 of 1979, w.e.f. 24-2-1979.

CHAPTER 5

Other Powers of Consolidation Officers

**31. Power of Officers to enter upon land for purposes of survey and demarcation :-**

Subject to the provisions of Section II the Consolidation Officer or the Assistant Consolidation Officer and any person acting under his orders, may in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof and do all other acts necessary for the proper performance of that duty.

**32. Penalty for destruction, injury or removal of survey marks :-**

If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected, he may be ordered by an Assistant Consolidation Officer to pay fine not exceeding fifty rupees for each mark destroyed, injured or removed, as may, in the opinion of that officer, be necessary to defray the expenses of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury or removal.

**33. Report of destruction or removal or injury to survey mark :-**

Every village officer shall be legally bound to furnish an Assistant Consolidation Officer with information respecting the destruction or removal of, or an injury done to, any survey mark lawfully erected in the village.

**34. Power of Consolidation Officer and Assistant Consolidation Officer to summon persons :-**

(1) A Consolidation Officer or an Assistant Consolidation Officer may summon any person whose attendance he considers necessary for the purpose of any business before him under this Act.

(2) A person so summoned shall be bounded to appear at the time and place mentioned in the summons in person or if the summons so allows, by his recognised agent or legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or make statements and to produce such documents and other things relating to any such matter as the Consolidation Officer or the Assistant Consolidation Officer may require for purposes of this Act.

(4) The Consolidation Officer and the Assistant Consolidation Officer shall for purposes of this section have the power of a Court under Section 32 and Order XVI of the First Schedule to the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

### **35. Control :-**

(1) Subject to the control of the State Government, the Commissioner.

(a) shall exercise such powers and shall perform such duties and functions as are conferred upon the Commissioner, by or under provisions of this Act; and

(b) shall superintend the administration and carry out generally the provisions of this Act.

(2) Subject to the control of the State Government and the Commissioner.

(a) a Consolidation Officer shall perform such duties and functions as are conferred upon the Consolidation Officer by or under the provisions of this Act; and

(b) shall exercise general supervision over the duties and functions of Assistant Consolidation Officers.

### **CHAPTER 6**

#### **General**

### **36. Appointment of Officers and Staff and delegation of powers :-**

(1) The State Government may, by notification, delegate any of its powers or functions under this Act to any of its Officers.

(2) The State Government may, by notification, invest the Deputy

Commissioner with all or any of the powers of the Commissioner under this Act.

(3) The Consolidation Officer may, with the sanction of the State Government, delegate any of his powers or functions under this Act to any other Officer of the State Government.

**37. Power of State Government to call for proceedings :-**

The State Government may, at any time, for the purpose of satisfying itself as to the legality or propriety of any order passed by any Officer under this Act, call for and examine the record of any case pending before or disposed of by such Officer and may pass such order in reference thereto as it thinks fit:

Provided that no order shall be varied or revised until the parties interested have been given a reasonable opportunity of showing cause against the proposed variation or revision of the order.

**37A. Power of State Government to exclude the application of the Act :-**

<sup>1</sup>Notwithstanding anything contained in this Act, the State Government may, by notification, direct that any of the provisions of this Act shall not apply to such areas <sup>2</sup> [from such date and for such period, if any] as may be specified in the notification.]

1. Proviso substituted by Act No. 15 of 1979, w.e.f. 24-2-1979.

2. Schedule substituted by Act No. 15 of 1979, w.e.f. 24-2-1979.

**38. Appeal and revision barred save as provided in Act :-**

Except as provided in this Act, no appeal or revision application shall lie from any order passed under this Act.

**39. Penalty for transfer or partition contrary to Act :-**

(1) The transfer or partition of any land contrary to the provisions of this Act shall be void.

(2) The owner of any land so transferred or partitioned shall be liable to pay such fine not exceeding two hundred and fifty rupees as the Deputy Commissioner may, subject to the general orders of the State Government direct. Such fine shall be recoverable as arrears of land revenue.

(3) Any person unauthorisedly occupying or wrongfully in possession of any land, the transfer or partition of which is void under the provisions of this Act, may be summarily evicted by the Deputy Commissioner, and after such eviction such land shall be

deemed to be in the possession of the person lawfully entitled to such possession.

**40. Validation of certain transfers, partitions and sub-divisions made before the Commencement of this Act :-**

The transfers of partitions or sub-divisions of any land in contravention of the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act 62 of 1947) made before the date of commencement of this Act shall, notwithstanding the provisions of Section 9 or of Section 31 of the said Bombay Act, not be deemed void merely on the ground of the contravention of any of the provisions of the said Bombay Act, if the person in possession of the land at the aforesaid date by virtue of any transfers or partitions or sub-divisions or purported transfers or partitions or sub-divisions, pays to the State Government within the prescribed period a penalty equal to one per cent of the consideration of the land transferred, partitioned or sub-divided, or one hundred rupees, whichever is less:

Provided that, if such transfer is made in favour of a tenant in actual possession of the land transferred or of a person in actual possession of a contiguous holding the penalty payable in respect thereof shall be one rupee.

**41. Indemnity :-**

No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act.

**42. Bar of Jurisdiction :-**

(1) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Act required to be settled, decided or dealt with by the State Government or any Officer or authority.

(2) No order of the State Government or any such officer or authority made under this Act shall be called in question in any Civil or Criminal Court.

**43. Suits in Favour of Issues Required to be Decided Under this Act :-**

(1) If any suit instituted in any Civil Court involves any issues which are required to be settled, decided or dealt with by any



authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as "Competent Authority"), the Civil Court shall stay such suit and refer such issues to such Competent Authority for determination.

(2) On receipt of such reference from the Civil Court; the Competent Authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decisions to the Civil Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

#### **44. Rules :-**

The State Government may, after Previous publication, by notification, make rules for carrying out the purpose of the Act.

#### **45. Removal of difficulties :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government may by notification make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act otherwise than in relation to the transition from the provisions of the Acts in force before the commencement of this Act, the State Government may, by notification, make such provisions, not inconsistent with the purpose of this Act, as appear to it to be necessary or expedient for removing the difficulty.

#### **46. Rules and notification to be laid before the State Legislature :-**

Every rule made under Section 44 and every notification issued under Section 45, shall be laid as soon as may be after it is made or issued before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything

previously done under that rule or notification.

**47. Repeal :-**

The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay Act LXII of 1947), as in force in the Bombay Area and the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956 (Hyderabad Act XLVI of 1956), as in force in the Hyderabad Area, are hereby, repealed:

**1** [Provided that Sections 6 and 24 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable in respect of such repeal.]

1. Proviso substituted by Act No. 15 of 1979, w.e.f. 24-2-1979.

**48. Amendment of Karnataka Act 10 of 1962 :-**

In sub-section (A) of Section 2 of the Karnataka Land Reforms Act, 1961, for clause (14), the following clause shall be substituted, namely. "(14) "fragment" means a fragment as defined in the Karnataka Prevention of Fragmentation and Consolidation of Holdings Act, 1966;"

SCHEDULE 1

SCHEDULE

<b>SCHEDULE</b>		
(See Section 3)		
SI. No.	Class of lands	Area
(1)	(2)	(3)
1.	A Class	One-half acre.
2.	B Class	Three-fourth acre.
3.	C Class	One and one-fourth acre.
4.	D Class	Two and seven-tenth acres