

Karnataka Land Reforms Act, 1961

Chapter II - General Provisions, Regarding Tenancies

3. Extension of Transfer of Property Act to agricultural land in 1 [Gulbarga Area] and application of Chapter V of that Act to tenancies and leases

(1) The Transfer of Property Act, 1882 (Central Act V of 1882) shall extend to agricultural land in the 1 [Gulbarga Area], and the terms "property" and "immoveable property" in the said Act shall include agricultural land.

(2) The provisions of Chapter V of the Transfer of Property Act, 1882, shall, in so far as they are not inconsistent with the provisions of this Act, apply to the tenancies and leases of lands to which this Act applies.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f.1.11.1973.

Section 4 - Persons to be deemed tenants

A person lawfully cultivating any land belonging to another person shall be deemed to be a tenant if such land is not cultivated personally by the owner and if such person is not,--

- (a) a member of the owner's family, or
- (b) a servant or a hired labourer on wages payable in cash or kind but not in crop share cultivating the land under the personal supervision of the owner or any member of the owner's family, or
- (c) a mortgagee in possession:

Provided that if upon an application made by the owner within one year from the appointed day 1 [x x x],--

- (i) the 2 [Tribunal] declares that such person is not a tenant and its decision is not reversed on appeal, or
 - (ii) the 2 [Tribunal] refuses to make such declaration but its decision is reversed on appeal, such person shall not be deemed to be a tenant.
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1. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 1 of 1974 w.e.f. 1.3.1974

Section 5 - Prohibition of leases, etc.

1 [5. Prohibition of leases, etc.

(1) Save as provided in this Act, after the date of commencement of the Amendment Act, no tenancy shall be created or continued in respect of any land nor shall any land be leased for any period whatsoever.

2 [(2) Nothing in sub-section (1) shall apply to,--

(a) a tenancy created or continued by a soldier or seaman if such tenancy is created or continued while he is serving as a soldier or a seaman or within three months before he became a soldier or a seaman.

(b) to any land leased after the commencement of the Karnataka Land Reforms (Amendment) Act, 1995 in the districts of Uttara Kannada and Dakshina Kannada by land owners or persons registered as occupants under the provisions of this Act for the purpose of utilising the land for aquaculture for a period not exceeding twenty years, at such lease rent as may be determined by mutual agreement between the parties and such agreement shall be registered and a copy thereof shall be sent to the Deputy Commissioner within fifteen days from the date of such registration.]

(3) Every lease 3 [created] under sub-section (2) shall be in writing.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 31 of 1995 w.e.f. 20.10.1995.

3. Substituted by Act 1 of 1991 w.e.f. 5.2.1991.

Section 6 - Tenancy not to be terminated by efflux of time

No tenancy of any land shall be terminated merely on the ground that the period fixed for its duration whether by agreement or otherwise has expired.

Section 7 - Restoration of possession to tenants dispossessed in certain circumstances

(1) A person who or whose predecessor-in-title held any land as a tenant1[x x x] before the tenth day of September, 1957 and who after that date and before the appointed day, has been dispossessed from such land either by surrender of the tenancy or by eviction, may, within2[fifteen months] from the appointed day apply to the3[Tribunal] for the restoration of his tenancy unless on the appointed day the land has been put to non-agricultural use.

(2) On receipt of an application under sub-section (1), the3[Tribunal] shall inquire into the circumstances in which and the procedure under which such dispossession took place and4[if3[it] is satisfied] that such dispossession took place as a result of,--

(a) surrender and the consent of the tenant was procured by fraud, misrepresentation or undue influence or pressure of any kind whatsoever or was otherwise in contravention of the provisions of the law applicable for the time being; or

(b) expiry of the duration of tenancy; or

(c) any act of the landlord or any person acting on his behalf without recourse to a court of law or in contravention of any provision of law,

the³[Tribunal] shall order the restoration of possession of the land and the tenancy thereof to the tenant:⁵[Thereupon such land shall be deemed to have vested in the State Government and the provisions of the Act shall apply to such tenant as if he had been ordered to be registered as an occupant under sub-section (5) of section 48A.]

Provided that the³[Tribunal] shall not order restoration of possession of the land,⁴[if³[it] is satisfied] that the land is held on lease bona fide by a tenant who is not a member of the family of the landlord, or the dispossession, by surrender of the tenancy or by eviction, took place in accordance with any provision of law, or that another person, not being the landlord, is legally entitled to possession of the land.

(3) Sub-sections (1) and (2) shall have effect notwithstanding that another person not being a person referred to in the proviso to sub-section (2), may be in possession of the land as a tenant or otherwise, and where such other person is so in possession he shall be liable to be evicted.

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1. Omitted by Act 14 of 1965 w.e.f. 29.7.1965.
 2. Substituted by Act 38 of 1966 w.e.f. 29.9.1966.
 3. Substituted by Act 1 of 1979 w.e.f. 1.1.1979.
 4. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.
 5. Inserted by Act 1 of 1979 w.e.f. 1.1.1979.
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Section 8 - Rent

(1) Subject to the provisions of this Act and notwithstanding anything in any law, custom, usage, agreement, decree or order of a Court to the contrary,--

(a) the rent payable in respect of any land by the tenant shall be payable annually; and

²[(b) such rent shall be the aggregate of ten times the land revenue and ten times the water rate, if any, payable in respect of such land,]

Provided that in the case of A Class, B Class and C Class lands (other than lands specified in item (ii) of C Class) referred to in Part A of Schedule I, the amount of water rate to be taken into account shall not exceed the amount specified below:--

(i) A Class lands . Rupees sixteen and paise fifty per acre

(ii) B Class lands -. Rupees eleven per acre.

(iii) C Class lands other than lands -- Rupees five and paise fifty specified in item (ii) of that class. per acre:

Provided further that where the rent payable by a tenant under any contract is less than the rent specified in clause (b), such tenant shall not be liable to pay more than such rent and where under any contract made prior to the date of commencement of the Amendment Act such lesser rent is payable in kind, the amount payable shall be calculated by converting rent in kind to its cash equivalent in the prescribed manner:

Provided also that in any area notified as malnad area the rent in respect of lands specified as dry land, but used exclusively for grazing or removing leaves, shall be equal to the land revenue payable for such land.

³[Provided also that the rent payable by a tenant to the soldier or seaman shall be,--

(a) in the case of A or B class of land, one-fourth of the gross produce or its value in cash which in any case shall not exceed rupees five hundred per acre; and

(b) in the case of any other class of land, one-fifth of the gross produce or its value in cash which in any case shall not exceed rupees two hundred and fifty per acre; or the contract rent whichever is less.

Explanation:- For the purpose of this proviso, the gross produce per acre or its value in cash shall be determined as may be prescribed.]]

Explanation:- In this section 'water rate' means the water rate payable in respect of land classified for purposes of land revenue settlement as dry land and irrigated by water obtained from any source of water which is the property of the State Government.

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 3 of 1982 w.e.f. 1.1.1979.

3. Inserted by Act 1 of 1991 w.e.f. 5.2.1991.

Section 9 - Rent when deemed as paid and dispute regarding rent payable

19. Rent when deemed as paid and dispute regarding rent payable

(1) Where the landlord evades receiving the rent and giving a receipt, the tenant shall be deemed to have paid the rent if he sends the same by postal money order to or deposits it with the Tahsildar.

(2) A dispute between the landlord and the tenant as regards the rent payable shall, on the application of the landlord or the tenant, be determined by the Tahsildar.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 10 - Rights and liabilities of landlord

Notwithstanding any law, usage or agreement or the decree or order of a court, but save as otherwise provided in this Act, in the case of land in respect of which the rent is payable under section 8,--

(a) the landlord shall not be liable to make any contribution towards the cost of cultivation of the land in the possession of a tenant;

1[(b) x x x]

(c) no landlord or any person on his behalf shall recover or receive rent2[in kind or] in terms of service or labour.

1. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Inserted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 10A - Liability to pay land revenue, etc.

1 [10A.Liability to pay land revenue, etc.

Notwithstanding any law, custom, usage, agreement, decree or order of a Court, the tenant shall, with effect from the date of commencement of the Amendment Act, be responsible for the payment of the land revenue, water rate and all cesses or fees levied thereon to the State Government or a local authority in respect of the land held by him on lease.]

1. Inserted by Act 1 of 1974 w.e.f. 1.3.1974

Section 10A - Liability to pay land revenue, etc.

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1. Inserted by Act 1 of 1974 w.e.f. 1.3.1974

Section 11 - Refund of rent recovered in contravention of provisions of the Act

If any landlord or any person on his behalf recovers rent from any tenant in contravention of the provisions of section 8, 9 or 10, the landlord shall forthwith refund the excess amount so recovered to the tenant and shall be liable to pay such compensation to the tenant as may be determined by the 1 [Tahsildar] in this behalf, and shall also be liable to such penalty not exceeding twice the excess amount recovered, 2[x x x] as the 1[Tahsildar] may fix.

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 12 - Abolition of all cesses, etc.

Notwithstanding any agreement, usage or law, it shall not be lawful for any landlord to levy any cess, rate, premium, huk or tax or service of any description or denomination whatsoever from any tenant in respect of any land held by him as a tenant other than the rent lawfully due in respect of such land.

Section 13 - Suspensions, remissions or reduction of rent

13. Suspensions, 1[remissions or reduction] of rent

(1) Whenever from any cause the payment of the entire land revenue payable to the State Government in respect of any land is suspended or remitted, the landlord shall suspend or remit, as the case may be, the payment to him of the rent of such land by his tenant. If in the case of such land the land revenue is partially suspended or remitted, the landlord shall suspend or remit the rent payable by the tenant of such land in the same proportion.

(2) If no land revenue is payable to the State Government in respect of such land and if from any cause, the payment of the whole or any part of the land revenue payable to the State Government in respect of any other land in the neighbourhood of such land has been suspended or remitted, the Deputy Commissioner shall, subject to the general or special orders of the State Government, in the manner provided in sub-section (1), suspend or remit, as the case may be, the payment to the landlord of the rent or part of it due in respect of such land.

(3) No suit or other proceeding shall lie and no decree or order of a civil court or other authority shall be executed for recovery by a landlord of any rent, the payment of which has been remitted, or during the period for which the payment of such rent has been suspended under this section. The period during which the payment of rent is suspended under this section shall be excluded in computing the period of limitation prescribed for any suit or proceeding for the recovery of such rent.

[2](#)[(4) x x x]

(5) If any landlord fails to suspend or remit the payment of rent as provided in this section, he shall be liable to refund to the tenant the amount recovered by him in contravention of this section. The tenant may apply to the [1](#)[Tahsildar] for the recovery of the amount, and the [1](#)[Tahsildar] may, after an inquiry, make an order for the refund, and for payment of such penalty not exceeding the amount so recovered, as the [1](#)[Tahsildar] may fix.

(6) The [1](#)[Tahsildar] may, after inquiry, on an application by the tenant or landlord at any time during the currency of the tenancy,--

(a) reduce the rent payable for any year, if [1](#)[he] is satisfied that on account of the deterioration of the land by flood or other cause beyond the control of the tenant, the land has been wholly or partially rendered unfit for cultivation, or there has been damage to crops;

[3](#)[(b) x x x]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Omitted by Act 14 of 1965 w.e.f. 29.7.1965.

3. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 14 - [Omitted]

[1](#)[14. XXX]

1. Omitted by Act 14 of 1974 w.e.f. 1.3.1974.

Section 15 - Resumption of land by soldier or seaman

[1](#)[15. Resumption of land by soldier or seaman]

(1) A soldier or a seaman who has created or continued a lease in accordance with the provisions of section 5 shall, subject to the provisions of this Act, be entitled to resume land to the extent of the ceiling area whether his tenant is a protected tenant or not.

(2) The soldier or the seaman shall, if he bona fide requires the land to cultivate personally, issue a notice to the tenant requiring him to deliver possession of the land within the period specified in the notice, which shall not be less than the prescribed period.

(3) The notice referred to in sub-section (2) shall be given,--

(i) in the case of a soldier in service in the Armed Forces of the Union,¹[at any time not later than one year] from the date on which he is released from the Armed Forces or is sent to the reserve;

(ii) in the case of the father, mother, spouse, child or grand-child of a soldier, within one year from the date of the death of such soldier; and

(iii) in the case of a seaman, within one year from the date on which he ceases to be a seaman.

(4) If the tenant fails to deliver possession of the land within the period specified in the notice, the soldier or the seaman may make an application to the Tahsildar within whose jurisdiction the greater part of the land is situated, furnishing the prescribed particulars for eviction of the tenant and delivery of possession of the land.

(5) On receipt of such application, the Tahsildar shall issue a notice to the tenant calling upon him to deliver possession of the land to the soldier or the seaman within such time as may be specified in the notice,²[which shall not be less than the prescribed period] and if the tenant fails to comply, the Tahsildar may summarily evict the tenant and deliver possession of the land to the soldier or the seaman.

(6) Where the Tahsildar, on application by the tenant or otherwise and after such enquiry as may be prescribed, is satisfied that a notice as required by sub-section (2) is not issued, he shall, by notification, declare that with effect from such date as may be specified in the notification the land leased shall stand transferred to and vest in the State Government free from all encumbrances. The Tahsildar may take possession of the land in the prescribed manner and the tenant shall be entitled to be registered as an occupant thereof. The provisions of section 45 shall mutatis mutandis apply in this behalf.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Inserted by Act 1 of 1991 w.e.f. 5.2.1991.

Section 16 - [Omitted]

¹[16. XXX]

1. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 17 - [Omitted]

¹[17. XXX]

1. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 18 - [Omitted]

1. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 19 - Restriction on transfer of resumed land

1[(1)] Notwithstanding anything contained in any other law or in section 80, no land resumed from a tenant**2[shall within fifteen years]** from such resumption be transferred by sale,**3[**gift, exchange or otherwise]:

Provided that such land may be sold to the tenant who on resumption had been evicted from that land, at a value to be determined by the**2[Tahsildar]**.

4[Provided further that such land may be sold by the father, the mother, the spouse, the child or the grand child of a soldier who has died**5[while in service]** and who was dependent upon such soldier at the time of his death.]

4[(2)] Notwithstanding anything contained in sub-section (1), it shall be lawful for a landowner to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government,**2[a financial institution, a co-operative land development bank, a co-operative society,]** a company as defined in section 3 of the Companies Act, 1956 in which not less than fifty-one 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, for development of land or improvement of agricultural practices; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interests in the land to be attached and sold and the proceeds to be utilised in payment of such loan.]

1. Re-numbered by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

3. Substituted by Act 1 of 1979 w.e.f. 1.3.1974.

4. Inserted by Act 1 of 1979 w.e.f. 1.3.1974.

5. Substituted by Act 1 of 1991 w.e.f. 5.2.1991.

Section 20 - Failure to cultivate, etc.

1[20. Failure to cultivate, etc.

(1)**2[**Subject to section 19, where a person] who has taken possession of any land by evicting a tenant in order to cultivate it personally or use it for non-agricultural purposes, fails within one year from the date he took possession or ceases within three years from such date to do so, the Tahsildar shall, on application**2[by such tenant]** or otherwise, if satisfied that such person has so failed or ceased, declare by notification, that with effect from such date as may be specified therein the land shall stand transferred to and vest in the State Government free from all encumbrances.

2[(2) When the land has so vested, such tenant shall, if he makes an application for the purpose within twelve months from the date of the notification under sub-section (1), be entitled to be registered as occupant thereof and the provisions of Chapter III shall mutatis mutandis be applicable in this behalf.]]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 1 of 1979 w.e.f. 1.3.1974.

Section 21 - Sub-division, sub-letting and assignment prohibited

(1) No sub-division or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid:

Provided that nothing in this sub-section shall affect the rights, if any, of a permanent tenant:

Provided further that if the tenant dies,--

(i) if he is a member of a joint family, the surviving members of the said family, and

(ii) if he is not a member of a joint family, his heirs,

-shall be entitled to partition and sub-divide the land leased, subject to the following conditions:--

(a) each sharer shall hold his share as a separate tenant;

(b) the rent payable in respect of the land leased shall be apportioned among the sharers, as the case may be, according to the share allotted to them;

(c) the area allotted to each sharer shall not be less than a fragment;

(d) if such area is less than a fragment the sharers shall be entitled to enjoy the income jointly, but the land shall not be divided by metes and bounds;

1[(e) if any question arises regarding the apportionment of the rent payable by the sharer it shall be decided by the Tahsildar:

Provided that if any question of law is involved the Tahsildar shall refer it to the Court. On receipt of such reference the Court shall, after giving notice to the parties concerned, try the question as expeditiously as possible and record finding thereon and send the same to the Tahsildar. The Tahsildar shall then give the decision in accordance with the said finding.]

1[(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant who is a soldier in service in the Armed Forces of the Union or a seaman to sub-let the land held by him as a tenant.

(3) Notwithstanding anything contained in sub-section (1), it shall be lawful for a tenant to take a loan and mortgage or create a charge on his interest in the land in favour of the State Government,2[a financial institution, a co-operative land development bank, a co-operative society], a company as defined in section 3 of the Companies Act, 1956 in which not less than fifty one 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, for development of land or improvement of agricultural

practices; and without prejudice to any other remedy provided by any law, in the event of his making default in payment of such loan in accordance with the terms and conditions on which such loan was granted, it shall be lawful to cause his interest in the land to be attached and sold and the proceeds to be utilised in payment of such loan.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 1 of 1979 w.e.f. 1.3.1974.

Section 22 - Eviction of tenant for default, etc.

(1) Notwithstanding any agreement, usage, decree or order of a court of law,¹[or anything contained in any enactment or law repealed by section 142 or in any other law in force before the commencement of such enactment or law] and subject to the provisions of section²[15], no person shall be evicted from any land held by him as a tenant except on any of the following grounds, namely:--

(a) that the tenant has failed to pay the rent of such land on or before the due date during two consecutive years, provided the landlord has issued every year within three months after the due date, a notice in writing to the tenant that he has failed to pay the rent for that year;

(b) that the tenant has done any act which is permanently injurious to the land;

(c) that the tenant has sub-divided, sublet or assigned the land in contravention of section 21;

(d) that the tenant has failed to cultivate the land personally for a period of two consecutive years;

(e) that the tenant has used such land for a purpose other than agriculture³[x x x]:

Provided that no tenant shall be evicted under this sub-section unless the landlord has given²[three months] notice in writing informing the tenant of his decision to terminate the tenancy and the particulars of the ground for such termination, and within that period the tenant has failed to remedy the breach for which the tenant is proposed to be evicted.

⁴[Proviso x x x]

ExplanationA tenant shall be deemed to have failed to pay rent payable by him to the landlord for any year, if he does not pay it before the end of June next after the expiry of the year.

(2) Nothing in sub-section (1) shall apply to the tenancy of any land held by a permanent tenant unless by the conditions of such tenancy the tenancy is liable to be terminated on any of the grounds mentioned in the said sub-section.

(3) Notwithstanding anything contained in sub-section (1), the tenancy of any land held by a tenant who is⁴[x x x]⁵[a soldier in service in the Armed Forces of the Union or a seaman], shall not be liable to be terminated under the said sub-section only on the ground that such land has been sublet by or on behalf of the said tenant.

1. Inserted by Act 14 of 1965 w.e.f. 29.7.1965.

2. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.
3. Omitted by Act 1 of 1979 w.e.f. 1.3.1974.
4. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.
5. Substituted by Act 14 of 1965 w.e.f. 29.7.1965.

Section 23 - Eviction not to be ordered if rent paid during pendency of proceedings

(1) Notwithstanding anything contained in section 22, the [1](#)[Tahsildar] shall not order possession to be restored to the landlord on the ground of default in paying rent, if during the pendency of any proceeding for such restoration of possession, the tenant pays to the landlord the arrears of rent [2](#)[for two consecutive years], together with the costs of the proceedings, as decided by the [1](#)[Tahsildar], within such period as may be fixed by the [1](#)[Tahsildar].

(2) Notwithstanding anything contained in any enactment or provision of law repealed by section 142 or in any other law, in any proceedings pending on the appointed day or instituted on or after that day in pursuance of any such repealed enactment or law before any court, officer or authority for eviction of a tenant on the ground of default in paying rent, such court, officer or authority shall not order eviction of the tenant, if the tenant pays to the landlord the arrears of rent together with the costs of the proceedings as decided by such court, officer or authority within such period as such court, officer or authority may fix.

[2](#)(3) Notwithstanding anything contained in sub-sections (1) and (2) or in section 116, no decree or order for eviction on the ground of default in paying rent shall be executed if the tenant pays to the landlord the arrears of rent for two consecutive years together with the costs of the proceedings as specified in such decree or order and on such payment, the said decree or order shall abate.]

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1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.
 2. Inserted by Act 1 of 1974 w.e.f. 1.3.1974.
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Section 24 - Rights of tenant to be heritable

[1](#)[24. Rights of tenant to be heritable

Where a tenant dies the landlord shall be deemed to have continued the tenancy to the heirs of such tenant on the same terms and conditions on which such tenant was holding at the time of his death.]

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1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.
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Section 25 - Surrender of land by tenant

[1](#)[25. Surrender of land by tenant

(1) No tenant of a soldier or seaman shall surrender any land held by him as tenant except in favour of the State Government:

Provided that any such surrender shall not be effective unless made in writing and the tenant has admitted the same before the Tahsildar and the same has been registered in the office of the Tahsildar in the prescribed manner.

(2) In respect of the land surrendered to it under sub-section (1), the State Government shall pay to the landlord rent calculated according to the provisions of section 8.

(3) The State Government may, subject to rules made for the purpose, lease the surrendered land to any person if possession thereof is not claimed by the soldier or the seaman for personal cultivation.

(4) Where the State Government leases the land under sub-section (3), the lessee shall pay the rent for the land to the landlord directly and with effect from the date of such lease the State Government's liability under sub-section (2) for payment of rent of the land shall cease.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 26 - Tenancy in abeyance during usufructuary mortgage in favour of tenant

If any land is mortgaged by a landlord by way of a usufructuary mortgage to a tenant cultivating such land, the tenancy of such land shall be in abeyance during the period the mortgage subsists. After the expiry of the said period it shall be lawful to the tenant to continue to hold the land on the terms and conditions on which he held it before the mortgage was created.

Section 27 - Tenant's rights to trees planted by him

If a tenant has planted or plants any trees on any land leased to him, he shall be entitled to the produce and the wood of such trees during the continuance of his tenancy and shall on the termination of his tenancy be entitled to such compensation for the said trees as may be determined by the¹[Tahsildar]:

²[Proviso x x x]

Provided²[x x x] that the landlord shall, during the continuance of the tenancy, be entitled to the rent of the land as if the trees had not been planted.

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 28 - [Omitted]

¹[28. XXX]

1. Omitted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 29 - Tenants responsible for maintenance of boundary marks

Notwithstanding anything contained in any law relating to the maintenance of boundary marks of lands, the responsibility for the maintenance and good repair of the boundary marks of lands held by a tenant and any charges reasonably incurred on account of service by revenue officers in case of alteration, removal or repair of such boundary marks shall be upon the tenant.

Section 30 - Repairs of protective bunds

(1) Notwithstanding any agreement, usage or custom to the contrary, if it appears to the Assistant Commissioner that the construction, maintenance or repair of any bunds protecting any land held by a tenant is neglected owing to a dispute between the landlord and the tenant or for any other reason, he may by an order in writing direct that the construction, maintenance or repair shall be carried out by such persons as may be specified in the order and the costs thereof shall be recoverable as arrears of land revenue from the person who under any agreement usage or custom is liable to construct, maintain or repair the bunds.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the tenant of any land, the protective bunds of which are neglected, to construct, maintain or repair such bunds at his cost and the cost so incurred by him shall, on application made by him to the [1](#)[Tahsildar], be recoverable by him from the landlord according to his liability under any agreement, usage or custom. The costs of the proceedings on the tenant's application shall also be recoverable from the landlord in case the landlord is held wholly or partially liable to pay the cost incurred by the tenant for the construction, maintenance or repair of the bunds.

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 31 - Tenant's right to erect farm house

A tenant shall be entitled to erect a farm house reasonably required for the convenient or profitable use or occupation of the holding, on the land held by him as a tenant.

Section 32 - Betterment contribution

If at any time any amount is levied or imposed by the Government on a land held by a permanent tenant as betterment contribution under the provisions of the [1](#)[Karnataka] Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, or under any other provision of law, the permanent tenant thereof shall be liable to pay such amount to the Government.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Section 33 - Receipts for rent

(1) In the absence of an express intimation in writing to the contrary by a tenant, every payment made by a tenant to the landlord shall be presumed to be a payment on account of rent due by such tenant for the year in which the payment is made.

(2) When any rent is received in respect of any land by a landlord or by a person on behalf of such landlord, the landlord or, as the case may be, such person shall, at the time when such rent is received

by him give a written receipt therefor in such form and in such manner as may be prescribed.

Section 34 - Bar to attachment or sale by process of court

Save as expressly provided in this Act or in the 1[Karnataka] Co-operative Societies Act, 1959, no interest of a tenant in any land held by him as a tenant shall be liable to be attached, seized or sold in execution of a decree or order of a civil court.

1. Adapted by the Karnataka Adaptations of Laws Order, 1973 w.e.f. 1.11.1973.

Section 35 - Bar to eviction from dwelling house

(1) If in any village, a tenant is in occupation of a dwelling house on a site belonging to his landlord, such tenant shall not be evicted from such dwelling house (with the materials and the site thereof and the land immediately appurtenant thereto and necessary for its enjoyment), unless,--

(a) the landlord proves that the dwelling house was not built at the expense of such tenant or 1[any of his predecessors-in-title]; and

(b) such tenant makes 1[default during three consecutive years] in the payment of rent, if any, which he has been paying for the use and occupation of such site.

(2) The provisions of sub-section (1) shall not apply to a dwelling house which is situated on any land used for the purposes of agriculture from which a tenant has been evicted under 2[section 15 or 22].

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Substituted by Act 1 of 1991 w.e.f. 5.2.1991.

Section 36 - Site on which dwelling house is built to be sold to tenant

1[36. Site on which dwelling house is built to be sold to tenant

(1) If a landlord to whom the site referred to in section 35 belongs intends to sell such site, it shall be sold only to the tenant at the expense of whom or of any of whose predecessors in-title the dwelling house thereon has been built.

(2) The price payable by the tenant for such site shall be an amount equal to ten times the land revenue payable thereon and where such site is not assessed to land revenue, an amount equal to ten times the land revenue which may be assessed if it had been used for agricultural purposes.

(3) Any sale in contravention of the provisions of this section shall be null and void.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 37 - Tenant's right to purchase site

(1) If a tenant referred to in section 35 intends to purchase the site on which a dwelling house is built, he shall give notice in writing to the landlord to that effect.

1[(2) If the landlord refuses or fails to accept the offer and execute the sale deed within three months from the date thereof, the tenant may apply to the Tahsildar who shall, by order in writing, require the tenant to deposit with him the sale price within ninety days from the date of the order. When such deposit is made the site shall be deemed to have been transferred to the tenant and the Tahsildar shall, on payment of the prescribed fees and in the prescribed form, grant a certificate to the tenant.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 38 - Dwelling houses of agricultural labourers, etc.

1[38. Dwelling houses of agricultural labourers, etc.

(1) (a) If, in any village, an agricultural labourer is ordinarily residing in a dwelling house on a land not belonging to him, then, notwithstanding anything contained in any other law, but subject to sub-sections (2) and (3), such dwelling house along with the site thereof and land immediately appurtenant thereto and necessary for its enjoyment,2[x x x], shall, on the date of publication of the Karnataka Land Reforms (Amendment) Act, 1978 in the official Gazette, vest absolutely in the State Government, free from all encumbrances and the agricultural labourer shall be entitled to be registered as owner thereof.

Explanation:--For the purpose of this clause, an agricultural labourer residing in a dwelling house which is a portion of the house of the owner or which is a temporary residence on such land shall not be regarded as ordinarily residing therein.

(b) Every agricultural labourer entitled to be registered as owner under clause (a), may, make an application to the Tribunal in the prescribed form and manner3[on or before the 31st day of4 [March, 1983]] and the Tribunal shall, after enquiry in the manner specified in or under section 48 A, by order, determine the person entitled to be registered as owner, the dwelling house and land in respect of which he is entitled to be so registered and such other matters as may be prescribed and forward a copy of the order to the Tahsildar.

(c) The Tahsildar shall, on receipt of the order passed under clause (b), determine in the manner specified in sub-sections (1) and (2) of section 47, the amount the land owner shall be entitled to for the extinguishment of his rights in such land. On payment of the amount so determined, to the Government, by the agricultural labourer, the Tahsildar shall issue a certificate to such labourer specifying the extent and such other particulars as may be prescribed relating to such dwelling house and land and that he has been registered as owner thereof. A copy of the certificate shall be forwarded by the Tahsildar to the Sub-Registrar who shall, notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908) register the same. The owner of the land shall be paid the amount paid by the agricultural labourer in cash in a lumpsum.

(2) If the owner bona fide requires the dwelling house for his own use or for any other purpose or considers that the dwelling house is so located as to cause inconvenience to him, he may require the agricultural labourer to shift to a new site belonging to him, subject to the following conditions, namely:--

(i) the owner shall pay to the agricultural labourer the price of the dwelling house if the same was erected by the agricultural labourer;

(ii) the new site shall be fit for erecting a dwelling house and shall be within a distance of one kilometre from the existing dwelling house;

(iii) the extent of the new site shall not be less than the extent of the dwelling house including the land immediately appurtenant thereto and necessary for its enjoyment; and

(iv) the owner shall transfer ownership and possession of the new site to the agricultural labourer and shall pay to him the reasonable cost of shifting to the new site.

(3) (a) If the agricultural labourer does not comply with the requisition made under sub-section (2) by the owner of the land to shift to a new site such owner may apply to the Tribunal to enforce compliance with such requisition:

Provided that no such application shall be made after an order is passed under clause (b) of sub-section (1) and without giving the agricultural labourer one month's notice by registered post.

(b) Subject to such rules as may be prescribed, the Tribunal shall, after such enquiry as it deems fit, and on being satisfied that the applicant has complied with all the conditions mentioned in sub-section (2), may pass an order requiring the agricultural labourer to shift to the new site before such date as may be specified in the order.

(c) If the agricultural labourer does not shift to the new site before the date specified in the order under clause (b), the Tribunal shall cause the agricultural labourer to be evicted from the dwelling house.

(d) Where no application is made under sub-section (1), within the time allowed the right of the agricultural labourer to be registered as owner shall have no effect and the dwelling house and land shall be deemed to have not vested in the State Government.

(4) The provisions of section 61 shall apply to a dwelling house or site granted under this section to an agricultural labourer as they apply to a land in respect of which a tenant has been registered as an occupant.]

1. Substituted by Act 1 of 1979 w.e.f. 1.1.1979.

2. Omitted by Act 3 of 1982 w.e.f. 1.1.1979.

3. Substituted by Act 3 of 1982 w.e.f. 1.1.1979.

4. Substituted by Act 1 of 1983 w.e.f. 1.1.1979.

Section 39 - First option to purchase land

(1) If a landlord at any time intends to sell the land held by a tenant, he shall give notice in writing of the intention to such tenant and offer to sell the land to him. In case the latter intends to purchase the land, he shall intimate in writing his readiness to do so within two months from the date of receipt of such notice.

(2) If there is any dispute about the reasonable price payable for the land, either the landlord or the tenant may apply in writing to the 1[Tahsildar] for determining the reasonable price; and the 1[Tahsildar] after giving notice to the other party and to all other persons interested in the land and after making such inquiry as it thinks fit, shall fix the reasonable price of the land which shall be the

average of the prices obtaining for similar lands in the locality during the ten years immediately preceding the date on which the application is made.

(3) The tenant shall deposit with the 1[Tahsildar] the amount of the price determined under sub-section (2) within such period as may be prescribed.

(4) On deposit of the entire amount of the reasonable price, the 1[Tahsildar] shall issue a certificate in the prescribed form to the tenant declaring him to be the purchaser of the land the 1[Tahsildar] shall also direct that the reasonable price deposited shall be paid to the landlord.

(5) If a tenant does not exercise the right of purchase in response to the notice given to him by the landlord under sub-section (1) or fails to deposit the amount of the price as required by sub-section (3), such tenant shall forfeit his right of purchase, and the landlord shall be entitled to sell such land to any other person in accordance with the provisions of this Act.

(6) The forfeiture of the right to purchase any land under this section shall not affect the other rights of the tenant in such land.

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 40 - Compensation for improvement made by tenant

(1) A tenant who has made an improvement on the land held by him shall, if his tenancy is terminated under the provisions of this Act, be entitled to compensation for such improvement. For determining the amount of compensation, the tenant shall apply to the 1[Tahsildar] in the prescribed form.

(2) The compensation to which a tenant shall be entitled under sub-section (1), shall be the estimated value of such improvement at the time of the termination of his tenancy. In estimating such value regard shall be had to,--

- (a) the amount by which the value of the land is increased by the improvement;
- (b) the present condition of the improvement and the probable duration of its effects;
- (c) the labour and capital provided or spent by the tenant for the making of the improvement; and
- (d) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement including permanent fixtures.

2[(3) If such land is subject to mortgage or other encumbrance created by the tenant and lawfully subsisting, the amount of compensation shall be applied first for discharging such mortgage or other encumbrance and the balance, if any, shall be paid to the tenant. The payment to the mortgagees or holders of other encumbrances shall be in the order of priority of the respective mortgages and other encumbrances.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

2. Inserted by Act 1 of 1979 w.e.f. 1.3.1974.

Section 41 - Procedure for taking possessions

(1) A tenant or an agricultural labourer¹[x x x] entitled to possession of any land or dwelling house or site under any of the provisions of this Act or as a result of eviction in contravention of sub-section (2) may apply in writing for such possession to the²[Tahsildar]. The application shall be made in such form as may be prescribed and within a period of two years from the date on which the right to obtain possession of the land, dwelling house or site is deemed to have accrued to the tenant, agricultural labourer¹[x x x], as the case may be.

(2) Save as otherwise provided in this Act, no landlord shall obtain possession of any land, dwelling house or site held by a tenant except under an order of the²[Tahsildar]. For obtaining such order he shall make an application in the prescribed form and within a period of two years from the date on which the right to obtain possession of the land, dwelling house or site, as the case may be, is deemed to have accrued to him.

(3) On receipt of application under sub-section (1) or (2) the²[Tahsildar] shall, after holding an inquiry, pass such order, thereon¹[as he deems fit].

(4) Any person taking possession of any land, dwelling house or site except in accordance with the provisions of sub-section (1) or (2), as the case may be, shall be liable to forfeiture of crops, if any, grown on the land in addition to payment of costs as may be directed by the²[Tahsildar] and also to the penalty prescribed in section 125.

1. Omitted by Act 1 of 1979 w.e.f. 1.3.1979.

2. Substituted by Act 1 of 1974 w.e.f. 1.3.1979.

Section 42 - Procedure for recovery of rent

(1) Notwithstanding anything contained in any agreement or in any law for the time being in force, no suit or other proceeding shall lie in any Court or before any other authority for recovery of any rent payable by a tenant, except as provided in this section.

(2) A landlord claiming payment of rent by a tenant may apply to the¹[Tahsildar] in the prescribed form for an order directing the tenant to pay the rent due to the landlord.

(3) On receipt of an application under sub-section (2), the¹[Tahsildar] shall, after holding an inquiry, pass such order thereon¹[as he deems fit].

¹[(4) An application under this section shall be filed within one year from the date the rent fell due.

ExplanationFor purposes of this section rent for any year shall be deemed to fall due on the last day of June of that year.]

1. Substituted by Act 1 of 1974 w.e.f. 1.3.1974.

Section 43 - Rights or privileges of tenant not to be affected

Save as provided in this Act, the rights and privileges of any tenant under any usage or law for the time being in force or arising out of any contract, grant, decree or order of a court shall not be limited or abridged.
