

Chapter I

Introduction

Karnataka has a total land area of 1,91,791 square kilometres, of which, the total land owned by the Government¹ is 63,83,634 Acres².

Public land, *i.e.*, the land which the Government owns and manages directly can fall under two broad categories. The first category of public land – referred to as common land - is one, which is owned and managed by the Government but the people may have some user rights on such land. The second category of public land – referred to as Government land - is the land owned and managed by the Government, on which, the people have no such user rights. The public land, on which, people have rights collectively include lands such as grazing land, burial lands, tank-beds and so on. Some of these lands, which were used for grazing and other common purposes became common property resources over time. These include *Gomala* lands (those used for grazing the cattle); *Gunduthopu* (those used for planting trees for common use); *Poramboku* (or the cultivable waste); uncultivable waste lands and lands used for public utilities including lakes and roads, etc.

The Government did not have database of all lands granted/leased³ and therefore, the exact number of grants/leases are not known. As per the files made available in the Revenue Department, there were 144 grants/leases across all the Districts in the State for the period 2012-13 to 2016-17. Audit verified all the 144 files. Audit selected 11 Districts using simple random technique for detailed examination/verification at field level. During the visit to the field offices, the offices of the Deputy Commissioner/Tahsildars of the 11 selected Districts made available another 176 grant/lease files. Audit examined/verified all the 176 files. Thus, in total, Audit verified 320 files of which, 260 pertained to the 11 Districts selected in Audit. Besides, 150 files/records of grant/lease made prior to 2012 were made available in the selected 11 Districts. Audit conducted joint inspections in respect of all 150 files with officials of the Revenue Department to verify the system of monitoring the usage of land for the purpose granted.

Audit verified progress reports relating to eviction of encroachment of Government land in the 11 selected Districts and also conducted joint inspection in 43 cases on random basis. In these 11 selected districts, there were 1,948 case files relating to regularisation of unauthorised occupation of Government lands during the audit period. Audit examined 1,559 of these files.

Audit has made observations on availability of land, procedures for verification of eligibility of beneficiaries, grant of prohibited lands, grant of incorrect/excess concessions, absence of system to monitor the usage of land, deficiencies in accounting and eviction of encroachments and irregularities in regularisation of unauthorised occupation. These observations point to lapses

¹ Land exclusively under the Revenue Department of the Government of Karnataka.

² 1 Acre = 40 Guntas.

³ Refer Paragraph 3.2.

of internal controls and procedures which need to be strengthened to ensure fair and transparent disposal of Government land.

1.1 Disposal of lands belonging to the Government

As per Section 67 of the Karnataka Land Revenue Act, 1964 (KLR Act), public roads, etc., and all lands, which are not the property of others belong to the Government.

According to Section 69 of the KLR Act, subject to such rules as may be made in this behalf, the State Government, the Regional Commissioner, the Deputy Commissioner, the Assistant Commissioner in-charge of a Taluk or Taluks and the Tahsildar, may dispose of land or other property belonging to the State Government under Section 67 or otherwise, for purposes of agriculture, industry or any public utility and subject to the provisions of Chapter XII for the construction of buildings.

1.2 Computerisation of land records

The Central Government's Computerisation of Land Records project was enthusiastically pursued in Karnataka under the name *Bhoomi* since the early 2000. As a result, rural land records were made available in a digitised format for easy access by farmers, etc. Fees for accessing records from the *Bhoomi* database are reasonable and anyone can collect copies of the Record of Rights, Tenancy and Crop Information (RTC) on payment of the fee. Information in respect of the RTC were also made available online.

1.3 General Administration of land

Although the Revenue Department is responsible in general for land administration, the actual management of land is shared primarily by four Departments and a number of agencies under these Departments. The forest land is managed by the Forest Department while non-forest land, rural agricultural land, both public and private, and common lands are under the Revenue Department, urban land is under the Urban Local Bodies and rural housing site land (*gramthana*) is under the Rural Local Bodies. Besides, Land Use Planning is under the Town and Country Planning Department, which is under the Urban Development Department.

The Revenue Department is headed by the Principal Secretary to the Government and is administratively sub-divided into four Regions, viz. Bengaluru, Mysuru, Belagavi and Kalaburgi, each headed by a Regional Commissioner (RC). At the District level, Deputy Commissioners (DCs) are in charge, while Assistant Commissioners (ACs) are in charge for each Sub-Division in the District. The Tahsildars are in charge of the respective Taluks and are assisted by Revenue Inspectors for each Circle comprising villages. At the village level, the Village Accountants are the root functionaries for the Revenue Department.

The Government in December 2008 incorporated a Company, namely the Karnataka Public Lands Corporation (KPLC), with the main objective of securing the Government land, which were recovered following eviction, from further encroachment, classifying Government lands based on its value and distribution of recovered land among various Government Departments. The

Principal Secretary, Revenue Department, is the ex-officio Chairman of the Corporation. KPLC is headed by a Managing Director and other Directors nominated by the Government.

1.4 Encroachment of public land and regularisation

Encroachment of public land can take place in two ways. Sometimes people who do not have shelter or any means of livelihood may occupy the public land for the purposes of housing or cultivation. Generally, such encroachments or occupation of public land is regularised, from time to time, through various regularisation schemes of the Government under Sections 94 A, B, C and CC of the KLR Act. The other kind of encroachment is land grabbing, which happens when private individuals or entities illegally occupy public land or create fake documents and claim the public land.