

KARNATAKA PUBLIC LANDS CORPORATION, LIMITED,

2nd Floor, DC Office Building, Bangalore district, Behind Kandaya Bhavan, K.G.Road,
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**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS HELD
AT 11.30 AM ON 25TH JUNE, 2015 AT THE REGISTERED OFFICE OF
THE COMPANY : 2ND FLOOR, DC OFFICE BUILDING, BEHIND
KANDAYA BHAVAN, K.G ROAD BANGALORE - 560 009**

PRESENT:

- | | |
|-----------------------------|---------------------|
| 1. Shri B. Basavaraaju, IAS | - Chairman |
| 2. Shri Subodh Yadav, IAS | - Managing Director |
| 3. Shri Munish Moudgil, IAS | - Director |
| 4. Smt Salma K Fahim, IAS | - Director |
| 5. Shri S.A Jeelani, IAS | - Director |
| 6. Shri C. Shivanna, IFS | - Director |
| 7. Shri Gopala Krishna | - Director |

IN ATTENDANCE:

- | | |
|--------------------------|-------------------------|
| 1. Shri Beeralinge Gowda | - General Manager (I/c) |
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BY INVITATION:

- | | |
|---------------------------|--------------------------------|
| 1. Shri. Vijayakrishna KT | - Company Secretary Consultant |
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Shri B. Basavaraaju, IAS, Chairman occupied the chair and he conducted the proceedings. Chairman extended hearty welcome to all the Directors present.

Chairman called the attention of the Board to the untimely demise of Shri D K Ravi, IAS, former Managing Director, and at Chairman's request, all the Directors and others present observed one minute silence as a mark of respect to the departed soul. The Board placed on record its appreciation for the services rendered by Shri D K Ravi, IAS, during the tenure of his office.

APPOINTMENT OF DIRECTORS:

It was noted that the Government of Karnataka exercising their right under the Articles of Association of the Company, have issued Government Order appointing following Director on the Board.

The Board took note of the same and following resolutions were passed:

a. Appointment of Shri Subodh Yadav, IAS :

“RESOLVED THAT the appointment of Shri Subodh Yadav, IAS as Managing Director of the Company in place of Shri Panduranga Bommiah Nayak, IAS as per the Government Order dated 22nd May, 2015 be and is hereby noted.

FURTHER RESOLVED THAT any one of the Directors be and is hereby authorized to file/upload the required Forms and Returns with the Registrar of Companies.”

Chairman extended heartily welcome to the new Managing Director on the Board.

Item No. 1: Leave of absence:

Leave of absence was granted to Shri V. Shankar, IAS, Shri Raj Kumar Khatri, IAS, Shri D Sathyamurthy, IAS, Shri S R Umashankar, IAS, Shri Hari Kumar Jha, IAS and Smt. Pallavi Akurathi, IAS who had expressed their inabilities to attend the Meeting.

Item No. 2: Confirmation of the Minutes of the previous Board Meeting:

Minutes of the previous Board Meeting held on 07.03.2015 as circulated were confirmed.

Item No. 3: Action taken on the decisions of the previous Board Meeting:

Detailed Action Taken Report on the Minutes of the previous Board Meeting as circulated was studied and was taken on record by the Board. Managing Director explained actions taken issues relating to previous Minutes which were noted.

Item No. 4: Presentation by Managing Director on the Business and Proposals:

With the permission of the Chair, Managing Director made detailed presentation covering the following:

1. Main Objectives and Ancillary Objectives of KPLC

2. Performance:

- a. Task Force for Protection of Govt. lands was constituted under the Chairmanship of Sri V.Balasubramanian – 19.09.2009.
- b. The Managing Director, KPLC was made as Member Secretary to the Task Force.
- c. Chairman of the Task Force submitted report on 04.07.2011.
- d. KPLC started to co-ordinate with various departments.
- e. KPLC arranged meetings on various occasions to discuss and deliberate on the report of the Chairman, Task Force
- f. PIL cases in WP. No. 15500/2013 & 15511-14/ 2013 have been filed before the Hon'ble High Court w.r.t. removal of encroachment.
- g. Govt. issued circular dated 23.12.2013 to DCs to prepare time bound action plan.
- h. Govt. issued order dated 19.08.2014 constituting Dist. Level Task Forces to intensify removal of encroachment.
- i. KPLC is coordinating with the Deputy Commissioners and submitting collated information to the Govt. and to the Govt. Advocates.

3. Present status of removal of encroachment:

Total encroachments identified	Encroachment removed	Balance of encroachment to be removed
1302241 Acres	226918 Acres	1075323 Acres

4 Public Complaints -Office-wise pendency of complaints:

Sl. No	Complaints sent to:	Total sent	Disposed	Balance	> 02 years
1.	Deputy Commissioners	463	103	360	205
2.	Assistant Commissioners	8	0	8	02
3.	Forest Dept/ACf.	17	5	12	08
4.	Tahsildars	1659	528	1131	974
5.	CMC/TMC/ etc	180	31	149	135
	Total	2327	667	1660	1324

- Period wise status of complaints :

Year	2009	2010	2011	2012	2013	2014	2015
Total Sent	257	932	643	159	123	151	62
Disposed	110	406	132	19	0	0	0
Balance	147	526	511	140	123	151	62

1. 1324 are older than 2 to 5 years
2. 6-7 reminders have been issued
3. Oldest complaints are not prioritized

5 Lake Monitoring Information System :

- Software to collate information of lakes in the state have been developed by KPLC
- Hon'ble Minister for Revenue launched this software on 27.05.2014.
- No. of lakes keyed-in is 15165(38%) in Stage-I
- Rest of the stages are yet to be started by Tahsildars.

6 Funds released by KPLC to the DCs for fencing recovered lands:

Date of Release	Amount in Lakhs
18.12.2012	400
29.01.2013	50
21.06.2013	270
01.09.2014	70
27.09.2014	35
20.06.2015	165
Total	990

7 Works done for protection of recovered lands:

No.	Nature of work	Area covered (Acres)	Amount spent in lakhs
1	Fencing	863-03	279.00
2	Trenching	2269-35	33.21
3	Boards	1280	11.36

8 Fencing Utilization Certificate Status:

Out of 990 lakhs released from KPLC, the DCs have submitted Utilization Certificates for Rs. 146.63 lakhs (10 districts). UCs are yet to be submitted by the DCs for Rs.843.37 lakhs.

9 Observation of Accountant General in their Inspection report dated 20.02.2014(from 12/2008 to 03/2012:

- a. "Thus none of the main objectives for which the Company was incorporated is being pursued by the Company. The Company mainly plays the role of facilitator to the Revenue Department of the Government.
- b. The purpose for which the Company was incorporated is thus defeated.

10 Strengthening of KPLC:

- MD, KPLC needs to be re-designated as "Secretary to Govt., Revenue Department & ex-Officio Managing Director, KPLC".
- Certain administrative control over Revenue Officers needs to be provided to KPLC
- Compliance and co-ordination needed from other departments.
- Amendment of MoA to the extent of inclusion of removal of encroachment over Govt. lands as one of the main objective of the company
- Merger of Enforcement Cell along with extension of jurisdiction to entire State.
- Establishment of STF(Police) Wing in KPLC with jurisdiction of entire State.
- Establishment of Engineering Wing in KPLC.
- Filling of important vacant posts in KPLC
- AC post vacant.
- Strengthening the present staffing pattern by utilizing service of outsourced experienced employees of Revenue/Town Planning/ Engineering/Consultants from various fields pertaining to land planning and development.

- 11 Following amendments are proposed under the Karnataka Land Revenue Act, 1964.
- (a) Defining KPLC as Chief Estate Agency of the State, and MD, KPLC as Revenue Officer superior to other Revenue Officers in the KLR Act.
 - (b) Empowering KPLC to dispose of Govt. land/properties along with other Authorities – U/s 69 of KLR Act
 - (c) Empowering MD, KPLC as one of the authority to evict any person wrongly in possession of Govt. lands – U/s 39 & 94(3) of KLR Act
- 12 KPLC to function as Land Bank –
- KPLC needs to hold, occupy, create ownership and subsequently develop & utilize Govt. lands for various public/Govt. purposes.
 - Exemption needs to be provided u/s 109 of the Karnataka Land Reforms Act, 1961
13. Comprehensive proposal submitted to Government:
- The Company has submitted a comprehensive proposal to Government to strengthen it on the following lines:
- (1) Re-designating the post of MD, KPLC as Secretary to Govt., Revenue Department & ex-Officio Managing Director, KPLC.
 - (2) Requirement of certain administrative control over Revenue Officers.
 - (3) Compliance and co-ordination needed from other departments.
 - (4) Modification of Memorandum of Association to the extent of inclusion of removal of encroachment over Govt. lands as one of the main objective of the company.
 - (5) To improve functioning of KPLC, following amendments are proposed under the Karnataka Land Revenue Act, 1964.
 - (a) Defining KPLC as Chief Estate Agency of the State under Section 2 of the definition and MD, KPLC as Revenue Officer superior to other Revenue Officers.
 - (b) Amending Section 69 of the KLR Act and empowering KPLC to dispose of Govt. land/properties along with other Authorities.
 - (c) Amending Section 39 & 94(3) of the KLR Act, including MD, KPLC as one of the authority to evict any person wrongly in possession of Govt. lands.

- (6) KPLC to function as Land Bank -- Exemption needs to be provided u/s 109 of the Karnataka Land Reforms Act, 1961 enabling KPLC to hold, occupy, create ownership and subsequently develop & utilize Govt. lands for various public/Govt. purposes.
- (7) Merger of Enforcement Cell along with extension of jurisdiction to entire State.
- (8) Establishment of STF(Police) Wing in KPLC with jurisdiction of entire State.
- (9) Establishment of Engineering Wing in KPLC.
- (10) Filling of important vacant posts in KPLC (AC post vacant) & strengthening the present staffing pattern by utilizing service of outsourced experienced employees of Revenue/Town Planning/Engineering/Consultants from various fields pertaining to land planning and development.

14 The Managing Director brought to the notice of the Board regarding random identification of 25 land out of list submitted by the Deputy Commissioner, Bangalore Urban District for spot and document verification. After verification of 7 lands (Machohalli, Chikkabanavara, Marenahalli, Meesaganahalli, Amruthahalli, Bellahalli) out of the said 25 lands by the Tahsildars of KPLC, certain serious observation came to notice viz

- a. Encroached lands reported to have recovered is not completely evicted. It is only partial recovery. Encroachers are still in possession of some part of the encroached lands.
- b. Without there being any encroachment some of the lands have been reported as recovered.
- c. In most of the cases court cases are pending in various cases.
- d. Some of the lands are not fit for taking up for better utilization.

Arising out of the above presentation, detailed discussions took place with Chairman and other Directors participating and their offering views. Gist of the detailed deliberations is summarized as below:

- 1 The Honorable Chief Justice and another Hon'ble Judge in the High Court of Karnataka, in their Order in WP 15500/2013 dated 28/04/2015 relating to the Company have observed as follows:

“1.....

2. Learned AGA submits that all the lands which were recovered by removing the encroachments were protected and sufficient fund is allocated to respondent No.2 the Karnataka Public Lands Corporations Limited. Learned counsel appearing for respondent No.2 expressed inability of the Corporation in protecting such recovered lands because of the assumed lack of power. In fact, it has to be the primary duty of the Corporation to protect public lands, but the Corporation appears to have carved its own limitations and abdicated its duty by not reporting any particular area which it could claim to have protected outside Bengaluru District. Therefore, question could be raised about the utility and importance of respondent No.2 Corporation and it has to justify its own existence. It is obvious that if the lands which are recovered by removing encroachments cannot be protected from being encroached again, then the whole drive would become meaningless.

3.....”

2. The Board has taken note of significance of strengthening the Company with respect to Govt. lands, identification and removal of encroachment, protection, better utilization, requirement of statutory powers under the Karnataka Land Revenue Act, administrative powers needed to the Company. The Board has noted the proposals forwarded by the MD,KPLC and further felt tht MD,KPLC needs to send justification for further consideration.

- (1) To re-designate the post of the MD, KPLC as Secretary to Government, Revenue Department & ex-Officio Managing Director, KPLC vide letter No. KPLC/EST/CR/03/2013-14, dated 27.05.2015.
- (2) To confer certain administrative powers to the MD, KPLC over the Revenue Officers in so far as it relates to recovery of encroached Govt. lands and its protection vide letter No. KPLC/ADM/CR/192/15-06, dated 01.06.2015.
- (3) Detail proposal submitted to Govt. vide letter No. KPLC/ADM/CR196/15-16, dated 10.06.2015 with regard to:
 - (a) Merger of Enforcement Cell along with extension of jurisdiction to entire State
 - (b) Establishment of STF(Police Wing) in KPLC with jurisdiction of entire State.
 - (c) Proposing certain amendments to the KLR Act as under:
 - (i) To define the KPLC as **‘Chief Estate Agency of the State’**, and the MD, KPLC as Revenue Officer superior to other revenue officers defined in Section 2 of the Act in

so far as it relates to encroachment of Govt. land & further subsequent action.

- (ii) Section 69 of the Act refers to disposal of lands or other property belonging to the State Government, under Section 67 empowering the State Government, Regnl. Commrs, DCs, ACs, and Tahsildars to dispose of the land or property belonging to the Government. The KPLC also needs to be inserted in the said Section. This would enable the KPLC to start its activities.
 - (iii) Section 39 of the KLR Act empowers the Deputy Commissioner to evict any person wrongfully in possession of land and sub section (iii) of the said Section empowers the Deputy Commissioner to hold summary inquiry into the facts of the case and to take necessary steps. Therefore, in order to empower the KPLC also in this regard, it is necessary to amend Section 39 to the effect that ".....MD, KPLC, Deputy Commissioner may or shall evict any person wrongfully in possession of land....." And in sub section (iii) of the said Section as ".....the MD, KPLC, Deputy Commissioner or the Revenue Officer as the case may be, shall hold a summary inquiry into the facts of the case and".
 - (iv) The Tahsildars are exercising the delegated powers of Deputy Commissioner under Section 94(3) of the KLR Act for removing the encroachments. This Section empowers the Tahsildar for summary eviction or forfeiture. If any Tahsildar fails to discharge his duties in a matter of eviction, alternate arrangements need to be made apart from initiating disciplinary action against such officers. Therefore, it would be better if Section 94(3) is suitably amended to the effect that ".....the person unauthorisedly occupying any such land shall also be summarily evicted by MD, KPLC, Deputy Commissioner {now delegated to Tahsildar}.
- (4) The Managing Director explained the board about the coordination needed from other departments like Forest, Muzrai, Walkf, etc. in consolidating the land available with them, encroached land/properties and recovered extent etc in order to place same before the Board. The Managing Director recalled the discussion taken place in the meeting held under the Chairmanship of Chief Secretary to Govt. on 22.05.2013

with regard to nominating Nodal Officers in each Departments/Organizations like Forest Dept, BDA, BBMP etc. and that Nodal Officers need to continuously report to the Company on the above points.

The Board has authorized the Managing Director, to take up the matter with the concerned Departments to nominate the Nodal Officers to coordinate with the KPLC on all Govt. land issues as discussed in the meeting held on 22.05.2013 chaired by Chief Secretary.

3. Modification of MoA of the Company

The Managing Director explained the Board that the main objectives of the Company as per MoA is better utilization of Govt/Public lands. However, due to assignment of job of Member Secretary to the Task Force for Protection of Govt. lands constituted earlier, the Company has moved into the arena of recovery of encroached Govt. lands. Further, it is pointed out that there is no specific clause stipulated in MoA of the Company about this aspect. Therefore, following main objectives needs to be included in the MoA of the Company as extracted under:

- (i) *To do all acts and take steps needed for removal of encroachment on the land belonging Government of Karnataka or any other Statutory Body in the State.*
- (ii) *To issue necessary instructions/guidelines from time to time to the concerned implementing authorities to prepare action plan to identify encroachment, to take steps to remove the encroachment on the lands belonging to Government of Karnataka or any other Statutory body in the State.*
- (iii) *To issue specific instructions for any specific case to the concerned implementing authorities to ensure that encroachment on the land belonging to the Government of Karnataka or any other Statutory body in the State is cleared in accordance with law and the encroached land is recovered back to the Govt. or to the Statutory Body as the case may be.*

After due discussion, the Board has approved for inclusion of proposed objectives of the company as above and the Managing Director is requested to take further steps.

4. Company to function as Land Bank.

The Managing Director explained the Board that the as per MOA, the KPLC needs to be function as Land Bank and encroachment freed land can be pooled into Land bank and thereafter can be utilized for Govt/Public purposes. Without the right and title in its name, it would not be possible to the KPLC deal with the lands.. According to Section 79 of the Karnataka Land Reforms Act no 'company' is entitled to hold land. To overcome this bar, exemption needs to be provided to the KPLC as enumerated under Section 109 of the Karnataka Land Reforms Act, 1961, or else every time proposal need to be sent for each and every case to Govt. which will take sufficient time to get approval. In the alternative, Company needs to be enumerated under Section 81 exempting it from the provisions of Section 79A, 79B and 80 of the Land Reforms Act the Act.

All the above issues were discussed in detail. Since the matter involves amendment to certain provisions of the Karnataka Land Reforms Act & Rules, the Managing Director was requested to submit detailed proposals along with suitable justification to government in this regard.

5 Establishment of Engineering Wing.

The Managing Director explained the Board that as stipulated in the main objectives, the KPLC need to develop land and act as colonizer and to prepare estimates, plans, designs, specifications and do such other things or any act that are related to development of land. This activity involves skilled/technical work.

The Managing Director further explained the Board that the Revenue Department is playing an important role in the identification of the beneficiaries under the several programs launched by the Government. In order to make the personnel working in the Revenue Department to function comfortably on whole time basis, there is a need to provide basic infrastructures particularly their official residential quarters and their periodical maintenance. Some of the offices and official quarters belonging to Revenue Department are heritage properties. There is no dedicated agency to upkeep these properties. Official quarters of revenue officers viz. AC, Tahsildar, Dy.Tahsildar, RIs, VAs etc. in

all other places also needs to be maintained periodically apart from identifying the places where there are no official quarters to the revenue officers/officials. This assignment may be entrusted to the KPLC to function as dedicated agency for identification, maintenance and up keeping of this category of buildings.

In the background of the above, it was brought to the notice of the Board that this type of activities need Engineering Wing comprising of Engineers, Consultants etc for building plan, town planning matters & execution in the field etc.

So far as the establishment of new Engineering Wing is concerned, a proposal has to be worked out in detail indicating the financial implications involved as well as the powers that should be given to the Engineering Wing. The matter shall be examined further in consultation with the Finance Department.

SUBJECTS DISCUSSED WITH THE PERMISSION OF THE CHAIRPERSON

ITEM NO. 1: Ratification of salary paid to some contract basis employees who have been continued to work without renewal of their service contract.

The Board has approved to regularize the salaries paid to Smt. Varalakshmi, Stenographer and Smt. Swetha, Programmer who have been working in the Company without appropriate renewal of their respective service contract.

ITEM NO.2: Ratification of continuation of man power agency. .

After discussion, the Board has ratified the action taken by the Company.

ITEM NO.3. Filling the post of PA/PS to MD, KPLC on contract basis.

The Board has authorized the Managing Director to avail the services of suitable persons as proposed and authorized

him to take staff on outsource basis as and when necessary as per expansion plan of the Company.

ITEM NO.4.: DIN & DS of the directors need to be furnished by the Directors.

Attention of Board was drawn to the requirement under the Company Law to have Director Identification Number (DIN) and that some of the Directors have not furnished back up documents to procure DIN. Chairman urged all the Directors who have not furnished these details to do so early and requested Managing Director to co-ordinate to obtain DIN after noting that non-compliance of the Companies Act could lead the Company and Directors into punishments under the Companies Act, 2013.

Further, the Board has reviewed the number of Directors designated in the Board of Directors and their significance.

As proposed by the Managing Director, the Board resolved to remove the following directors as they have no significant role in the day to day activities of the Company and Authorized the Managing Director to take further steps as necessary.

- (1) Secretary to Government, Revenue Department.
- (2) Adl.Chief Secretary to Govt., Urban Development Dept.
- (3) Principal Chief Conservator of Forests(Land Records)

ITEM NO.5 Budget release for the year 2015-16.

The Board has noted that the Company has submitted proposal for 14.55 Crores for the year 2015-16 and till now no release has been made.

The Chairperson perused the matter and informed that the required action at the government level would be taken at the earliest.

Item No.6: KPLC funds kept in Fixed Deposits.

The Board has noted that the funds of the Company kept in sweep account is transferred to fixed deposits Current Account is transferred to SB Account.

The Board appreciated the action taken by the Company.

ITEM No.7: Expenditure incurred by the Managing Director on other Govt. duties as Company expenditure.

The Board has noted that MD of the Company is being entrusted with some other Govt. duties such as Election Observer, Training, Dist. Incharge Secretary, etc.

After discussion, the Board has resolved to treat the expenditure incurred by the Managing Director on account of other Government duties entrusted to him as expenditure of the Company and authorized the MD to incur such expenditure as and when necessary and to inform the Board afterwards.

The Managing Director was also requested to work out on proposals regarding delegation of financial powers to Chairman, Managing Director and other Subordinate Officers of the Board.

ITEM No.8. The Company Secretary brought it to the notice of the Board that Audited Balance Sheet and Statement of Profit and Loss for the year 2013-14 has been filed today viz. on 25.06.2015.

The Board noted the above point.

ITEM No.9: Non maintenance of Asset Register in the Company.

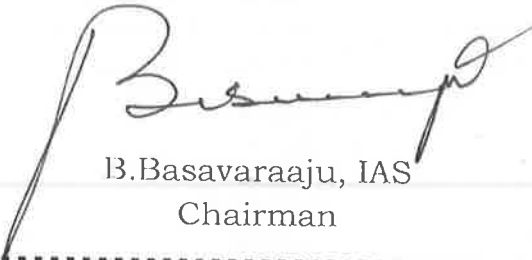
The Board has taken note of the fact that there is no Asset Register maintained in the Company and resolved to immediately have Asset Register.

Item No.10. Internal/Concurrent Audit System.

The Chairperson approved the proposal of the Managing Director for setting up Internal/Concurrent Audit system in the Company.

There being no other business to transact, the meeting concluded with vote of thanks to the chair.

Bangalore
25.06.2015


B. Basavaraaju, IAS
Chairman