



ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಜಮೀನುಗಳ ನಿಗಮ ನಿಯಮಿತ

2ನೇ ಮಹಡಿ, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಛೇರಿ ಕಟ್ಟಡ, ಸಿಟಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ ಸಂಕೀರ್ಣದ ಹತ್ತಿರ

ಕೆಂಪೇಗೌಡ ರಸ್ತೆ, ಬೆಂಗಳೂರು - 560 009. ದೂರವಾಣಿ : 2211 4233

ಕೆಪಿಎಲ್‌ಸಿ/ಆಡಳಿತ/ಸಿಆರ್/196/15-16

ದಿನಾಂಕ: 10.06.2015

ಸರ್ಕಾರದ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿ,

ಕರ್ನಾಟಕ ಸರ್ಕಾರ,

ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಜಮೀನುಗಳ ನಿಗಮದ
ಸಬಲೀಕರಣದ ಬಗ್ಗೆ.

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಜಮೀನುಗಳ ನಿಗಮವು ಕಂಪನಿಗಳ ಅಧಿನಿಯಮದ
ಅಡಿಯಲ್ಲಿ ಸ್ಥಾಪಿತವಾಗಿರುವ ಸಂಸ್ಥೆಯಾಗಿದೆ. ಈ ನಿಗಮ ದಿನಾಂಕ:
01.12.2008ರಂದು ನೋಂದಣಿಯಾಗಿದ್ದು, ಸಂಪೂರ್ಣ ಸರ್ಕಾರಿ ಸ್ವಾಮ್ಯದ
ನಿಗಮವಾಗಿದೆ.

ಈ ನಿಗಮ ತನ್ನ ಧೈಯೋದ್ದೇಶಗಳ ಅನ್ವಯ ಕಾರ್ಯೋನ್ಮುಖವಾಗಿ, ಪ್ರಗತಿ
ಪಥದಲ್ಲಿ ಸಾಗುವುದಕ್ಕೆ ಪೂರಕವಾಗಿ ಈ ನಿಗಮವನ್ನು ಬಲಪಡಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ
ಕೈಗೊಳ್ಳಬೇಕಾದ ವಿವಿಧ ಕ್ರಮಗಳ ಬಗ್ಗೆ ಒಂದು ಟಿಪ್ಪಣಿಯನ್ನು ಸಿದ್ಧಪಡಿಸಿ ಮುಂದಿನ
ಕ್ರಮಕ್ಕಾಗಿ ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿ ಸಲ್ಲಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕರು

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಜಮೀನುಗಳ ನಿಗಮ, ನಿ

10/6/15

KARNATAKA PUBLIC LANDS CORPORATION, LIMITED,

2nd Floor, DC Office Building, Bangalore district, Behind Kandaya Bhavan, K.G.Road,
Bangalore-560 009. Ph: 080-22114233, Fax. 22133558, Email- cmdkplc@gmail.com

STRENGTHENING OF KARNATAKA PUBLIC LANDS CORPORATION, LTD.

1. Constitution of KPLC and its objectives.

The Government by its Order No. RD 388 LGB 2008 dated 29.08.2008 accorded sanction to establish the Karnataka Public Lands Corporation. Accordingly, the KPLC, Ltd has been incorporated under the provisions of the Companies Act, 1956, w.e.f. 01.12.2008.

The Main aims objectives of the Corporation as per the Memorandum of Association and Articles of Association are as follows:

- 1. To buy, sell or otherwise deal in land, especially the land belonging to Government of Karnataka or any other Statutory Body in the state.*
- 2. 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.*
- 3. To buy and sell, let on lease, hire, or otherwise acquire any property and any rights or privileges, either as a broker or as an agent or as an auctionaire, which the Company thinks necessary or convenient for the purpose of its business in immovable property.*

One of the incidental objects of the this Corporation is to collect and maintain details of the Government lands, Encroachment of Government lands and to allot evicted Government lands to different Government Departments. (A copy of MoA and AoA are enclosed).

2. KPLC Performance:

In the mean time, the Government of Karnataka constituted the Task Force for Recovery of Government Lands and its protection (order bearing No. RD 556 LGB 2009 dated 19.09.2009)

and the Managing Director of the KPLC was appointed as the Member Secretary of the said Task force. During the tenure of the said Task force the KPLC coordinated with the Task Force, Revenue Officers, as well as other Departments for collection of information with regard to the Government lands and encroachment of Government lands. The Chairman of the Task force submitted report on 04.07.2011 to the Government of Karnataka. The Government by its Notification dated 19-09-2011 constituted department-wise committees (three separate committees) viz Revenue Department, Forest Department and Urban Development department to review the actions to be taken for prevention of encroachment and protection of Government lands. The KPLC started to co-ordinate with the various departments for conducting of meetings to discuss and deliberate on the report submitted by the Chairman of the Task Force and take necessary steps on the basis of the said report. The KPLC convened meetings under the Chairmanship of Chief Secretary, the then Deputy Chief Minister on various occasions to appraise the action taken in the matter. During the month of March 2013, the PIL writ petitions have been filed before the Hon'ble High Court and the KPLC has continued its follow up with the revenue officers for collating the information with regard to removal of encroachment on Government lands and reporting the same to the Government as well as to the High Court Govt. Advocates.

3. Observations of the Accountant General

At this stage, it is relevant to point out that it has not been possible for the KPLC to concentrate on its aims and objectives due to entrustment of coordination work between the Task Force and the Deputy Commissioners. Apparently, its main objectives have been deviated and the activities of the company are limited to collection and maintenance of the details of Government lands and furnishing information to the Government and Courts. As a matter of fact, the Principal Accountant General (ERSA), Karnataka, in his letter dated 20.02.2014 has forwarded the Inspection Report on the accounts of Karnataka Public Lands Corporation, Bangalore for the period from 31.12.2008 to March, 2013. The specific observation pointed out in the Inspection Report reads as under:

- 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.

(Copy of the AG report enclosed).

4. Amendments required under the Karnataka Land Revenue Act, 1964.

It may be pointed out that mere stipulation of aims and objectives of the KPLC in its MoA & AoA itself would not enable the KPLC to implement its objectives in the nature of autonomous body unless certain statutory powers are provided in the enactments governing the land administration, viz Karnataka Land Revenue Act, 1964 etc. In the absence of specific provisions in the said Act, the KPLC has to depend upon the Deputy Commissioners to transfer the potential lands to the name of the KPLC suitable for development activities capable of generating revenue to Government that too after obtaining necessary sanction from the Govt. Therefore:

- (a) KPLC needs to be defined as a component in the KLR Act, 1964. It would be appropriate if under Section 2 of definitions, the KPLC is suitably defined as **‘Chief Estate Agency of the State’**, and the MD, KPLC is defined as Revenue Officer superior to other revenue officers defined in the Act in so far as it relates to encroachment of Govt. land & further subsequent action.
- (b) 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.Comms, 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.
- (c) 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. Relevant provision is extracted here under:

39. Manner of evicting any person wrongfully in possession of land.—Whenever it is provided by this Act or any other law for the time being in force that the Deputy Commissioner may or shall evict any person wrongfully in possession of land or where any order to deliver possession of land has been passed against any person under this Act, such eviction shall

be made or such order shall be executed, as the case may be, in the following manner, namely:—

(i) by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and

(ii) if such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same, and

(iii) if the officer removing any such person is resisted or obstructed by any person, the Deputy Commissioner or the Revenue Officer, as the case may be, shall hold a summary inquiry into the facts of the case and, if satisfied that the resistance or obstruction was without any just cause and that such resistance and obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use or cause to be used, such force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order.

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**”.

- (d) The Tahsildars are exercising the delegated powers of Deputy Commissioner under Section 94(3) of the KLR Act for removing the encroachments. Relevant provision(Sec.94(3) is extracted hereunder:

(3) Notwithstanding anything contained in the ²[Karnataka]² Public Premises (Eviction of Unauthorised Occupants) Act, 1961 (¹[Karnataka]¹ Act 3 of 1962), the person unauthorisedly occupying any such land shall also be summarily evicted by the Deputy Commissioner and any crop including trees, raised in the land shall be liable to forfeiture, and any building or other construction erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture or to summary removal.

This Section empowers the Tasildar for summary eviction or forfeiture. If any Tahsildar fails to discharge his duties in matter of eviction, alternate arrangements needs 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}.**

Apart from this in order to make the implementing officers to realize their responsibility in removal of encroachment and disposal of specific complaints, and other allied works, their achievements in this part of work needs to be assessed by the MD, KPLC and recorded in their APR.

5.Requirement of administrative control over Revenue Officers.

(a) After filing of PILs before the Hon'ble High Court with regard to removal of encroachment on Govt. lands, the Govt. issued a Circular dated 23.12.2013 instructing the field level officers to prepare an action plan for removal of encroachment, and issued a GO dated 19.08.2014 constituting District Level Task Force for every district, instructing to prioritize the big encroachers. In spite of said specific instructions of the Government, and the observation of the Hon'ble High Court in the said PIL cases, instructions given in the meetings and video conferences held by the Principal Secretary to Government, and the instructions of the KPLC in various letters, to intensify the removal of encroachment as per the action plan prepared by the Deputy Commissioners, the progress is not happening up to the mark. As per the information furnished by the Deputy Commissioners details encroached Govt. land are as follows.

Total encroachment identified	Encroachment removed	Balance of Encroachment to be removed
1302241 Acres	220792 Acres	1081449 Acres

Till now around 2.20 lakh acres of land has been freed from encroachment despite of sustained effort in the last 6 ½ years by KPLC. At this phase removal of encroachment over Government land could not be completed at least in next 30 to 40 years, and by that time additional area would get added under encroachment category. By investing additional administrative power in KPLC, process of removal of encroachment can be speeded up.

(b) The KPLC has also been receiving complaints from the public with regard to encroachment on Govt./public lands and sending them to the field level officers of concerned departments viz. DCs, Tahsildars, ACFs, Commrs of CMC/TMC. Etc. for examination and remedial action. The details of the complaints sent by the KPLC to the different officers and the disposal are as under:

Sl.No	Complaints sent to:	Total sent	Disposed	Balance
1	Deputy Commissioners	463	103	360
2.	Assistant Commissioners	8	0	8
3.	Forest Dept/ACf.	17	5	12
4	Tahsildars	1658	528	1130
5.	CMC/TMC/ etc	180	31	149
	Total	2326	667	1659

Period-wise pendency is as under:

Sl.No/ Year	2009	2010	2011	2012	2013	2014	2015
Total Sent	257	932	643	159	123	151	61
Disposed	110	406	132	19	0	0	0
Balance	147	526	511	140	123	151	61

Out of 1659 pending complaints, 1324 are older than 2 to 5 years. In all these cases, after sending the complaint to the concerned officers, the KPLC has issued at least 6-7 reminders and still their ATR is awaited. This information gives a clear indication that the implementing officers have not prioritized the specific complaints w.r.t. encroachments and not bothered at least to dispose of the oldest complaints. This type inaction develops a negative opinion on the authorities to whom they have given the complaint. This attitude needs be streamlined and disposal of specific complaints needs to be intensified.

(c) Further, as per one of the ancillary objective of the Company, the KPLC has taken steps to prepare web based software to provide information about the lakes in the State in public domain. One operator and one Survey Supervisor in each Taluks in the State have been trained up to operate the software since January, 2014. Approximate number of lakes in the state is about 38,00 lakhs. Whereas, the information keyed-in in the said program is only for 15165 lakes(38%) in stage-(i). Rest of the stages are yet to be started by the Tahsildars. In spite of continuous requests and instructions, the Tahsildars are not evincing any interest to complete the project. This project needs to be completed within certain time limit.

Above examples bring clarity on the above aspect and emphasize the importance of administrative control to KPLC over field level officers in so far as Govt. lands, identification and removal of encroachment and protection is concerned.

6. Compliance and coordination needed from other Depts.

In so far as lands under the control of Forest Department is concerned, officers of the Forest Department are competent to recover the encroached lands under the provisions of Karnataka Forest Act. Requisite action on the part of the Forest department does not attract any persuasion by the KPLC. After recovering the encroached forest lands, areas notified as different types of forest needs to be continued for the stipulated purpose. However, the information with regard to non-restricted areas under the control of Forest Dept available for disposal may be shared with the KPLC for better utilization and development as described in its aims and objectives.

In so far as lands/properties belonging to other organizations / departments viz Local Bodies, Muzrai Dept, Walkf, Universities etc are concerned, the relevant Acts empowers the concerned in the respective department to take steps to remove the encroachment. However, Property Register of the said departments/organizations need to be prepared and computerized first and displayed on web-site in an uniform pattern for the information of the general public to know about the encroachments on these properties. This would also enable the KPLC to chalk out suitable projects for better development and utilization wherever necessary.

Therefore, in respect of Forest, Muzrai, Walkf, Departments and Local Bodies, Universities etc. the officers in charge of estate be made reportable and responsible to the MD, KPLC (or Chief Estate Agency of the State proposed to be defined in KLR Act). This part of their work needs to be made as one of the duty in their job charts.

7. Land Bank:

As per MOA, the KPLC is responsible to utilize Govt. land freed from encroachment for all kind of Govt/public purposes. It needs to be mentioned here that such arrangement can be made

functional only after creation of a Land Bank and encroachment freed land can be pooled into Land bank and thereafter can be utilized for Govt/Public purposes. To do this, **exemption needs to be provided to the KPLC as enumerated under Section 109 of the Karnataka Land Reforms Act, 1961.**

8 Necessary support needed to KPLC

The KPLC is established in December, 2008. The KPLC has state-wide jurisdiction. KPLC needs to monitor/supervise/intensify recovery of Govt. lands under different type of encroachments such as claims under Section 94A & 94B(Form-50/53), either claims needs to be granted/rejected without any further lapse of time, detection of regularizations made in violation of Rules and cancellation of grants.(U/r 108(K) of KLR, Rules, 1966, early disposal of cases instituted under Section 67(2)/136(3) of the KLR Act relating to claims on bogus and fabricated records, follow up of court cases pending in different courts pertaining claims on Government lands, early disposal of specific complaints, coordination with Police authorities at the time of removal of encroachments etc. All these item of works needs to be streamlined scientifically and systematically.

The KPLC is functioning with skeleton staff consisting of one General Manager, One Assistant Commissioner(vacant post), two Tahsildars and one Accounts Officer along with minimum outsourced staff. Earlier the KPLC had been utilizing the services of the officers/staff of the Enforcement Cell attached to the Deputy Commissioner, Bangalore District. However, the same is stopped since two years. The said Enforcement Cell consists of one Special Deputy Commissioner, two Assistant Commissioners, two Tahsildars and other supporting staff. This Enforcement cell needs to be shifted to KPLC with the jurisdictional power of entire Karnataka State.

9. Establishment of STF(Police) wing in KPLC.

At the time of removal of encroachment rapid action needs to be taken and encroachers may resist and obstruct by causing law and order problems. In order to maintain law and order at the time of operations, assistance of the police force is very much essential to the KPLC. In respect of Bangalore district, a Special

Task Force(Police) was constituted (Vide G.O.dated 19.02.2007) consisting of One IGP, two SP, 04 Dy.SP and other supporting police establishment including a platoon. This STF is attached to the Enforcement Cell in the DC's Office. At present posts of IGP and one post of SP are shifted to Mangalore (G.O.dated 11.03.2010). This STF needs to be restored and strengthened by sanctioning one IGP and two SP and 4 Dy.SP posts with necessary force, attached to KPLC and jurisdiction needs to be extended to the entire State.

.....