



GOVERNMENT OF KARNATAKA

No. RD 01 LRM 2016

Karnataka Government Secretariat,
Multistoried Building,
Bangalore, dated 22.02.2016.

CIRCULAR

Sub: Permission to purchase Agricultural Land under Section 109 of the Karnataka Land Reforms Act, 1961 and Conversion of Agriculture Land for Non-agriculture purpose (including Deemed Conversion) under Section 95 of the Karnataka Land Revenue Act, 1964 - simplification of procedure - reg

- Ref: (1) Government Notification No. DPAL 24 Shasana 2014 dated 28-08-2014.
(2) Government Notification No. DPAL 23 Shasana 2015 dated 13-08-2015.
(3) Proceedings of the Meeting held on 28-01-2016 under the Chairmanship of Chief Secretary to Government.
(4) Circular No. RD 01 LRM 2016 dated: 03.02.2016

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It has come to the notice of the Government that there is inordinate delay in according necessary permission under section 109 of Karnataka Land Reforms Act, 1961 (including deemed conversion under the Karnataka Land Revenue Act, 1964) even in respect of projects cleared by the State High Level Clearance Committee (SHLCC) / State Level Single Window Clearance Committee (SLSWCC) / District Level Single Window Clearance Committee (DLSWCC) for Industrial purpose and there have been complaints about different procedures being followed in different Districts in this regard. The delay in obtaining permission under section 109 of Karnataka Land Reforms Act, 1961 along with deemed conversion under section 95 of Karnataka Land Revenue Act, 1964 is causing a lot of concern and leading to delay in project time and cost escalation as well as dropping of the industrial projects. Therefore, the procedure being followed in the Revenue Department regarding granting permission to purchase Agricultural Land under Section 109 of the Karnataka Land Reforms Act, 1961 and conversion of Agriculture Land for Non-agriculture purpose under Section 95 of the Karnataka Land Revenue Act, 1964 has been reviewed.

Further, it is observed that under the Karnataka Industries (Facilitation) Act, 2002 and Rules framed thereunder, the SHLCC / SLSWCC have been empowered to approve industrial projects. In many cases permission for purchase of land under Section 109 of the Karnataka Land Reforms Act, 1961, is also needed and same needs streamlining. Once permission under section 109 of the Karnataka Land Reforms Act 1961, has been granted, then conversion under section 95 of the Karnataka Land Revenue Act, 1964 as per the amendments to the Karnataka Land Revenue Act, 1964 referred to at (1) and (2) above is, now, deemed to have been granted. The objective of the said amendment is to encourage agricultural activities, especially industrial activity by purchasing agricultural land.

In the meeting held under the Chairmanship of the Chief Secretary to Government on 28-01-2016 the above issues were discussed and Government has decided that the current procedure adopted under Section 109 of the Karnataka Land Reforms Act, 1961 including form 15A and deemed conversion process consequent to purchase of agricultural land has to be streamlined. Accordingly, the simplified procedure is as follows:-

A) For Industrial projects cleared by SHLCC / SLSWCC vide Karnataka Industries (Facilitation) Act, 2002 and Rules under Industrial policy:-

i) The Karnataka Udyoga Mitra shall apply electronically to Deputy Commissioner concerned with the following information required by the prescribed Authority / Deputy Commissioner:

- a) Applicant details
- b) Land Schedule
- c) Permission copy of SHLCC / SLSWCC
- d) Project report

ii) The Applicant / Karnataka Udyoga Mitra shall ensure as far as possible the land required for setting of industry shall not cover such lands which attract provisions of the Karnataka SC/ST (Prevention of Transfer of Certain Lands) Act, 1978, [PTCL Act] or the lands not complying the alienation

conditions of the Karnataka Land Grant Rules, 1969 or the forest lands or Kharab Land. In this regard care shall be taken to clearly identify Kharab Land for which the Authorities have to take action under Section 68 of the Karnataka Land Revenue Act, 1964.

- iii) Karnataka Udyog Mitra shall upload and send to Deputy Commissioner the project report along with certification that the land audit has been done examining the extant rules.
- iv) Upon receipt of above online request, Deputy Commissioner shall;
 - (a) If the extent of land required is within the powers of the Deputy Commissioner, issue permission under Section 109 of the Karnataka Land Reforms Act, 1961 within seven working days and inform Karnataka Udyog Mitra and the Applicant electronically.
 - (b) If the extent of land required exceeds the power of Deputy Commissioner, then the proposal should be sent to Government within seven days. The permission by Government should be given within 30 days; and inform Karnataka Udyog Mitra and the Applicant electronically.
- v) In case the permission to purchase agricultural land under Section 109 of the Karnataka Land Reforms Act, 1961, is sought for the type of lands mentioned below, then the Deputy Commissioner shall send the proposal to the Government within one week and the Government shall decide within eight weeks time;
 - (a) Lands which attracts the provisions of the Karnataka SC/ST (Prevention of Transfer of Certain Lands) Act, 1978;
 - (b) A granted land has a non-alienation condition needing the permission of the Government for alienation;

- (c) Any land which requires a separate permission under independent Statute or Rule or Notification of the State Government for its purchase
- vi) Once due permission under Section 109 of the Karnataka Land Reforms Act, 1961 has been given for purchase of lands, the investor shall register the sale deeds and Karnataka Udyog Mitra / Investor shall inform the same online / electronically to Deputy Commissioner.
- vii) Once permission under Section 109 of the Karnataka Land Reforms Act, 1961 has been issued, the Deputy Commissioner shall inform the Applicant / Investor and Udyog Mitra regarding the amount of Conversion fine and other fees to be paid.
- viii) The Deputy Commissioner shall, subject to provisions of Karnataka Land Revenue Act, 1964, within 35 days get the mutation effected.
- ix) On effecting the mutation of revenue records, the Deputy Commissioner shall issue a deemed conversion under Section 95 of the Karnataka Land Revenue Act, 1964 within seven working days after getting confirmation of payment of conversion fine and necessary fees.
- x) The prescribed officers in Industries Department convening the various committees constituted vide the Karnataka Industries (Facilitation) Act, 2002 and Rules framed thereunder shall also take care to the extent possible Comprehensive Development Plan / Outline Development Plan under the Karnataka Town & Country Planning Act, 1961 are adhered to. In case of any variation, an explicit approval of the SHLCC / SLSWCC and relevant competent authorities shall be taken.
- B) As regards the procedure to be followed under section 109, other than industrial projects, the same shall be decided within 60 days.
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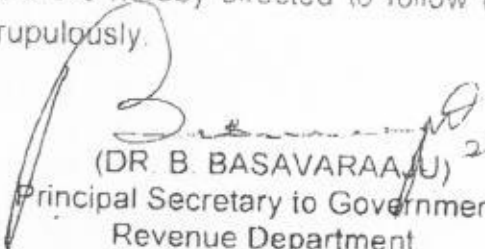
C) For projects cleared under solar / industrial projects under Energy Department which have been approved at the State level, where permission to purchase agricultural land under Section 109 of the Karnataka Land Reforms Act, 1961 is required, the same procedure as enunciated above shall be followed. The authorised officers of Karnataka Renewable Energy Development Limited (KREDL) shall play role corresponding to one played by Authorised Officers of Karnataka Udyog Mitra as explained above.

D) The permission under section 109 of the Karnataka Land Reforms Act, 1961 shall be brought under SAKALA with time prescribed for its delivery being within 60 days:

E) Revenue Department shall bring the entire procedure under Section 109 of the Karnataka Land Reforms Act, 1961 and under Section 95 of the Karnataka Land Revenue Act, 1964 online by 31st March 2016 and whole data shall be available to public on a digital platform.

In all cases where a Comprehensive Development Plan (CDP) / Outline Development Plan (ODP) under the Karnataka Town and Country Planning Act, 1961, is prepared and notified after due process, such lands which are earmarked for non-agricultural purposes (industrial / commercial etc.), the Deputy Commissioner shall issue permission under Section 109 within seven working days of requisite application being filed for lands falling in such a zone provided the purpose of purchase of agricultural land matches with the purpose for which that area has been earmarked in the approved CDP / ODP. Now, once the permission under Section 109 of the Karnataka Land Reforms Act, 1961, has been accorded, then the said land be treated as deemed to have been converted for the same purpose as per the amendments made to the Karnataka Land Revenue Act, 1964, vide Government Notifications dated 28-08-2014 and 13-08-2015 referred at (1) and (2) above and Deputy Commissioner shall issue conversion order under Section 95 of the Karnataka Land Revenue Act, 1964, within 03 days of mutation in the RTC as per the registered sale deed.

The Circular dated. 03.02.2016 referred at (4) above is hereby withdrawn All concerned officers are hereby directed to follow the above revised simplified procedure scrupulously.


(DR. B. BASAVARAJU) 22/2/16
Principal Secretary to Government,
Revenue Department.

To:

- 1) All Regional Commissioners.
- 2) All Deputy Commissioners.
- 3) The Commissioner for Survey Settlement & Land Records, Bangalore.
- 4) The Commissioner and IGR, Stamps & Registration, Bangalore
- 5) All Assistant Commissioners.
- 6) All Tahsildars.

Copy for information to:

- 1) The Private Secretary to Hon'ble Minister for Revenue, VidhanaSoudha, Bangalore
- 2) The Chief Secretary to Government of Karnataka, VidhanaSoudha, Bangalore
- 3) The Addl Chief Secretary to Government, Commerce & Industries Department, VikasaSoudha, Bangalore
- 4) The Addl Chief Secretary to Government, Engergy Department, VikasaSoudha, Bangalore
- 5) The Addl Chief Secretary to Government, Forest Ecology & Environment Department, Multistoried Building, Bangalore
- 6) The Principal Secretary to Government, Horticulture Department
- 7) The Principal Secretary to Government, Housing Department
- 8) The Principal Secretary to Government, Agriculture Department
- 9) The Principal Secretaries to Government, Higher Education/Primary & Secondary Education Department
- 10) The Commissioner for Industrial Development & Director of Industries, Bangalore
- 11) The Chief Executive Officer, KIADB, Bangalore
- 12) The Additional Secretary to Government, Revenue Department (LG)
- 13) The Director, Karnataka UdyogMitra, KhanijaBhavan, Bangalore
- 14) The Director, Karnataka Renewable Energy Development Ltd., Bangalore
- 15) The Under Secretaries to Government/Desk Officer, Revenue Department, Land Reforms/Land Grants-1, Land Grants, 2 and Land Gratnts-3.