



KARNATAKA LEGISLATIVE ASSEMBLY  
FIFTEENTH LEGISLATIVE ASSEMBLY  
SEVENTH SESSION

**THE KARNATAKA LAND GRABBING PROHIBITION (AMENDMENT) BILL, 2020**

**(LA Bill No. 40 of 2020)**

A Bill further to amend the Karnataka Land Grabbing Prohibition Act, 2011, (Karnataka Act 38 of 2014) and for matters connected therewith or incidental thereto;

Whereas it is expedient to amend the Karnataka Land Grabbing Prohibition Act, 2011, (Karnataka Act 38 of 2014), for the purpose hereinafter appearing.

Be it enacted by Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

**1. Short title and commencement.**— (1) This Act may be called the Karnataka Land Grabbing Prohibition (Amendment) Act, 2020

(2) It shall be deemed to have come into force with effect from the 10<sup>th</sup> day of April, 2020.

**2. Amendment of section 2.**— In section 2 of the Karnataka Land Grabbing Prohibition Act, 2011, (Karnataka Act 38 of 2014) (hereinafter referred to as the Principal Act) after clause (d), the following proviso shall be and shall always be deemed to have been inserted, namely:-

“Provided that ‘land’ shall not include lands in respect of which applications for grant are pending on the date of commencement of this Act,-

(a) under sections 94A, 94B, 94C and 94CC of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964);

(b) under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (Central Act 2 of 2007);”

**3. Amendment of section 9.**— In section 9 of the Principal Act,-

(i) for sub-section (3), the following shall be substituted, namely:-

“(3) All alleged acts of land grabbing shall be tried only by the Special Court constituted for the area in which the land is situated, or where there are more

Special Courts than one for such area, by such one of them as may be specified in this behalf by the Government.”

(ii) in sub-section (5), for clause (b), the following shall be substituted, namely:-

“(b) the Special Court may, if it thinks fit, try in a summary manner any offence under this Act:

Provided that, if the Special Court is of the opinion that there are no sufficient grounds for proceeding, the Court shall dismiss the complaint or drop further proceedings and in every such case it shall briefly record reasons.

Provided further that, the course of the trial of summons case relating to an offence under this Act, it appears to the special Court that in the interests of justice, the offence shall be tried in accordance with the procedure for trial of warrant cases, the special Court may proceed to re-hear the case in the manner provided by the code of Criminal procedure, 1973 (Central Act 2 of 1974) for the trial of warrant-cases and may recall any witness who may have been examined.”

**4. Insertion of new section 10-A and 10-B.-** After section 10 of the principal Act, the following shall be inserted, namely:-

**"10-A. Bar of jurisdiction of civil Courts.-** No suit or other legal proceeding shall lie in any civil court in respect of any dispute, question or other matter relating to any Government land or other matter which is required by or under this Act to be determined by a special Court.

**10-B. Special Court to hold proceedings expeditiously and to furnish to the parties copies of its decision.-** Whenever an application is made to the special Court or when proceedings are initiated suomoto for the determination of any dispute, question or other matter relating to grabbed land, the special Court shall conclude its proceedings within a period of six months from the date of initiation of such proceedings and give its decision in writing to each of the parties to the dispute."

**5. Insertion of new section 17-A.-** After section 17 of the principal Act, the following shall be inserted, namely:-

**"17-A. Appeals.-** (1) An appeal against any final order by the special Court determining the civil liability of the parties shall lie to the High Court, if the High Court is satisfied that the case involves a substantial question of law,-

- (i) in an appeal under this sub section, the memorandum of appeal shall precisely state the substantial question of law involved in the appeal; and
- (ii) the appeal shall be heard on the question so formulated and the respondent shall, at the hearing of the appeal be allowed to argue that the case does not involve any such question:

Provided that, appeal shall be filed before the High Court within thirty days from the date of the order.

Provided further that, if the appeal is filed beyond the period of thirty days, the High Court shall condone the same, on sufficient cause being shown, but not beyond a period of sixty days.

(2) Any appeal against order of acquittal or conviction determining any criminal liability under this Act shall lie to the High Court. The High Court may exercise, so far as may be applicable, all the powers conferred by the chapters XXIX and XXX of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) on a High Court as if, the special Court were a court of sessions trying cases within the local limits of the jurisdiction of the High Court".

**6. Insertion of new section 22.-** After section 21 of the Principal Act, the following shall be inserted, namely:-

**"22. Abatement.-** All proceedings pending and contemplated with respect to land as excluded under the proviso to sub-clause (d) of section 2 of this Act, on the date of commencement of the Karnataka Land grabbing Prohibition (Amendment) Act, 2020 shall stand abated."

**7. Repeal and savings.-** (1) The Karnataka Land Grabbing Prohibition (Amendment) Ordinance, 2020 (Karnataka Ordinance No.6 of 2020) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under principal Act, as amended by this Act.

**STATEMENT OF OBJECTS AND REASONS**

It is considered necessary to amend the Karnataka Land Grabbing Prohibition Act, 2011 (Karnataka Act 38 of 2014), to,-

- (i) clarify the definition of land;
- (ii) make provisions for prescribing procedure of the special court;
- (iii) stipulate the jurisdiction of civil court and special court ;
- (iv) make a provision for appeal against orders of the special court; and
- (v) certain consequential amendments connected therewith or incidental thereto.

As the matter was urgent and both houses of the Karnataka state legislature were not in a session, therefore the Karnataka Land Grabbing Prohibition (Amendment) Ordinance, 2020 (Karnataka Ordinance No.6 of 2020) was promulgated to achieve the above object.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

**FINANCIAL MEMORANDUM**

There is no extra expenditure involved in the proposed Legislative measure.

**Explanatory Statement as required under sub-rule (1) of rule 80 of the Rules of procedure and conduct of Business in the Karnataka Legislative Assembly.**

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- (ii) make provisions for prescribing procedure of the Special Court;
- (iii) stipulate the jurisdiction of Civil Court and Special Court ;
- (iv) make a provision for appeal against orders of the special Court; and
- (v) certain consequential amendments connected therewith or incidental thereto.

As the matter was urgent and both houses of the Karnataka state legislature were not in a session, therefore the Karnataka Land Grabbing Prohibition (Amendment) Ordinance, 2020 (Karnataka Ordinance No.6 of 2020) was promulgated to achieve the above object.

**R. ASHOKA**  
Minister for Revenue

**M.K. Vishalakshi**  
Secretary (I/c)  
Karnataka Legislative Assembly

**ANNEXURE****Extract from the Karnataka Land Grabbing Prohibition Act, 2011****(Karnataka Act 38 of 2014)****XXX****XXX****XXX****2. Definitions.-** In this Act, unless the context otherwise requires,-

(d) "Land" includes,-

(i) land belonging to the Government, Wakf or the Hindu Religious Institutions and Charitable Endowments, a local authority, a statutory or non statutory body owned, controlled or managed by the Government;

(ii) rights in or over land, benefits to arise out of land, and buildings, structures and other things attached to the earth or permanently fastened to anything attached to the earth;

**XXX****XXX****XXX****9. Procedure and powers of the Special Courts.-**

(3) In respect of an alleged act of land grabbing or the determination of questions of title and ownership to, or lawful possession of any land grabbed under this Act and offences specified in Chapter XIV-A of the Karnataka Land Revenue Act, 1964, shall be tried only in a Special Court constituted for the area in which the land grabbed is situated; and the decision of the Special Court shall be final:

Provided that if, in the opinion of the Special Court, any application filed before it, is prima facie frivolous or vexatious, it shall reject the same without any further enquiry.

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(5) (a) The Special Court shall, while deciding the civil liability of a person shall follow its own procedure which is not inconsistent with the provisions of the Code of Civil Procedure, 1908.

(b) Every offence punishable under this Act shall be tried summarily.

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