



KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
EIGHTH SESSION

THE KARNATAKA LAND REFORMS (SECOND AMENDMENT) BILL, 2020

(LA Bill No. 42 of 2020)

(As passed by the Karnataka Legislative Assembly and passed by the Legislative Council with amendments for reconsideration)

A Bill further to amend the Karnataka Land Reforms Act, 1961.

Whereas it is expedient further to amend the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962), for the purposes hereinafter appearing;

Be it enacted by the 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 Reforms (Second Amendment) Act, 2020.

(2) Sections 2, 3, 4, 5, 6, 10 and 11 shall be deemed to have been come into force with effect from the 1st day of March, 1974 and remaining provisions shall be deemed to have come into force with effect from the 13th day of July, 2020.

2. Amendment of section 70.- In the Principal Act, in section 70, in sub-section (1), the words, figures and letter "not being a person disentitled to hold lands under section 79A" shall be omitted.

3. Amendment of section 72.-In the Principal Act, in section 72, in sub-section (1), the figures, word and letters "79A and 79B" shall be omitted.

4. Omission of sections 79A.-In the Principal Act, section 79A shall be omitted.

5. Omission of sections 79B.- In the Principal Act, section 79B shall be omitted.

6. Omission of sections 79C.- In the Principal Act, section 79C shall be omitted.

7. Amendment of sections 80.- In the Principal Act, in section 80,-

(i) in the heading, for the words "Transfer to non-agriculturists barred" the words "Restrictions on transfer of certain lands" shall be substituted;

(ii) in sub section (1),-

(a) clause (b) shall be omitted;

(b) for sub-clause (i), the following shall be substituted, namely:-

“(i) in case of A-class irrigated land, who does not use for agriculture purpose; or”;

(c) in sub-clause (ii), for the words “who being an agriculturist holds as owner” the words “who holds as a owner” shall be substituted;

(d) sub-clause (iii) shall be omitted;

(e) sub-clause (iv), shall be omitted; and

(f) the proviso shall be omitted.

8. Insertion of new section 80-A.- In the Principal Act, after section 80, the following shall be inserted, namely:-

“80-A. Restriction on lands granted to the Scheduled Castes or Scheduled Tribes.- No conditions laid down in this Act shall be relaxed in respect of lands granted to persons belonging to the Scheduled Castes and Scheduled Tribes, during the period of prohibition under the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979).”

9. Amendment of section 81.- In the Principal Act, in section 81,-

(i) for the heading, the following shall be substituted, namely:-

“81. Restriction on Sale or Mortgage of Agriculture Land”

(ii) in sub-section (1), the words, figures and letters “section 79A or section 79B or” shall be omitted.

(iii) after sub-section (2), the following shall be inserted, namely:-

“(2-A) No mortgage of agriculture land shall be made in favour of any person, other than the institutions specified in clause (a) and (b) of sub section (1).

10. Amendment of section 104.-In the Principal Act, in section 104, the figures, word and letters "79A, 79B" shall be omitted.

11. Amendment of section 109.-In the Principal Act, in section 109,-

(i) in sub-section (1), the figures and letters "79A, 79B" shall be omitted; and

(ii) in sub-section (1A), the figures and letters "79A, 79B" shall be omitted.

12. Savings.- (1) Notwithstanding the omission of sections 79A, 79B and 79C with effect from 1st day of March, 1974, all cases finally disposed off before the promulgation of the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance 13 of 2020) shall remain unaffected by the said Ordinance.

(2) All cases pending before any Court, tribunal or other authority competent under the provisions of the principal Act on the date of promulgation of the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance 13 of 2020) pertaining to sections 79A, 79B and 79C shall hereby stand abated.

13. Repeal and Savings.-(1) The Karnataka Land Reforms (Second Amendment) Ordinance, 2020 (Karnataka Ordinance 23 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**(As appended to at the time of Introduction)**

Whereas several cases are being registered for the violation of the provisions of section 79A and 79B of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and the Government has been receiving huge requests for the removal of restriction for purchasing agricultural land.

And whereas, in W.P.No 16199/2019 Hon'ble High Court of Karnataka has given an interim judgment in which it has given direction to the State Government (Revenue Department) which is administrating section 79A and 79B of the said Act to simplify the services and to respond properly to the public grievances.

And whereas, the High Court Karnataka,-

(i) in the previous order dated: 28.05.2019 has observed that since 1974 to till this date though several orders have been passed in respect of the proceedings initiated under section 79-A and 79B of the Karnataka Land Reforms Act, 1961 in majority of them the proceedings are dropped. In some of the cases, order for confiscation of the land to the State was passed but no action is taken by the authorities in taking over the possession of such land.

(ii) therefore, the Principal Secretary of the State who is present before the Court shall look into all these matters and come back to this Court with a plan of action that he would take to regulate the aforesaid proceedings and also to ensure grievances of the people are addressed in a systematic process where the intervention of the official for extraneous consideration is removed. Further he shall also ensure action as initiated for not recovering lands where section 79A and 79B orders are passed in favour of the State in confiscation of the said land to the State.

(iii) in the order dated: 29.07.2019, the principal Secretary, Revenue Department would also State that with reference to section 79A and 79B proceedings, time bound mechanism would be put in place to ensure that the proceedings are not initiated at the whims and fancies of the Officers but it would be based on legitimate revenue entries, he has given instructions to all the officers to pursue recovery of lands wherever the orders are passed in

confiscating such lands to the State where violation of the provisions of section 79A and 79B is proved.

And whereas, the officers of the Revenue Department who are registering more cases against the persons who has purchased the land after several years for the violation of the provisions of section 79A and 79B of the Land Reforms Act, 1961, therefore public-general facing more problems by the action of Revenue Officers.”

Therefore it is considered necessary to amend the said Act to provide for,-

- (i) removal of restriction on purchasing agriculture land and purchaser of agricultural land shall use such land for agricultural purpose only;
- (ii) A-class irrigated Land shall be sold only for Agriculture purpose;
- (iii) agriculture land shall only be mortgaged in favour of financial institution specified in section 81; and
- (iv) no restrictions laid down in this Act shall be relaxed in respect of land granted under the Karnataka Schedule Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979)

Therefore after detail examination it is consider necessary to omit the sections 79A, 79B and 79C of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and certain consequential amendments are also made.

As the matter was urgent and both houses of the Karnataka state legislature were not in a session, therefore the Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka Ordinance No.13 of 2020) and the Karnataka Land Reforms (Second Amendment) Ordinance, 2020 (Karnataka Ordinance No.23 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.

It is considered necessary to amend the Karnataka Land Reforms Act, 1961(Karnataka Act 10 of 1962), to,-

- (i) removal of restriction on purchasing agriculture land and purchaser of agricultural land shall use such land for agricultural purpose only;
- (ii) A-class irrigated Land shall be sold only for Agriculture purpose;
- (iii) agriculture land shall only be mortgaged in favour of financial institution specified in section 81; and
- (iv) no restrictions laid down in this Act shall be relaxed in respect of land granted under the Karnataka Schedule Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979)

Therefore after detail examination it is consider necessary to omit the sections 79A, 79B and 79Cof the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962)and certain consequential amendments are also made.

As the matter was urgent and the Karnataka Legislative Assembly and the Karnataka Legislative Council were not in session, Karnataka Land Reforms (Amendment) Ordinance,2020 (Karnataka ordinance 13 of 2020) was promulgated to achieve the above object.

R. ASHOKA
Minister for Revenue

K.R. Mahalakshmi
Secretary
Karnataka Legislative Council

Addendum of 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 and sub-rule (1) of rule 77 of the Rules of procedure and conduct of Business in the Karnataka Legislative Council.

It is considered necessary to amend the Karnataka Land Reforms Act, 1961(Karnataka Act 10 of 1962), to,-

- (i) removal of restriction on purchasing agriculture land and purchaser of agricultural land shall use such land for agricultural purpose only;
- (ii) A-class irrigated Land shall be sold only for Agriculture purpose;
- (iii) agriculture land shall only be mortgaged in favour of financial institution specified in section 81; and
- (iv) no restrictions laid down in this Act shall be relaxed in respect of land granted under the Karnataka Schedule Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act 2 of 1979)

Therefore after detail examination it is considered necessary to omit the sections 79A, 79B and 79C of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) and certain consequential amendments are also made.

As the matter was urgent and the Karnataka Legislative Assembly and the Karnataka Legislative Council were not in session, Karnataka Land Reforms (Amendment) Ordinance, 2020 (Karnataka ordinance 13 of 2020) was promulgated to achieve the above object.

In order to replace the said Ordinance, the Karnataka Land Reforms (Second Amendment) Bill, 2020 (L A Bill No.42 of 2020) was introduced in the Karnataka Legislative Assembly on 22.09.2020 and passed by the Karnataka Legislative Assembly on 26.09.2020. The said Bill was sent to the Karnataka Legislative Council on 26.09.2020 and same is pending for consideration with the Karnataka Legislative Council.

In accordance with sub-clause (a) of clause (2) of Article 213 of the Constitution of India the above said Ordinance shall cease to operate at the expiration of six weeks from the date of re-assembly of the both houses of the State Legislature.

Both Houses of the State Legislature were prorogued on 06.10.2020 vide Notification No. DPAL 01 SAMVYAVI 2020, dated:06.10.2020.

As the several actions being taken on the said ordinance there is need of continuation by re promulgating the said ordinance in Karnataka Gazette extra ordinary. Therefore As the matter was urgent and the Karnataka Legislative Assembly and the Karnataka Legislative Council were not in session, the Karnataka Land Reforms (Second Amendment) Ordinance, 2020 (Karnataka ordinance 23 of 2020) was promulgated on 2nd day of November 2020 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 Reforms Act, 1961****(Karnataka Act 10 of 1962)****XX****XX****XX**

70.Reversion and vesting of land surrendered by usufructuary mortgagee.-(1) Where the land surrendered under section 67 is by an usufructuary mortgagee, the possession of the land shall (without prejudice to the rights of the tenant, if any, in occupation of the land) revert to the mortgagor not being a person disentitled to hold lands under section 79A in every case where, and to the extent to which the mortgagor himself is not liable to surrender the said land in accordance with the provisions of section 67.

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72. Amount payable for lands surrendered to and vesting in the State Government.-(1) Save as otherwise provided in this Act, the amount payable in respect of land to be taken over by the State Government under sections 68, 70, 71, 79A and 79B shall be determined with reference to the net annual income derivable from the land in accordance with the following scale, namely:-

- (i) for the first sum of rupees five thousand or any portion thereof of the net annual income from the land, fifteen times such sum or portion;
- (ii) for the next sum of rupees five thousand or any portion thereof of the net annual income from the land, twelve times such sum or portion;
- (iii) for the balance of the net annual income from the land, ten times such balance;

Provided that where the land taken over by the State Government is D Class land referred to in Part A of Schedule I, an amount equal to twenty times the net annual income thereof shall be payable.

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79A. Acquisition of land by certain persons prohibited.-(1) On and from the commencement of the Karnataka Land Reforms (Amendment) Act, 2015, no person who or a family or a joint family which has an assured annual income of not

less than rupees twenty five lakhs from sources other than agricultural lands shall be entitled to acquire any land whether as land owner, landlord, tenant or mortgagee with possession or otherwise or partly in one capacity and partly in another.

(2) For purposes of sub-section (1)

- (i) the aggregate income of all the members of a family or a joint family from sources other than agricultural land shall be deemed to be income of the family or joint family, as the case may be, from such sources;
- (ii) a person or a family or a joint family shall be deemed to have an assured annual income of not less than rupees twenty five lakhs from sources other than agricultural land on any day if such person or family or joint family had an average annual income of not less than rupees twenty five lakhs from such sources during a period of five consecutive years preceding such day.

Explanation.-A person who or a family or a joint family which has been assessed to income tax under the Income Tax Act, 1961 (Central Act 43 of 1961) on an yearly total income of not less than rupees twenty five lakhs for five consecutive years shall be deemed to have an average annual income of not less than rupees twenty five lakhs from sources other than agricultural lands.

(3) Every acquisition of land otherwise than by way of inheritance or bequest in contravention of this section shall be null and void.

(4) Where a person acquires land in contravention of sub-section (1) or acquires it by bequest or inheritance he shall, within ninety days from the date of acquisition, furnish to the Tahsildar having jurisdiction over the Taluk where the land acquired or the greater part of it is situated a declaration containing the following particulars, namely:—

- (i) particulars of all lands;
- (ii) the average annual income of himself or the family;
- (iii) such other particulars as may be prescribed.

(5) The Tahsildar shall, on receipt of the declaration under sub-section (4) and after such enquiry as may be prescribed send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by

notification, declare that with effect from such date as may be specified in the notification, such land shall stand transferred to and vest in the State Government without further assurance free from all encumbrances. From the date specified in such notification the Deputy Commissioner may take possession of such land in such manner as may be prescribed.

(6) For the land vesting in the State Government under sub-section (5), where the acquisition of the land was by bequest or inheritance, an amount as specified in section 72 shall be paid and where the acquisition was otherwise than by bequest or inheritance, no amount shall be paid.

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79B. Prohibition of holding agricultural land by certain persons,-(1) With effect on and from the date of commencement of the Amendment Act, except as otherwise provided in this Act,-

- (a) no person other than a person cultivating land personally shall be entitled to hold land; and
- (b) it shall not be lawful for,-
 - (i) an educational, religious or charitable institution or society or trust, other than an institution or society or trust referred to in subsection (7) of section 63, capable of holding property;
 - (ii) a company;
 - (iii) an association or other body of individuals not being a joint family, whether incorporated or not; or
 - (iv) a co-operative society other than a co-operative farm, to hold any land.

(2) Every such institution, society, trust, company, association, body or co-operative society,-

- (a) which holds lands on the date of commencement of the Amendment Act and which is disentitled to hold lands under sub-section (1), shall, within ninety days from the said date, furnish to the Tahsildar within whose jurisdiction the greater part of such land is situated a declaration containing the particulars of such land and such other particulars as may be prescribed; and
- (b) which acquires such land after the said date shall also furnish a similar declaration within the prescribed period.

(3) The Tahsildar shall, on receipt of the declaration under sub-section (2) and after such enquiry as may be prescribed, send a statement containing the prescribed particulars relating to such land to the Deputy Commissioner who shall, by notification, declare that such land shall vest in the State Government free from all encumbrances and take possession thereof in the prescribed manner.

(4) In respect of the land vesting in the State Government under this section an amount as specified in section 72 shall be paid.

Explanation.-For purposes of this section it shall be presumed that a land is held by an institution, trust, company, association or body where it is held by an individual on its behalf.

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79C. Penalty for failure to furnish declaration.-(1) Where a person fails to furnish the declaration under section 79A or section 79B or furnishes a declaration knowing or having reason to believe it to be false, the Tahsildar shall issue a notice in the prescribed form to such person to show cause within fifteen days from the date of service thereof why the penalty specified in the notice, which may extend to five hundred rupees, may not be imposed upon such person.

(2) If the Tahsildar on considering the reply, if any, filed is satisfied that the person had failed to furnish the declaration without reasonable cause or had filed it, knowing or having reason to believe it to be false, he may, by order, impose the penalty and also require such person to furnish within a period of one month from the date of the order a true and correct declaration complete in all particulars.

(3) If the person fails to comply with such order, his right, title and interest in the land concerned shall, as penalty, be forfeited to and vest in the State Government.

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80. Transfers to non-agriculturists barred.-(1) (a) No sale (including sales in execution of a decree of a civil court or for recovery of arrears of land revenue or for sums recoverable as arrears of land revenue), gift or exchange or lease of any land or interest therein, or

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(b) no mortgage of any land or interest therein, in which the possession of the mortgaged property is delivered to the mortgagee, shall be lawful in favour of a person,-

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(i) who is not an agriculturist, or

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- (ii) who being an agriculturist holds as owner or tenant or partly as owner and partly as tenant land which exceeds the limits specified in section 63 or 64; or

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- (iii) who is not an agricultural labourer; or

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- (iv) who is disentitled under section 79A or section 79B to acquire or hold any land

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Provided that the Deputy Commissioner having jurisdiction over the area or any officer not below the rank of an the Deputy Commissioner authorised by the State Government in this behalf in respect of any area may grant permission for such sale, gift, or exchange, to enable a person other than a person disentitled to acquire or hold land under section 79A or section 79B who bona fide intend taking up agriculture to acquire land on such conditions as may be prescribed in addition to the following conditions, namely:—

- (i) that the transferee takes up agriculture within one year from the date of acquisition of land, and
- (ii) (ii) that if the transferee gives up agriculture within five years, the land shall vest in the State Government subject to payment to him of an amount equal to eight times the net annual income of the land or where the land has been purchased, the price paid for the land, if such price is less than eight times the net annual income of the land.

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81. Sections 79A, 79B, and 80 not to apply in certain cases.- (1) Nothing in section 79A or section 79B or section 80 shall apply to,—

(a) the sale, gift or mortgage of any land or interest therein in favour of the Government: the Karnataka State Road Transport Corporation constituted under the Road Transport Corporation Act, 1950 (Central Act LXIV of 1950), the Karnataka Power Transmission Corporation Limited constituted under the Companies Act, 1956 the Karnataka Housing Board constituted under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963), the Industrial Areas Development Board constituted under the Karnataka Industrial Areas Development Act, 1966 (Karnataka Act, 18 of 1966), the Karnataka Slum Clearance Board established under the Karnataka Slum Areas (Improvement and Clearance) Act, 1973, (Karnataka Act 33 of 1974) the Bangalore Development Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), a Nagarabhivruddhi Pradhikara constituted under the Karnataka Nagarabhivruddhi Pradhikaragala Adhinyama, 1987 (Karnataka Act 34 of 1987)

(b) the mortgage of any land or interest therein in favour of,—

(i) a co-operative society;

(ii) a financial institution;

(iii) x xx

(iv) x xx

(v) XXX

(vi) any company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) in which not less than fifty-one per cent of the paid up share capital is held by the State Government or the Central Government or both ;

(vii) any corporation, not being a company as defined in section 3 of the Companies Act, 1956 (Central Act 1 of 1956) established or constituted by the State Government or the Central Government or both ;

(viii) the Coffee Board constituted under the Coffee Act, 1942 (Central Act 7 of 1942),

as security for any loan or other facility given by such society, bank, company, corporation or Board for agricultural purposes.

Explanation.- In this clause 'agricultural purposes' include making land fit for cultivation, cultivation of land, improvement of land, development of sources of irrigation, raising and harvesting of crops, horticulture, forestry, planting and farming, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, apiculture, sericulture, piggery, poultry farming and such other activities as are generally carried on by agriculturists, dairy farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities including marketing of agricultural products, their storage and transport and the acquisition of implements and machinery, in connection with any such activity;

(c) the sale of any land or interest therein referred to in clause (b) in enforcement of the said security;

(d) the sale of any land in favour of a sugar factory for purposes of research of seed farm or sale in favour of the Coffee Board constituted under the Coffee Act, 1942 (Central Act 7 of 1942).

(2) The institutions referred to in clause (b) of sub-section (1) acquiring land or interest therein shall dispose of the same by sale, within the prescribed period:

Provided that pending such sale the land may be leased for a period not exceeding one year at a time and the lease shall stand determined when the land is sold or on the expiry of one year, whichever is earlier and notwithstanding anything to the contrary in this Act or in any other law for the time being in force the lessee shall not be entitled to any right other than as such lessee in the land.

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104. Plantations.-The provisions of section 38]2 section 63 other than sub-section (9) thereof, sections 64, 79A, 79B and 80, shall not apply to plantations.

Explanation.-In this section 'Plantation' means land used by a person principally for the cultivation of plantation crop and includes,-

- (i) any land used by such person for any purpose ancillary to the cultivation of such crop or for preparation of the same for the market; and
- (ii) agricultural land interspersed within the boundaries of the area cultivated with such crop by such person.

not exceeding such extent as may be determined by the prescribed authority as necessary for the protection and efficient management of such cultivation.

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109. Certain lands to be exempt from certain provisions.-(1) Subject to such rules as may be prescribed and the provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963), the State Government may, by notification, exempt, any land in any area from the provisions of sections 63, 79A, 79B or 80 to be used for,-

- (i) industrial development, the extent of which shall not exceed forty units

Explanation.- "Industrial development" includes mining of minor minerals, whether specified or non-specified and stone crushing activity under the Karnataka Regulation of Stone Crushers Act, 2011 (Karnataka Act 8 of 2012)

- (ii) educational institutions recognised by the State or Central Government to be used for non-agricultural purpose the extent of which shall not exceed eight units;
- (iii) places of worship to be specified by Government by notification which are established or constructed by a recognised or registered body for non-agricultural purpose, the extent of which shall not exceed two units;
- (iv) a housing project, approved by the State Government the extent of which shall not exceed twenty units
- (v) the purpose of horticulture including floriculture and agro based industries the extent of which shall not exceed forty units

Provided that the Deputy Commissioner may also exercise the powers of the State Government under this sub-section, subject to the restrictions and in the manner specified therein, in respect of the land to be used for,-

- (i) industrial development, the extent of which shall not exceed twenty units;
- (ii) educational institutions recognised by the State or Central Government to be used for non-agricultural purpose the extent of which shall not exceed four units;

- (iii) places of worship to be specified by Government by notification which are established or constructed by a recognised or a registered body for non-agricultural purpose, the extent of which shall not exceed half of a unit (2.22 acre);
- (iv) a housing project, approved by the State Government the extent of which shall not exceed twenty units;
- (v) the purpose of horticulture including floriculture and agro based industries the extent of which shall not exceed twenty units.

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(1A) Notwithstanding anything contained in sub-section (1), the State Government may in public interest and for reasons to be recorded in writing, by notification and subject to the provisions of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and such restrictions and conditions as may be specified by it, exempt any extent of land from the provisions of sections 63, 79A, 79B or 80 for any specific purpose.

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