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## STATEMENT OF OBJECTS AND REASONS

### I

**Act 6 of 1980.-** Three Command Area Development Authorities for the integrated development and for ensuring rapid and optimum utilisation of irrigation potential created under the Major Irrigation Projects, namely (1) Thungabhadra Project, (2) Malaprabha and Ghataprabha Project, (3) Cauvery Basin Projects (consisting of Krishnarajasagar, Kabini, Hemavathy and Harangi Projects), were constituted in January, 1974. Subsequently, a separate Command Area Development Authority for the development of Upper Krishna Project and Bhadra Project were created in September, 1977 and December 1979 respectively.

The Command Area Development Authorities have been created by administrative / executive orders of Government. Therefore, at present, they play only a promotional role in the integrated development of the Command Areas through co-ordination of the activities of the various departments and institutions operating in the area.

Land development work is a key factor in utilization of irrigation facilities. In the absence of a suitable legislation, it has not become possible to ensure systematic and scientific development of lands.

Further increasing attention is being paid for providing institutional finance for land development. Eligible farmers, who are willing to avail Institutional finance, get loans from the financing banks in the normal course. But, it is found that as much as 20 per cent of the land is held by persons ineligible to raise institutional finance for want of proper title to the lands, and other reasons, or persons, though eligible, are unwilling to develop their lands by raising loans. The Command Area Development Authority has to be a statutory body to borrow necessary funds for development of lands belonging to ineligible farmers.

Therefore, it has been found necessary to make CADA statutory bodies, and to empower them to enforce land development on compulsory basis as also to borrow and lend money for land development and other purposes.

The special features of the Bill are summarised below :-

1. Formulation of schemes for the comprehensive development of the command areas.
2. Construction of field channels and field drains and ensuring proper maintenance of irrigation system under a pipe outlet.
3. Compulsory and systematic land development on a pipe-outlet basis with option to land holders to develop lands themselves as per approved plan.
4. Compulsory and systematic land development on a pipeoutlet basis with option to land holders to develop lands themselves .
5. Localisation of Command Areas and enforcement of cropping pattern.
6. Alteration of field boundaries, wherever necessary for systematic land development.
7. Empowering the CADA to borrow and lend money necessary for the due discharge of its functions.
8. Around development of the farmers in the area in respect of agriculture, sericulture, animal husbandry, fisheries, horticulture, farm forestry, Communication and co-operation.
9. Constitution of a fund for the Authority.
10. Provision for offences and penalties.

The Karnataka Legislative Assembly was not in session and as the matter was urgent an Ordinance was promulgated. This Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A as No. 120 dated 25-2-1980 at page 31-33.)

## II

**Amending Act 44 of 1986.**-As per clause (c) of sub-section (1) of section 4 of the Karnataka Command Area Development Act, 1980 the Additional Secretary to

Government, Planning Department (Command Area Development) is one of the members of the Authority.

However, by Government Order No. DPAR 358 SGO 83, dated 29th November, 1983 the subject relating to Command Area Development was transferred from the Planning Department to the Public Works, Command Area Development and Electricity Department. Hence, it is necessary to amend the clause (c) of sub-section (1) of section 4 of the Karnataka Command Areas Development Act, 1980 to substitute "The Additional Secretary to Government (CAD), Public Works, Command Area Development and Electricity Department".

(Published in the Karnataka Gazette (Extraordinary) Part IV-2A as No. 629 dated 19-8-1986 at page 3.)

### III

**Amending Act 33 of 1987.-** It is necessary to amend section 4 of the Command Areas Development Act, 1980 to include Chief Secretaries of the concerned Zilla Parishads as Members of the Command Areas Development Authority.

(Obtained from file L.C. Bill No. 4 of 1987 in file LAW 53LGN 87.)

### IV

**Amending Act 32 of 1995.-** It is considered necessary to amend the Karnataka Command Areas Development Act, 1980 to include the following as members of the Authority:-

(1) The Engineers-in-Chief of the respective Command Area Authority in addition to the Chief Engineers ;

(2) To enable the Joint Directors of Agriculture and Joint Registrars of Co-operative Societies to represent as nominees of the Director of Agriculture or the Registrar of Co-operative Societies as the case may be, to attend the meetings of the Authority.

(Obtained from L.A. Bill No. 28 of 1995 in file LAW 10 LGN 94).

### IV

**Amending Act 25 of 2003 .-** The Annual Reports prepared by the Authority every year is placed before each House of the Legislature, as provided in the Act. But, there is no specific provision to place the CADA accounts audited and certified by the Controller of State Accounts before each of the Houses of the State Legislature.

It is, therefore, considered necessary to amend section 24 of the Act to provide for placing the accounts audited before each House of the State Legislature along with the Annual Reports, as soon as it is received by the State Government.

Hence the Bill.

(L.C. Bill No. 2 of 2003)

**KARNATAKA ACT NO. 6 OF 1980**

*(First published in the Karnataka Gazette Extraordinary on the Twenty-fifth day of March 1980)*

**THE KARNATAKA COMMAND AREAS DEVELOPMENT ACT, 1980**

*(Received the assent of the President on the eighteenth day of March, 1980)*

(As Amended by Act 44 of 1986, 33 of 1987 32 of 1995 and 25 of 2003)

**An Act to make provisions for the development of areas benefitted by irrigation projects in the State of Karnataka;**

WHEREAS it is expedient to make provisions for comprehensive and systematic development of the areas in which lands benefitted by irrigation projects are situated and matters incidental thereto;

BE it enacted by the Karnataka State Legislature in the Thirty-first year of the Republic of India as follows :-

**CHAPTER I  
PRELIMINARY**

**1. Short title and Commencement.-** (1) This Act may be called the Karnataka Command Areas Development Act, 1980.

(2) It shall be deemed to have come into force on the Eleventh day of December, 1979.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

(1) "Authority" means a Command Area Development Authority constituted under section 3 ;

(2) "agricultural labourer" means a person who does not hold any land whether as owner or tenant or mortgagee with possession and whose principal means of livelihood is manual labour on land ;

(3) "Command Area" in relation to one or more irrigation projects means such area as may be notified by the State Government, comprising among other lands, lands benefitted by such irrigation project or projects ;

(4) "comprehensive development" in relation to a Command Area includes,-

(a) bringing the land records up-to-date for consolidation of land holdings, land survey and mapping with aerial photographs ;

(b) conservation of land and water ;

(c) construction of field channels with related structures ;

(d) construction of field drains with related structures ;

(e) land shaping including grading, levelling; bunding and the like;

(f) realignment of field boundaries and rectangularisation of plots and consolidation of land holdings under a pipe-outlet or under an adjacent pipe-outlet for efficient farm management;

(g) lining of field channels with suitable material to prevent seepage of water.

(h) construction and upgrading of ayacut roads with related structures;

(i) grouping of small holdings in a contiguous area nearer the outlet and larger ones farther away ;

(j) other ancillary measures to avoid wastage of water and prevent water-logging, salinity, alkalinity and the like ;

(k) conjunctive use of surface and ground water for multiple cropping and proper utilisation of available water resources ;

(l) all round development of the farm in the areas pertaining to agriculture, horticulture, sericulture, farm forestry, animal husbandry, fisheries, communication, agro-based industry and co-operation ;

(5) "credit agency" means,-

(i) a banking company as defined in the Banking Regulation Act, 1949;

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 ;

(iii) a subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 ;

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;

(v) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 ;

(vi) the Agro-Industries Corporation as defined in clause (c) of section 2 of the Karnataka Agricultural Credit Operations and Miscellaneous Provisions Act, 1974 ;

(vii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 ; and

(viii) any other financial institution notified by the State Government as a credit agency for the purpose of this Act ;

(6) "distribution system" includes,-

(a) all main canals, branch canals, distributories, sub-distributories and channels between an outlet and field channels constructed for the supply and distribution of water for irrigation ;

(b) all works, structures and appliances connected with the distribution of water for irrigation ;

(c) all field channels and farm channels and related structures under a pipe-outlet ;

(7) "drainage system" includes,-

(a) channels either natural or artificial for the discharge of waste or surplus water and all works connected therewith or ancillary thereto ;

(b) all connecting drains and main drains to drain off surplus water;

(c) all field drains and related structures under a pipe-outlet ;

(8) "field channel;" means regulated water course or hikkal having capacity not exceeding one cubic feet per second or 0.028 cumec maintained by the land owner or by any other agency on his behalf to receive supply of water from a pipe-outlet ;

(9) "field drain" means a channel excavated and maintained by the land holder or by any other agency on his behalf to discharge waste or surplus water from the land holding under a pipe-outlet ;

(10) "ineligible person" means a person not eligible for ordinary land development loans and belonging to one of the following categories, namely:-

(i) farmers occupying lands without any valid title to mortgage such lands ;

(ii) minors without guardians ;

(iii) farmers occupying Government lands which have not been assigned to them or Government lands assigned but which revert to Government in case the assignee mortgages the same ;

(iv) farmers occupying lands alienated by women prior to the coming into force of the Hindu Succession Act, 1956 ;

(v) land holders holding lands in excess of the ceiling under the Karnataka Land Reforms Act, 1961 ;

(vi) land holders unable to get loan from any credit agency because of overdues which are to be cleared before obtaining any loan for further capital investment ; and

(vii) farmers who are unwilling to apply for land development loans ;

(11) "irrigation system under a pipe-outlet" includes the filed channels, filed drains, and ayacut roads with all the related structures thereto ;

(12) "land holder" means a person in actual possession of the land, whether as an owner or as a tenant or sub-tenant or as a mortgagee in possession or as a licensee or otherwise and includes a person who is likely to be benefitted by any development work under this Act and the expression "land holding" shall be construed as land held by a land holder ;

(13) "member" means member of an Authority ;



(14) "pipe-outlet" means an opening or contrivance constructed by the State Government in an irrigation system through which water is delivered at the periphery of a block of land the extent of which ordinarily not exceeding forty hectares ;

(15) "Scheduled Castes" and "Scheduled Tribes" shall have the meaning assigned to it in the Constitution ;

(16) "small farmer" means a person who holds whether as owner, tenant or mortgagee with possession or partly in one capacity or partly in another capacity not more than two and a half acres of 'A' class of land specified in part 'A' of Schedule I of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) or not more than five acres of any other class of land.

## CHAPTER II

### ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

**3. Constitution of the Authority.-** (1) As soon as may be after the commencement of this Act, the State Government may, by notification, constitute Authority for the development of each Command Area.

(2) The Authority shall be a body corporate by the name "Command Area Development Authority of ....." having perpetual succession and a common seal with power, subject to the provisions of this Act to acquire, hold and dispose of property both movable and immovable and to contract and shall by the said name sue and be sued.

**4. Composition of the Authority .-** (1) The Authority shall consist of the following members, namely :-

(a) ten persons nominated by the State Government of whom one shall be a small farmer, one shall be a person belonging to scheduled castes or scheduled tribes, one shall be an agricultural labourer, and one shall be a rural artisan;

(b) one person nominated by the State Government to represent banks and financial institutions ;

<sup>1</sup>[(c) the Deputy Secretary to Government (Command Area Development Authority), Irrigation Department;]<sup>1</sup>

1. Substituted by Act 44 of 1986 w.e.f. 29.10.1996 and again substituted by Act 32 of 1995 w.e.f. 22.11.1995.

<sup>1</sup>[(cc) the Chief Secretaries of the concerned Zilla Parishads;]<sup>1</sup>

1. Inserted by Act 33 of 1987 w.e.f. 13.11.1987.

(d) the Director of Agriculture <sup>1</sup>[or his nominee not below the rank of Joint Director of Agriculture;]<sup>1</sup>

1. Inserted by Act 32 of 1995 w.e.f. 22.11.1995.

(e) <sup>1</sup>[the Engineer-in-Chief and]<sup>1</sup> the Chief Engineers of the concerned irrigation project or projects;

1. Inserted by Act 32 of 1995 w.e.f. 22.11.1995.

(f) the Registrar of Co-operative Societies <sup>1</sup>[or his nominee not below the rank of Joint Registrar of Co-operative Societies]<sup>1</sup>;

1. Inserted by Act 32 of 1995 w.e.f. 22.11.1995.

(g) the Director of Town Planning ;

(h) the Commissioner and Secretary to Government, Finance Department ;

(i) the Vice-Chancellor of the University of Agricultural Sciences ;

(j) the Deputy Commissioners of the concerned revenue districts ;

(k) the Administrator appointed under section 11.

(2) The State Government shall appoint,-

(i) one of the members as the Chairman ; and

(ii) one of the members or any officer of the Authority as the Secretary of the Authority.

**5. Disqualification for the membership of the Authority.-** (1) A person shall be disqualified for being nominated as, and for being, a member,-

(a) if he has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or

(b) if he is unsound mind and is so declared by a competent court; or

(c) if he is an undischarged insolvent ; or

(d) if he has been removed or dismissed from the service of the Central Government or the State Government or a Corporation owned or controlled by the Central Government or the State Government or from the membership of the Authority ; or

(e) if he has directly or indirectly, by himself or by his partner, any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority ; or

(f) if he is employed as a legal practitioner on behalf of the Authority or accepts employment as legal practitioner against the Authority.

(2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause, by reason only of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Authority is inserted.

**6. Term of office and conditions of service.-** (1) Notwithstanding anything contained in section 7, the Chairman and every other nominated member shall hold office during the pleasure of the State Government and their conditions of service shall be such as may be prescribed.

(2) Subject to the provisions of sub-section (1), the Chairman and every other nominated member shall hold office for three years from the date of nomination, but they shall be eligible for re-nomination.

(3) The Chairman or any other nominated member may at any time resign his office by a letter of resignation addressed to the State Government:

Provided that the resignation shall not take effect until it is accepted.

**7. Removal of a member.-** (1) The State Government shall remove the Chairman or a nominated member, if he,-

(a) becomes subject to any of the disqualifications specified in section 5 ; or

(b) refuses to act or becomes incapable of acting ; or

(c) without obtaining leave of absence from the Authority absents from three consecutive meetings of the Authority ; or

(d) in the opinion of the State Government has so abused his position as to render his continuance detrimental to the interest of the Authority.

(2) No order of removal of the Chairman or a nominated member under sub-section (1), shall be made unless such member has been given an opportunity of making his representation.

**8. Casual vacancies.-** (1) Any casual vacancy caused by resignation of a member or by any other reason may be filled by the State Government by nomination and the person so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(2) No act or proceeding of the Authority shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of the Authority, or any irregularity in the procedure of the Authority not affecting the merits of the case.

**9. Meetings of the Authority.-** (1) The Authority shall meet at least once in three months ordinarily at the office of the Authority, or at such other place within the Command Area as the Chairman may decide and shall, subject to the provisions of sub-sections (2), (3) and (4) observe such rules of procedure in regard to the transaction of business at its meeting as may be provided by regulations.

(2) The Chairman or in his absence any member chosen by the members present from among themselves, shall preside at a meeting of the Authority.

(3) If any member, being the Vice-Chancellor of the Agricultural University, or an

officer of the State Government, is unable to attend any meeting of the Authority, he may under intimation to the Chairman, authorise his immediate subordinate officer in writing, to do so.

(4) All questions at a meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence, the member presiding will have a second or casting vote.

(5) Quorum for a meeting of the Authority shall be five.

(6) The Authority may associate with itself in such manner and for such purposes as may be provided by regulations, any person whose assistance or advice it may desire in performing any of its functions under the Act. The person so associated shall have the right to take part in the meetings of the Authority relating to that purpose but shall not be entitled to vote.

### CHAPTER III FUNCTIONS OF THE AUTHORITY

**10. Functions of the Authority .-** The Authority shall have the following functions, namely :-

(1) to formulate and implement schemes for the comprehensive development of the Command Area ;

(2) to prevent land erosion and water-logging ;

(3) to improve soil fertility and regulation of cropping pattern ;

(4) to ensure the efficient maintenance of field channels and filed drains by the farmers within the Command Area ;

(5) localisation and delocalisation of lands for various crops ;

(6) ensuring supplies of all inputs and services ;

(7) promotion and setting up of rural growth centres for integrated development of the Command Area ;

(8) development of marketing, processing and storage facilities and adequate communication system ;

(9) arranging for credit facilities to the farmers and artisans ;

(10) organising agricultural co-operatives and associations ;

(11) construction of field channels and connected drains ;

(12) to borrow and lend money necessary for the due discharge of its functions ;

(13) conjunctive use of surface and ground water ;

(14) to determine the payment of compensation as provided in sub-section (4) of section 12 ;

(15) to set up agricultural demonstration farms and promote extension activities ; and

(16) to do such other acts not inconsistent with the provisions of this Act, as may be prescribed.

## CHAPTER IV

### ADMINISTRATOR AND OTHER OFFICERS

**11. Administrator and other Officers** .- (1) The State Government shall, by notification, appoint to an Authority,-

(a) an officer of the State Government of or above the grade of Secretary to Government, as the Administrator of the Authority who shall, subject to the general superintendence and control of the Authority be the Chief Executive Officer of the

Authority and shall exercise and discharge such powers and duties as may be prescribed or delegated to him by the Authority ;

(b) an officer of the Agriculture Department not below the rank of a Joint Director of Agriculture, as the Land Development Officer (Agriculture);

(c) an officer of the Irrigation Department not below the rank of a Superintending Engineer, as the Land Development Officer (Engineering);

(d) an officer of the Co-operation Department not below the rank of a Joint Registrar of Co-operative Societies, as the Land Development Officer (Co-operation) ; and

(e) an officer of the State Accounts Department of the Government not below the rank of a Deputy Controller of State Accounts, as the Chief Accounts Officer of the Authority.

(2) The Land Development Officers and the Chief Accounts Officer shall be subordinate to the Administrator and shall exercise such powers and discharge such duties as may be assigned to them by the Administrator.

(3) Subject to such rules as may be prescribed, the Authority may appoint such other officers and employees as it may deem necessary for the efficient discharge of its functions.

(4) The terms and conditions of service of the officers specified in sub-section (1) and of the officers and employees appointed under sub-section (3), shall be such as may be prescribed.

## CHAPTER V SCHEMES

**12. Preparation of the Schemes.-** (1) Every Authority shall prepare a scheme for the comprehensive development of the Command Area or any phase of it in such manner as may be prescribed.

(2) Any scheme so prepared shall amongst others, set out the following, namely:-

- (a) area proposed to be covered under the scheme ;
- (b) the work or works to be executed ;
- (c) the phasing of the scheme both areawise and workwise ;
- (d) the sketch plan of the area proposed to be covered under the scheme;
- (e) the reallocation or the realignment if any, of a pipe-outlet or the existing irrigation system ;
- (f) the survey numbers covered ;
- (g) field boundaries as existing and as proposed ;
- (h) the compensation to be given to or recovered from the land holders;
- (i) the cost involved in the scheme as well as in each phase thereof;
- (j) the charges or dues to be levied on the beneficiaries ; and
- (k) such other matters and particulars as may be prescribed.

(3) The Authority may also from time to time make and take up any new or additional schemes in the Command Area.

(4) The scheme shall provide for the payment of compensation to any affected land holder for the reduction in the extent of his holding under the above scheme and for recovery of compensation from any other landholder who is benefited in getting more extent of land under the scheme. The amount of compensation shall be determined so far as practicable in accordance with the provisions of the Land Acquisition Act, 1894 :

Provided that nothing in sub-section (4) shall preclude the determination of the amount of compensation by agreement with the benefitted and affected land holders and thereupon the amount so determined shall be the amount payable to such affected land holder.

**13. Procedure on completion of the scheme.-** (1) When a development scheme has been prepared, the Authority shall by notification publish the same in the official Gazette inviting objections and suggestions, if any, from all persons likely to be affected thereby, within thirty days from the date of such publication in the official Gazette.

(2) The said notification shall also be published in the village chavadies, the notice boards of the office of the concerned village panchayats, the notice boards of the

concerned taluk offices and the offices of the Deputy Commissioners of the districts in which the lands proposed to be included in the scheme are situate.

**14. Sanction of the scheme .-** (1) After the publication of the scheme as aforesaid and after considering the objections, if any, received in respect thereof the Authority shall, after making such modifications therein as it deems necessary, sanction the scheme.

(2) The scheme as sanctioned under sub-section (1) shall be notified in the official Gazette and shall be published in the manner specified in sub-section (2) of section 13.

**15. Consequences of notification .-** Upon the sanction of the scheme or any phase thereof by the Authority under section 14 (hereinafter called as the approved scheme), the following consequences shall ensue namely:-

(1) the Authority may require any department of the State Government, any statutory or corporate body controlled by the State Government functioning within the area of operation of the approved scheme to follow such directions in respect of such matters as are specified in the approved scheme.

(2) all development plans relating to land development drawn by any department of the State Government or any local or statutory authority or body, or any corporation controlled by the State Government shall be intimated to the Authority and shall be executed with its approval and subject to such modifications or changes, if any, as the Authority may suggest and also subject to such directions as the Authority may give.

(3) the Authority shall be deemed to be empowered to take all necessary action for the implementation of the approved scheme including levy of cost of works and other charges and to give directions to land holders with regard to the following matters, namely:-

- (a) the crops which are to be raised and the rotation of such crops;
- (b) provision for drainage in the farm ;
- (c) distance of wells, tube-wells, pumps and other sources of irrigation from the distribution system ;
- (d) erection and removal of fences over lands ;
- (e) submission of returns within such time and in such manner as may be provided by regulations containing a true and accurate statement regarding the following matters, namely :-
  - (i) area of land cultivated by him, the classification of such land, his interest therein and encumbrances on such land, if any ;
  - (ii) the nature and quantity of agricultural produce raised by him;
- (f) such other matters as may be specified by regulations.

**16. Execution of the scheme.-** (1) Upon the sanction of the scheme, the Authority may execute the same through such agency as it deems fit :

Provided that in the case of land development work as specified in the approved scheme, it may require land holders concerned to intimate the Authority within one month of the notification of the scheme under section 14 whether he decides to carryout the work according to the approved scheme by himself and, if so, his agreement to complete the work within the time as may be fixed by the Authority and he shall also be liable to pay proportionate cost of survey, supervision, and any other amount as may be determined by the Authority.

(2) When the land holder fails to carry out the work as provided in the proviso to sub-section (1), the Authority shall, carryout or get carried out the land development work, and, -

(a) the land development so carried out shall be deemed to have been done with the consent of the land holder for whose benefit it is intended;

(b) subject to such rules as may be prescribed the proportionate cost of works including survey, supervision, and any other amount as may be certified by the Authority shall be a charge on the land and provisions of sub-section (3) of section 20 shall mutatis mutandis apply for recovery thereof.

(3) In order to provide for the physical planning, the Land Development Officer (Engineering), shall have the power to effect realignment of field boundaries and in the process, to alter the area of the land held by the land holders in the Command Area or any other adjoining area.

(4) The realignment and changes in the land holdings so made shall have effect notwithstanding anything inconsistent therewith contained in any other enactment and shall be duly mutated in the record of rights.

(5) Holder of any land included in the approved scheme for comprehensive land development may deposit with the Authority the amount required for such land development as determined by the Authority and the Authority shall carryout the land development under the scheme by itself or through an agency decided by the Authority.

## CHAPTER VI

### LOCALISATION OF COMMAND AREAS AND REGULATION OF CROPPING PATTERN

**17. Power to specify principles of localisation.-** (1) The State Government may, having regard to the resources of land and water, nature of soil, climate and other technical considerations, by order, specify for each Command Area, the principles of localisation for the purpose of irrigation.



(2) The State Government may, having regard to the advancement in technology of land and water management and other agronomic practices alter from time to time by order the principles of localisation so specified for any Command Area.

**18. Classification of lands for raising different crops according to availability of water.**- (1) Subject to such directions as may be issued, from time to time by the State Government, the Authority or the officer authorised by the Authority may, in any year, having regard to the quantity of water available in any irrigation system within its jurisdiction, classify, by an order, within such time and in such manner as may be prescribed lands included in the irrigation system under a pipe-outlet for the purpose of raising such kind of crops under such pipe-outlet as may be specified in the order to regulate the supply of water for irrigation.

(2) Whenever the Authority is satisfied that for the better cultivation of land and the optimum utilisation of water resources of an irrigation system under a pipe-outlet or for accelerated land development or for any other reasons it is expedient in public interest, the Authority may, by notification, specify the cropping pattern, the period of sowing, the duration of crop, and the kinds of crops that shall not be grown on any land under such irrigation system under a pipe-outlet.

(3) On the publication of a notification under sub-section (2), no person shall grow or allow to grow any prohibited crop on any land under the irrigation system under a pipe-outlet and no person shall sow or plant or allow the sowing or planting of any other crop at any time other than the period, or allow such crop to remain beyond the duration, specified in respect thereof in such notification.

**19. Stoppage of water supply .-** The supply of water to any land which is entitled to such supply under section 17 or 18 shall not be stopped except,-

(a) whenever and so long as it is necessary to stop such supply for the purpose for executing any work ordered by the Authority ;

(b) whenever and so long as any field-channel by which such supply is received, is not maintained in such repair as to prevent the wasteful escape of water thereof ;

(c) whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demands of land holders entitled to water ;

(d) whenever and so long as it may be necessary to do so in order to prevent the wastage or the misuse of water ;

(e) within the periods fixed from time to time by the Authority, of which, due notice shall be given ; and

(f) whenever there is diminution in the supply of water in the irrigation work due to any natural or seasonal causes and so long as it is necessary to do so.

## CHAPTER VII CREDIT FACILITIES

**20. Credit facilities for development of lands for ineligible persons.-** (1) For taking up land development in the lands in the possession of ineligible persons, the Authority may raise loans on their behalf from a credit agency on such terms and conditions as may be mutually agreed upon between the Authority and the credit agency concerned for the purpose of meeting the cost of carrying out such development as may be provided for in the scheme approved :

Provided that the loans so raised shall be deemed to have been raised with the consent of the ineligible persons concerned.

**Explanation.-** For the purposes of this section subject to such rules as may be prescribed, the cost of land development includes such cost of survey, supervision, and any other amount as may be determined by the Authority.

(2) Notwithstanding anything in any law for the time being in force, the loan referred to in sub-section (1), shall be a first charge on the lands in the possession of ineligible persons concerned.

(3) The amount to be recovered from each ineligible person shall be the entire cost of work as determined under sub-section (1), and the same shall be recovered with interest at such rate and in such annual installments as may be fixed by the Authority and if not recovered in the usual course, shall be recovered as arrears of land revenue.

(4) The Authority shall be liable to repay the loan borrowed under sub-section (1) from the credit agency as per the terms and conditions of repayment as agreed upon at the time of borrowing.

**21. Alterations of extent or boundaries of mortgaged land under the approved scheme for land development .-** Where, on the implementation of the approved scheme for comprehensive land development, the extent or the boundaries of the mortgaged land gets altered, such altered land shall alone form the substituted security for the loan.

## CHAPTER VIII FINANCE, ACCOUNTS AND AUDIT

**22. Funds of the Authority .-** (1) The Authority shall have and maintain a separate fund to which shall be credited,-

(a) all moneys received by the Authority from the State Government by way of grants, loans, advances or otherwise ;

(b) grant-in-aid and loans made available by the Central Government for developmental activities in the Command Area under the Central Sector Schemes ;

(c) any other funds provided for taking up any of the various development activities for specified programmes ;

(d) loans raised by the Authority from financing agencies ; and

(e) all other funds received by the Authority from any other source.

(2) The fund shall be applied for the purpose of the Act in such manner as may be prescribed.

**23. Budget of the Authority .-** The Authority shall prepare in such form and at such time every year as may be prescribed a budget for the next financial year showing estimated receipts and expenditure of the Authority in respect of the administration of the Act, and shall forward to the State Government or such other authority, such number of copies thereof as may be prescribed.

**24. Accounts and Audit .-** (1) The Authority shall maintain a true and proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.

(2) The accounts of the Authority shall be subject to audit annually by the Controller of State Accounts and as certified by the Controller of State Accounts together with audit report thereof, shall be forwarded annually to the State Government. <sup>1</sup>[The audited accounts and the report shall be laid before each House of the State Legislature as soon as may be, after it is received by the State Government.]<sup>1</sup>

1. Inserted by Act 25 of 2003 w.e.f. 20.5.2003.

**25. Annual Reports .-** The Authority shall prepare for every year a report of its activities under this Act, during that year and submit the report to the State Government in such form on or before such date as may be prescribed and the State Government shall cause the same to be laid before each House of the Legislature.

## CHAPTER IX OFFENCES AND PENALTIES

**26. Penalties .-** (1) Whoever, voluntarily or without proper authority,-

(a) damages, alters, enlarges, or obstructs any irrigation system under a pipe-outlet ;

(b) interferes with, increases, or diminishes the water supply in or the flow of water from, through, over or under any irrigation system under a pipe-outlet ;

(c) being responsible for maintenance of the irrigation system under a pipe-outlet, neglects to take proper precautions for the prevention of wastage of the water thereof or interferes with the authorised distribution of water therefrom or uses water in an unauthorised manner or in such manner as to cause damage to the adjacent land holding;

(d) corrupts or fouls, the water of any irrigation system under a pipe-outlet so as to render it less fit for the purpose for which it is ordinarily used;

(e) destroys, defaces or removes any level marks or water-gauge or any other work or sign fixed by the Authority or a public servant;

(f) opens, shuts, or obstructs or attempts to open, shut, or obstruct any sluice or outlet or any other similar contrivance in any irrigation system under a pipe-outlet or drainage system;

(g) uses water unlawfully or unauthorisedly or agrees to or allows to grow any crop in contravention of any notification under this Act,

shall on conviction, be punished with imprisonment which may extend to two years or with fine which shall not be less than one thousand rupees, but may extend to five thousand rupees or with both:

Provided that in the case of a continuing offence, a fine not exceeding one hundred rupees per day shall also be imposed during the period of the continuance of the offence.

(2) While convicting any person under sub-section (1), the magistrate may order that the said person shall remove the obstruction or repair the damage, sluice or outlet or replace the level mark, water gauge or other work in respect of which the conviction has taken place, within a period to be specified in such order. If such person neglects or refuses to obey such order within the period so fixed, the Authority may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person as arrears of land revenue.

**27. Liability when person using water unauthorisedly cannot be found.**- (1) If water supplied through a field channel is used in any unauthorised manner, and if the person by whose act or negligence such use has occurred cannot be found after such enquiry as the Authority may deem sufficient, the Authority shall after giving not less than one month's notice to the holders and occupiers of all lands benefitted thereby and after hearing their representations if any, make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as it may deem fit.

(2) All charges for the unauthorised use of water determined under sub-section (1), shall be recoverable as arrears of land revenue.

**28. Abetment of offences .-** Whoever, abets any offence punishable by or under this Act attempts to commit any such offence, shall be punished with the penalty provided by or under this Act, for committing such offence.

**29. Punishment under other Laws not barred .-** Nothing in this Act, shall prevent any person from being prosecuted and punished under any other law for the time being in force for any act or omission made punishable by or under this Act :

Provided that no person shall be prosecuted and punished for the same offence more than once.

**30. Offences under this Act, to be cognizable .-** All offences under this Act, shall be cognizable.

**31. Power to remove and take into custody person obstructing.-** Any officer or authority incharge of or employed on any irrigation system under a pipe-outlet may remove from the land or any building thereon or may take into custody without a warrant and forthwith hand over to a police officer in-charge of the nearest police station, any person who within his view,-

(a) wilfully damages, alters, enlarges or obstructs any irrigation system under a pipe-outlet; or

(b) without proper authority interferes with the supply or flow of water in or from any irrigation system under a pipe-outlet so as to endanger, damage or render less useful such irrigation system under a pipe-outlet:

Provided that every person so taken into custody shall be produced before the nearest magistrate within a period of twenty four hours of such custody excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

**32. Payment of fine as reward to informant.-** (1) Whenever any person is sentenced to fine under this Act the court which imposes such fine, or which confirms in appeal or revision a sentence of such fine, or a sentence of which such fine forms a part, may direct that the whole or part of such fine may be paid by way of reward to any person who gave information leading to the detection of such offence or to the conviction of the offender.

(2) If any such fine is ordered to be paid as reward by a court whose decision is subject to appeal, the amount ordered to be so paid, shall not be paid until the period prescribed for presentation of the appeal has elapsed, or if an appeal is preferred until after the disposal of the appeal.

**33. Composition of offences .-** (1) Any officer authorised by the Authority may accept from any person who has committed or in respect of whom a reasonable belief can be inferred that he has committed an offence punishable under this Act, or the rules made thereunder, a sum of money not exceeding two hundred rupees, by way of composition for such offence.

(2) On payment of such sum of money, the said person if in custody, shall be released and no further proceedings shall be taken against him in regard to the offence so compounded.

## CHAPTER X MISCELLANEOUS

**34. Obligation of land holders of land adjacent to Command Areas.-** Where, for the safety of an irrigation system under a pipe-outlet in a Command Area and for other technical reasons it is considered necessary to take any conservation measures like contour bounding, drainage and trenching in land adjacent to the lands under the Command Area, the Authority shall have and exercise all the powers under the Karnataka Land Improvement Act, 1961 (Karnataka Act 6 of 1962) and the rules made thereunder in respect of soil conservation measures required to be taken therein.

**35. Formation of units .-** All lands comprised in the Command Area under a pipe-outlet shall form a single unit for purposes of,-

- (i) comprehensive land development ; and
- (ii) maintenance and upkeep of irrigation system under a pipe-outlet.

**36. Power to enter, survey etc .-** Any Land Development Officer or any other officer authorised by the Authority in this behalf, with or without assistants or workmen may,-

(a) enter upon any land in the Command Area of an irrigation system under a pipe-outlet or lands adjacent thereto and undertake survey or take levels thereon for preparing a scheme for systematic land development ;

(b) dig and bore into top soil or sub-soil and collect a soil samples for technical investigation ;

(c) make and set up suitable land marks, and level marks for the said purpose ; and

(d) do all other acts necessary for the proper conduct of any inquiry or investigation relating to any existing or proposed scheme for comprehensive land development :

Provided that if the Land Development Officer proposes to enter into any building or any enclosed court-yard attached to a dwelling house, he shall give the occupier of such building or court-yard atleast a day's notice in writing of his intention to do so, if the occupier denies entry on oral request.

**37. Charge leviable .-** The Authority may levy and collect charges for the maintenance and repairs of irrigation channels or drain channels from the beneficiaries where maintenance of such channels is done by the Authority.

**38. Fees for Service .-** The Authority may charge such fees as may be specified in the rules made under this Act, for rendering any service to any person.

**39. Members of the Authority and members of the staff of the Authority to be public servants .-** Members of the Authority and the members of the staff of the Authority shall, while acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

**40. Protection for acts done in good faith .-** No suit, prosecution or other legal proceedings shall lie against the State Government, the Authority or the Chairman or other members of the Authority or any officer or servant of the State Government or of the Authority for anything which is in good faith done or purported or intended to be done in pursuance of this Act, or any rule made thereunder.

**41. Recovery of dues as arrears of land revenue .-** Whenever any sum is due to be paid by any land holder under sub-section (2) of section 16 has not been paid within the time prescribed for such payment, it shall be recoverable with interest at such rates as may be prescribed in the same manner as arrears of land Revenue.

**42. Offences by companies .-** (1) If the person committing an offence under this Act, is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.-** For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(sb) "director" in relation to a firm means a partner in the firm.

**43. Bar of jurisdiction of civil courts .-** (1) No order passed or proceeding taken by an officer or authority under this Act, shall be called in question in any court in any suit or application and no injunction shall be granted by any court in respect of any

action taken or about to be taken by such officer or authority in pursuance of any power conferred by or under this Act.

(2) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purported to be done under this Act, without the previous sanction of the State Government.

(3) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of execution of duties or the discharge of the functions imposed by or under this Act. This Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

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(2) No suit, prosecution or other proceeding shall lie against any officer or servant of the State Government for any act done or purported to be done under this Act, without the previous sanction of the State Government.

(3) No officer or servant of the State Government shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of execution of duties or the discharge of the functions imposed by or under this Act.

(4) Save as otherwise provided in this Act no suit shall be instituted against the State Government in respect of any act done unless the suit is instituted within six months from the date of the act complained of.

(5) In the case of an intended suit against any officer or servant of the State Government under sub-section (1), the person intending to sue shall be bound to give the officer or servant, as the case may be, at least one month's notice of the intended suit with sufficient description of the cause of action failing which such suit shall be dismissed.

**44. Power to summon and examine witness .-** Any officer empowered under this Act, to conduct any enquiry may exercise such powers connected with the summoning and examining of the witnesses and the production of documents as are conferred on a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and any such enquiry shall be deemed to be a judicial proceeding.

**45. Revision .-** (1) The State Government may, either suo-motu at any time or on an application made within the prescribed period by any person interested, call for and examine the record relating to any decision or order passed or proceeding taken by any Authority or officer subordinate to it under this Act, for the purpose of satisfying itself as to the legality or propriety or regularity of such decision or order or proceedings and if in any case, it appears to it that any such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration it may pass orders accordingly:

Provided that no orders adversely affecting any person shall be passed under this sub-section unless such person has been given an opportunity of making a representation.

(2) The State Government may stay the execution of any such decision, order, or proceeding pending the exercise of its powers under sub-section (1).

**46. Power to make rules .-** (1) The State Government may, after previous publication in the official Gazette, by notification, make rules to carry out all or any of the purposes of this Act.

(2) A rule under this Act may be made with retrospective effect and when such a rule is made the reasons for making the rule shall be specified in a statement laid before both houses of the State Legislature.

(3) Every rule made under this Act shall, immediately after it is made be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following, for a total period of thirty days which may be comprised in one session, or two or more successive sessions, and if before the expiration of the sessions in which it is so laid or the session immediately following, both houses agree in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Any person contravening any rule made under this Act for the contravention of which no special penalty is provided shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both :

Provided that no prosecution under this sub-section shall be instituted without the previous sanction of the Administrator.

**47. Regulations.-** Every Authority may with the previous approval of the State Government, after previous publication, by notification, in the official Gazette, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to discharge its functions under this Act.

**48. Directions by the State Government.-** In the discharge of its functions, every Authority shall be guided by such directions and instructions as may be given to it by the State Government.

**49. Act to over-ride other laws .-** (1) The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom, usage or contract or decree or order of a court or other authority.

(2) For removal of doubts it is hereby declared that the provisions of the Karnataka Land Improvement Act, 1961 and the Karnataka Irrigation Act, 1965 and the rules

made thereunder shall apply to the extent such provisions are not inconsistent with the provisions of this Act.

**50. Power to remove difficulties .-** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions not inconsistent with the provisions of this Act as appear them to be necessary or expedient for the purpose of removing the difficulty :

Provided that no such notification shall be issued under this section after the expiry of two years from the date of commencement of this Act.

(2) Every notification issued under this section shall be laid before each House of the State Legislature, and the provisions of sub-section (2) of section 46, shall apply in respect of a rule made under this Act.

**51. Repeal of Karnataka Ordinance No. 21 of 1979 .-** (1) The Karnataka Command Areas Development (Second) Ordinance, 1979 (Karnataka Ordinance No. 21 of 1979) is hereby repealed.

(2) Notwithstanding such repeal any action taken or any appointment, notification, order, scheme, rule, form or bye-law made or issued under the said Ordinance shall be deemed to have been taken, made or issued under this Act and any reference therein to the said Ordinance shall be deemed to be a reference to this Act and shall continue in force accordingly unless and until superseded by any action taken or any appointment, notification, order, scheme, rule, form or bye-law made or issued under this Act.

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**THE BANGALORE CITY CIVIL COURT ACT, 1979**  
**ARRANGEMENT OF SECTIONS**

Statement of Objects and Reasons:

Sections:

**CHAPTER I**  
**PRELIMINARY**

1. Short title and commencement.
2. Definitions.

**CHAPTER II**

**ESTABLISHMENT OF A CITY CIVIL COURT FOR THE CITY OF BANGALORE.**

3. Establishment of a City Civil Court.
4. Subordination to and superintendence by the High Court.
5. Powers of Judges.
6. Temporary vacancy of the office of Principal City Civil Judge of the City Civil Court.
7. Registrar, etc.
8. Questions arising in suits, etc., under the Act to be dealt with according to law administered by a District Court.
9. Appeals and limitation.

**CHAPTER III**  
**MISCELLANEOUS**

10. Seal of the Court.
11. Holidays and vacation.
12. Construction of references to District Court, the Court of the Civil Judge, Munsiff's Court, District judge, Civil Judge and Munsiff in other laws.
13. Judges not to try suits in which they are interested.
14. Power to make Rules.
15. Amendment of Karnataka Act 22 of 1961.
16. Amendment of Karnataka Act 5 of 1962.
17. Amendment of Karnataka Act 11 of 1964.

18. Amendment of Karnataka Act 21 of 1964.
19. Special provisions for transfer of pending suits, etc.
20. Repeal of Karnataka Ordinance No. 8 of 1979.

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## STATEMENT OF OBJECTS AND REASONS

### I

**Act 13 of 1980.-** City Civil Courts are functioning in the Metropolitan Cities of Bombay, Madras, Calcutta, Hyderabad and Ahmedabad. The High Court is of the opinion that a City Civil Court on the pattern of the City Civil Courts functioning in the other cities above-named may be constituted for the City of Bangalore also. When such a City Civil Court is constituted, the Sessions Judge will deal exclusively with criminal work and the supervision of the work of the Magistrates' Courts. As there will be an appeal only to the High Court against the decision of the City Civil Court, this would not only minimise the delay in disposal of cases but also reduce the cost of litigation.

The Government have therefore, considered it necessary to constitute a City Civil Court for the City of Bangalore. It is also proposed to abolish vacation in civil courts.

Hence this Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 478 dated 16.5.1979 at page 14.)

### II

**Amendment Act 23 of 1980.-** The Bangalore City Civil Court Bill as passed by both Houses of the legislature was published as an Act after obtaining the assent of the President. "City of Bangalore" is defined in section 2 (2) of the said Act to mean the area comprised within the limits specified in Annexure B of the Schedule to the Notification No. HUD 4 MNX 79 dated 6th March 1979. The said Notification has been rescinded. It therefore became necessary to specify the area of "City of Bangalore" for the purposes of the Bangalore City Civil Court.

The High Court had originally proposed that the said Court would try civil cases only. Subsequently, the High Court recommended that the presiding Officers of the said Court would try criminal cases also. Accordingly, the High Court recommended that the area of the "City of Bangalore" may be the area declared to be a metropolitan area under Section 8 of the Cr. P.C.

The High Court also recommended that, -

(i) the pecuniary jurisdiction of the court of Small Causes in Bangalore may be increased to Rs. 10,000;

(ii) all proceedings pending in the District Court, Court of the Civil Judge and the Munsiff's Court be transferred to the City Civil Court instead of to the High Court as at present; and

(iii) provision be made to dispense with the giving of notices to parties after the appeals, applications, suits etc., are transferred to the City Civil Court or the Small Causes Court.

In order to enable the establishment of the Bangalore City Civil Court very early and as the Legislative Council was not in Session, the Bangalore City Civil Courts (Amendment) Ordinance, 1980 providing for these matters was promulgated. Subsequently the High Court suggested certain other provisions of a procedural and clarificatory nature. They have also been incorporated in the Bill which is intended to replace the Ordinance.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No.557 dated 8.7.1980 at Page 6)

### III

**Amendment Act 11 of 1981.-** In view of the heavy arrears of cases in the Subordinate Civil Courts, it was considered necessary to increase the number of working days of all such courts. Accordingly, the vacation to all such courts was reduced from 60 days to 30 days by amending the relevant provisions in the Karnataka Civil Courts Act, 1964 and the Karnataka Small Cause Courts Act, 1964. In the Bangalore City Civil Court Act, 1979, the duration of vacation for the City Civil Court, Bangalore City was also fixed at 30 days.

There have been a spate representations from the various Bar Associations in the State protesting against the reduction of vacation for these courts and they have been requesting the Government for restoration of vacation to the Subordinate Courts to the full period of 60 days as before.

Further, the subordinate Courts in the neighboring States of Tamil Nadu, Andhra Pradesh and Kerala have vacations during summer, winter and Dasara totalling nearly 60 days or even more.

In view of the repeated requests from the several Bar Associations in the State for the restoration of vacation to the full period of 60 days and in view of the recommendation made by the High Court in this behalf, it is considered necessary that the vacation for the Civil Courts may be restored to 60 days, instead of 30 days, as before.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 209 dated 28.3.1981 at page 3.)

#### IV

**Amendment Act 26 of 1985.-** With a view to provide uniform provision regarding vacations, in the Karnataka Small Causes Courts Act, 1964, the Karnataka Civil Courts, Act, 1964 and the Bangalore City Civil Court Act, 1979, it is considered necessary to amend the relevant sections of the said Acts. Opportunity is also taken to make provisions for appointment of Vacation Judges in the Karnataka Small Causes Court Act and other consequential changes.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 400 dated 26.7.1985 at page 6.)

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**KARNATAKA ACT No. 13 OF 1980**

*(First published in the Karnataka Gazette Extraordinary on the Seventeenth day of April, 1980)*

**THE BANGALORE CITY CIVIL COURT ACT, 1979**

*(Received the assent of the President on the Eighth day of April, 1980)*

(As Amended by Acts 23 of 1980, 11 of 1981 and 26 of 1985)

**An Act to provide for the establishment of the City Civil Court in the city of Bangalore.**

WHEREAS it is expedient to provide for the establishment of a City Civil Court in the city of Bangalore and matters connected therewith ;

BE it enacted by the Karnataka State Legislature in the Thirty-first Year of the Republic of India as follows :-

**CHAPTER I  
PRELIMINARY**

**1. Short title and commencement.-** (1) This Act may be called the Bangalore City Civil Court Act, 1979.

(2) This section shall be deemed to have come into force on the thirty first day of August 1979, 1[clause (2A) of section 17 shall come into force at once]1 and the other provisions shall come into force on such 2[date]2 as the State Government may, by notification, appoint.

1. Inserted by Act 23 of 1980. w.e.f. 25-7-80.

2. Other provisions of the Act came into force on 17.11.1980 by notification. Text of the notification is at the end of the Act.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

(1) "appointed date" means, the date notified under sub-section (2) of section 1 ;

<sup>1</sup>[(2) "City of Bangalore" means the area for the time being included in the Metropolitan area comprising the Bangalore City declared under section 8 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) ;]<sup>1</sup>

1. Substituted by Act 23 of 1980 w.e.f. 25-7-80.

(3) "City Civil Court" means the court established under sub-section (1) of section 3 ;

(4) "Court of Small Causes" means a Court of Small Causes established under the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964) for the City of Bangalore ;

(5) "High Court" means the High Court of Karnataka ;



(6) "Judge" means the Principal City Civil Judge and a City Civil Judge of the City Civil Court ; and

(7) "law" includes any enactment, ordinance, regulation, order, bye-law, rules, scheme, notification or every instrument having the force of law.

## CHAPTER II ESTABLISHMENT OF A CITY CIVIL COURT FOR THE CITY OF BANGALORE.

**3. Establishment of a City Civil Court.-** (1) As from the appointed date there shall be a City Civil Court for the City of Bangalore.

(2) The City Civil Court shall consist of a Principal City Civil Judge and such number of other City Civil Judges as the State Government may, in consultation with the High Court, determine.

(3) Notwithstanding anything contained in any law, the City Civil Court,-

(a) shall be deemed to be the Principal Civil Court of original jurisdiction in the City of Bangalore ;

(b) shall have jurisdiction to receive, try and dispose of all suits and other proceedings of a civil nature and arising within the City of Bangalore except suits or proceedings which are cognizable by the High Court and the Court of Small Causes.

(4) The District Courts, the courts of the Civil Judges and the Munsiff's Courts established under the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964),-

(a) exercising jurisdiction only within the local limits of the City of Bangalore immediately before the appointed date, shall on and from the said date cease to function and are hereby abolished ;

(b) exercising jurisdiction within the local limits of the City of Bangalore as well as outside such limits immediately before the appointed date, shall, on and from the said date, cease to have jurisdiction within the local limits of the City of Bangalore.

(5) Nothing in sub-section (4), shall prejudice or affect the continued operation of any notice served, injunction issued, direction given, proceedings taken, decree or order passed before the appointed date by any of the courts referred to in that sub-section under the powers then conferred upon those courts.

4. Subordination to and superintendence by the High-Court.- The City Civil Court shall be deemed <sup>1</sup>[to be a court]<sup>1</sup> subordinate to and subject to the control and superintendence of the High Court.

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

**5. Powers of Judges.-** (1) subject to the other provisions of this Act, each of the Judges may exercise all or any of the powers conferred on the City Civil Court by this Act or any other law for the time being in force.

(2) The Principal City Civil Judge may, subject to the General or Special Orders of the High Court, from time to time, make such arrangement as he thinks fit for the distribution of the business of the City Civil Court among the Judges thereof.

**6. Temporary vacancy of the office of Principal City Civil Judge of the City Civil Court.-** (1) In the event of the death of the Principal City Civil Judge or of his being incapacitated from performing his duties by sudden illness or otherwise or of his absence on leave or for any other reason, the next senior most Judge shall without relinquishing his ordinary duties assume the charge of the office of the Principal City Civil Judge and shall continue incharge thereof until the same is assumed by the Principal City Civil Judge duly appointed thereto.

(2) While incharge of the office of the Principal City Civil Judge under sub-section (1), the seniormost Judge shall, subject to the general or special orders of the High Court, issued in this behalf, exercise all the powers and perform all the duties of the Principal City Civil Judge.

**7. Registrar, etc.-** (1) The City Civil Court shall have a Registrar and as many Deputy Registrars and other staff as may be determined by the State Government in consultation with the High Court.

(2) The High Court may appoint an officer belonging to the Judicial Service of the State of Karnataka as the Registrar of the City Civil Court.

(3) The Registrar shall be the Chief Ministerial Officer of the City Civil Court.

(4) Subject to the 1[orders]1 made by the High Court in this behalf, the Registrar, the Deputy Registrars and other staff shall exercise such powers and discharge such duties as the Principal City Civil Judge may from time to time assign.

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

**8. Questions arising in suits, etc., under the Act to be dealt with according to law administered by a District Court.-** Save as otherwise provided in this Act and subject to such rules as the High Court may make for the City Civil Court under Article 227 of the constitution or section 122 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) all questions which arise in suits or other proceedings under this Act in the City Civil Court shall be dealt with and determined according to the law for the time being administered by a District Court.

**9. Appeals and limitation.-** (1) Appeals from the decrees and orders passed by the City Civil Court in suits and other proceedings of civil nature shall, when such appeals are provided by law, lie to the High Court.

(2) The period of limitation for an appeal from a decree or order of the City Civil Court shall be ninety days from the date of such decree or order.

**CHAPTER III**  
**MISCELLANEOUS**

**10. Seal of the Court.-** The City Civil Court shall use a seal which shall bear thereon the emblem of the State of Karnataka and shall be in such form, of such dimension and with the name of the City Civil Court in such language, as the State Government may by order determine.

**11. Holidays and vacation.-** (1) The City Civil Court shall be closed on such days as may be notified by the State Government as public holidays for the whole State or for the city of Bangalore.

(2) The City Civil Court shall have three vacations in each year, namely, Summer, Dasara and Winter and the total number of the said three vacations shall not exceed <sup>1</sup>[sixty days]<sup>1</sup> and the High Court shall fix period of each vacation.

1. Substituted by Act 11 of 1981 w.e.f. 4-4-1981.

(3) Notwithstanding anything contained in this Act or in the Code of Civil Procedure, 1908 (Central Act 5 1908) for the hearing of all matters, which require to be immediately or promptly dealt with during <sup>1</sup>[any vacation]<sup>1</sup>, the High Court may by notification designate one or more Judges of the City Civil Court as vacation City Civil Judge or Judges, as the case may be and such Judge or Judges shall, during <sup>1</sup>[such vacation or part thereof]<sup>1</sup>, exercise all powers conferred on the City Civil Court by this Act or any other law for the time being in force.

<sup>1</sup>[(3A) The High Court may also regulate by special or general order work to be discharged by the Vacation City Civil Judge or Judges.

(3B) (a) The local limits of the jurisdiction of a Vacation City Civil Judge shall be the same as that of City Civil Court.

(b) The jurisdiction of a Vacation City Civil Judge shall extend to all suits and proceedings cognizable by the City Civil Court.

(3C) The places at which the Court of Vacation City Civil Judge or Judges shall be held, shall be the same at which the City Civil Court may be held. The senior Vacation City Civil Judge shall have such administrative control over the staff of the City Civil Court, as the High Court may by general or special order, determine.]<sup>1</sup>

1. Sub-Sections (3A) (3B) and (3C) inserted by Act 26 of 1985 w.e.f. 29-4-1985.

(4) Notwithstanding the designation of the vacation City Civil Judge or Judges under sub-section (3), the City Civil Court shall, during the period of vacation in summer be deemed to be closed for the purposes of section 4 of the Limitation Act, 1963 (Central Act 36 of 1963).

**12. Construction of references to District Court, the Court of the Civil Judge, Munsiff's Court, District Judge, Civil Judge and Munsiff in other laws.-** (1)

Notwithstanding anything contained in any law but except where the context otherwise requires any reference in any law for the time being in force in the city of Bangalore, to District Court, Court of Civil Judge or Munsiff's Court or to District Judge, Civil Judge or Munsiff shall in the city of Bangalore be construed as a reference to the City Civil Court or a Judge of the City Civil Court, as the case may be, and such law shall, have effect accordingly.

(2) Where immediately prior to the appointed date, under any law in force in the city of Bangalore, 1[the Jurisdiction and powers]1 of a tribunal or any other authority,-

(a) are exercised by the District Court or the Court of the Civil Judge or the Munsiff's Court, referred to in sub-section (4) of section 3, on and from the appointed date 1[the Jurisdiction and powers]1 of such tribunal or other authority shall, in the city of Bangalore, be exercised by the City Civil Court.

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

(b) are exercised by the District Judge or a Civil Judge or a Munsiff, presiding over any of the Courts, referred to in sub-section (4) of section 3, on and from the appointed date the '1[jurisdiction and powers]1' of such tribunal or other authority shall in the city of Bangalore be exercised by the Principal City Civil Judge or any other Judge nominated by him.

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

**13. Judges not to try suits in which they are interested.-** (1) No Judge of a City Civil Court shall try any suit or proceeding to which he is a party or in which he is personally interested or shall adjudicate upon any proceeding connected with or arising out of such suit or proceeding.

(2) Where any such suit or proceeding comes before,-

(a) the Principal City Civil Judge, he shall place it before any other Judge for disposal according to law ;

(b) any other Judge, he shall report the circumstances to the Principal City Civil Judge who shall thereupon place it before any other Judge for disposal according to law.

**14. Power to make rules.-** (1) The High Court may by notification and subject to the condition of previous publication make rules for carrying out the purposes of this Act.

(2) A rule made under sub-section (1) may provide for imposition of a penalty not exceeding one hundred rupees for breach of any such rule and the authority which shall impose such penalty. The penalty so imposed shall be recovered as if it were a fine imposed by a Magistrate in exercise of his ordinary jurisdiction.

**15. Amendment of Karnataka Act 22 of 1961.-** In the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961),-

(a) for clause (d) of section 3, the following clause shall be substituted, namely :-

"(d) 'Court' means,-

(i) in respect of the area comprised within the limits of the City of Bangalore, <sup>1</sup>[as defined in the Bangalore City Civil Court Act, 1979]<sup>1</sup> the Court of Small Causes ;

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

(ii) in such other areas as the State Government may in consultation with the High Court, by notification specify, the court of the Civil Judge having territorial jurisdiction over such area ; and

(iii) in respect of areas other than those referred to in sub-clauses (i) and (ii), the Court of Munsiff having territorial jurisdiction over such area",

(b) in sub-section (1) of section 50, for the words "the Court of Civil Judge" the words "the Court of Small Causes or the Court of Civil Judge" shall be substituted.

**16. Amendment of Karnataka Act 5 of 1962.-** In the Karnataka High Court Act, 1961 (Karnataka Act 5 of 1962),-

(1) in section 9,-

(a) for clause (viii), the following clause shall be substituted, namely:-

"(viii) exercise of powers conferred by section 389, section 439 and section 440 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) ;"

(b) in clause (ix), for the words and figures "under section 526 and section 526-A of the Code of Criminal Procedure, 1898;" the words, brackets and figures "under section 407 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974) ;" shall be substituted.

(c) clause (x) shall be omitted.

(d) after clause (xii), the following clause shall be inserted, namely:-

"(xiii) all appeals against the decrees or orders passed by the City Civil Court or deemed to have been passed by the City Civil Court in suits and proceedings the value of which is less than rupees twenty thousand."

(2) in section 10,-

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

"(b) under section 395 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)";

(c) clause (iii) shall be omitted.

**17. Amendment of Karnataka Act 11 of 1964.-** In the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964),-

(1) in section 2,-

(a) clause (a) shall be relettered as clause (aa) and before the relettered clause (aa), the following clause shall be inserted, namely :-

"(a) "City of Bangalore" shall have the meaning assigned to it in the Bangalore City Civil Court Act, 1979" ;

(b) in clause (d), the following shall be added at the end, namely :-

"and in the City of Bangalore the Chief Judge of the Court of Small Causes ;"

(2) after section 4, the following proviso shall be inserted, namely:-

"Provided that, in the City of Bangalore, the High Court may appoint a District Judge who shall be called the Chief Judge of the Court of small Causes." ;

<sup>1</sup>[(2A) in the proviso to sub-section (2) of section 8, for the words "three thousand rupees", the words "ten thousand rupees" shall be substituted.]<sup>1</sup>

1. Inserted by Act 23 of 1980 w.e.f. 25-7-1980.

(3) for section 17, the following section shall be substituted, namely :-

**"17. Appeals from certain orders of Court of Small Causes.-**An appeal shall lie from every order under section 35A and section 95 of the Code as specified in and to the extent provided by section 104 of the Code,-

(a) to the High Court where the order is of the Court of Small Causes in the City of Bangalore ;

(b) to the District Court <sup>1</sup>[in other cases.]<sup>1</sup> " ;

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

(4) in section 20, after sub-section (2), the following sub-section shall be inserted, namely :-

"(3) Notwithstanding anything contained in sub-sections (1) and (2) the Court of Small Causes in the city of Bangalore shall be subordinate to and subject to the administrative control and superintendence of the High Court." ;

(5) in section 21, for the words "sixty days" the words "thirty days" shall be substituted.

**18. Amendment of Karnataka Act 21 of 1964.-** In the Karnataka Civil Courts Act, 1964 (Karnataka Act 21 of 1964),-

(1) in sub-section (2) of section 1, for the words "whole of the State of Karnataka" the words " whole of the State of Karnataka except the city of Bangalore" shall be substituted.

(2) in section 2,-

(i) after clause (a) the following clause shall be inserted, namely :-

"(aa) 'city of Bangalore' shall have the meaning assigned to it in the Bangalore City Civil Court Act, 1979" ;

(ii) in clause (c), for the Explanation the following Explanation shall be substituted, namely :-

**"Explanation.-** For the purpose of this clause Bangalore Revenue District shall be exclusive of the city of Bangalore."

(3) in section 13, after sub-section (3), the following sub-section shall be inserted, namely :-

"(4) where the local limits of the Jurisdiction of any District Court, Court of Civil Judge or Munsiff's Court is varied by a notification issued under sub-section (1) or sub-section (2), the High Court may make such orders as it may consider necessary for the transfer of suits, applications, appeals and other proceedings pending in any such court."

(4) in sub-section (2) of section 28, for the words "sixty days" the words "thirty days" shall be substituted.

**19. Special provisions for transfer of pending suits, etc.-** (1) All suits, petitions, applications and other proceedings, other than appeals and proceedings connected therewith pending before the District Court, the Court of the Civil Judge and the Munsiff's Court referred to in sub-section (4) of section 3, which under this Act have to be instituted, filed or commenced in the City Civil Court shall, on the appointed date, stand transferred to the City Civil Court and shall be continued and disposed of by the City Civil Court as if such suits, petitions, applications or other proceedings had been instituted, filed or commenced in the City Civil Court.

(2) All appeals and proceedings connected therewith pending before the said District Courts or the courts of the Civil Judge referred to in sub-section (4) of section 3 shall on the appointed date stand <sup>1</sup>[transferred to the City Civil Court and shall be disposed of by the City Civil Court which is hereby empowered to hear such appeals and proceedings, as if they had been instituted, filed or commenced in such court.]<sup>1</sup>

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

(3) Appeals against decrees and orders passed before the appointed date by the District Court, the Court of the Civil Judge and the Munsiff's Court referred to in sub-section (4) of section 3, when such appeals are provided by law, and which have not been filed before the appointed date, may on and from the appointed date be filed before the High Court and all such appeals shall be disposed of by the High Court as if they had been filed against the decrees and orders passed by the City Civil Court under this Act.

(4) Applications for review and for execution of a decree or order passed by the District Court, the Court of the Civil Judge or the Munsiff's Court referred to in sub-section (4) of section (3), which have not been filed before the appointed date may on and from the appointed date be filed in the City Civil Court.

(5) An appeal or review under sub-section (3) or sub-section (4) shall be filed before the expiry of the period prescribed for filing an appeal or review as the case may be, against the decrees and orders passed prior to the appointed date.

(6) 1[(a) All applications under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) and proceedings connected therewith and all suits, applications and other proceedings, pending in the courts of Civil Judges and Munsiffs exercising jurisdiction within the limits of the city of Bangalore, which by virtue of this Act or any amendment made by this Act or any notification issued under section 8 of the Karnataka Small Causes Court Act, 1964 (Karnataka Act 11 of 1964), have to be instituted, filed or commenced in the Court of Small causes, shall, on the appointed date, stand transferred to the Court of Small Causes and shall be disposed of by the said court as if they have been instituted or commenced before it.

(b) In relation to the execution of decrees and orders passed before the appointed date the court which passed the decree shall be deemed to be,-

(a) where such decrees or orders have been passed in the exercise of any jurisdiction under the Karnataka Rent control Act, 1961 (Karnataka Act 22 of 1961) or the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964), the Court of Small Causes Bangalore ; and

(b) in other cases, the City Civil Court.]<sup>1</sup>

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

(c) Applications for review and for execution of a decree or order passed by the court of Civil Judge referred to in sub-section (4) of section 3 under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) which have not been filed before the appointed date may on and from the appointed date be filed in the court of Small Causes;

(d) A review petition or an application for execution under clause (c) shall be filed before the expiry of the period prescribed for filing review or application for execution, as the case may be, against the decrees and orders passed prior to the appointed date;

<sup>1</sup>[(7) All suits, petitions, applications, appeals and other proceedings which under this section stand transferred to the Principal City Civil Judge or to the City Civil Court or to the Court of Small Causes, shall, stand posted to and be called before the Principal City Civil Judge or in the City Civil Court or in the Court of Small Causes, as the case may be, on the respective dates to which the said suits, petitions,



applications, appeals and other proceedings stood adjourned or posted by the courts referred to in sub-section (4) of section 3 or tribunals or authorities referred to in sub-section (2) of section 12 as if the orders of adjournment or posting in that behalf had been made by the Principal City Civil Judge, the City Civil Court or the Court of Small causes, as the case may be, and the party or the parties thereto shall not be entitled to notice of such transfer.]<sup>1</sup>

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

(8) <sup>1</sup>[Save as otherwise provided in sub-section (6) all applications, appeals]<sup>1</sup>, petitions and other proceedings pending before the District Court, the Court of the Civil Judge, the Munsiff's Court, the District Judge, the Civil Judge or the Munsiff exercising powers of a tribunal or any other authority referred to in sub-section (2) of section 12, shall, on the appointed date stand transferred to and be continued and disposed of by, the City Civil Court or the Principal City Civil Judge, <sup>2</sup>[or any other Judge nominated by him]<sup>2</sup> as the case may be.

1. Substituted by Act 23 of 1980 w.e.f. 25-7-1980.

2. Inserted by Act 23 of 1980 w.e.f. 25-7-1980.

(9) The High Court may, by notification, for the purpose of removing any difficulty,-

(a) in relation to the transfer of suits, petitions, applications and other proceedings pending before the District Court, the Court of the Civil Judge and the Munsiff's Court referred to in sub-section (4) of section 3 to the City Civil Court on the appointed date ;

(b) in relation to the transfer of applications and proceedings under the Karnataka Rent Control Act, 1961 (Karnataka Act 22 of 1961) pending in the Court of the Civil Judge to the Court of Small Causes on the appointed date ;

(c) in relation to the posting and calling of transferred suits, petitions, applications and other proceedings before the City Civil Court ; and

(d) in relation to the bringing the provisions of this Act into effective operation ;

make such provisions or orders not inconsistent with the purposes of this Act as may appear to it to be necessary or expedient.

<sup>1</sup>[(9A) If there be any doubt or difficulty in regard to the question as to which Judge or Court, any suit, appeal or proceeding shall stand transferred to under this section, the Judge or Court designated by the High Court shall be the Judge or Court to which the said suit, appeal or proceeding shall stand transferred under this section and the decision of the High Court shall be final.]<sup>1</sup>

2. Inserted by Act 23 of 1980 w.e.f. 25-7-1980.

(10) For removal of doubts it is hereby declared that the provisions of the Karnataka Civil Rules of Practice, 1967 and other rules regulating the practice and procedure of the Civil Courts, applicable to the Civil Courts in the State of Karnataka

on the appointed date shall, until they are amended or altered, mutatis mutandis apply to the City Civil Court.

(11) The local limits of the Jurisdiction of the Court of Small Causes established under section 3 of the Karnataka Small Causes Courts Act, 1964 (Karnataka Act 11 of 1964) for the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act LXIX of 1949), shall, as from the appointed date be the limits of the City of Bangalore as defined in this Act.

**20. Repeal of Karnataka Ordinance No. 8 of 1979.-** (1) The Bangalore City Civil Court Ordinance, 1979 (Karnataka Ordinance No 8 of 1979) is hereby repealed.

(2) Notwithstanding such repeal any action taken, or any appointment, notification, order, scheme, rules, form or bye-law made or issued under the said Ordinance shall be deemed to have been taken, made or issued under this Act and any reference therein to the said Ordinance shall be deemed to be a reference to this Act and shall continue in force accordingly unless and until superseded by any action taken or any appointment, notification, order, scheme, rule, form or bye-law made or issued under this Act.

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### NOTIFICATION

**Bangalore, dated 10th November, 1980. [No. LAW 247 LCE 80.]**

In exercise of the powers conferred by sub-section (2) of section 1 of the Bangalore City Civil Court Act, 1979 (Karnataka Act 13 of 1980), the Government of Karnataka hereby appoints the seventeenth day of November, 1980 for the purpose of the said sub-section.

By Order and in the name of the Governor of Karnataka ,

B. NAGESHARAO,

*Deputy Secretary to Government,*

*Department of Law and Parliamentary Affairs.*

*(Administration)*

(Published in Karnataka Gazette Extraordinary dated 10th November, 1980 as No. 810.)

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The Bangalore City Civil Court Act, 1979 has been amended by the following Acts, namely.-

#### Amendments (Chronological)

SI No	Act No and Year	Sections Amended	Remarks
1	13 of 1980	-	All the Sections of the Act except section 1 and 17 Section 1 from 31.8.1979 Sec. 17(2A) from 8.4.1979 Other sections from 10.11.1980 and others from 17.11.1980.
2	23 of 1980	1, 2, 4, 7, 12(2), 15(9), 17(2A)(3), 19(2), (6), (a), (b), (7),(8), (9A)	w.e.f. 25.7.1980
3	11 of 1981	11(2)	w.e.f. 4.4.1981
4	26 of 1985	11(3), (3A), (3B), (3C)	w.e.f. 29.4.1985

#### Amendments (Section-wise)

Sections	No and Year of the Act	Remarks
1	23 of 1980	w.e.f. 31.8.1979
2	23 of 1980	w.e.f. 25.7.1980
4	23 of 1980	w.e.f. 25.7.1980
7	23 of 1980	w.e.f. 25.7.1980
11(2)	11 of 1981	w.e.f. 4.4.1981
11(3), (3A), (3B), (3C)	26 of 1985	w.e.f. 29.4.1985
12(2)	23 of 1980	w.e.f. 25.7.1980
15(a)	23 of 1980	w.e.f. 25.7.1980
17(2A)(3)	23 of 1980	w.e.f. 25.7.1980
19(2)(6)(a)(b)(7)(8)(9A)	23 of 1980	w.e.f. 25.7.1980

ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1979

(ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಗುರುವಾರ, ಅಕ್ಟೋಬರ್ 1, 2009, ಭಾಗ-IV ಎ, 694 ರಿಂದ 700ರ  
ವರೆಗಿನ ಪಟಗಳಲ್ಲಿ ಪ್ರಕಟಿತವಾಗಿದೆ).

ಪ್ರಕರಣಗಳ ಅನುಕ್ರಮಣಿಕೆ

ಪ್ರಕರಣಗಳು :

1. ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ
2. ಪರಿಭಾಷೆಗಳು
3. ಭೂ ಕಂದಾಯದ ಬಾಕಿಗಳಂತೆ ಕೆಲಸ ಬಾಕಿಗಳ ವಸೂಲಿ
4. ಉಳಿಸುವಿಕೆಗಳು
5. ನಿಯಮಗಳನ್ನು ರಚಿಸಲು ಅಧಿಕಾರ
6. ನಿರಸನ ಮತ್ತು ಸಿಂಧುತ್ವ, ಇತ್ಯಾದಿ

\* \* \* \*

ಉದ್ದೇಶಗಳು ಮತ್ತು ಕಾರಣಗಳ ಹೇಳಿಕೆ

**ಅಧಿನಿಯಮ 1980ರ 16** - ವಾಣಿಜ್ಯ ಬ್ಯಾಂಕುಗಳ ಸಾಲ ನೀಡಿಕೆ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ, ಅದರಲ್ಲೂ ವಿಶೇಷವಾಗಿ ಸರ್ಕಾರದ ಉದ್ದೇಶಗಳೊಂದಿಗೆ ನಿಕಟವಾಗಿ ಪರಸ್ಪರ ಸಂಬಂಧ ಹೊಂದಿರುವ ಸಾಲ ನೀಡಿಕೆ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ವಾಣಿಜ್ಯ ಬ್ಯಾಂಕುಗಳಿಗೆ ನೆರವು ನೀಡಲು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1976ನ್ನು ಅಧಿನಿಯಮಿತಿಗೊಳಿಸಲಾಗಿತ್ತು ಮತ್ತು ಸರ್ಕಾರವು "ರಾಜ್ಯ ಪುರಸ್ಕೃತ ಕಾರ್ಯಯೋಜನೆ" ಗಳೆಂದು ಅಧಿಸೂಚಿಸಿದ ಕಾರ್ಯಯೋಜನೆಗಳಿಗೆ ವಾಣಿಜ್ಯ ಬ್ಯಾಂಕುಗಳು ಸಾಲ ನೀಡಿರುವಷ್ಟರ ಮಟ್ಟಿಗೆ ಆ ಸಾಲಗಳನ್ನು ಭೂಕಂದಾಯದ ಬಾಕಿಗಳಂತೆ ವಸೂಲಿ ಮಾಡಲು ಆ ಅಧಿನಿಯಮದಲ್ಲಿ ಉಪಬಂಧ ಕಲ್ಪಿಸಲಾಗಿತ್ತು. ಈ ಅಧಿನಿಯಮವನ್ನು ಜಾರಿಗೊಳಿಸುವಾಗ "ಸಾಮಾಜಿಕವಾಗಿ ಅಪೇಕ್ಷಣೀಯವಾದ ಕಾರ್ಯಯೋಜನೆ"ಗಳೆಂದು ಸರ್ಕಾರವು ಪರಿಗಣಿಸಿರುವ ಇತರ ಅನೇಕ ಯೋಜನೆಗಳಿವೆಯೆಂಬುದು ತಿಳಿದುಬಂದಿದೆ. ಅವುಗಳಲ್ಲಿ, ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಯಾವುದೇ ರೀತಿಯ ಹಣಕಾಸಿನ ಪಾಲ್ಗೊಳ್ಳುವಿಕೆ ಇಲ್ಲದಿರಬಹುದು. ಆದರೂ, ಅವು ಸರ್ಕಾರದ ಉದ್ದೇಶಗಳ ಈಡೇರಿಕೆಗೆ ಅತ್ಯಾವಶ್ಯಕ ಮತ್ತು ಈ ಕಾರ್ಯಕ್ರಮಗಳಿಗೆ ಬೆಂಬಲ ನೀಡಲು ವಾಣಿಜ್ಯ ಬ್ಯಾಂಕುಗಳನ್ನು ಪ್ರೋತ್ಸಾಹಿಸಬೇಕಾಗಿದೆ. ಈ ಬಗ್ಗೆ ಅಂಥ ಒಂದು ಸಮನ್ವಯವನ್ನು ಸಾಧಿಸುವ ದೃಷ್ಟಿಯಿಂದ, ಸಾಮಾಜಿಕವಾಗಿ ಅಪೇಕ್ಷಣೀಯವಾದ ಕಾರ್ಯಯೋಜನೆಗಳನ್ನು, ಅವುಗಳ ಪರಿಭಾಷೆಯನ್ನು ಮತ್ತು ಒಳಾಂಶಗಳನ್ನು ಸೇರಿಸಿ ಈ ಅಧಿನಿಯಮಕ್ಕೆ ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಅವಶ್ಯಕವಾಗಿದೆ. ಈ ಬಗ್ಗೆ ಮುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ತಿದ್ದುಪಡಿ ವಿಧೇಯಕವನ್ನು ಕಾನೂನು ಇಲಾಖೆಗೆ ಕಳುಹಿಸಿದಾಗ, ಅದು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1976ನ್ನು ಅಧಿನಿಯಮಿತಿಗೊಳಿಸುವಾಗ, ಭಾರತ ಸಂವಿಧಾನದ ಏಳನೇ ಅನುಸೂಚಿಯ IIIನೇ ಪಟ್ಟಿಯ 13ನೇ ನಮೂದಿನ ಅಡಿಯಲ್ಲಿ ಬರುವ ಅಸ್ತಿತ್ವದಲ್ಲಿರುವ ಕೇಂದ್ರ ಕಾನೂನಿಗೆ ಸದರಿ ಅಧಿನಿಯಮದ ಕೆಲವು ಉಪಬಂಧಗಳು

ವಿರುದ್ಧವಾಗಿದ್ದರೂ, ಭಾರತದ ರಾಷ್ಟ್ರಪತಿಯವರ ಸಮ್ಮತಿ ಪಡೆದಿಲ್ಲವೆಂದು ಮತ್ತು ಆ ಆಧಾರದ ಮೇಲೆ ಈ ಅಧಿನಿಯಮದ ಸಿಂಧುತ್ವವನ್ನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಪ್ರಶ್ನಿಸಲಾಗಿತ್ತೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟಿದೆ. ಈ ನ್ಯೂನತೆಯನ್ನು ಸರಿಪಡಿಸಲು ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1976ರ ಅಡಿಯಲ್ಲಿ ಕೈಗೊಂಡ ಕ್ರಮವನ್ನು ಸಿಂಧುಗೊಳಿಸುವ ಉಪಬಂಧದ ಸಹಿತ ಪೂರ್ವಾನ್ವಯವಾಗಿ ಜಾರಿಗೆ ಬರುವಂತೆ ಹೊಸ ಅಧಿನಿಯಮವನ್ನು ಘೋಷಿಸುವುದು ಅವಶ್ಯಕವಾಗಿದೆ.

ಆದ್ದರಿಂದ ಈ ವಿಧೇಯಕ.

(ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ (ವಿಶೇಷ ಸಂಚಿಕೆ) ಭಾಗ-IV - 2ಎ ದಿನಾಂಕ 16ನೇ ಮೇ, 1979ರಲ್ಲಿ ಪುಟ 8-9ರಲ್ಲಿ ಸಂಖ್ಯೆ. 471ರಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.)

## II

**ತಿದ್ದುಪಡಿ ಮಾಡುವ ಅಧಿನಿಯಮ 1981ರ 48** - ವಾಣಿಜ್ಯ ಬ್ಯಾಂಕುಗಳ ಸಾಲ ನೀಡಿಕೆ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ, ಅದರಲ್ಲೂ ವಿಶೇಷವಾಗಿ ಸರ್ಕಾರದ ಉದ್ದೇಶಗಳೊಂದಿಗೆ ನಿಕಟವಾಗಿ ಪರಸ್ಪರ ಸಂಬಂಧ ಹೊಂದಿರುವ ಸಾಲ ನೀಡಿಕೆ ಕಾರ್ಯಕ್ರಮಗಳಲ್ಲಿ ವಾಣಿಜ್ಯ ಬ್ಯಾಂಕುಗಳಿಗೆ ನೆರವು ನೀಡಲು, ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1979ನ್ನು ಅಧಿನಿಯಮಿತಿಗೊಳಿಸಲಾಗಿತ್ತು.

ಭಾರತ ಸರ್ಕಾರದ ಗೃಹ ವ್ಯವಹಾರಗಳ ಮಂತ್ರಾಲಯವು ಸದರಿ ಶಾಸನಕ್ಕೆ ರಾಷ್ಟ್ರಪತಿಯವರ ಸಮ್ಮತಿ ದೊರೆತಿರುವುದನ್ನು ತಿಳಿಸುವಾಗ, 'ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿ'ಯ ಪರಿಭಾಷೆಯನ್ನು ಈ ವಿಧೇಯಕದಲ್ಲಿ ಈಗ ಪ್ರಸ್ತಾಪಿಸಿರುವಂತೆ ತಿದ್ದುಪಡಿ ಮಾಡಬಹುದೆಂದು ಸೂಚಿಸಿತ್ತು.

ಆದ್ದರಿಂದ ಈ ವಿಧೇಯಕ.

(ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ (ವಿಶೇಷ ಸಂಚಿಕೆ) ಭಾಗ - IV - 2ಎ ದಿನಾಂಕ 3ನೇ ಫೆಬ್ರವರಿ, 1981ರಲ್ಲಿ ಪುಟ 4ರಲ್ಲಿ ಸಂಖ್ಯೆ. 103ರಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.)

## III

**ತಿದ್ದುಪಡಿ ಮಾಡುವ ಅಧಿನಿಯಮ 1985ರ 37** - ಈ ವಿಧೇಯಕವು, ಈ ಮುಂದಿನ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1979ನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಲು ಪ್ರಸ್ತಾಪಿಸುತ್ತದೆ.

**ಖಂಡ 3** - ಇನ್ನು ಮುಂದೆ ಬಡ್ಡಿಯನ್ನು ಯಾವ ದರದಲ್ಲಿ ವಸೂಲಿ ಮಾಡಬೇಕೆಂಬುದನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸುವುದು.

ಆದ್ದರಿಂದ ಈ ವಿಧೇಯಕ.

(ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ (ವಿಶೇಷ ಸಂಚಿಕೆ) ಭಾಗ - IV- 2ಎ ದಿನಾಂಕ 5ನೇ ಆಗಸ್ಟ್, 1985ರಲ್ಲಿ ಪುಟ 2ರಲ್ಲಿ ಸಂಖ್ಯೆ. 426ರಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ.)

\* \* \* \*

**ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 1980ರ 16**

(1980ರ ಏಪ್ರಿಲ್ ಇಪ್ಪತ್ತನಾಲ್ಕನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟಿತವಾಗಿದೆ)

**ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1979**

(1980ರ ಏಪ್ರಿಲ್ ಹದಿನೆಂಟನೇ ದಿನಾಂಕದಂದು ರಾಷ್ಟ್ರಪತಿಯವರ ಸಮ್ಮತಿ ಪಡೆದಿದೆ)

(1981ರ ಅಧಿನಿಯಮ 48ರ ಮತ್ತು 1985ರ 37ರ ಮೂಲಕ ತಿದ್ದುಪಡಿಯಾದಂತೆ)

ಕೆಲವು ವರ್ಗಗಳ ಬಾಕಿಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ವಸೂಲು ಮಾಡಲು ಉಪಬಂಧ ಕಲ್ಪಿಸುವ ಅಧಿನಿಯಮ.

ಕೆಲವು ವರ್ಗಗಳ ಬಾಕಿಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ವಸೂಲು ಮಾಡಲು ಉಪಬಂಧ ಕಲ್ಪಿಸುವುದು ವಿಹಿತವಾಗಿರುವುದರಿಂದ; ಭಾರತ ಗಣರಾಜ್ಯದ ಮೂವತ್ತೊಂದನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗತಕ್ಕದ್ದು :-

**1. ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ** - (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1979 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) 6ನೇ ಪ್ರಕರಣವು ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು. ಇತರ ಪ್ರಕರಣಗಳು, 1976ರ ಜೂನ್ ಹದಿನೈದನೇ ದಿನಾಂಕದಂದು ಜಾರಿಗೆ ಬಂದಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು.

**2. ಪರಿಭಾಷೆಗಳು** - ಈ ಅಧಿನಿಯಮದಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು ,-

[1(ಎ)] "ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿ" ಎಂದರೆ ,-

(i) ಬ್ಯಾಂಕಿಂಗ್ ವಿನಿಯಮನ ಅಧಿನಿಯಮ, 1949 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1949ರ 10) ರಲ್ಲಿ ಪರಿಭಾಷಿಸಿರುವ ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿ;

(ii) ಭಾರತೀಯ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಅಧಿನಿಯಮ, 1955 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1955ರ 23)ರ ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಭಾರತೀಯ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್;

(iii) ಭಾರತೀಯ ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ (ಅಧೀನ ಬ್ಯಾಂಕುಗಳು) ಅಧಿನಿಯಮ, 1959 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ, 1959ರ 38)ರಲ್ಲಿ ಪರಿಭಾಷಿಸಿರುವ ಸಹಾಯಕ ಬ್ಯಾಂಕ್‌ಗಳು;

(iv) ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಗಳ (ಉದ್ಯಮಗಳ ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1970 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1970ರ 5)ರ ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಸಂವಾದಿ ಹೊಸ ಬ್ಯಾಂಕ್;

(v) ಪ್ರಾದೇಶಿಕ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕುಗಳ ಅಧಿನಿಯಮ, 1976 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1976ರ 21)ರ ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಪ್ರಾದೇಶಿಕ ಗ್ರಾಮೀಣ ಬ್ಯಾಂಕ್;

(vi) ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಗಳ (ಉದ್ಯಮಗಳ ಆರ್ಜನೆ ಮತ್ತು ವರ್ಗಾವಣೆ) ಅಧಿನಿಯಮ, 1980 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1980ರ 40)ರ ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಸಂವಾದಿ ಹೊಸ ಬ್ಯಾಂಕ್;

(vii) ಕೃಷಿ ಪುನರ್ ಹಣಕಾಸು ಮತ್ತು ಅಭಿವೃದ್ಧಿ ನಿಗಮ ಅಧಿನಿಯಮ, 1963 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1980ರ) ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಕೃಷಿ ಪುನರ್ ಹಣಕಾಸು ಮತ್ತು ಅಭಿವೃದ್ಧಿ ನಿಗಮ; ಮತ್ತು

1. ಅಧಿನಿಯಮ 1981ರ 48ರ ಮೂಲಕ 15.6.1976 ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಪ್ರತಿಯೋಜಿಸಲಾಗಿದೆ.

(viii) ಭಾರತೀಯ ಕಂಪನಿಗಳ ಅಧಿನಿಯಮ, 1956 (ಕೇಂದ್ರ ಅಧಿನಿಯಮ 1956ರ 1)ರ ಮೇರೆಗೆ ಕೃಷಿ ಹಣಕಾಸು ನಿಗಮ ನಿಯಮಿತ ಎಂದು ನಿಗಮಿತಗೊಳಿಸಿದ ಕಂಪನಿ.

-ಎಂದು ಅರ್ಥ.

(ಬಿ) “ನಿಗಮ” ಎಂದರೆ ರಾಜ್ಯ ಹಣಕಾಸು ನಿಗಮ ಅಧಿನಿಯಮ, 1951ರ ಮೇರೆಗೆ ಸ್ಥಾಪಿಸಲಾದ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಹಣಕಾಸು ನಿಗಮ ಎಂದು ಅರ್ಥ ಮತ್ತು ಅದು ಕೇಂದ್ರ ಸರ್ಕಾರದ ಅಥವಾ ರಾಜ್ಯ ಸರ್ಕಾರದ ಒಡೆತನದಲ್ಲಿ ಇರುವ ಅಥವಾ ಅದರ ನಿಯಂತ್ರಣದಲ್ಲಿರುವ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ನಿರ್ದಿಷ್ಟಪಡಿಸಬಹುದಾದಂಥ ಇತರ ಯಾವುದೇ ನಿಗಮವನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

(ಸಿ) ಹಣಕಾಸು ನೆರವು ಎಂದರೆ, -

(i) ಯಾವುದೇ ಕೈಗಾರಿಕಾ ಉದ್ಯಮವನ್ನು ಸ್ಥಾಪಿಸುವುದಕ್ಕಾಗಿ, ವಿಸ್ತರಿಸುವುದಕ್ಕಾಗಿ, ಆಧುನೀಕರಣಗೊಳಿಸುವುದಕ್ಕಾಗಿ, ನವೀಕರಣ ಮಾಡುವುದಕ್ಕಾಗಿ ಅಥವಾ ನಡೆಸುವುದಕ್ಕಾಗಿ; ಅಥವಾ

(ii) ವೃತ್ತಿ ಶಿಕ್ಷಣ ತರನೇತಿಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ; ಅಥವಾ

(iii) ಕೃಷಿ ತೋಟಗಾರಿಕೆ, ಪಶು ಸಂಗೋಪನೆ ಅಥವಾ ಕೃಷಿ ಯದ್ಯಮದ ಅಭಿವೃದ್ಧಿಗಾಗಿ; ಅಥವಾ

(iv) ಇತರ ಯಾವುದೇ ರೀತಿಯ ಯೋಜಿತ ಅಭಿವೃದ್ಧಿಯ ಉದ್ದೇಶಗಳಿಗಾಗಿ; ಅಥವಾ

(v) ಸಂಕಷ್ಟ ಪರಿಸ್ಥಿತಿಯ ಪರಿಹಾರಕ್ಕಾಗಿ

- ನೀಡುವ ಯಾವುದೇ ಹಣಕಾಸಿನ ನೆರವು ಎಂದು ಅರ್ಥ.

(ಡಿ) “ಸರ್ಕಾರಿ ಕಂಪನಿ” ಎಂದರೆ ಕಂಪನಿಗಳ ಅಧಿನಿಯಮ, 1956ರ 617ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಪರಿಭಾಷಿಸಿದ ಸರ್ಕಾರಿ ಕಂಪನಿ ಎಂದು ಅರ್ಥ;

(ಇ) “ಕೈಗಾರಿಕಾ ಸಂಸ್ಥೆ” ಎಂಬುದು ಕಾಲಕಾಲಕ್ಕೆ ತಿದ್ದುಪಡಿಯಾದ ರಾಜ್ಯ ಹಣಕಾಸು ನಿಗಮ ಅಧಿನಿಯಮ, 1951ರಲ್ಲಿ ಅದಕ್ಕೆ ಕೊಟ್ಟಿರುವ ಅರ್ಥವನ್ನೇ ಹೊಂದಿರುತ್ತದೆ.

(ಎಫ್) “ಕೈಗಾರಿಕಾ ಉದ್ಯಮ” ಎಂಬುದು ಸರಕುಗಳ ತಯಾರಿಕೆ, ಸಂರಕ್ಷಣೆ, ದಾಸ್ತಾನು ಅಥವಾ ಸಂಸ್ಕರಣೆಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ಉದ್ಯಮ ಅಥವಾ ಗಣಿ ಉದ್ಯಮ ಅಥವಾ ಹೋಟೆಲ್ ಉದ್ಯಮ ಅಥವಾ ಪ್ರಯಾಣಿಕರ ಅಥವಾ ಸರಕುಗಳ ಸಾಗಣೆ ಅಥವಾ ವಿದ್ಯುಚ್ಛಕ್ತಿಯ ಅಥವಾ ಇತರ ಯಾವುದೇ ರೀತಿಯ ಶಕ್ತಿಯ ಉತ್ಪಾದನೆ ಅಥವಾ ವಿತರಣೆ ಅಥವಾ ಅದಕ್ಕೆ ಹೊಂದಿಕೊಂಡಿರುವ ಯಾವುದೇ ಪ್ರದೇಶವನ್ನು ಕೈಗಾರಿಕಾ ಎಸ್ಟೇಟ್ ಆಗಿ ಅಭಿವೃದ್ಧಿಪಡಿಸುವುದು - ಇವುಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

**ವಿವರಣೆ -** “ಸರಕುಗಳ ಸಂಸ್ಕರಣೆ” ಎಂಬ ಪದಾವಳಿಯು, ಯಾವುದೇ ಪದಾರ್ಥವನ್ನು ಶಾರೀರಿಕ ಶ್ರಮದ,

ರಾಸಾಯನಿಕ, ವಿದ್ಯುತ್ ಅಥವಾ ಯಾವುದೇ ಇತರ ಅಂಥದೇ ಕಾರ್ಯಾಚರಣೆಗೆ ಒಳಪಡಿಸುವ ಮೂಲಕ ವಸ್ತುವನ್ನು ಉತ್ಪಾದಿಸುವುದು, ತಯಾರಿಸುವುದು ಅಥವಾ ಮಾಡುವ ಯಾವುದೇ ಸಂಸ್ಕರಣ ಕ್ರಿಯೆಯನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

(ಬಿ) “ವ್ಯಕ್ತಿ” ಎಂಬುದು ಕಾನೂನುಸಮ್ಮತ ಪ್ರತಿನಿಧಿಯನ್ನು ಅಥವಾ ಹಸ್ತಾಂತರ ಪಡೆದವನನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ;

(ಹೆಚ್) “ರಾಜ್ಯ ಪುರಸ್ಕೃತ ಕಾರ್ಯೋಜನೆ” ಎಂದರೆ ರಾಜ್ಯ ಸರ್ಕಾರದಿಂದ ಹಣಕಾಸಿನ ನೆರವನ್ನು ಪಡೆದು ಪುರಸ್ಕೃತವಾಗಿರುವ, ಯಾವ ಕಾರ್ಯೋಜನೆಯ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರವು .-

(i) ಸಾಲಗಳನ್ನು, ಮುಂಗಡಗಳನ್ನು ಅಥವಾ ಅನುದಾನಗಳನ್ನು ವಿತರಿಸುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಅಥವಾ ಸಾಲದ ಮೇಲೆ ಅಥವಾ ಕಂಡು ಖರೀದಿಯ ಮೇಲೆ ಸರಕುಗಳನ್ನು ಮಾರಾಟ ಮಾಡುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಗೆ ಅಥವಾ ಸರ್ಕಾರಿ ಕಂಪನಿಗೆ ಹಣವನ್ನು ಒದಗಿಸುವುದೋ;

(ii) ಸಾಲವನ್ನು ಮುಂಗಡವನ್ನು ಅಥವಾ ಅನುದಾನವನ್ನು ಮರುಸಂದಾಯ ಮಾಡಲು ಅಥವಾ ಸಾಲದ ಮೇಲೆ ಅಥವಾ ಕಂಡು ಖರೀದಿಯ ಮೇಲೆ ಮಾರಾಟ ಮಾಡಿದ ಸರಕುಗಳ ಬೆಲೆಯನ್ನು ಸಂದಾಯ ಮಾರಲು ಖಾತರಿ ನೀಡುವುದೋ ಅಥವಾ ಖಾತರಿ ನೀಡಲು ಒಪ್ಪಿಕೊಳ್ಳುವುದೋ

- ಆ ಕಾರ್ಯೋಜನೆ ಎಂದು ಅರ್ಥ ;

(ಐ) “ಸಾಮಾಜಿಕವಾಗಿ ಅಪೇಕ್ಷಣೀಯವಾದ ಕಾರ್ಯೋಜನೆ” ಎಂದರೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಸಾಮಾಜಿಕವಾಗಿ ಅಪೇಕ್ಷಣೀಯವಾದ ಕಾರ್ಯೋಜನೆಯೆಂದು ಅಧಿಸೂಚಿಸಿದ ಕಾರ್ಯೋಜನೆಯ ಮೇರೆಗೆ ಸಾಲದ ರೂಪದಲ್ಲಿ ಯಾರೇ ವ್ಯಕ್ತಿಗೆ ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯು ಹಣವನ್ನು ನೀಡುವುದೋ ಆ ಕಾರ್ಯೋಜನೆ ಎಂದು ಅರ್ಥ.

### 3. ಭೂ ಕಂದಾಯದ ಬಾಕಿಗಳಂತೆ ಕೆಲವು ಬಾಕಿಗಳ ವಸೂಲಿ - (1) ಯಾರೇ ವ್ಯಕ್ತಿಯು ,-

(ಎ) ಹಣಕಾಸಿನ ನೆರವಿನ ರೂಪದಲ್ಲಿ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ನಿಗಮವು ಅವನಿಗೆ ನೀಡಿದ ಸಾಲಕ್ಕೆ, ಮುಂಗಡಕ್ಕೆ ಅಥವಾ ಅನುದಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಅಥವಾ ಅವನಿಗೆ ಮಾರಾಟ ಮಾಡಿದ ಸರಕುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸಾಲಕ್ಕೆ ಅಥವಾ ಸರಕುಗಳ ಕಂಡು ಖರೀದಿಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ಒಪ್ಪಂದಕ್ಕೆ; ಅಥವಾ

(ಬಿ) ರಾಜ್ಯ ಪುರಸ್ಕೃತ ಕಾರ್ಯೋಜನೆಯ ಮೇರೆಗೆ, ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ, ಸರ್ಕಾರಿ ಕಂಪನಿಯು ಅವನಿಗೆ ನೀಡಿದ ಸಾಲಕ್ಕೆ, ಮುಂಗಡಕ್ಕೆ ಅಥವಾ ಅನುದಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಅಥವಾ ಅವನಿಗೆ ಮಾರಾಟ ಮಾಡಿದ ಸರಕುಗಳಿಗೆ ಸಂಬಂಧಿಸಿದ ಸಾಲಕ್ಕೆ ಅಥವಾ ಸರಕುಗಳ ಕಂಡು ಖರೀದಿಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ಒಪ್ಪಂದಕ್ಕೆ; ಅಥವಾ

(ಸಿ) ಯಾವುದೇ ಕೈಗಾರಿಕಾ ಸಂಸ್ಥೆಯು ಎತ್ತಿದ ಸಾಲಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ರಾಜ್ಯ ಸರ್ಕಾರವು ಅಥವಾ ನಿಗಮವು ನೀಡಿದ ಖಾತರಿಗೆ ಸಂಬಂಧಿಸಿದ ಯಾವುದೇ ಒಪ್ಪಂದಕ್ಕೆ; ಅಥವಾ

(ಡಿ) ಈ ಮೇರೆಗೆ ರಾಜ್ಯ ಸರ್ಕಾರಕ್ಕೆ ಸಂದಾಯವಾಗಬೇಕಾದ ಯಾವುದೇ ಹಣವನ್ನು ಭೂ ಕಂದಾಯದ ಬಾಕಿಗಳಂತೆ ವಸೂಲಿ ಮಾಡಲು ಅವಕಾಶ ಕಲ್ಪಿಸುವ ಯಾವುದೇ ಒಪ್ಪಂದಕ್ಕೆ



- ಪಕ್ಷಕಾರನಾಗಿರುವಲ್ಲಿ ಮತ್ತು ಅಂಥ ವ್ಯಕ್ತಿಯು ,-

(ಎ) ಸಾಲವನ್ನು ಅಥವಾ ಮುಂಗಡವನ್ನು ಅಥವಾ ಅದರ ಯಾವುದೇ ಕಂತನ್ನು ಸಂದಾಯ ಮಾಡಲು ತಪ್ಪಿದಲ್ಲಿ; ಅಥವಾ

(ಬಿ) ಅನುದಾನವನ್ನು ಅಥವಾ ಅದರ ಯಾವುದೇ ಭಾಗವನ್ನು ಮರುಪಾವತಿ ಮಾಡಲು ಅನುದಾನದ ಷರತ್ತುಗಳ ಮೇರೆಗೆ ಹೊಣೆಗಾರನಾಗಿದ್ದು, ಅಂಥ ಅನುದಾನವನ್ನು ಅಥವಾ ಅದರ ಭಾಗವನ್ನು ಅಥವಾ ಅದರ ಯಾವುದೇ ಕಂತನ್ನು ಮರುಪಾವತಿ ಮಾಡಲು ತಪ್ಪಿದಲ್ಲಿ; ಅಥವಾ

(ಸಿ) ಒಪ್ಪಂದದ ನಿಬಂಧನೆಗಳನ್ನು ಪಾಲಿಸಲು ಅನ್ಯಥಾ ತಪ್ಪಿದಲ್ಲಿ, ಆಗ ,-

(i) ರಾಜ್ಯ ಸರ್ಕಾರದ ಸಂದರ್ಭದಲ್ಲಿ, ರಾಜ್ಯ ಸರ್ಕಾರವು ಈ ಸಂಬಂಧದಲ್ಲಿ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಅಧಿಕೃತಗೊಳಿಸಬಹುದಾದ ಅಂಥ ಅಧಿಕಾರಿಯು;

(ii) ನಿಗಮದ ಅಥವಾ ಸರ್ಕಾರಿ ಕಂಪನಿಯ ಸಂದರ್ಭದಲ್ಲಿ, ಅದರ ವ್ಯವಸ್ಥಾಪಕ ನಿರ್ದೇಶಕನು; ಮತ್ತು

(iii) ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯ ಸಂದರ್ಭದಲ್ಲಿ, ಯಾವುದೇ ಹೆಸರಿನಿಂದ ಕರೆಯಲಾಗುವ ಅದರ ಸ್ಥಳೀಯ ಏಜೆಂಟನು

- ಅಂಥ ವ್ಯಕ್ತಿಗಳಿಂದ ಬರಬೇಕಾಗಿರುವ ಮೊತ್ತವನ್ನು ನಮೂದಿಸಿರುವ ಮತ್ತು ವ್ಯವಹರಣೆಗಳ ವೆಚ್ಚ ಮತ್ತು ವಸೂಲಿಯ ದಿನಾಂಕದವರೆವಿಗೂ, '[ಭಾರತ ರಿಸರ್ವ್ ಬ್ಯಾಂಕ್ ಮತ್ತು ಇತರ ಸರ್ಕಾರಿ ಹಣಕಾಸು ಅಥವಾ ಪುನರ್ ಹಣಕಾಸು ಸಂಸ್ಥೆಗಳು ಕಾಲಕಾಲಕ್ಕೆ ಗೊತ್ತುಪಡಿಸಿದ ಪರಿಮಿತಿಯೊಳಗೆ ಒಪ್ಪಿಕೊಂಡ ದರದಲ್ಲಿ]' ಮುಂದಿನ ಬಡ್ಡಿಯನ್ನು ಒಳಗೊಂಡಂತೆ ಅಂಥ ಮೊಬಲಗನ್ನು ಭೂ ಕಂದಾಯದ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ವಸೂಲಿ ಮಾಡಬೇಕೆಂದು ಕೋರುವ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಯವರಿಗೆ ಕಳುಹಿಸಬಹುದು. ಜಿಲ್ಲಾಧಿಕಾರಿಯವರಿಗೆ ಕಳುಹಿಸಿದ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು.

1. ಅಧಿನಿಯಮ 1985ರ 37ರ ಮೂಲಕ 21.10.1985 ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಪ್ರತಿಯೋಜಿಸಲಾಗಿದೆ.

(2) ಜಿಲ್ಲಾಧಿಕಾರಿಯವರು ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಸ್ವೀಕರಿಸಿದ ಮೇಲೆ, ಅದರಲ್ಲಿ ಹೇಳಿರುವ ಮೊಬಲಗನ್ನು ಭೂ ಕಂದಾಯದ ಬಾಕಿಯಂತೆ ವಸೂಲು ಮಾಡಲು ಕ್ರಮ ಕೈಗೊಳ್ಳತಕ್ಕದ್ದು.

(3) ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯು ಸಲ್ಲಿಸಿದ ಅರ್ಜಿಯ ಮೇಲೆ ಮತ್ತು ಸಾಮಾಜಿಕವಾಗಿ ಅಪೇಕ್ಷಣೀಯವಾದ ಕಾರ್ಯಯೋಜನೆಯ ಮೇರೆಗೆ ಯಾರೇ ವ್ಯಕ್ತಿಗೆ ನೀಡಿದ ಸಾಲಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಆ ಯಾರೇ ವ್ಯಕ್ತಿಯಿಂದ ಅದಕ್ಕೆ ಬರಬೇಕಾದ ಯಾವುದೇ ಮೊತ್ತಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಲೆಕ್ಕಪತ್ರಗಳ ವಿವರ ಪತ್ರವನ್ನು ಅದು ಒದಗಿಸಿದ ಮೇಲೆ, ನಿಯಮಿಸಿದ ಅಧಿಕಾರಿಯು, ತಾನು ಸೂಕ್ತವೆಂದು ಭಾವಿಸಬಹುದಾದಂಥ ವಿಚಾರಣೆಯನ್ನು ಮಾಡಿದ ತರುವಾಯ ಮತ್ತು ಅಂಥ ವ್ಯಕ್ತಿಗೆ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳಲು ಯುಕ್ತ ಅವಕಾಶವನ್ನು ನೀಡಿದ ತರುವಾಯ, ಬಾಕಿ ಇರುವ ಮೊತ್ತವನ್ನು ನಿರ್ದಿಷ್ಟಪಡಿಸಿ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡಬಹುದು.

(4) ನಿಯಮಿಸಿದ ಅಧಿಕಾರಿಯು ಹಾಗೆ ನೀಡಿದ ಪ್ರಮಾಣ ಪತ್ರವು ಅಂತಿಮವಾದಾಗಿನಂತೆ ಮತ್ತು ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯು ಅದನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಯವರಿಗೆ ಕಳುಹಿಸಬಹುದು. ಬಾಕಿಯಿದೆ ಎಂದು ಅದರಲ್ಲಿ

ಹೇಳಿದ ಮೊತ್ತವು ಮತ್ತು ವಸೂಲಿಯ ದಿನಾಂಕದವರೆಗೆ ಅದರ ಮೇಲಿನ, 'ಭಾರತದ ರಿಸರ್ವ್ ಬ್ಯಾಂಕು ಮತ್ತು ಇತರ ಸರ್ಕಾರಿ ಹಣಕಾಸು ಅಥವಾ ಪುನರ್ ಹಣಕಾಸು ಸಂಸ್ಥೆಗಳು ಕಾಲಕಾಲಕ್ಕೆ ಗೊತ್ತುಪಡಿಸಿದ ಪರಿಮಿತಿಯೊಳಗೆ ಒಪ್ಪಿಕೊಂಡ ದರದಲ್ಲಿ' ಬಡ್ಡಿಯು ವ್ಯವಹರಣೆಗಳ ವೆಚ್ಚದೊಂದಿಗೆ ಭೂಕಂದಾಯದ ಬಾಕಿಯಂತೆ ವಸೂಲಿ ಮಾಡಬಹುದಾದುದಾಗಿರತಕ್ಕದ್ದು. ಜಿಲ್ಲಾಧಿಕಾರಿಯವರಿಗೆ ಕಳುಹಿಸಿದ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಯಾವುದೇ ಸಮಯದಲ್ಲಿ ಹಿಂತೆಗೆದುಕೊಳ್ಳಬಹುದು.

1. ಅಧಿನಿಯಮ 1985ರ 37ರ ಮೂಲಕ 21.10.1985 ರಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಪ್ರತಿಯೋಜಿಸಲಾಗಿದೆ.

(5) ಮೇಲೆ ಹೇಳಿದ ಯಾವುದೇ ಬಾಕಿ ಮೊತ್ತದ ವಸೂಲಿಗಾಗಿ ಅದನ್ನು ವಸೂಲು ಮಾಡುವ ವ್ಯವಹರಣೆಗಳು ಜಿಲ್ಲಾಧಿಕಾರಿಯವರ ಮುಂದೆ ಇತ್ಯರ್ಥದಲ್ಲಿದ್ದರೆ, ಅದರಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಯಾರೇ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಯಾವುದೇ ದಾವೆಯನ್ನು ಹೂಡಲು ಅವಕಾಶವಿರತಕ್ಕದ್ದಲ್ಲ;

ಪರಂತು, ಅಂಥ ಯಾವುದೇ ಮೊತ್ತವನ್ನು ನ್ಯಾಯಾಲಯದ ಮೂಲಕ ವಸೂಲಿ ಮಾಡಲು ಕಾಲಪರಿಮಿತಿ ಅವಧಿಯನ್ನು ಲೆಕ್ಕ ಹಾಕುವಾಗ, ಯಾವ ಅವಧಿಯಲ್ಲಿ ದಾವೆಯನ್ನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ದಾಖಲಾಡಲು ಪ್ರತಿಷೇಧಿಸಲಾಗಿದೆಯೋ ಆ ಅವಧಿಯನ್ನು ಹೊರತುಪಡಿಸತಕ್ಕದ್ದು.

#### 4. ಉಳಿಸುವಿಕೆಗಳು - 3ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಇರುವುದು ಯಾವುದೂ ,-

(ಎ) ಯಾವುದೇ ಅಡಮಾನ, ಋಣಭಾರ, ಒತ್ತೆ ಅಥವಾ ಇತರ ಪೂರ್ವಾಧಿಯ ಮೂಲಕ ಯಾವುದೇ ಸ್ವತ್ತಿನಲ್ಲಿ ಸೃಜಿಸಲಾದ ರಾಜ್ಯ ಸರ್ಕಾರದ, ನಿಗಮದ, ಸರ್ಕಾರಿ ಕಂಪನಿಯ ಅಥವಾ ಯಾವುದೇ ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯ ಯಾವುದೇ ಹಿತಾಸಕ್ತಿಗೆ ಬಾಧಕ ಉಂಟುಮಾಡತಕ್ಕದ್ದಲ್ಲ; ಅಥವಾ

(ಬಿ) ಆ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಒಪ್ಪಂದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಥವಾ (ಎ) ಖಂಡದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಯಾವುದೇ ಹಿತಾಸಕ್ತಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾಡಿಕೊಂಡ ಕಾರಿಗೆ ಅಥವಾ ನಷ್ಟ ಭರ್ತಿಗೆ ಅಥವಾ ಖಾತರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಆ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ವ್ಯಕ್ತಿಯನ್ನು ಹೊರತುಪಡಿಸಿ ಯಾವ ವ್ಯಕ್ತಿಯ ಯಾವುದೇ ಹಕ್ಕಿಗೆ ಅಥವಾ ಪರಿಹಾರಕ್ಕೆ ಬಾಧಕವನ್ನುಂಟುಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(2) 3ನೇ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಯಾರೇ ವ್ಯಕ್ತಿಯ ಸ್ವತ್ತು ರಾಜ್ಯ ಸರ್ಕಾರದ, ನಿಗಮದ, ಸರ್ಕಾರಿ ಕಂಪನಿಯ ಅಥವಾ ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಯ ಹೆಸರಿಗೆ ಮಾಡಿದ ಯಾವುದೇ ಅಡಮಾನಕ್ಕೆ, ಋಣಭಾರಕ್ಕೆ, ಒತ್ತೆಗೆ ಅಥವಾ ಇತರ ಪೂರ್ವಾಧಿಗೆ ಒಳಪಟ್ಟಿರುವಲ್ಲಿ, ಆಗ ,-

(ಎ) ಸರಕುಗಳನ್ನು ಒತ್ತೆ ಇಟ್ಟಿರುವ ಅಥವಾ ಅಡಮಾನ ಮಾಡಿರುವ ಪ್ರತಿಯೊಂದು ಸಂದರ್ಭದಲ್ಲೂ, ಒತ್ತೆ ಇಟ್ಟ ಅಥವಾ ಅಡಮಾನ ಮಾಡಿದ ಸರಕುಗಳ ಮಾರಾಟದ ಬಗ್ಗೆ ಮೊದಲು ವ್ಯವಹರಣೆಗಳನ್ನು ಕೈಗೊಳ್ಳತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಮಾರಾಟದಿಂದ ಬಂದ ಉತ್ಪತ್ತಿಗಳು ಬಾಕಿ ಇರುವ ಮೊತ್ತಕ್ಕಿಂತ ಕಡಿಮೆಯಿದ್ದರೆ, ಆಗ ಉಳಿದ ಶಿಲ್ಕನ್ನು ಭೂ ಕಂದಾಯದ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ವಸೂಲು ಮಾಡಲು ವ್ಯವಹರಣೆಯನ್ನು ಕೈಗೊಳ್ಳತಕ್ಕದ್ದು:

ಪರಂತು, ರಾಜ್ಯ ಸರ್ಕಾರವು, ಸಂದರ್ಭಾನುಸಾರ, ತನಗೆ ಅಥವಾ ನಿಗಮಕ್ಕೆ, ಸರ್ಕಾರಿ ಕಂಪನಿಗೆ ಅಥವಾ ಬ್ಯಾಂಕಿಂಗ್ ಕಂಪನಿಗೆ ಬರಬೇಕಾದ ಬಾಕಿ ಮೊತ್ತದ ವಸೂಲಿಯನ್ನು ಭದ್ರಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಒತ್ತೆ ಇಟ್ಟ ಸರಕುಗಳನ್ನು ಮಾರಾಟ ಮಾಡಲು ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳುವುದಕ್ಕೆ ಮುಂಚೆ ಅಥವಾ ಅದೇ ಸಮಯದಲ್ಲಿ ಬಾಕಿ

ಇರುವ ಮೊತ್ತವನ್ನು ಭೂ ಕಂದಾಯದ ಬಾಕಿಯಂತೆ ವಸೂಲು ಮಾಡಲು ವ್ಯವಹರಣೆಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕೆಂದು ನಿರ್ದೇಶಿಸುವುದು ಅವಶ್ಯಕವೆಂದು ಅಭಿಪ್ರಾಯಪಟ್ಟರೆ, ಅದು ಕಾರಣಗಳನ್ನು ದಾಖಲಿಸಿ ಹಾಗೆ ಮಾಡಬಹುದು.

(ಬಿ) ಸ್ಥಿರಸ್ವತ್ತಿನ ಅಡಮಾನ, ಋಣಭಾರ ಅಥವಾ ಇತರ ಪೂರ್ವಾಧಿ ಇರುವ ಪ್ರತಿಯೊಂದು ಸಂದರ್ಭದಲ್ಲಿ, ಸಂದರ್ಭಾನುಸಾರ, ಅಂಥ ಸ್ವತ್ತನ್ನು ಅಥವಾ ಅದರಲ್ಲಿ ಬಾಕಿದಾರನು ಹೊಂದಿರುವ ಹಿತಾಸಕ್ತಿಯನ್ನು, ಆ ವ್ಯಕ್ತಿಯು ಸಂದಾಯ ಮಾಡಬೇಕಾದ ಬಾಕಿ ಮೊತ್ತಕ್ಕಾಗಿ, ಭೂ ಕಂದಾಯದ ಬಾಕಿಯಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಅದನ್ನು ವಸೂಲಿ ಮಾಡುವ ವ್ಯವಹರಣೆಗಳಲ್ಲಿ ಮೊದಲು ಅದನ್ನು ಮಾರಾಟ ಮಾಡತಕ್ಕದ್ದು, ಮತ್ತು ಬಾಕಿ ಇರುವ ಇಡೀ ಮೊಬಲಗನ್ನು ಸೂಕ್ತ ಕಾಲದೊಳಗೆ ಮೊದಲು ಹೇಳಿದ ಕಾರ್ಯವಿಧಾನದ ಮೂಲಕ ವಸೂಲು ಮಾಡಲು ಸಾಧ್ಯವಿಲ್ಲವೆಂದು ಜಿಲ್ಲಾಧಿಕಾರಿಯು ಪ್ರಮಾಣೀಕರಿಸಿದ ತರುವಾಯ ಮಾತ್ರ ಯಾವುದೇ ಇತರ ವ್ಯವಹರಣೆಗಳನ್ನು ಕೈಗೊಳ್ಳಬಹುದು.

**5. ನಿಯಮವನ್ನು ರಚಿಸಲು ಅಧಿಕಾರ** - ರಾಜ್ಯ ಸರ್ಕಾರವು, ಪೂರ್ವ ಪ್ರಕಟಣೆಯ ತರುವಾಯ ಅಧಿಸೂಚನೆಯ ಮೂಲಕ ಈ ಅಧಿನಿಯಮದ ಉದ್ದೇಶಗಳನ್ನು ಕಾರ್ಯಗತಗೊಳಿಸುವ ಸಲುವಾಗಿ ನಿಯಮಗಳನ್ನು ರಚಿಸಬಹುದು.

(2) ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ರಚಿಸಿದ ಪ್ರತಿಯೊಂದು ನಿಯಮವನ್ನು, ಅದನ್ನು ರಚಿಸಿದ ತರುವಾಯ ಆದಷ್ಟು ಬೇಗನೆ, ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದ ಪ್ರತಿಯೊಂದು ಸದನದ ಮುಂದೆ, ಅದು ಅಧಿವೇಶನದಲ್ಲಿರುವಾಗ, ಒಂದು ಅಧಿವೇಶನದಲ್ಲಿ ಅಥವಾ ಒಂದಾದಮೇಲೊಂದರಂತೆ ಅನುಕ್ರಮವಾಗಿ ಬರುವ ಎರಡು ಅಥವಾ ಹೆಚ್ಚು ಅಧಿವೇಶನಗಳಲ್ಲಿ ಅಡಕವಾಗಬಹುದಾದ ಒಟ್ಟು ಮೂವತ್ತು ದಿನಗಳ ಅವಧಿಯವರೆಗೆ ಇಡತಕ್ಕದ್ದು ಮತ್ತು ಮೇಲೆ ಹೇಳಿದ ಅಧಿವೇಶನದ ಅಥವಾ ಒಂದಾದ ಮೇಲೊಂದರಂತೆ ಅನುಕ್ರಮವಾಗಿ ಬರುವ ಅಧಿವೇಶನದ ನಿಕಟೋತ್ತರದ ಅಧಿವೇಶನದ ಮುಕ್ತಾಯಕ್ಕೆ ಮುಂಚೆ ಆ ನಿಯಮದಲ್ಲಿ ಯಾವುದೇ ಮಾರ್ಪಾಟನ್ನು ಮಾಡಬೇಕೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ ಅಥವಾ ಆ ನಿಯಮವನ್ನು ಮಾಡಕೂಡದೆಂದು ಎರಡೂ ಸದನಗಳು ಒಪ್ಪಿದರೆ, ಆ ತರುವಾಯ ಆ ನಿಯಮವು ಸಂದರ್ಭಾನುಸಾರ ಹಾಗೆ ಮಾರ್ಪಾಟಾದ ರೂಪದಲ್ಲಿ ಮಾತ್ರ ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕದ್ದು ಅಥವಾ ಪರಿಣಾಮಕಾರಿಯಾಗಿರತಕ್ಕದ್ದಲ್ಲ; ಆದಾಗ್ಯೂ, ಅಂಥ ಯಾವುದೇ ಮಾರ್ಪಾಟು ಅಥವಾ ರದ್ದಿಯಾತಿಯು ಆ ನಿಯಮದ ಮೇರೆಗೆ ಈ ಹಿಂದೆ ಮಾಡಿದ ಯಾವುದೇ ಕಾರ್ಯದ ಸಿಂಧುತ್ವಕ್ಕೆ ಬಾಧಕವನ್ನುಂಟುಮಾಡತಕ್ಕದ್ದಲ್ಲ.

**6. ನಿರಸನ ಮತ್ತು ಸಿಂಧುತ್ವ, ಇತ್ಯಾದಿ** - (1) ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1976 (ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ 1976ರ 79) ಇದನ್ನು ಈ ಮೂಲಕ ನಿರಸನಗೊಳಿಸಲಾಗಿದೆ.

(2) ಯಾವುದೇ ನ್ಯಾಯಾಲಯದ ಯಾವುದೇ ತೀರ್ಪು, ಡಿಕ್ರಿ ಅಥವಾ ಆದೇಶವೇನೇ ಇದ್ದರೂ, ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಹಣ (ಬಾಕಿ ವಸೂಲಿ) ಅಧಿನಿಯಮ, 1976ರ ಮೇರೆಗೆ (ಇಲ್ಲಿ ಇನ್ನು ಮುಂದೆ 1976ರ ಅಧಿನಿಯಮವೆಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ) ಮಾಡಿದ ಯಾವುದೇ ಕಾರ್ಯವು ಅಥವಾ ಕೈಗೊಂಡ ಯಾವುದೇ ಕ್ರಮವು (ಯಾವುದೇ ಮೊಬಲಗನ್ನು ವಸೂಲು ಮಾಡಲು ಮಾಡಿದ ನಿಯಮಗಳು ಅಥವಾ ಆದೇಶಗಳು ಹೊರಡಿಸಿದ ನೋಟೀಸುಗಳು ಅಥವಾ ಪ್ರಮಾಣ ಪತ್ರಗಳು ಮತ್ತು ಪ್ರಾರಂಭಿಸಿದ ಕ್ರಮಗಳೂ ಸೇರಿದಂತೆ) ಅಥವಾ ಮಾಡಲಾಗಿದೆಯೆಂದು ಅಥವಾ ಕೈಗೊಳ್ಳಲಾಗಿದೆಯೆಂದು ತಾತ್ಪರ್ಯವಾಗುವ ಯಾವುದೇ ಕಾರ್ಯವು ಅಥವಾ ಕ್ರಮವು, ಅಂಥ ಕಾರ್ಯವನ್ನು ಅಥವಾ ಕ್ರಮವನ್ನು ಈ ಅಧಿನಿಯಮದ ಸಂವಾದಿ ಉಪಬಂಧಗಳ ಮೇರೆಗೆ ಮಾಡಲಾಗಿದ್ದರೆ ಅಥವಾ ಕೈಗೊಳ್ಳಲಾಗಿದ್ದರೆ ಹೇಗೋ ಹಾಗೆ ಸಿಂಧುವಾಗಿದೆಯೆಂದು ಅಥವಾ

ಪರಿಣಾಮಕಾರಿಯಾಗಿದೆಯೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು. ಈ ಅಧಿನಿಯಮದ 1ನೇ ಪ್ರಕರಣದ (3)ನೇ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ 1976ರ ಜೂನ್ 15ನೇ ದಿನದಂದು ಜಾರಿಗೆ ಬಂದಿರುವುದಾಗಿ ಭಾವಿಸತಕ್ಕದ್ದು ಮತ್ತು ತದನುಸಾರವಾಗಿ 1976ರ ಅಧಿನಿಯಮವನ್ನು ರಾಷ್ಟ್ರಪತಿಯವರ ಸಮ್ಮತಿಗಾಗಿ ಕಾಯ್ದಿರಿಸಿಲ್ಲದಿರುವುದರಿಂದ ಮತ್ತು ರಾಷ್ಟ್ರಪತಿಯವರ ಸಮ್ಮತಿ ಪಡೆದಿಲ್ಲದಿರುವುದರಿಂದ ಸದರಿ ಅಧಿನಿಯಮವು ಸಂವಿಧಾನ ಬಾಹಿರವಾಗಿದೆ ಎಂಬ ಅಥವಾ ಶೂನ್ಯವಾಗಿದೆ ಎಂಬ ಕಾರಣದ ಮೇಲೆ 1976ರ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಮಾಡಿದ ಅಥವಾ ಕೈಗೊಂಡ ಅಥವಾ ಮಾಡಲಾಗಿದೆಯೆಂದು ಅಥವಾ ಕೈಗೊಳ್ಳಲಾಗಿದೆಯೆಂದು ತಾತ್ಪರ್ಯವಾಗುವ ಯಾವುದೇ ಕಾರ್ಯದ ಅಥವಾ ಕ್ರಮದ ಸಿಂಧುತ್ವವನ್ನು ಪ್ರಶ್ನಿಸಿ ಯಾವುದೇ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಯಾವುದೇ ದಾವೆಯನ್ನು ಅಥವಾ ಇತರ ಕಾನೂನು ವ್ಯವಹಾರಗಳನ್ನು ಹೂಡತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಮುಂದುವರಿಸತಕ್ಕದ್ದಲ್ಲ.

The above translation of the Karnataka Public Moneys (Recovery of Dues) Act, 1979 (Karnataka Act 16 of 1980) shall be authoritative text in the Kannada Language under section 5A of the Karnataka Official Language Act, 1963.

GOVERNOR OF KARNATAKA

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ, ಪಿ.ಆರ್.524

ಬಿ.ಕೆ. ಬೋರೇಗೌಡ

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.

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सत्यमेव जयते

## THE KARNATAKA PUBLIC MONEYS (RECOVERY OF DUES) ACT, 1979

### ARRANGEMENT OF SECTIONS

Statement of Object and Reasons

Sections:

1. Short title and commencement
2. Definitions
3. Recovery of certain dues as arrears of land revenue
4. Savings
5. Power to make rules
6. Repeal and validation etc.

\*\*\*\*\*

### STATEMENT OF OBJECTS AND REASONS

I

**Act 16 of 1980.-** To assist the commercial banks in their lending programmes especially to those who are closely inter-linked with the objectives of the Government, the Karnataka Public Moneys (Recovery of Dues) Act, 1976 was enacted and it provided for recoveries of commercial banks loans as arrears of land revenue in so far as these loan were given to schemes notified by Government as "State Sponsored Schemes". The operation of this Act has revealed that there are several other schemes which are considered by Government as "Socially desirable schemes" in which there may not be any financial participation by the State Government but they are vital to the fulfillment of the Government objectives and the commercial banks will have to be encouraged to support those programmes with a view to bringing about such a synchronisation, an amendment to this Act incorporating the socially desirable schemes, their definition and components is necessary. When the amendment Bill was referred to the Law Department for taking further action, it observed that while enacting the Karnataka Public Moneys (Recovery of Dues) Act, 1976, the assent of the President of India was not obtained even though some of the provisions of the said Act were repugnant to the existing Central law falling under Entry 13 List III of the Seventh Schedule

to the Constitution of India and that the validity of the Act was being challenged in a court of law on that basis. To remedy the defect, it has become necessary to promulgate a new Act with retrospective effect with a provision to validate the action taken under the Public Moneys (Recovery of Dues) Act, 1976.

Hence this Bill.

(Published in the Karnataka Gazette Part-IV-2A (Extraordinary), dated 16th May 1979, No.471, at page 8-9.)

## II

**Amending Act 48 of 1981.-** To assist the commercial banks in their lending programmes especially those which are closely inter-linked with the objective of the Government, the Karnataka Public Moneys (Recovery of Dues) Act, 1979 was enacted.

While communicating the assent of the President to the said Legislation the Ministry of Home Affairs Government of India suggested that the definition of the 'Banking Company' may be amended as now proposed in this Bill.

Hence the Bill.

(Published in the Karnataka Gazette Part-IV-2A (Extraordinary), dated 3rd February 1981, No.103, at page 4.)

## III

**Amending Act 37 of 1985.-** The Bill proposes to amend the Karnataka Public Moneys (Recovery of Dues) Act 1979, for the following purposes:-

Clause 3.- to specify the future rate of interest to be recovered.

Hence the Bill.

(Published in the Karnataka Gazette Part-IV-2A (Extraordinary), dated 5th August 1985, No. 426, at page 2.)

\* \* \* \*

**KARNATAKA ACT No. 16 OF 1980**

*(First published in the Karnataka Gazette Extraordinary dated  
Twenty fourth day of April, 1980)*

**THE KARNATAKA PUBLIC MONEYS (RECOVERY OF DUES) ACT, 1979**

*(Received the assent of the President on the Eighteenth day of April, 1980)*

(As Amended by Act 48 of 1981 and 37 of 1985)

**An Act to provide for the speedy recovery of certain classes of dues.**

WHEREAS it is expedient to provide for the speedy recovery of certain classes of dues;

BE it enacted by the Karnataka State Legislature in the Thirty first Year of the Republic of India as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Public Moneys (Recovery of Dues) Act, 1979.

(2) Section 6 shall come into force at once. Other sections shall be deemed to have come into force on the fifteenth day of June 1976.

**2. Definitions.-** In this Act, unless the context otherwise requires,-

<sup>1</sup>[(a) "banking company" means,-

(i) a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);

(iv) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

(v) a Regional Rural Bank constituted under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976);

(vi) a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act 40 of 1980);

(vii) the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963); and

(viii) the Agricultural Finance Corporation Limited, a company incorporated under the Indian Companies Act, 1956 (Central Act 1 of 1956).]<sup>1</sup>

1. Substituted by Act 48 of 1981 w.e.f. 15.6.1976

(b) "Corporation" means the Karnataka State Financial Corporation constituted under the State Financial Corporation Act, 1951 and includes any other corporation owned or controlled by the Central Government or the State Government which the State Government may, by notification, specify;

(c) "financial assistance" means any financial assistance,-

(i) for establishing, expanding, modernising, renovating or running any industrial undertaking; or

(ii) for purposes of vocational training; or

(iii) for the development of agriculture, horticulture, animal husbandry or agro-industry; or

(iv) for purposes of any other kind of planned development; or

(v) for relief against distress;

(d) "Government company" means a Government Company as defined in section 617 of the Companies Act, 1956;

(e) "industrial concern" has the meaning assigned to it in the State Financial Corporation Act, 1951 as amended from time to time;

(f) "Industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods, or mining, or the hotel industry or the transport of passengers or goods, or the generation or distribution of electricity or any other form of power, or for the development of any contiguous area of land as an industrial estate;

**Explanation.-**The expression "processing of goods" includes any act of process for producing, preparing or making an article by subjecting any material to a manual, chemical, electrical or any other like operation.

(g) "person" includes a legal representative or an assignee;

(h) "State sponsored scheme" means a scheme sponsored by way of financial assistance by the State Government under which the State Government either,-

(i) advances money to a banking company or a Government Company for the purposes of disbursing loans, advances or grants or for the purposes of sale of goods on credit or hire purchase;

(ii) guarantees or agrees to guarantee the repayment of a loan advance or grant or the payment of the price of goods sold on credit or hire purchase;

(i) "socially desirable scheme" means a scheme notified as such by the State Government under which a banking company advances money to any person by way of loan.



3. Recovery of certain dues as arrears of land revenue.- (1) Where any person is party,-

- (A) to any agreement relating to a loan, advance or grant given to him or relating to credit in respect of, or relating to hire-purchase of goods sold to him by the State Government or the Corporation, by way of financial assistance; or
- (B) to any agreement relating to a loan, advance or grant to him or relating to credit in respect of or relating to hire-purchase of, goods sold to him by a banking company or a Government company, as the case may be, under a State sponsored scheme; or
- (C) to any agreement relating to a guarantee given by the State Government or the Corporation in respect of a loan raised by an industrial concern; or
- (D) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue;

and such person,-

- (a) makes any default in payment of the loan or advance or any instalment thereof; or
- (b) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in the refund of such grant or portion or any instalment thereof; or
- (c) otherwise fails to comply with the terms of the agreement, then,-
  - (i) in the case of the State Government, such officer as the State Government may by notification authorise in this behalf;
  - (ii) in the case of a Corporation or a Government Company, the Managing Director thereof; and
  - (iii) in the case of banking company, the local agent thereof by whatever name called,

may, send a certificate to the Deputy Commissioner, mentioning the sum due from such persons and requesting that such sum together with the cost of the proceedings and future interest at the 1[agreed rate within the limits prescribed by the Reserve Bank of India and other Government Financing or Re-financing institutions from time to time]1 upto the date of recovery be recovered as if it were arrear of land revenue. A certificate sent to the Deputy Commissioner may be withdrawn at any time.

1. Substituted by Act 37 of 1985 w.e.f. 21.10.1985

(2) The Deputy Commissioner on receiving the certificate shall proceed to recover the amount stated therein as an arrear of land revenue.

(3) On an application made by a banking company and on its furnishing a statement of accounts in respect of any sum due to it from any person in respect of a loan given to him under a socially desirable scheme the prescribed officer may, after making such enquiry as he deems fit, and after giving such person a reasonable opportunity of being heard, grant a certificate specifying the sum due.

(4) A certificate so granted by the prescribed officer shall be final and may be sent to the Deputy Commissioner by the banking company. The sum stated therein to be due and interest thereon at the [agreed rate within the limits prescribed by the Reserve Bank of India and other Government Financing or Re-financing institutions from time to time]<sup>1</sup> upto the date of recovery together with the cost of the proceedings shall be recoverable as an arrear of land revenue. A certificate sent to the Deputy Commissioner may be withdrawn at any time .

1. Substituted by Act 37 of 1985 w.e.f. 21.10.1985

(5) No suit for the recovery of any sum due as aforesaid shall lie in a civil court against any person referred to therein if proceedings to recover the same are pending before the Deputy Commissioner:

Provided that in computing the period of limitation for the recovery of any such sum through court, the period during which the filing of a suit in a court is barred shall be excluded.

**4. Savings.-** (1) Nothing in section 3 shall,-

(a) affect any interest of the State Government, the Corporation, a Government Company or any banking company, in any property, created by any mortgage, charge, pledge or other encumbrance; or

(b) affect any right or remedy against any person other than a person referred to in that section, in respect of a contract or indemnity or guarantee entered into in relation to an agreement referred to in that section or in respect of any interest referred to in clause (a).

(2) Where the property of any person referred to in section 3 is subject to any mortgage, charge, pledge or other encumbrance in favour of the State Government, the Corporation, a Government Company or a Banking Company, then,-

(a) in every case of a pledge or hypothecation of goods, proceedings shall first be taken for sale of the goods pledged or hypothecated and if the proceeds of such sale are less than the sum due, then proceedings shall be taken for recovery of the balance as if it were an arrear of land revenue:

Provided that where the State Government is of the opinion that it is necessary so to do for safeguarding the recovery of the sum due to it or to the Corporation, a Government Company or a Banking Company, as the case may be, it may for reasons

to be recorded direct proceedings to be taken for recovery of the sum due, as if it were an arrear of land revenue before or at the same time the proceedings are taken for sale of the goods pledged;

(b) in every case of a mortgage, charge or other encumbrance on immovable property, such property or, as the case may be, the interest of the defaulter therein, shall first be sold in proceedings for recovery of the sum due from that person as if it were an arrear of land revenue, and any other proceedings may be taken thereafter only if the Deputy Commissioner certifies that there is no prospect of realisation of the entire sum due through the first mentioned process within a reasonable time.

**5. Power to make rules.-** (1) The State Government, may, after previous publication, by notification, make rules to carry out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**6. Repeal and validation, etc.-**(1) The Karnataka Public Moneys (Recovery of Dues) Act, 1976 (Karnataka Act No. 79 of 1976) is hereby repealed.

(2) Notwithstanding any judgement, decree or order of any court, anything done or any action taken (including rules or orders made, notices or certificates issued and proceedings initiated to recover any amount) or purported to have been done or taken under the Karnataka Public Moneys (Recovery of Dues) Act, 1976 (hereinafter referred to as the 1976 Act) shall be deemed to be as valid and effective as if such thing or action was done or taken under the corresponding provisions of this Act, which under sub-section (3) of section 1 shall be deemed to have come into force on the 15th day of June, 1976, and accordingly no suit or other legal proceedings shall be maintained or continued in any court questioning the validity of anything done or any action taken or purported to have been done or taken under the 1976 Act on the ground that the said Act is unconstitutional or void as it has not been reserved for the assent of the President and assented to by the President.

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