

Chapter 5 Land Revenue

5.1 Results of audit

Test check of records in Land Revenue Offices, conducted in audit during the year 2001-2002, disclosed under-assessments of revenue amounting to Rs.11.90 crore in 128 cases, under the following broad categories:

(Rupees in crore)			
Sl. No.	Category	Number of cases	Amount
1	Non-levy/short levy of conversion fine	16	0.23
2	Non-raising/short raising of demands for water rate/penal water rate	22	3.67
3	Non-levy/short levy of maintenance cess	23	0.43
4	Other irregularities	67	7.57
Total		128	11.90

During the course of the year 2001-2002, the Department accepted under-assessments of Rs.0.10 crore involved in 13 cases which had been pointed out in audit in earlier years and recovered the entire amount.

A few illustrative cases (including certain cases noticed in earlier years which could not be reported in previous Reports) involving Rs.10.96 crore are given in the following paragraphs. Of this, Rs.2.51 lakh had been recovered.

5.2 Encroachment of Government land

According to the Karnataka Land Revenue Act 1964 (the Act), no person shall take up an unoccupied land unless he has obtained the permission in writing of

the Tahsildar of the taluk. Unless regularised under the provisions of the Act, unauthorised occupation is to be summarily evicted. The unauthorised occupier is required to pay twice the land revenue for every year as penalty and is also liable, at the discretion of the Deputy Commissioner, to a fine not exceeding Rs.500 per acre per annum, if the land was used for agriculture and not exceeding Rs.1000 per acre per annum, if used otherwise.

In three[∇] taluks, it was noticed (during January to March 2001) that 26449 acres and 33 guntas of land were under unauthorised occupation of 9041 occupants and was being used for agriculture. The Department had not evicted the unauthorised occupants. It had also not collected the penalty of Rs.3.70 lakh for the period 1996-97 to 1999-2000. Besides, fine of Rs.1.32 crore could have been levied.

On being pointed out (between January and March 2001), the Department stated (March 2002) in respect of Chickmagalur district that penalty (Rs.0.73 lakh) could not be collected as the land was situated in thick forests. This is not tenable as violation of the law had taken place and Government was bound to resume the land.

The cases were referred to Government (March 2002); their reply has not been received (December 2002).

5.3 Non-recovery of dues on regularisation of unauthorised occupation

The Karnataka Land Revenue Act 1964, as amended from March 1991/ July 1994, provides for regularisation of unauthorised occupation of Government land made prior to 14 April 1990 on the recommendation of a taluk committee. According to the Karnataka Land Revenue Rules 1966, on such regularisation, cost of land at 50 times the land revenue (200 times for the period prior to 27 September 1994), fine at Rs.25 (Rs.10 for SC/ST) per acre per year, land revenue for the entire period of unauthorised occupation and measurement fees are payable. These dues are to be paid in three instalments within 90 days from the date of communication of the order of regularisation.

A test check of records of the Tahsildar, H.D.Kote revealed (September 2001) that out of 14893 applications received till the end of 1998, 5210 cases had been regularised. Of these, in respect of 702 cases (1404 acres 4 guntas) certificates of grant had been issued to the occupants (both SC/ST and others).

[∇] Bagepalli and Gudibanda (Kolar district) and Sringeri (Chickmagalur district)

However, the amount of Rs.8.08 lakh due on regularisation had not been demanded. Similarly, in Nanjangud taluk, certificates of grant had been issued in respect of all the 1240 cases regularised till January 2001 but dues of Rs.4.89 lakh in respect of 535 cases (776 acres 21 guntas) had not been levied.

On being pointed out (February and September 2001), the Department stated that the amounts would be taken to the demand register for effecting recoveries. Further reports have not been received (December 2002).

The matter was referred to Government (March 2002); their reply has not been received (December 2002).

5.4 Non-raising/short raising of demands for water rate

Under the Karnataka Irrigation (Levy of Water Rate) Rules 1965, in respect of each crop or revenue year, as the case may be, one officer each from Revenue and Irrigation Departments should jointly inspect and prepare a statement of survey numbers of lands to which water was supplied, made available or used for irrigation and the crops raised therein. On the basis of this statement, the Irrigation Officer prepares a demand statement of water rate payable by each landholder and sends it to the Tahsildar concerned for collection.

In five taluks of five districts, there was omission on the part of the Revenue Department to book and raise demand for water rate of Rs.89.11 lakh even after receipt of demand statements from the Irrigation Officers, as per details given below:

(Rupees in lakh)

Sl. No.	Taluk (District)	Year/crop season to which demand relates	Water rate demand booked		Amount of non-booking
			As per Irrigation Department	As per Tahsildar's records	
1	Malavalli (Mandya)	2000-2001	42.95	-	42.95
2	Nanjangud (Mysore)	1999-2000 Khariff Summer	16.08 1.60	-	17.68
3	Navalgund (Dharwad)	1997-98 1998-99 1999-2000	8.78 5.50 1.11	- 1.20 -	8.78 4.30 1.11

(Rupees in lakh)

Sl. No.	Taluk (District)	Year/crop season to which demand relates	Water rate demand booked		Amount of non-booking
			As per Irrigation Department	As per Tahsildar's records	
4	Kanakapura (Bangalore-Rural)	1998-99 to 2000-2001	12.30	-	12.30
5	Bagepalli (Kolar)	1996-97	0.48	-	0.48
		1997-98	0.75		0.75
		1998-99	0.76		0.76
Total			90.31	1.20	89.11

On being pointed out (between February and September 2001), the Department reported (January-December 2002) that demands for Rs.76.81 lakh relating to four[#] taluks had since been accounted for in the Demand, Collection and Balance statement and out of it Rs.1.09 lakh recovered. Report of action taken in respect of Kanakapura taluk has not been received (December 2002).

The cases were referred to Government (March 2002); their reply has not been received (December 2002).

5.5 Non-raising of demands for penal water charges

Under the Karnataka Irrigation Act 1965, any person using water from an irrigation work without obtaining the required permission is liable to pay water charges at the rate to be determined by the Irrigation Officer, in addition to penalty at prescribed rates for such unauthorised use of water.

In four[‡] taluks, it was noticed (between September 2000 and August 2001) that demands for penal water charges of Rs.11.43 lakh for the years 1997-98 to 2000-2001 had not been booked even after receipt of demand statements from the Irrigation Officers.

On being pointed out (between September 2000 and August 2001), the Department reported (December 2001/January 2002) that Rs.9.74 lakh in

[#] Bagepalli, Malavalli, Nanjangud, Navalgund

[‡] Hassan, Malavalli, Nanjangud, Somwarpet

respect of three[&] taluks had since been taken to the Demand, Collection and Balance statement and recovery process initiated.

Reports of recovery in these cases and report of action taken in respect of Somwarpet have not been received (December 2002).

These cases were referred to Government (March 2002); their reply has not been received (December 2002).

5.6 Non-levy/short levy of maintenance cess

According to the Karnataka Irrigation Act 1965, an annual maintenance cess of Rs.4 per acre benefited by an irrigation work maintained by Government is to be levied. According to the Rules, the Tahsildar concerned is the authority responsible for determining and levying maintenance cess.

In three * taluks, maintenance cess of Rs.4.82 lakh in respect of 120115 acres was not levied at all while in respect of 88760 acres only Rs.2.87 lakh was levied instead of Rs.3.56 lakh resulting in non-levy/short levy of Rs.5.51 lakh for the years 1996-97 to 2000-2001 though water was made available in the preceding/current year(s).

On being pointed out (between February and August 2001), the Department recovered Rs.1.42 lakh in respect of Malavalli taluk. Reports of action taken in respect of the other two taluks have not been received (December 2002).

These cases were referred to Government (April 2002); their reply has not been received (December 2002).

5.7 Short recovery of conversion fine

Under the Karnataka Land Revenue Act 1964 and the Rules framed thereunder, when any land held for the purpose of agriculture (and assessed as

[&] Hassan, Malavalli, Nanjangud

^{*} Bagepalli, Malavalli, Nanjangud

such) is permitted to be used for purpose other than agriculture, a conversion fine is leviable at the rate prescribed for each place with reference to the area of the land, its location and the purpose for which the land is put to use. The rates of conversion fine were revised in February 1996.

In three⁹ taluks of three districts, in respect of 22 cases of conversion of 81 acres and 36 guntas of agricultural land into non-agricultural (residential/non-residential) purposes permitted between 1996 and 2001, conversion fine amounting to Rs.18.29 lakh was leviable. However, only Rs.7.84 lakh were levied. This resulted in short levy of Rs.10.45 lakh.

These cases were pointed out (between April and August 2001) to the concerned Tahsildars and reported to the Divisional Commissioner, Bangalore (January 2002) and to Government (April 2002); their replies have not been received (December 2002).

5.8 Loss of revenue due to non-revision of measurement fees

Under the Karnataka Land Revenue Act 1964, when the preparation or revision of a map or plan required for or in connection with any record or register regarding Record of Rights is made on the application of any person, the authorised Revenue Officer is required to assess the cost thereof (known as measurement fees) recoverable from such person. Under the Rules *ibid*, such cost includes - (i) the proportionate pay and allowances of the surveyor and his peon, (ii) wages of the labour, if engaged by Government, (iii) cost of stones and other material, (iv) cost of transport of survey equipment and (v) supervision charges at 20 per cent of the cost thereof.

In April 1979, as approved by Government, the Director of Survey, Settlement and Land Records (Director) had fixed a uniform rate of measurement fees of Rs.35 for 1 to 4 survey numbers or hissas in a village held by a holder and Rs.10 for every additional survey number. Though with every revision of scales of pay of employees, the Director had proposed enhancement of the rates of measurement fees to a minimum of Rs.60 (1983), Rs.140 (1990), Rs.250 (1995) and Rs.412 (1999), the existing rates had not been revised till date (July 2001). With reference to the proposed revised rates, the non-

⁹ Aurad, Hungund, Ranebennur

revision of rates entailed a potential loss of revenue to Government of Rs.8.30 crore from 1996-97 to 2000-2001, as detailed below:

(Rupees in lakh)

Year	Existing minimum rate (Rs.)	Actual realisation	Proposed minimum rate (Rs.)	Projected revenue	Loss of revenue
1996-1997	35	14.39	250	102.79	88.40
1997-1998	35	17.40	250	124.29	106.89
1998-1999	35	20.83	250	148.79	127.96
1999-2000	35	22.91	412	269.68	246.77
2000-2001	35	24.16	412	284.40	260.24
Total		99.69		929.95	830.26

On this being referred to Government (May 2002), it was stated (October 2002) that the matter of amendment to Section 131 of the Act to increase measurement fees was under its active consideration. No reasons were forthcoming for the undue delay in considering the Director's proposal.

