

Highlights	Grant, Lease, Eviction of Encroachment and Regularisation of Unauthorised Occupation of Government Lands
<p>Why CAG did this Audit</p> <p><i>Government land is granted/leased to facilitate and accelerate socio-economic development activities in the State. Besides, Government also distributes land to the under-privileged for agricultural and dwelling purposes through notified schemes for regularisation of unauthorised occupation of Government land. Given the importance of grant/lease and regularisation schemes of Government land in the socio-economic development on the one hand, and possible risks of misuse on the other, this Performance Audit was undertaken to examine (i) whether the process of grant/lease of land was transparent and judicious, (ii) whether the land granted/leased was valued appropriately and monitored to ensure the stated utilisation for intended purposes, and (iii) whether the risk of encroachment was mitigated adequately and schemes for regularisation were effective.</i></p>	<p>What CAG Found</p> <p>During the period 2012 to 2017, the Government had granted/leased nearly 5650.60 Acres of Government land in the 11 Districts (out of 30) selected for this Performance Audit.</p> <p>Inventory management of the Revenue Department was unstructured. The Government neither maintained databases relating to lands available for disposal nor the lands disposed as grants/leases. The transparency in disposal of applications could not be assessed as the applications for grant/lease were not systematically compiled. Eligibility criteria of applicants were not met in some instances and set procedures were deviated. Absence of mechanism in the Department to assess the extent of land sought vis-à-vis that required for the intended project of the applicant resulted in transfer of excess/surplus land.</p> <p>The Karnataka Government (Transaction of Business) Rules, 1977 empowered the Government to consider grant/lease of lands reserved for public purposes, which were specifically prohibited from being granted/leased under the Karnataka Land Revenue Rules. Grant of such prohibited land was neither according to the extant Rules/Court Judgements nor was an environment friendly act. There were issues in grant of price concessions and adoption of Market Value of lands which resulted in incorrect computation/short-levy of the value of land.</p> <p>There was no monitoring of lands disposed, which resulted in non-retrieval of land after expiry of lease periods, non-collection of lease rent, non-usage of land granted/leased for considerable periods, etc.</p> <p>As per statistics maintained by the Government, encroachments were static and no additions were recorded (except in Bengaluru Urban District) after August 2013 even though there were public complaints regarding encroachments. Significant number of public complaints on encroachment of Government land was pending for over five years. Further, the passive role of Karnataka Public Lands Corporation (the agency meant for protecting land on which encroachment is evicted), lack of proper security to the lands recovered after eviction of encroachment and the non-transfer of the cases of encroachment to the Specially Designated Court slackened the process of evictions.</p>
<p>What CAG Recommends</p> <p><i>Ten recommendations are relating to building up of database for lands available/granted/leased; review of Rules; strengthening of systems; and ensuring compliance to internal controls. The Department has generally accepted the recommendations.</i></p>	<p>The fulfilment of prescribed criteria for regularisation was not documented sufficiently to verify the correctness of claims made by the applicants. There were cases of regularisation of unauthorised occupation of land contrary to prescribed provisions.</p>

Grant/Lease of Government Land

Key Facts

Types of Government land	↙	Land with Public User Rights like Gomala, Tank bed, Gunduthopu, burial grounds, etc., which are not to be granted/leased.
	↘	Land with sole Government privileges and available for grant/lease.
Grant/lease of Government land in the eleven Districts selected out of 30.		5650-24 Acres-Guntas, covering 260 beneficiaries during 2012-17.

Findings

Subject	Findings
Inventory (Paragraphs 3.1 and 3.2)	<ul style="list-style-type: none"> • No database of lands available for disposal, though required to be prepared annually. Lands for grant were identified by beneficiaries themselves. • No database of lands already granted/leased. • Seven institutions continued to be in use of lands even after expiry of lease periods.
Due process before grant/lease (Paragraphs 4.1 to 4.4)	<ul style="list-style-type: none"> • 47-21 Acres-Guntas granted to eleven beneficiaries even without receipt of application for land grant. • 132-15 Acres-Guntas granted to 27 beneficiaries despite non-fulfillment of eligibility conditions. • 390-38 Acres-Guntas of unavailable/ineligible lands granted in 10 instances. • Non-assessment of extent of land required resulted in excess grant/non- usage in 9 cases.
Grant of prohibited land (Paragraph 5.1)	<ul style="list-style-type: none"> • Grant of 487-30 Acres-Guntas of prohibited lands such as Phut B Kharab (water bodies, Gunduthopu, crematory, burial ground, etc.), and land within municipal limits, to 86 beneficiaries.
Valuation of Land (Paragraphs 6.1 t and 6.2)	<ul style="list-style-type: none"> • Uniform policy introduced in 2015 vide Rule 22A; ambiguities in implementation need to be sorted out. • ₹ 176.01 crore concession in land price granted in 51 cases.
Monitoring and enforcement (Paragraphs 7.1 and 7.2)	<ul style="list-style-type: none"> • No mechanism existed for periodic inspection and reporting. • Joint Physical Verification with Departmental officers revealed non-usage/partial use/diversion of lands granted/leased in 81 out of 234 cases covering 726-29 Acres-Guntas. • Non-demand of ₹ 7.33 crore as lease rent due in 46 cases.

Encroachment of Government Land

Key Facts

Types of encroachment	}	<p>For agricultural or dwelling purposes Schemes available for regularization of such encroachment.</p> <p>For purposes other than mentioned above To be summarily evicted and fine levied.</p>
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Karnataka Public Lands Corporation	Set up in 2008, to protect land resumed from encroachment besides distributing such resumed lands to various Government Departments and agencies.
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Total encroachment in the State	4,48,615 Acres (57 per cent reported as evicted, as of March 2017). (Excludes cases under regularisation schemes and litigation).
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Total encroachment in eleven selected Districts	2,05,221 Acres (63 per cent reported as evicted, as of March 2017).
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Findings

Subject	Findings
Identification, accounting and eviction of encroachments (Paragraph 8.2)	<ul style="list-style-type: none"> • Encroachment figure is static as of August 2013. • No mechanism of periodic inspections and identification of new encroachments.
Public complaints on encroachment (Paragraph 8.3)	<ul style="list-style-type: none"> • Good initiative but poor follow-up. • 1856 out of 2608 complaints received were pending verification and eviction.
Grant of encroached land to the encroachers (Paragraph 8.4)	<ul style="list-style-type: none"> • 89-31 Acres-Guntas encroached in four Districts for different purposes were granted to the encroachers; potentially encourages further encroachment.
Protection of encroachment evicted lands (Paragraph 8.6)	<ul style="list-style-type: none"> • Only seven percent of the encroachment evicted land were protected.
Disposal of dispute cases (Paragraph 8.7)	<ul style="list-style-type: none"> • Special Court set up in 2016 for speedy disposal of cases. • 1,131 cases were not transferred from various other Civil and Revenue Courts to this Court.

Regularisation of Unauthorised Occupation

Key Facts

Schemes for Regularisation	↙	<p>Sections 94 A and 94 B of the KLR Act Unauthorised occupation of Government lands prior to 14 April 1990 for cultivation. Last date of application was 15 July 1999.</p>
	↘	<p>Sections 94 C and 94 CC of the KLR Act Unauthorised occupation of Government lands for dwelling. Introduced from 2013 for rural areas and from 2015 for urban areas.</p>

Implementation of schemes for regularisation in the eleven selected Districts	<p>Agricultural purposes Regularised 1,55,226-27 Acres-Guntas in respect of 93,462 applicants.</p> <p>Dwelling purposes Applications were received to the end of September 2016 and are under process.</p>
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Findings

Subject	Findings
Delay in disposal (Paragraph 9.1.1)	<ul style="list-style-type: none"> 47348 applications involving 164874-24 Acres-Guntas still pending disposal, delay of upto 18 years.
Discrepancies in regularisation for agriculture (Paragraph 9.1.2)	<ul style="list-style-type: none"> 1,055-19 Acres-Guntas of land regularised contrary to the eligibility conditions/provisions of the Scheme/Act/Rules. Loss of ₹ 31.57 crore worth of Government land (437-30 Acres-Guntas) due to excess grant of land, grant to ineligible beneficiaries and regularisation of Gomala land.
Discrepancies in regularisation for dwelling purposes (Paragraph 9.2.1)	<ul style="list-style-type: none"> No documentation of fulfillment of eligibility conditions. Excess grant of 8872 sq.ft. of land costing ₹ 10.56 lakh in 31 cases.
Non-repeal of earlier Rules (Paragraph 9.3)	<ul style="list-style-type: none"> The Karnataka Land Revenue (Regularisation of Unauthorised Occupation of Lands) Rules, 1970 deals with regularisation and was open ended with no cut-off dates for application. Even on introduction of Sections 94 A and 94 B with specific cut-off dates for filing applications, the Rules <i>ibid</i> have not been repealed.