REPORT OF THE JURY

Public Hearing on
Issues in the Implementation of

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (**PTCL Act**)

Held on 6th June, 2026 at Gandhi Bhavan, Bengaluru

MEMBERS OF THE JURY

1. **Justice Gopal Gowda**, Retd. Judge, Supreme Court of India
2. **Shri D. Thangaraj**, Retired IAS Officer
3. **Dr. S. M. Jaamdar**, Retired IAS Officer
4. **Smt. Jyothi Raj**, President, Bhooshakti Kendra
5. **Shri H. L. Venkatesh**, PTCL Act Expert and Lawyer

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Public Hearing on Issues in the Implementation of the PTCL Act, 1978

Held on 06.06.2026, at Gandhi Bhavan, Bengaluru

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1. CONTEXT AND BACKGROUND

This Report is prepared by the Jury Panel of the Public Hearing on the issues in the implementation of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 ("PTCL Act"), held on 06.06.2026 at Gandhi Bhavan, Bengaluru.

PICTURE 1: Members of the Jury for the Public Hearing held on 6th June, 2026 at Gandhi Bhavan, Bengaluru.

The Jury Panel consisted of Justice (Retired) Supreme Court V Gopal Gowda, former IAS officer Shri S.M. Jaamdar and former IAS officer Shri D. Thangaraj, veteran activists Smt. Jyothi Raj and Legal Expert on the PTCL Cases, Shri HL Venkatesh.

The Public Hearing was convened to present the findings of a research conducted over seven months, studying the challenges in the implementation of the PTCL Act across seven districts of Karnataka: Bangalore Urban and Rural, Kolar, Tumkur, Chitradurga, Ramanagara, and Davangere. The Jury Panel heard the testimonies of ten grantees and their legal heirs from these seven districts. Representatives of other dispossessed families also addressed the Jury Panel at the hearing.

The public hearing was organized by the PTCL Kaayde Bhoomi Vanchitara Horata Samiti, a registered association of members of SC/ST communities who have been dispossessed of their granted lands, the Alternative Law Forum, a registered society working to uphold our preambular values and the All India Lawyers Association for Justice (AILAJ), an association of legal professionals working to protect the core tenets of the Indian Constitution.

This Report presents the Jury Panel's findings based on the testimonies heard at the public hearing. The Jury Panel has examined the testimonies, the supporting documents, and the legal and constitutional framework within which the PTCL Act operates. The findings and recommendations set out in this Report reflect the Jury Panel's considered assessment of the state of implementation of the Act and of the steps required to restore its effectiveness as a constitutional instrument of distributive justice.

2. KARNATAKA SCHEDULED CASTES AND SCHEDULED TRIBES (PROHIBITION OF TRANSFER OF CERTAIN LANDS) ACT, 1978

2.1. OBJECT AND CONSTITUTIONAL BASIS

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 is a beneficial legislation enacted to protect the lands granted to Scheduled Castes and Scheduled Tribes from alienation by the socially and economically dominant sections of society. The Statement of Objects and Reasons of the PTCL Act records the legislative recognition that the existing non-alienation clauses in Land Grant Rules had proved insufficient:

> "The non-alienation clause contained in existing Land Grant Rules and the provision for cancellation of grants where the land is alienated in contravention of the above said provision are found not sufficient to help the Scheduled Castes and Scheduled Tribes grantees whose ignorance and poverty have been exploited by persons belonging to the affluent and powerful sections to obtain sales or mortgages either for a nominal consideration or for no consideration at all and they have become the victims of circumstances. To fulfil the purposes of the grant, the land, even if it has been alienated, should be restored to the original grantee or his heirs. The Government of India has also been urging the State Government for enacting a legislation to prevent alienation of lands granted to Scheduled Castes and Scheduled Tribes by Government on the lines of the model legislation prepared by it and circulated to the State Government. Hence the Bill."

To understand the purpose of the PTCL Act, it is necessary to appreciate the historical context in which land grants to Scheduled Castes and Scheduled Tribes were made in Karnataka. The post-independence land reform programme in Karnataka, as across India, recognised that SC/ST communities had been systematically excluded from land ownership through centuries of caste-based discrimination and feudal exploitation.

To address this, the State made grants of government land to SC/ST persons under various schemes. These grants were part of the steps taken towards social and economic justice, in furtherance of the constitutional directive to distribute material resources, with the specific purpose of giving the grantee and their family a means of livelihood and a stake in the land. Accordingly, the grants carried non-alienation conditions, typically prohibiting transfer for a specified period, and in some cases permanently. These conditions were made part of the grant because it was recognised that the same social and economic vulnerabilities that had rendered these communities landless would, if left unaddressed, lead to the grants being alienated back to the dominant sections of society.

The PTCL Act was enacted against this backdrop. By the time of its enactment in 1978, it had become apparent that the non-alienation clauses in the grant rules alone were inadequate. Alienations had occurred on a wide scale, through fraud, misrepresentation, coercion, and the exploitation of illiteracy and economic desperation. The Act was thus brought in to provide a comprehensive statutory framework to render such alienations void, provide for restoration, and impose criminal liability on those who had acquired granted lands in contravention of the law.

The Act is a measure of distributive justice by way of affirmative action, enacted to further the constitutional mandate of social and economic equality. Article 15(4) empowers the State to make special provisions for the advancement of socially and educationally backward classes and for Scheduled Castes and Scheduled Tribes. Article 39(b) directs the State to ensure that the ownership and control of material resources is distributed so as best to subserve the common good. Article 39(c) directs the State to prevent the concentration of wealth and means of production to the common detriment. Article 46 casts a specific duty on the State to promote the educational and economic interests of the weaker sections, and in particular of the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and all forms of exploitation.

The Act is further protected by Article 31C of the Constitution, which shields laws enacted in furtherance of the Directive Principles from challenge under Articles 14 or 19. A declaration to this effect has been made in Section 2 of the Act itself.

A SELF-CONTAINED CODE AND SPECIAL ENACTMENT

The PTCL Act is a self-contained code and a special enactment, designed to operate as a complete and exclusive framework for the protection of granted lands. As a special enactment, it prevails over the general law wherever the two are inconsistent.

This is given express statutory form in Section 11, which is extracted hereunder:

SECTION 11. ACT TO OVERRIDE OTHER LAWS

The provisions of this Act 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 any decree or order of a court, tribunal or other authority.

The reach of Section 11 is comprehensive. It displaces not only other statutes but also custom, usage, contract, and the orders of courts and tribunals. The protection the Act extends to SC/ST grantees is insulated from erosion by any other source of law.

The significance of Section 11 cannot be overstated in the context of PTCL litigation. Courts have on numerous occasions imported doctrines from the general law of property and civil procedure, including limitation, adverse possession and res judicata into PTCL proceedings. Each of these imports is contrary to Section 11. The Act is a complete code. The rights it creates, the defences it recognises, and the remedies it provides are exhaustively defined within its own framework. As will be seen in Section 4 of this Report, it is precisely the disregard of Section 11 that has allowed courts to introduce doctrines that the Act itself has foreclosed, and in doing so to defeat the very purpose the Act was enacted to serve.

THE ACT AS BENEFICIAL AND REMEDIAL LEGISLATION

The PTCL Act belongs to a well-recognised category of beneficial and remedial legislation, enacted for the protection of a vulnerable class and required to be interpreted accordingly. It is a settled canon of construction that beneficial legislation must be construed liberally, in favour of the class it is designed to protect, and that any ambiguity must be resolved in favour of the beneficiary rather than those against whom it operates. This canon applies with particular force to the PTCL Act, whose beneficiaries are members of communities that have been historically dispossessed and whose access to the legal system to assert their rights has, as the testimonies document, been systematically obstructed.

The Supreme Court in Manchegowda and Ors. vs. State of Karnataka [(1984) 3 SCC 301] affirmed that the State's policy of preserving, protecting, and promoting the interests of Scheduled Castes and Scheduled Tribes was consistent with the Directive Principles of the Constitution, and upheld the Act's validity precisely because of its remedial character. The Court in Lingappa Pochanna vs. State of Maharashtra [AIR 1985 SC 389] went further, describing a similar legislation in Maharashtra as an instrument of distributive justice directed at rectifying injustice arising from transactions between unequals, and articulating the governing principle as one of ensuring a fair division of wealth based on capacity and need.

It is in this framework, as a constitutional instrument of social and economic justice, a self-contained special enactment that overrides the general law and a beneficial legislation requiring liberal construction in favour of its beneficiaries, that the PTCL Act must be understood and implemented.

2.2. THE LEGAL FRAMEWORK

The PTCL Act is a comprehensive statutory framework designed to achieve a single objective: ensuring that lands granted to SC/ST communities are protected from alienation and, where alienated, restored to the original grantee or their legal heirs.

The PTCL Act as originally legislated and its amendment in 1984 are included in the IX Schedule of the Constitution at Entry 222 (dt. 07.06.1990) and Entry 267 (dt. 30.08.1995).

Section 4(1) of the Act provides that any transfer of granted land made in contravention of the terms of the grant or the law providing for such grant shall be *"null and void and no right, title or interest in such land shall be conveyed or be deemed ever to have been conveyed by such transfer."* This consequence flows automatically by operation of the statute. The transfer is void ab initio. The transfer is void by way of statute and no right, title, or interest passes to the transferee by virtue of such a transaction.

The only two exceptions to this are transfers made with the prior permission of the Government [Section 4(2)] and the perfection of rights by prescription prior to the Act coming into force as recognised by the Supreme Court in ***Manchegowda (supra)***. Outside these two exceptions, no transfer of granted land can be sustained.

The Act further prohibits the sale of granted land in execution of a decree or order of a civil court or any other authority [Section 4(3)], ensuring that even court-directed transactions cannot be used as a mechanism to defeat the grantee's rights.

Any transaction contrary to the grant in contravention of the terms of the grant of such land or the law providing for such grant, or section 4(2), is not merely null and void, but also a criminal offence under section 8 punishable with imprisonment which may extend to six months and/or fine. As such the concept of "bonafide purchaser" is unavailable within the scheme of the PTCL Act.

When the violation specified in Section 4 of the PTCL Act is discovered, either on application by any interested person or on information given in writing by any person or suo-motu, the Assistant Commissioner is required to pass necessary orders after an enquiry to ascertain whether the provisions of section 4 are attracted.

Section 5(1) provides the remedy, which is restoration of the land to the original grantee or their legal heirs. Where restoration is not reasonably practicable, the land vests in the Government free from encumbrances.

Two further features of the Act deserve particular emphasis.

First, the Act places a specific legal duty on registration authorities to refuse registration of any document purporting to transfer granted land [Section 6]. The Sub-Registrar is thus meant to act as a gatekeeper whose compliance is essential to preventing alienations at the point at which they are sought to be registered. The systematic failure of this function, with Sub-Registrars routinely registering transfers of granted land, has enabled the alienations the Act was designed to prevent.

Second, the Act under Section 11 expressly overrides every other law, custom, usage, contract, and decree or order of any court, tribunal, or other authority. This overriding effect is to insulate the protection of SC/ST granted lands from being eroded by contrary provisions in any other law, including by orders of civil courts that may have been obtained without the grantee's knowledge or participation.

It is against this framework that the failures of implementation documented in the sections that follow must be assessed.

3. TESTIMONIES IN THE PUBLIC HEARING

At the Public Hearing, the Jury Panel heard the testimonies of ten grantees and legal heirs from seven districts; namely: Bangalore Urban and Rural, Kolar, Tumkur, Chitradurga, Ramanagara, and Davangere. The testimonies, taken together, reveal a consistent and deeply troubling pattern in the implementation of the PTCL Act.

3.1. SUMMARY OF CASES

The individual cases are summarised below.

CASE 1: THE CASE OF MR. RAJAPPA, THE LEGAL HEIR TO THE GRANTEE IN THE NEKKANTI JUDGMENT

It is perhaps most appropriate to start with the case of Mr. Rajappa. He was the heir of the grantee in the case that eventually culminated in the judgment of Nekkanti Rama Lakshmi, which paved the way for the systematic defanging of the PTCL Act across Karnataka. His case is not merely an illustration of individual injustice. It demonstrates every dimension of failure this report documents. Today, we all know the judgment by the name of the purchaser, Nekkanti Rama Lakshmi while the grantee, Mr. Rajappa, is unknown. This is not accidental; it is a precise reflection of how the law, as it has been interpreted and implemented, has treated the two sides of this dispute.

His family belongs to the SC community. Land of 2.05 acres in Doddaghatta village, Channagiri Taluk, Davangere district, was granted to his father Mr.Kariyappa in 1963-64 with a fifteen-year non-alienation condition.

In 1977, an unknown person of the same name (Kariyappa), impersonating the original grantee, fraudulently executed a sale deed in favour of Meke Narasimha Murthy for only 1.02 acres. Subsequently, Meke Narasimha Murthy applied to the Taluk Office for mutation of the revenue records. Upon examining the application, the Taluk authorities rejected it (MR No. 60/1977-78), as the person who had executed the sale deed had no connection whatsoever with the original grantee.

Seven years later, in 1984, Nekkanti Rama Lakshmi, an influential member of the Reddy community from the neighbouring village of Kabballa, purchased the land relying on the rejected sale deed and forcibly had the revenue records mutated in her name. Nekkanti Rama Lakshmi then forcibly evicted Mr. Rajappa's family from the land. At the time, Mr. Rajappa was 15 years old. During this period, no one in the village came forward to help his father. As the respondents belonged to a highly influential family, and because Rajappa's father, Kariyappa, was illiterate, the family was unable to resist or challenge the injustice.

Mr.Rajappa’s family then approached the Assistant Commissioner (“AC”) in 2003-04. The AC rejected the petition. The Deputy Commissioner (“DC”), in appeal, set aside the AC's order and directed restoration. The revenue authorities then restored the land to Mr. Rajappa and restored the documents in his name. The High Court upheld the restoration order in favour of Mr Rajappa. The purchaser approached the Supreme Court in

PICTURE 2: RAJAPPA’S HOUSE IN CHANNAGIRI, DAVANGERE

2006, where the matter was pending for eleven years, before the order was passed. Mr. Rajappa, unrepresented in those proceedings, was unaware that an adverse judgment had been passed in 2017 until Nekkanti Rama Lakshmi dispossessed him of his property in 2019. The economic condition of the family is extremely fragile and they live in a small house in Doddaghatta village.

CASE 2: MR. KARUNESH (KOLAR)

Mr. Karunesh belongs to the SC community. 2.15 acres of land in Thambihalli village, Kolar district, was originally granted to Mr. Karunesh's grandfather, Mr. A.K. Chowdappa. After the grandfather's death, the family leased the land to a person from the Kuruba community in the year 1985 for an annual lease amount of Rs. 1,000 for a period of ten years. This was on account of the severe poverty of the family, the fact that this was dry land and they did not have any money to arrange for irrigation and because the purchaser kept pressurising them to do so. The lessee passed away in 1994 and his son continued the arrangement. Around 2002-03, the lessee's son abruptly stopped paying and claimed the land had been purchased. The family then discovered that in 1985, a sale deed had been registered in place of the lease deed, containing numerous inaccuracies including errors in the grant year and bandhi details. The AC ruled in favour of the grantee in 2020, but subsequent proceedings before the DC, the High Court, and again before the AC have left the matter in a state of procedural confusion, with

PICTURE 3: MR. KARUNESH AND HIS WIFE, MRS. RATNAMMA IN FRONT OF THEIR HOUSE

the purchaser having obtained khatha and RTC entries in their name without any order in their favour. The purchaser's grandson and granddaughter-in-law are both village accountants in the same Taluk, and appear to be able to exert undue influence to get the documents changed.

CASE 3: MR. NAVEEN (BANGALORE URBAN)

The family belongs to the ST community. Land of 2 acres in Hosakerehalli village, Bangalore Urban district, was granted to his grandfather, Mr. Chikkasiddaiah, in 1961. In 1991, the grandfather was deceived into signing documents for a sale agreement on the false promise of obtaining a livestock loan. Subsequently, the purchaser filed an application before the civil court seeking enforcement of the sale agreement. He then beat up Naveen's father and threatened the grandfather into entering a compromise petition in the civil court. The civil court decree was then used to modify the land records. The land subsequently changed hands multiple times and became part of an illegal layout. Proceedings were initiated under the PTCL Act in 2009, and a favourable order was obtained from the AC in 2012. The DC reversed this order on grounds of delay. The Writ Petition filed in the High Court was heard for nine years and dismissed citing the

PICTURE 4: MOTHER OF MR. NAVEEN IN THEIR HOUSE

Nekkanti Ramalakshmi judgment. Subsequent appeals before the High Court and the Supreme Court were also dismissed on limitation grounds. After nearly fifteen years of litigation, the family exhausted its savings, incurred substantial debts, lost several members during the prolonged legal battle, and was forced to migrate from its village. The family remains landless and lives in rented accommodation.

CASE 4: MRS. JAYAMMA (BANGALORE URBAN)

PICTURE 5: MRS. JAYAMMA WITH HER FAMILY MEMBER, IN FRONT OF THEIR HOUSE

The family belongs to the SC community. Land of 2 acres in Machohalli village, Bangalore North Taluk, Bangalore Urban district, was granted to her late father-in-law in 1954. Before his death, his brothers used partition proceedings to induce him to sign sale documents in 1996, transferring the land to a person from the SC community. Mrs. Jayamma came to know of the sale only after the husband's death but had no wherewithal to access the law. Incidentally, suo motu proceedings initiated by the AC in 2002 without notice to Mrs. Jayamma were inexplicably dropped. It is only when her son grew up that the family approached the AC in 2015. A series of procedural complications followed, including a stay obtained by the purchaser without informing the AC and a DC order misreading a High Court direction as a finding of finality. Subsequent writ proceedings before the High Court were dismissed on grounds of res judicata. The matter is currently pending before the Supreme Court.

CASE 5: MR. NARASIMHAIAH (BANGALORE RURAL)

PICTURE 6: MR.NARASIMAIAH AND HIS WIFE WHO IS UNWELL AS A RESULT OF INJURY DUE TO ATTACK BY PEOPLE FROM THE PURCHASER'S SIDE

He belongs to the SC community. Mr. Narasimhaiah is a seventy-five year old agricultural labourer whose father was granted land of 3 acres in Bidaluru village, Devanahalli Taluk of Bangalore Rural district. The granted land was fraudulently transferred in 1996 when purchasers, under the pretext of helping the grantee's family obtain a loan, obtained their thumbprints and opened bank accounts in the family's names, deliberately excluding women members from the transaction. The family was forcibly evicted in 2008. The AC passed a favourable order in 2010 and restoration of revenue records and possession followed. However, the purchasers used their influence to initiate multiple legal proceedings, thereby obstructing implementation. Local police repeatedly refused to register FIRs, recorded only NCR complaints, and registered an FIR only after intervention from the DySP and Dalit leaders. The purchasers subsequently went to the DC court where the matter was remanded back to the AC court. The AC subsequently passed an order against the grantees in 2018, claiming the original grant records were unavailable, despite earlier proceedings having accepted them and directed restoration. The family continues to fight before the Supreme Court under conditions of ongoing threats and illegal development of the land.

CASE 6: MR. P. VENKATESH (KOLAR)

He belongs to the SC community. Land of 5 acres in Jayamangala village, Malur Taluk, Kolar district was originally granted to his grandfather in 1947. This land was taken the following year by a Vokkaliga landlord for whom the grandfather worked as a bonded labourer without any payment and at a time when the grandfather was illiterate and entirely unaware of his legal rights. The family approached the AC after the enactment of the PTCL Act, as early as 1982, but the case was dismissed in 1983 on grounds of adverse possession and a thirty-year limitation principle. Subsequent appeals before the DC and the High Court were also rejected on limitation grounds. The family continues to live under threat from the purchaser's family, which now owns at least fifty acres of land.

PICTURE 7: MR. P. VENKATESH IN FRONT OF HIS HOUSE

CASE 7: MR. RANGANAIK (CHITRADURGA)

Two grants of 3.00 acres in 1953-54 and 4.00 acres in 1955 in Chinnapura village, Hosadurga Taluk, Chitradurga district were made to his grandfather Mr. Dharmanaik. The family belongs to the SC community and had worked as bonded agricultural labourers. Mr. Ranganaik does not know how possession was lost. Records were withheld by

PICTURE 8: MR. RANGANAIK STANDING ON THE LAND GRANTED TO HIS GRANDFATHER

Taluk officials until money was paid, after which documents were obtained in 2009. In the first case, the AC order mis-recorded the grant year from 1953-54 to 1957 and characterised the grant as made for upset price, despite the Tahsildar's own report having found a violation of the PTCL Act. In the second case, the purchasers relied on a Deputy Commissioner permission letter that RTI responses indicated did not exist and which revenue authorities orally acknowledged appeared to be fabricated. Both matters remain pending.

CASE 8: MR. KIRAN KUMAR (RAMNAGARA)

He belongs to the SC community. Land of 2 acres in Narasapura village, Magadi Taluk, Ramanagar district, was granted to his grandfather. His father, who worked as a labourer for a powerful local political figure, inherited and cultivated one acre of granted land. In 2017, when his father stopped working for this person due to ill health, he was prevented from cultivating the one acre of land and told the said granted land had actually been sold. The family later discovered that his father had been deceived into signing sale documents in 1993 on the false promise of a bank loan. When the family asserted their rights, they were threatened with murder, abduction and

PICTURE 10: MR. KIRAN KUMAR'S MOTHER MRS. YALAMMA IN FRONT OF THEIR HOUSE

PICTURE 9: MR. KIRAN KUMAR'S FATHER MR. VENKATACHALAYYA IN THE LAND GRANTED TO MR. KIRAN KUMAR'S GRANDFATHER

being run over by a lorry. They succeeded before both the AC and DC, however, the Tahsildar refused to hand over possession due to the purchaser's political influence. The purchaser approached the High Court, where an interim stay was reportedly granted without notice to the family despite their having filed a caveat. The family today lives in a small house on government gomala land, owning neither agricultural land nor a house.

CASE 9: MR. SHANTHAKUMAR (CHITRADURGA)

He belongs to the SC community. 5.00 acres land in Challakere village, Chitradurga District were granted to his father in 1940 with a permanent non-alienation condition. In 1972, following a family medical emergency involving tuberculosis, the father was compelled to sell the land to repay debts. When the family approached the AC in 1999, they secured favourable orders from both the AC and DC in 2000-01. The purchasers sought to mislead the High Court by mischaracterising the grant year as 1956, which would have reduced the non-alienation period to fifteen years. The HC remanded the matter, the AC again ruled in favour of the grantee after verifying records and the DC in 2011 conclusively found that the land was granted in 1940 with a permanent non-alienation condition. Despite the family winning before the revenue authorities multiple times, the High Court ultimately dismissed the matter on limitation following the Nekkanti judgment in 2018. Appeals before the Division Bench, the Supreme Court, and a Review Petition were all dismissed. Authorities also repeatedly refused to hand over the land despite multiple favourable orders.

PICTURE 11:
MR. SHANTHAKUMAR IN THE LAND GRANTED TO HIS FATHER

CASE 10: MRS. GANGAMMA (TUMKUR)

She belongs to the SC community. Land of 6 acres, 33 guntas in Kallukote village, Sira Taluk, Tumkur was granted to her husband in 1956. The family cultivated the land until her husband's death around 1983-84, after which a dominant-caste family harassed them for a year and ultimately burnt their home down, forcing Gangamma and her children to flee. When her children grew up and engaged a lawyer, they discovered that a sale deed had been registered in 1961. The AC dismissed the case citing Manchegowda, despite the sale having occurred within the non-alienation period. The DC upheld this dismissal citing delay and the Nekkanti order, without regard for the fact that the delay was caused by the grantee's widow being uneducated and having been violently driven from the land. The matter is pending before the High Court. She alleged how the family's first lawyer pressured Mrs. Gangamma to agree to give her a portion of the land as her fee and how the advocate later colluded with the

PICTURE 12: MRS. GANGAMMA IN THE LAND GRANTED TO HER HUSBAND

opposite side, and the advocate’s name now appears in the RTC for ten guntas of the land.She spoke of how the family's first lawyer pressured Mrs. Gangamma to agree to give her a portion of the land as her fee, later colluded with the opposite side, and her name.

3.2. SOCIAL REALITIES: THE CONDITIONS OF DISPOSSESSION

The testimonies before the Jury Panel do not present ten isolated instances of individual misfortune. They reveal a consistent and identifiable pattern in how SC/ST grantees are deprived of their lands. The mechanisms of dispossession are rooted in the same social conditions of caste, poverty, and power that the PTCL Act was enacted to address.

FRAUD AND EXPLOITATION OF ILLITERACY

In a significant number of cases, the initial dispossession occurred through fraud made possible by the grantee's illiteracy and economic vulnerability.

In the case of Mr. Karunesh, a sale deed was actually entered into while the family was told it was a lease deed and the fraud came to light only when the lessee's son stopped paying the annual lease amount and claimed ownership.

In the case of Mr. Naveen, his grandfather Mr. Chikkasiddaiah was induced to sign documents on the false promise of a livestock loan. Said documents were later used to alienate his land entirely.

In the case of Mr. Kiran Kumar, his father signed what he believed were loan documents in 1993 and discovered twenty-four years later that they were sale documents.

In the case of Mr. Shanthakumar, the sale of five acres of land with a permanent non-alienation condition was extracted from a family in the middle of a medical crisis.

In the case of Mrs. Gangamma, her first lawyer pressured her to agree to give her a portion of the land as her fee, later colluded with the opposite side, and her name now appears in the RTC for ten guntas of the land.

In each of these cases, the grantee's illiteracy combined with their economic desperation and their dependence on persons of greater social power was the instrument of their dispossession.

BONDED LABOUR AND FEUDAL DEPENDENCY

One testimony illustrates a particularly stark dimension of the aforementioned caste-based dispossession. In this case, land was taken by the very person for whom the grantee had previously worked as a bonded labourer.

In the case of Mr. Venkatesh, his grandfather, who was both illiterate and in a condition of bonded labour, had his land taken the year after it was granted by the landlord to whom he was bound. The family subsequently remained dependent on this same family for their livelihood, making any assertion of rights practically impossible.

This illustrates the feudal social structure within which the grants were made and within which the PTCL Act operates, wherein the grantee's economic survival is controlled by the very person against whom they must assert their rights.

COERCION, THREATS, AND VIOLENCE

Several testimonies reveal that dispossession was accompanied, and subsequent attempts at restoration were met, with organised violence and intimidation. People from privileged castes often create an oppressive environment where SC/ST communities are forced to give up their lands. They are threatened when they refuse to give up land, approach authorities to prevent alienation or consider filing a case.

In the case of Mr. Naveen, his family was physically assaulted and the grantee's son (Naveen's father) was taken to a police station and threatened with death, forcing the family to make false statements in court and sign a compromise petition without any consideration.

In the case of Mr. Narasimhaiah, his family was attacked by approximately thirty men, after which the victims themselves were detained by the police for three days.

In the case of Mr. Kiran Kumar, his family was threatened with murder, abduction, false criminal cases, and being run over by a lorry if they continued their PTCL case.

In the case of Mrs. Gangamma, her home was burnt down and she was forced to flee with her children.

It must be recognized that these are not isolated acts of individual aggression, but are systematic efforts to suppress the assertion of legal rights by persons with the social, economic, and political power to do so with impunity.

3.3. THE PASSAGE OF TIME AS A STRUCTURAL DISADVANTAGE

A recurring feature of the testimonies is that families did not approach the authorities immediately after their land was taken. This delay has been used systematically against them, both by purchasers resisting restoration and by courts dismissing their claims on grounds of delay and laches. It is the Jury Panel's considered view that this framing fundamentally misunderstands the nature of delay in PTCL cases.

The delay in these cases is not evidence of acquiescence or neglect. It is a direct consequence of the very conditions the PTCL Act was designed to address. In the case of Mr. Shanthakumar, the land was sold in 1972 during a family medical crisis when Mr. Shanthakumar was a teenager. The family approached the AC in

1999, nearly three decades later, not because they had accepted the loss but because it took that long for the next generation to become aware of their rights under a law that had been enacted in 1978 and was not widely known. In the Case of Mrs. Gangamma, she was an uneducated widow whose home had been burnt down and who had fled with her children. The reasons for the delay are self-evident and the failure to consider the same reveals a profound disconnection between the legal system and the lived reality of the persons the law was enacted to protect.

The pattern is consistent across the testimonies. In the case of Mr. Venkatesh, his family did approach the AC as early as 1982, within three years of the Act coming into force, and was dismissed on limitation grounds even then. In the case of Mr. Naveen, the family initiated proceedings in 2009, years after the dispossession, because it took that long to understand their rights, secure legal assistance, and gather the courage to challenge persons who had already threatened to use violence and political influence.

3.4. SYSTEMIC AND BUREAUCRATIC HURDLES

Even where grantees and their legal heirs become aware of their rights under the PTCL Act and initiate proceedings, they encounter a set of institutional barriers that systematically obstruct the path to restoration. These barriers operate at every stage of the process, from the initial attempt to obtain records to the final effort to secure possession pursuant to a favourable order.

MISSING AND INACCESSIBLE RECORDS

Grant records are the foundation of any PTCL claim. Without documentary evidence of the original grant and its conditions, grantees cannot establish the basic facts necessary to attract the Act's protection. Several testimonies reveal that these records are unavailable precisely when they are needed most.

In the case of Mr. Ranganaik, he was repeatedly told that no documents existed. Some records were made available only after money was paid to Taluk office officials. When the documents were finally obtained, they revealed that the AC's order had mis-recorded the grant year, a discrepancy that was fatal to the family's claim.

In the case of Mr. Narasimhaiah, the AC initially accepted the grant records and directed restoration on the basis of them, but subsequently passed an order against the grantee in 2018 claiming the original grant records were unavailable. In fact, the records had been available in earlier proceedings and formed the basis of the restoration order. Their subsequent unavailability is not a coincidence, but a pattern of selective record management that serves the interests of purchasers.

This has to be seen in light of the fact that the State has a responsibility to maintain records pertaining to granted lands. However, in cases presented before the Jury Panel, it has come to light that the concerned authorities have acted in collusion with the purchasers and altered records to benefit them.

CORRUPTION AND COLLUSION

The testimonies reveal corruption operating at multiple levels. In the case of Mr. Ranganaik, court staff in the AC proceedings demanded money and promised a favourable order, and when payment was refused, the order went against the grantee. The AC order itself mis-recorded the grant year in a manner that directly benefited the purchaser, contradicting the Tahsildar's own report which had found a PTCL violation. A permission letter of the Deputy Commissioner relied upon by purchasers in a second case was shown by RTI responses not to exist in the records.

COMPROMISED LEGAL REPRESENTATION

The inability of grantees to secure effective and loyal legal representation is a recurring theme.

In the case of Mr. Rajappa, he paid Rs. 25,000 to a Bangalore-based advocate who promised to secure representation in the Supreme Court but failed to do so. Mr. Rajappa was entirely unrepresented in the Supreme Court proceedings that ultimately decided his case against him.

In the case of Mrs. Gangamma, the failure of the lawyer went beyond incompetence. The lawyer colluded with the opposite side and retained a portion of the disputed land.

3.5. THE ROLE OF THE REVENUE MACHINERY

The revenue machinery, comprising the Village Accountant (VA), the Revenue Inspector (RI), the Tahsildar, the Assistant Commissioner, and the Deputy Commissioner, is the primary implementing authority under the PTCL Act. It is before these authorities that restoration applications are heard and it is through these authorities that possession is delivered to grantees following favourable orders. The testimonies reveal that this machinery has failed not merely through passive inefficiency, but through active subversion of the Act's purpose.

REFUSAL TO IMPLEMENT FAVOURABLE ORDERS

Securing a favourable order from the AC or DC is not the end of the grantee's struggle. It is frequently only the beginning of a further battle to have that order implemented.

In the case of Mr. Kiran Kumar, the Tahsildar refused to hand over possession and documents to his family despite clear orders from both the AC and the DC, citing the purchaser's political influence as the reason.

In the case of Mr. Shanthakumar, his family won before the revenue authorities multiple times over more than a decade, yet the Tahsildar and other authorities consistently refused to hand over the land.

The result is a situation where grantees hold paper victories that cannot be converted into actual possession.

POLICE INACTION AND COMPLICITY

The police have a critical role in protecting grantees who face violence and intimidation both during proceedings and when attempting to take possession following restoration orders. The testimonies reveal a consistent pattern of police failure, marked not merely by inaction but by a tendency to act against the interests of grantees and in favour of those who have dispossessed them.

In the case of Mr. Rajappa, the police failed to act on his complaints repeatedly. The police also threatened him when he attempted to recover his harvested crops, and it was only after he approached the DC that he received any protection.

In the case of Mr. Narasimhaiah, the police initially refused to register an FIR and only recorded NCR complaints, despite cognizable and serious assaults. It was only after intervention from Dalit leaders and the DySP that an FIR was recorded.

In the case of Mr. Kiran Kumar, he was told that no police officer would accept his complaint because of the purchaser's political connections.

The pattern is not one of mere inefficiency, but is one of institutional alignment with the interests of the powerful against the interests of the persons the law is designed to protect.

3.6. THE CIRCLE OF LITIGATION AND IMPOVERISHMENT

The testimonies reveal a devastating dimension of the failure of PTCL implementation. The process of seeking restoration itself becomes an instrument of dispossession.

These are agricultural labourers and small cultivators for whom the granted land was, or would have been, their sole means of livelihood. Grantees who have already lost their primary economic asset are drawn into prolonged, multi-forum litigation by purchasers with vastly greater financial and political resources, and the cost of that litigation compounds the original loss until it consumes whatever the family had remaining.

The financial figures recorded in the testimonies are stark. In the case of Mr. Rajappa, his family spent Rs. 7 to 8 lakh on litigation over more than two decades. In the Case of Mr. Narasimhaiah, his family spent an equivalent sum and continues to litigate before the Supreme Court. In the case of Mr. Naveen, the family exhausted their savings entirely, accumulated substantial debts, and were forced to migrate from their village.

4. ISSUES

The testimonies heard at the Public Hearing, and the findings of the research conducted across seven districts reveal that the PTCL Act has been rendered largely ineffective in practice.

This ineffectiveness has two broad sources.

One, judgments have narrowed the Act's protective reach and introduced doctrines that defeat the purpose of the Act.

Two, State abdication has left grantees without institutional support at every stage. Together, they have created conditions in which the Act's promise of restoration remains; for most grantees, unrealised. The issues identified in the sections that follow document the dimensions of this failure and the ways in which they have operated to defeat the constitutional purpose the Act was enacted to serve.

4.1. WHAT IS GRANTED LAND: SCOPE OF THE ACT

The threshold question in any PTCL proceeding is whether the land in question falls within the definition of "granted land" under Section 3(1)(b) of the Act. The definition is as follows:

"granted land" means any land granted by the Government to a person belonging to any of the Scheduled Castes or the Scheduled Tribes and includes land allotted or granted to such person under the relevant law for the time being in force relating to agrarian reforms or land ceilings or abolition of inams, other than that relating to hereditary offices or rights and the word "granted" shall be construed accordingly.

The definition is deliberately broad. It covers not only direct government grants to SC/ST persons but also land allotted or granted under laws relating to agrarian reforms, land ceilings, and inam abolition. The common thread running through the definition is that the land was granted by the Government to a person belonging to the Scheduled Castes or Scheduled Tribes, as part of the constitutional project of distributive justice documented in Section 1.2 of this Report.

Judgments have, however, narrowed this definition in ways that are contrary to both its text and its purpose. In *Nanjamma v. the State of Karnataka* [ILR 2002 KAR 2795], the Karnataka High Court has held that lands granted under the Grow More Food scheme (GMF) are excluded from the Act's scope on the ground that they were not granted specifically on account of the grantee's SC/ST status, but under a scheme of general agricultural development. This reasoning misreads the definition. The definition does not require that the grant be made exclusively on account of the grantee's SC/ST status. It requires that the grant be made by the Government to a person belonging to the Scheduled Castes or Scheduled Tribes. Where a grant under the Grow More Food scheme was made to an SC/ST person, the definition is attracted on its face. To read an additional requirement into the definition is to add a condition that the legislature did not impose and that narrows the Act's protective reach in a manner inconsistent with its remedial purpose.

4.2. THE QUESTION OF LIMITATION: DELAY AND LACHES

Of all the judicial failures in the implementation of the PTCL Act, the most consequential has been the introduction and entrenchment of the doctrine of delay and laches as a ground for dismissing resumption applications. This single doctrinal development has defeated more claims than any other, and it has done so in the teeth of binding precedent, contrary to the express text of the Act, without any judicial interpretation of the Act's own provisions, and without regard to the social realities that produce delay in PTCL cases.

The starting point must be the Act itself. The text of the Act allows for no limitation. Section 4(1) provides that any transfer of granted land made in contravention of the terms of the grant or the law providing for such grant is null and void, and that no right, title, or interest in such land shall be conveyed or be deemed ever to have been conveyed by such transfer. This consequence is not contingent on any application, order, or proceeding: it flows automatically by operation of the statute from the date the Act came into force, i.e., 01.01.1979. The transfer is void ab initio.

Section 5(1) provides the mechanism for giving effect to this nullity. Where the Assistant Commissioner finds that a transfer is null and void under Section 4(1), acting either *suo motu* or on an application by any person, the land shall be restored to the original grantee or their legal heirs. The Act prescribes no period within which this power must be exercised or within which an application must be made. There is no limitation clause anywhere in the Act. This is not an oversight, it is a deliberate legislative choice, consistent with the Act's character as a special enactment and a self-contained code operating outside the general framework of limitation law or that of delay and laches.

The legal consequence of a void transaction under Section 4(1) is not merely that the transfer is unenforceable. It is that the transfer never happened in the eyes of the law. A nullity, by its very nature, gives rise to a continuing and recurring cause of action. The cause of action does not arise merely on the date of unlawful transfer and expire on a period of time. It is ongoing and subsists as long as the unlawful possession continues. To apply a doctrine of limitation, delay or laches to a claim arising from a statutory nullity is to permit the illegal to become legal through the efflux of time, which is directly contrary to the foundational principle that illegality cannot be perfected by passage of time. A void transaction does not become valid because no one challenged it promptly. What the law has declared to be nothing cannot become something merely because time has passed.

In Manchegowda and Ors. vs. State of Karnataka [(1984) 3 SCC 301], the Supreme Court upheld the constitutional validity of the PTCL Act. In doing so, the Court specifically considered and rejected the argument that the power to resume granted land defeated the vested rights of purchasers who had acquired such lands bona fide for consideration and had been in enjoyment and possession thereof for years. The Court held that the duration of the purchaser's possession could not defeat the Act's purpose, and the concept of a bona fide purchaser had no place within the Act's scheme.

This position was disrupted in 2011 by the Supreme Court's judgment in Ningappa vs. Deputy Commissioner [Civil Appeal No. 3131 of 2007 dated 14.07.2011], which imported the doctrine of delay and laches into PTCL proceedings. The introduction of this doctrine was contrary to Manchegowda and the Act itself. Crucially, the Ningappa judgment made no attempt to interpret the provisions of the PTCL Act. It did not examine Section 4(1), Section 5(1), or Section 11. It did not address the question of whether a statutory nullity gives rise to a continuing cause of action. It did not consider the Act's character as a self-contained code that overrides the general law of limitation. It imported a doctrine from outside the Act's framework without engaging with the Act's own text. This absence of interpretation of the statute whose provisions were directly in question is itself a significant infirmity in the judgment.

A subsequent judgment of the Division Bench of the Karnataka High Court in ***G.M. Venkatareddy and Anr. vs. Deputy Commissioner, Kolar District and Anr. [ILR 2012 KAR 3168]*** recognised this, holding Ningappa to be *per incuriam* in light of both the statute and Manchegowda. The Supreme Court declined to interfere with the Division Bench judgment. This ought to have settled the question definitively.

In 2017, the Supreme Court in ***Nekkanti Rama Lakshmi vs. State of Karnataka and Anr. [ILR 2018 1352]*** reintroduced the doctrine of delay and laches. It relied upon two judgments, Ningappa vs. Deputy Commissioner [Civil Appeal No. 3131 of 2007 dated 14.07.2011],and Chhedi Lal Yadav vs. Hari Kishore Yadav [(2018) 12 SCC 527]. Ningappa as stated above had been held *per incuriam* by the Division Bench of the Karnataka High Court.

The Court in Nekkanti applied the reasonable time doctrine by drawing on ***Chhedi Lal Yadav vs. Hari Kishore Yadav [(2018) 12 SCC 527***]. Having examined the Chhedi Lal judgment, the Jury Panel is of the considered opinion that this reliance was entirely misplaced.

Chhedi Lal concerned the Bihar Kosi Area (Restoration of Lands to Raiyats) Act, 1951, enacted to address the rights of persons whose lands were sold in execution of rent decrees or from whom they were ejected for arrears of rent between 1939 and 1950, a period made catastrophic for agricultural communities by the floods of the Kosi River. The Court dismissed the appeal on the ground of this inordinate, unexplained, and unjustified delay, noting specifically that the land had changed hands several times during the intervening period in the faith that it was unencumbered.

Several critical distinctions separate Chhedi Lal from PTCL cases and render it inapplicable as a precedent for the delay question under the PTCL Act.

First, the Bihar Kosi Act and the PTCL Act are not *pari materia*. The Bihar Kosi Act was enacted to provide relief to a specific class of farmers who lost their lands due to a natural disaster. The PTCL Act, by contrast, is a constitutional instrument of distributive justice enacted to address the structural, ongoing, and centuries-old dispossession of SC/ST communities rooted in the caste order. The social and constitutional contexts of the two statutes are entirely different.

Second, the Bihar Kosi Act does not contain a provision equivalent to Section 11 of the PTCL Act. The PTCL Act expressly overrides every other law, custom, usage, contract, and decree or order of any court or tribunal. The Bihar Kosi Act contains no such overriding provision. The question of whether the doctrine of reasonable time applies to a statute that contains an express overriding clause is fundamentally different from the question of whether it applies to a statute that contains no such clause. Chhedi Lal did not address this question because it did not arise in that case.

The Constitutional Bench of the Supreme Court held in H.H. Maharajadhiraja Madhav Rao Jiwaji vs. Union of India [AIR 1971 SC 530], drawing on the observations of the *Earl of Halsbury LC in Quinn vs. Leathem [(1901) AC 495]* has held that every judgment must be read as applicable to the particular facts proved or assumed to be proved, and a case cannot be cited for a proposition that may seem to follow logically from it.

What Chhedi Lal decided was based on the specific facts of extreme and repeated delay in the context of a specific statute with no overriding clause, no continuing cause of action arising from statutory nullity, and no constitutional mandate of the kind that underlies the PTCL Act. It cannot, therefore, be considered a binding precedent in a matter concerning the PTCL Act.

The Supreme Court in the **State of U.P. vs. Synthetics and Chemicals Ltd. [(1991) 4 SCC 139]** clarified the binding character of precedents:

"A decision passes sub-silentio, in the technical sense that has come to be attached to that phrase, when the particular point of law involved in the decision is not perceived by the court or present to its mind. In Lancaster Motor Co. (London) Ltd. v. Bremith Ltd. the Court did not feel bound by earlier decision as it was rendered 'without any argument, without reference to the crucial words of the rule and without any citation of the authority'. It was approved by this Court in Municipal Corporation of Delhi v. Gurnam Kaur. The bench held that, 'precedents sub-silentio and without argument are of no moment'. The courts thus have taken recourse to this principle for relieving from injustice perpetrated by unjust precedents. A decision which is not express and is not founded on reasons nor it proceeds on consideration of issue cannot be deemed to be a law declared to have a binding effect as is contemplated by Article 141. Uniformity and consistency are core of judicial discipline. But that which escapes in the judgment without any occasion is not ratio decidendi. In B. Shama Rao v. Union Territory of Pondicherry it was observed, 'it is trite to say that a decision is binding not because of its conclusions but in regard to its ratio and the principles, laid down therein'. Any declaration or conclusion arrived without application of mind or preceded without any reason cannot be deemed to be declaration of law or authority of a general nature binding as a precedent."

The Supreme Court in **Madhya Pradesh Housing and Infrastructure Development Board vs. B.S.S. Parihar [AIR 2015 SC 3436]** noted the observations in Government Of Karnataka & Ors vs Smt. Gowramma [AIR 2008 SC 863] holding as follows:

"19. It is also necessary to keep in mind the following principles laid down in Govt. of Karnataka v. Gowramma with reference to precedential value of decisions:

“10. ‘12. … Reliance on the decision without looking into the factual background of the case before it, is clearly impermissible. A decision is a precedent on its own facts. Each case presents its own features. It is not everything said by a Judge while giving [a] judgment that constitutes a precedent. The only thing in a Judge’s decision binding a party is the principle upon which the case is decided and for this reason it is important to analyse a decision and isolate from it the ratio decidendi. According to the well-settled theory of precedents, every decision contains three basic postulates: (i) findings of material facts, direct and inferential. An inferential finding of facts is the inference which the Judge draws from the direct, or perceptible facts; (ii) statements of the principles of law applicable to the legal problems disclosed by the facts; and (iii) judgment based on the combined effect of the above. A decision is an authority for what it actually decides. What is of the essence in a decision is its ratio and not every observation found therein nor what logically flows from the various observations made in the judgment. The enunciation of the reason or principle on which a question before a court has been decided is alone binding as a precedent. (See State of Orissa v. Sudhansu Sekhar Misra and Union of India v. Dhanwanti Devi.) A case is a precedent and binding for what it explicitly decides and no more. The words used by Judges in their judgments are not to be read as if they are words in an Act of Parliament. In Quinn v. Leathem the Earl of Halsbury, L.C. observed that every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which are found there are not intended to be the exposition of the whole law but governed and qualified by the particular facts of the case in which such expressions are found and a case is only an authority for what it actually decides."

The Nekkanti judgment, which applied the Chhedi Lal principle to the PTCL Act without any examination of the Act's provisions, without consideration of Section 4(1)'s declaration of nullity, Section 11's overriding effect, and without any analysis of why the Bihar Kosi Act's factual and statutory context is applicable to the PTCL Act's entirely different context, does not satisfy these requirements.

The introduction of a limitation period into PTCL proceedings through judicial pronouncement amounts to judicial legislation, which is impermissible. The legislature, in enacting the PTCL Act, made a deliberate choice not to prescribe any period of limitation for resumption applications. This choice was consistent with the Act's character as a special enactment addressing a statutory nullity that gives rise to a continuing cause of action. When courts import a doctrine of reasonable time into proceedings under the Act, they are not interpreting the Act, they are amending it by inserting a limitation period that the legislature chose not to include.

The injustice that flows from this judicial error is not merely theoretical. It has been visited upon thousands of grantees and their legal heirs across Karnataka whose claims have been dismissed on this single ground.

In this context, the maxim articulated by the Supreme Court in A.R. Antulay vs. R.S. Nayak and Ors. [AIR 1988 SC 1531] is apposite. The Court held:

"No man should suffer because of the mistake of the Court. No man should suffer a wrong by technical procedure of irregularities. Rules or procedures are the hand-maids of justice and not the mistress of the justice. Ex debite justitiae, we must do justice to him. If a man has been wronged so long as it lies within the human machinery of administration of justice that wrong must be remedied."

The Court further invoked the maxim *Actus Curiae Neminem Gravabit*, an act of the court shall prejudice no man, founded upon justice and good sense as a safe and certain guide for the administration of the law.

The wrong visited upon grantees by the Nekkanti judgment, which was rendered without considering the Act's own provisions and in reliance on an inapplicable precedent, is precisely the kind of injustice that this maxim requires to be corrected.

In light of the above it is the considered view of the Jury Panel that the judgment rendered in the case of Nekkanti Rama Lakshmi vs. State of Karnataka and Anr. [(2020) 14 SCC 232] is *per incuriam*.

A Review Petition against the Nekkanti judgment is currently pending before the Supreme Court.

In 2023, the Karnataka Legislature amended the PTCL Act to explicitly render limitation inapplicable to resumption applications. The Amendment was an attempt to correct the judicial finding in the decision in Nekkanti.

Section 2 of the Amendment Act reads as follows:

“2. Amendment of section 5.- In the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 (Karnataka Act No.2 of 1979), in section 5, in sub-section (1), after clause (b), the following clauses shall be inserted and shall always deemed to have been inserted, namely:-

(c) notwithstanding anything contained in any law, there shall be no limitation of time to invoke the provisions of this Act.

(d) the provisions of clause (c) shall apply to all cases pending before all the competent authorities and all Courts of Law adjudicating the cases under this section.”

The Jury Panel is of the opinion that the 2023 Amendment was, strictly speaking, not necessary, because the PTCL Act never provided for any period of limitation in the first place. Section 4(1)'s declaration that transfers of granted land are void ab initio gives rise to a continuing and recurring cause of action that does not expire with the passage of time. Section 11's overriding effect displaces the general law of limitation entirely. The Nekkanti judgment introduced a limitation where none existed in the statute, and did so without any examination of the Act's own provisions. The Amendment was enacted to correct this judicial departure from the Act's text. It was, in that sense, a reaffirmation of what the law had always provided.

The Amendment ought to have restored the position that stood before Ningappa and Nekkanti, that resumption applications are decided on their merits, without reference to the time elapsed since the unlawful transfer. However, the Amendment has remained largely unimplemented in practice.

At the level of the revenue authorities, Assistant Commissioners and Deputy Commissioners have continued to dismiss resumption applications on grounds of delay, either without reference to the Amendment or treating it as having limited application, contrary to its express terms and its declared retrospective effect.

At the judicial level, the Amendment was again neutralised. In ***Gouramma vs. Deputy Commissioner*** [Writ Appeal No. 100101/2024, judgment dated 29.07.2024] and ***M. Manjula vs. Deputy Commissioner*** [Writ Appeal No. 210 of 2023, judgment dated 25.11.2024] courts interpreted the Amendment in ways that effectively revived the Nekkanti position, reading limitations back into a provision that had been enacted precisely to exclude them.

The consequence is that the Amendment exists on paper but not in practice.

4.3. JUDICIAL FAILURE TO RECOGNISE THE SOCIAL CONTEXT OF CASTE AND THE BENEFICIAL OBJECT OF THE ACT

The Supreme Court in ***Authorised Officer, Thanjavur and Anr. vs. S. Naganatha Ayyar and Ors. [(1979) 3 SCC 466]***, while interpreting a land reforms law, laid down the approach that courts must bring to social justice legislation:

"It is true that judges are constitutional invigilators and statutory interpreters; but they are also responsive and responsible to Part IV of the Constitution being one of the trinity of the nation's appointed instrumentalities in the transformation of the socio-economic order. The judiciary in its sphere, shares the revolutionary purpose of the Constitutional order, and when called upon to decode social legislation must be animated by a goal-oriented approach. This is part of the dynamic of statutory interpretation in the developing countries so that courts are not converted into rescue shelters for those who seek to defeat agrarian justice by transactions of many manifestations now so familiar in the country and illustrated by the several cases under appeal. This caveat has become necessary because the judiciary is not a mere umpire, as some assume, but an activist catalyst in the constitutional scheme."

The Supreme Court in Harjinder Singh vs. Punjab State Warehousing Corporation [AIR 2010 SC 611] reaffirmed this obligation:

"Court has a duty to interpret statutes with social welfare benefits in such a way as to further the statutory goal and not to frustrate it. In doing so this Court should make an effort to protect the rights of the weaker sections of the society in view of the clear constitutional mandate discussed above."

The PTCL Act is precisely such a legislation. It is a measure of distributive justice, and designed to protect one of the most vulnerable communities. There is thus an obligation to interpret it with a goal-oriented approach, in furtherance of its statutory purpose.

Courts have instead approached the PTCL Act as though it were an ordinary piece of civil legislation, applying doctrines and interpretive tools developed for commercial property disputes, without regard to the Act's character as a social justice legislation or to the constitutional mandate it serves.

Courts have adjudicated PTCL claims without situating them in the social and historical context in which they arise. The PTCL Act does not operate in the abstract terrain of ordinary property law. It operates in a specific social reality. SC/ST grantees are among the most economically and socially vulnerable persons in the country. The lands granted to them were taken through fraud, coercion, and exploitation made possible by that vulnerability. And the same conditions of caste subordination that produced the original dispossession continue to shape every subsequent attempt to seek restoration.

The limitation question addressed above is the most consequential instance of this pattern, but it is not the only one. The result has been a systematic restrictive interpretation that has defanged the Act across multiple dimensions simultaneously.

FAILURE TO INQUIRE INTO SOCIAL CONDITIONS

The most fundamental expression of this pattern is the judiciary's consistent failure to inquire into the social conditions of grantees and their legal heirs when adjudicating PTCL claims. Resumption applications have been summarily dismissed on the sole ground of delay and laches, without any examination of why the delay occurred, what conditions the grantee was living under and whether those conditions were themselves a product of the caste and economic subordination the Act was designed to address.

To adjudicate the question of delay without inquiring into these conditions is to treat a PTCL claim as though it arose between equals in an ordinary property dispute, ignoring the social context of caste that the Act was specifically enacted to address.

Courts have defined "reasonable time" with no settled or consistent standard, and have applied it without reference to the social realities of the grantees: the historical and present oppression of caste, bonded labour, feudal dependency, illiteracy, violence, and the fear of retaliation. In doing so, they have converted a doctrine developed for ordinary civil litigation into an instrument that systematically defeats the claims of the very persons the Act was designed to protect.

The constitutional mandate under Article 46, which requires the State to protect SC/ST communities from social injustice and all forms of exploitation, is not merely a directive to the legislature. It is a directive that courts, as organs of the State, are required to give effect to in the exercise of their jurisdiction. A court that dismisses a PTCL claim on grounds of delay without inquiring into the social context of caste that produced that delay is a court that is giving effect to the exploitation the Constitution requires it to prevent.

PRESUMING ILLEGAL ENRICHMENT

A central flaw in the mindset operating against the PTCL Act, is the unsubstantiated assumption that Scheduled Caste grantees invoke the PTCL Act primarily to secure an economic windfall. This presumption departs from both the historical context of the legislation and the constitutional principles underlying it. The PTCL Act was enacted because land granted to members of Scheduled Castes and Scheduled Tribes was routinely alienated through coercion, unequal bargaining power, indebtedness, social dependence and structural caste oppression. The purpose of restoration is therefore remedial and restitutive: it seeks to return to the grantee what the law had intended them to possess in the first place. To characterize the assertion of a statutory right as an attempt at “enrichment” risks obscuring the historical injustice that the legislation was designed to address.

The premise is particularly problematic because it applies a standard to SC/ST grantees that is not ordinarily applied to any other owner of property. When a person recovers possession of property wrongfully taken from them, the law does not ask whether the property has appreciated in value or whether the owner stands to gain financially from its return. The focus is on the legality of the title and possession. Yet, in PTCL litigation, courts have at times shifted attention away from the illegality of the transfer and towards the perceived benefit that may accrue to the grantee upon restoration. Such an approach effectively privileges the interests of the transferee—who may have acquired or retained possession contrary to a statutory prohibition—over the rights of the very class that the legislation was enacted to protect.

This reasoning is most evident in the recent Karnataka High Court decision dated 09.04.2025 in Smt. Rudramma v. State of

Karnataka (W.P. No. 29559/2018), where the Court observed as follows:

"The provisions of the PTCL Act were not meant to grant a licence to grantees to sell the lands that were resumed in their favour and once again seek restoration. In other words, a grantee who is aware of the beneficial provisions of the PTCL Act is also presumed to be aware of the restrictive clauses in the same Act which curtails his benefit in dealing with the resumed land. A grantee cannot abuse a remedial statute to perpetuate an illegality and, at the same time, secure a process which legitimizes his illegal act repeatedly. The Act was designed to help the weak and downtrodden and not abuse their weakness in order to unjustly enrich themselves."

While the concern regarding repeated transfers by grantees may be legitimate in the specific factual context of that case, the broader proposition that restoration results in "unjust enrichment" is open to criticism. Restoration under the PTCL Act does not confer a new benefit; it restores a pre-existing entitlement recognised by the grant and protected by statute. Any increase in the value of the land over time is a consequence of ownership itself and cannot, without more, transform a statutory remedy into a vehicle for enrichment.

Indeed, earlier judicial approaches have generally emphasised the protective character of the PTCL Act rather than the supposed motives of grantees. The Supreme Court in ***Manchegowda (supra)*** upheld the validity of the legislation by recognising its objective of safeguarding lands granted to members of Scheduled Castes and Scheduled Tribes and preventing the frustration of welfare measures through alienation. Subsequent decisions have repeatedly described the Act as a beneficial and protective statute. The constitutional lens, therefore, ought to remain focused on correcting historical dispossession and enforcing statutory protections, rather than on speculative assumptions that members of historically oppressed communities are seeking to exploit the law for personal gain. Such assumptions risk reproducing precisely the distrust of Dalit claims that the PTCL Act was enacted to overcome.

Ignoring the fact that purchasers of granted lands in violation of the PTCL Act have no right under law to retain such lands:

In ***Manchegowda (supra)***, the Supreme Court while interpreting the provisions of the PTCL Act underlines the status of purchasers of granted lands in no uncertain terms. At para 15, it is held that:

"Any person who acquires such granted land by transfer from the original grantee in breach of the condition relating to prohibition on such transfer must necessarily be **presumed to be aware** of the prohibition imposed on the transfer of such granted land, and they cannot be considered to be a bona fide purchaser for value; and every such transferee acquires to his knowledge only avoidable title to the granted land. The **title acquired by such transfer is defeasible** and is liable to be defeated by an appropriate action taken in this regard. If the Legislature under such circumstances seek to intervene in the interests of these weaker sections of the community and choose to substitute a speedier and cheaper method or recovery of these granted lands which were otherwise liable to be resumed through legal process, it **cannot be said that any vested rights of the transferees are affected**. Transferees of granted lands with full knowledge of the legal position that the transfers made in their favour in contravention of the terms of grant or any law, rule or regulation governing such grant are liable to be defeated in law, **cannot and do not have in law or equity, a genuine or real grievance** that their defeasible title in such granted lands so transferred is, in fact, being defeated and they are being dispossessed of such lands from which they were in law liable to be dispossessed by process of law…

Thus, to summarise, a purchaser of granted lands from persons belonging to the Scheduled Caste/Scheduled Tribe communities in violation of the PTCL Act:

i. is presumed to be aware of the prohibition and has acquired the lands improperly and illegally
ii. has no vested right in the purchased land
iii. acquires no title since the transactions are void ab initio
iv. is left with no right or property in the granted lands after the enactment of the PTCL Act since the voidable right or title in the grant lands becomes void
v. has enjoyed the lands and the benefits of the lands for a sufficiently long period

and thus, cannot have grievance, in law or equity, that their defeasible title is defeated by law. This fundamental mandate of the PTCL Act has been given a go-by by the Courts.

The legal position is thus settled. A purchaser of granted land has no right, title, or interest in it, and no grievance in law or equity that their defeasible title is defeated. To import equitable considerations in favour of such a purchaser is contrary to the Supreme Court's own articulation of the purchaser's position in Manchegowda.

The question is not whether equity should apply in these proceedings. It is which party equity should protect.

What equity in fact requires taking into consideration the social reality of these cases, is the mirror image of what courts have presumed. The purchaser has, without any right, occupied the land of another, and that too of a person who is vulnerable and whose land was granted precisely because of that vulnerability. The question that equity demands is then not how long the purchaser has been in possession, but at whose cost that possession has been maintained. The profits made by virtue of unlawful occupation of land granted to a member of a historically dispossessed community ought to go to the benefit of the grantee rather than to the person who has wrongfully occupied the land. The application of the principles of equity would thus require that it be applied in a manner that recognises the beneficial object of the Act, which is in favour of the grantee and not the purchaser.

ADVERSE POSSESSION WITHOUT PROPER ADJUDICATION

The acceptance of adverse possession as a defence in PTCL proceedings is entirely improper. Section 11 of the Act expressly provides that the Act shall have effect notwithstanding anything inconsistent in any other law, custom, usage, or contract, or any decree or order of any court or tribunal. This overriding effect forecloses the application of adverse possession as a defence in PTCL proceedings.

This is not only a legal error, but is a failure to recognise both the social context of caste in which PTCL disputes arise and the beneficial object of the Act.

Adverse possession is a doctrine that operates through the extinguishment of the original owner's title by the passage of time and the fact of the possessor's long, open, and continuous occupation. In PTCL cases, the purchaser's long possession is not a neutral fact to be weighed without reference to the social context in which it arose. It is the direct consequence of the grantee's dispossession, which was itself rooted in the social context of caste. The duration of the purchaser's possession is, in fact, the duration of the grantee's landlessness. To treat this duration as a ground for extinguishing the grantee's right to restoration, without recognising the social context that produced it, is to convert the grantee's suffering into a legal benefit for the person who caused it. It is to reward the exploitation of caste-based vulnerability that the Act was designed to prevent, and to do so in the name of a doctrine that the Act itself has already foreclosed.

Having said that, even the window of opportunity to retain granted land per para 24 of **Manchegowda (supra)**, which permits the defence of adverse possession, is only in exceptional circumstances and upon strict proof of all the ingredients of adverse possession. Mere long possession of granted land is insufficient. A transferee claiming adverse possession must establish open, continuous and uninterrupted possession against the State and must specifically plead when and how such possession became adverse.

Each of the failures noted above reflects a single underlying failure: the failure to recognise the social context of caste and the beneficial object of the Act. Courts called upon to apply the PTCL Act must be animated by a goal-oriented approach directed at the Act's purpose. In the cases documented before this Jury Panel, they have instead been animated by an approach that treats the PTCL Act without regard to the social reality of caste that produced the dispossession the Act was designed to remedy. The consequences of this approach, for the grantees whose testimonies have been heard, have been devastating and irreversible.

4.4. THE STATE'S ABDICATION OF ITS OBLIGATIONS UNDER THE ACT

The PTCL Act does not place the burden of protecting granted lands solely on the grantee. It vests active and specific responsibilities in the State at three critical points – (a) the point of registration, (b) the point of resumption, (c) and the point of criminal enforcement. The failure of the State to perform its obligation is a structural abdication that inverts the Act's design and leaves grantees entirely without institutional support in their efforts.

THE FAILURE OF REGISTRATION GATEKEEPING UNDER SECTION 6

Section 6 prohibits the registration of any document purporting to transfer granted land, placing a specific legal duty on Sub-Registrars to refuse such registration. This duty is very essential. If transfers of granted land cannot be registered, they cannot acquire even the appearance of legal validity, and the subsequent chain of transactions and mutations that has dispossessed grantees across the seven districts studied in this research cannot begin. In practice, Sub-Registrars have systematically failed to comply with this duty. Registrations give an unlawful transaction a veneer of legal validity that grantees have then had to spend years and substantial resources to undo. The failure of Section 6 is a failure at the first point of enforcement under the Act, and it has enabled the alienations the Act was designed to prevent.

THE FAILURE OF SUO MOTU RESUMPTION UNDER SECTION 5

Section 5 confers on the Assistant Commissioner the power to initiate resumption proceedings suo motu, without waiting for an application from the grantee. This power exists precisely because the legislature recognised that grantees, by reason of illiteracy, poverty, and social subordination, may be unable to initiate proceedings themselves. The *suo motu* power was intended to make the State an active enforcer of the Act, capable of identifying unlawful transfers and initiating restoration independently of the grantee's ability to do so. In practice, this power is virtually never exercised. The consequence is that the law’s most important mechanism for protecting the most vulnerable grantees, those who do not know their rights or cannot assert them, is entirely dormant.

THE FAILURE OF CRIMINAL PROSECUTION UNDER SECTION 8

Section 8 imposes criminal liability on purchasers who acquire granted land in contravention of the Act, punishable with imprisonment extending to six months and/or fine. This provision is one of the Act's most powerful deterrents. In practice, Section 8 is entirely dormant. The absence of criminal prosecution sends the opposite signal, that granted land may be acquired in contravention of the Act without any risk to the purchaser. It removes the Act's most significant deterrent and contributes to the culture of impunity.

The three failures identified above are not independent. They compound each other and compound the judicial failures documented in the preceding sections. Because the State does not exercise its suo motu powers, grantees must initiate and sustain proceedings entirely on their own. Because Sub-Registrars do not enforce Section 6, unlawful transfers acquire a veneer of legal validity that makes subsequent litigation more difficult and more expensive. Because purchasers are not prosecuted under Section 8, there is no personal deterrent against acquiring granted land unlawfully. The grantee is penalised for the consequences of the State's own failure to perform the duties the Act has assigned to it.

4.5. THE BROADER CONSEQUENCES: LAND, CASTE, AND THE DEFEAT OF DISTRIBUTIVE JUSTICE

The failures documented above are not merely failures of legal implementation or individual losses. They are failures with consequences that extend far beyond the individual cases, into the structure of land ownership, the persistence of caste-based inequality, and the erosion of the constitutional promise of distributive justice.

The formulation of Dr. B.R. Ambedkar, the chief architect of the Constitution and tireless anti-caste leader, was that without land, there can be no real freedom and without economic independence, there can be no equality.

The PTCL Act was enacted as part of a broader project of land reform. That project recognized that the concentration of land ownership in the hands of dominant-caste landlords, and the exclusion of SC/ST communities from land ownership, was a structural feature of the feudal and caste order.

Land grants to SC/ST communities were part of a constitutional intervention in this structure. It provided for a redistribution of a fundamental productive resource to those from whom it had been systematically withheld. The non-alienation conditions in these grants were a recognition that unless actively protected, the redistribution would be reversed, and that the same forces of caste and economic power that had produced landlessness in the first place would, if left unchecked, produce it again.

That is precisely what has happened. When the PTCL Act is rendered ineffective, the lands granted as part of this constitutional project revert to the possession of economically dominant sections. The grants are reversed. The redistribution is undone.

The erosion of the PTCL Act has functioned as a mechanism of counter-reform. It has allowed for a reversal of the distributive project of land reform. The beneficiaries of this reversal are not accidental. They are, consistently across the testimonies, persons from historically dominant castes and communities with access to political influence, legal resources, and the capacity to sustain prolonged litigation. The persons who bear its cost are members of Scheduled Caste and Scheduled Tribe communities whose landlessness is now compounded by debt, displacement, and the consequences of years of failed litigation.

This is the reproduction, through legal institutions, of the same caste-based concentration of land that the Constitution sought to dismantle. The Supreme Court in ***Lingappa Pochanna (supra)*** recognised that such legislation is directed at the removal of economic inequalities and the rectification of injustice resulting from dealings between unequals. When courts apply doctrines that erode this purpose and when administrators fail to perform their obligation, legal institutions become instruments not of distributive justice but of its undoing.

The question before us is therefore not merely about the implementation of one statute. It is a question about whether the constitutional promise of social and economic justice for SC/ST communities is to be honoured or abandoned. The systematic erosion of the PTCL Act, through the mechanisms documented in this Report, is a constitutional failure of the first order.

5. RECOMMENDATIONS

The findings of this Report establish that the PTCL Act, enacted as a constitutional instrument of distributive justice for SC/ST communities, has been rendered largely ineffective through two compounding sources of failure. First, judgments that have departed from the Act's remedial purpose. Second, administrative abdication of the State's obligations under the Act.

The testimonies heard at the Public Hearing document the human consequences of this failure: families dispossessed of lands granted to them as a measure of social and economic justice, who have spent decades and substantial resources in litigation, and who remain landless despite the law being in their favour.

The Government of Karnataka bears a constitutional obligation under Article 46 to promote the educational and economic interests of SC/ST communities and to protect them from social injustice and all forms of exploitation. The recommendations that follow are addressed to that obligation.

5.1. THE REVIEW PETITION BEFORE THE SUPREME COURT

The State Government must ensure full and effective representation in the review of the Nekkanti Rama Lakshmi judgment, currently pending before the Supreme Court.

5.2. HIGH-LEVEL COMMITTEE

The State Government must immediately constitute a High-Level Committee under the chairmanship of a retired Supreme Court Judge to study the implementation of the PTCL Act and make recommendations towards ensuring that its objective is fulfilled. The Committee must examine the impact of judgments of the

Karnataka High Court and the Supreme Court on the implementation of the Act, and recommend steps to strengthen both the law itself and its implementation, including legislative amendments where required to correct judgments that have departed from the Act's purpose.

5.3. LAND LOSERS TO BE REHABILITATED THROUGH PROVISION OF ALTERNATE LANDS

Several hundreds of families who were dispossessed of their lands on grounds of delay, due to the Nekkanti Rama Lakshmi judgement must be provided alternate land in the same district so that the objective of the act is upheld.

5.4. LEGAL AID AND INSTITUTIONAL SUPPORT FOR GRANTEES

The Karnataka State Legal Services Authority must designate PTCL cases as a priority category for legal aid, with specific allocation of panel lawyers trained in PTCL law to represent grantees and their legal heirs in proceedings before the AC, DC, High Court, and Supreme Court.

The State Government must additionally establish a dedicated legal cell within the Social Welfare Department to monitor PTCL proceedings and provide institutional support to grantees.

5.5. IMPLEMENTATION OF SECTION 8: CRIMINAL PROSECUTION

Strict instructions must be issued directing the initiation of criminal proceedings under Section 8 against purchasers who have acquired granted land in contravention of the Act. The State Government must direct the concerned authorities to identify cases where Section 8 is attracted and initiate prosecution without further delay. Officials including Village Accountants, Revenue Inspectors and Tahsildars who facilitate these illegal transactions must also face inquiry and action if found guilty.

5.6. IMPLEMENTATION OF SECTION 6: PROHIBITION ON REGISTRATION

Strict instructions must be issued by way of circular and notification for the effective implementation of Section 6, which prohibits the registration of transfer of granted lands. The Karnataka government, through circular no RD 38 LGP 2023, dated 16/09/2023 has directed concerned revenue officials to flag all lands granted to SC/ST communities to enable identification of such lands as granted lands. The Inspector General of Registration must issue specific directions to Sub-Registrars on how to identify granted land at the point of registration and to refuse registration of any document purporting to transfer such land.

5.7. TRAINING FOR REVENUE OFFICIALS ON THE PTCL ACT AND PURPOSE

Training on the Act, its purpose and related judgements must be conducted for revenue officials from Village Accountant, Revenue Inspector, Tahsildar, Assistant Commissioner and Deputy Commissioner. They must also be told to follow circulars issued to enable effective implementation of the act such as RD 74 LGP 2009 dated 17/09/2009 (to set-up committees to reconstruct missing files) , circular no RD 38 LGP 2023, dated 16/09/2023 to flag PTCL lands etc.

5.8. DIRECTIONS TO REVENUE AUTHORITIES

A circular must be issued immediately to all Assistant Commissioners and Deputy Commissioners directing that PTCL matters be heard and decided on their merits and not dismissed on grounds of delay. The circular must direct that the 2023 Amendment be given effect in all pending and future applications.

5.9. IMPLEMENTATION OF THE ACT

The Government of Karnataka must ensure the implementation of the PTCL Act, including the 2023 Amendment, in letter and spirit. All implementing authorities must be directed to ensure that SC/ST grantees and their legal heirs whose granted lands have been alienated contrary to the Act are restored to possession, and that all institutional assistance is provided to them in this regard.

The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 is a beneficial legislation enacted to protect the lands granted to Scheduled Castes and Scheduled Tribes from alienation by the socially and economically dominant sections of society. In the recent past there have been several roadblocks to the effective implementation of this act.

This report reveals that the weakening of the PTCL Act is not simply a failure of legal implementation but a profound constitutional failure with far-reaching consequences for social justice. As this report demonstrates, administrative inaction, adverse legal interpretations, and unequal access to power have steadily reversed that redistributive project, returning land to historically dominant groups while leaving SC/ST families burdened by displacement, debt, and prolonged litigation. In doing so, the erosion of the PTCL Act undermines the Constitution's promise of equality and distributive justice, raising a fundamental question: whether India will uphold its commitment to protecting the land rights of the most historically marginalised, or allow that constitutional promise to be undone.

FOR FURTHER DETAILS, CONTACT:

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