REGULATORY

Karnataka Act No. 24 of 2026: The Legislative Armour Protecting Government School Lands

<p>Overview On 9 April 2026, the Karnataka Government published Karnataka Act No. 24 of 2026 the Karnataka Government Educational Institution’s Lands (Protection and Regularisation) Act, 2026 in the Official Gazette. Having received the assent of the Governor on 8 April 2026, this legislation represents a significant and far-reaching intervention in the domain of property law as it pertains […]</p>

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The Legislative Rationale

The Act has been enacted in furtherance of the State's constitutional obligation to promote education as a public good. Over decades, numerous government schools and pre-university colleges have functioned on lands whose legal title remained contested, undocumented, or dependent upon informal arrangements. The absence of formal transfer instruments, combined with the passage of time and the death of original donors, rendered such lands legally precarious. The Act addresses this by introducing a doctrine of statutory vesting premised upon continuous occupation.

The Doctrine of Statutory Vesting

The cornerstone of the Act is Section 3, which provides that where a Government Educational Institution has functioned continuously on any immovable property for a minimum period of twelve years, such land shall be deemed to be vested in favour of the State Government or the designated Authority, free from all encumbrances, claims, and reversionary interests. Crucially, such vesting is not defeated by the absence of a registered instrument of transfer, the death of the donor whether testate or intestate or non-compliance with the Transfer of Property Act, 1882 or the Indian Succession Act, 1925.

This provision effectively introduces a form of statutory adverse possession specific to educational lands, overriding conventional common law and statutory requirements for the transfer of property. Legal practitioners advising clients with historical connections to such lands must take immediate note of the implications.

Bar on Legal Claims and Proceedings

Section 4 of the Act erects a comprehensive bar on suits, applications, appeals, or proceedings in any court or tribunal concerning rights, title, or interest in vested land, where the GEI's occupation has exceeded twelve years. Furthermore, any suit pending on the date of commencement of this Act, relating to the title or possession of GEI lands, shall abate upon commencement of the Act, unless compensation has already been awarded.

Notwithstanding this broad exclusion, a narrow exception is preserved under Section 4(3) for persons holding a registered title document who can demonstrate, through documentary evidence, that the land was never voluntarily dedicated to GEI use. Such persons may file a claim before the Grievance Redressal Authority within thirty days of the Act's commencement. Should the claim be upheld, the Authority is empowered to recommend remedial action, including land substitution or partial exemption from vesting.

Presumption of Public Purpose and Estoppel

Section 5 introduces a statutory presumption of public purpose use. Where land has been continuously employed for educational purposes with community awareness and without objection for more than twelve years, such use is presumed to constitute a valid and irrevocable public dedication. Notably, the absence of documentary proof does not negate this presumption, placing a particularly onerous burden on claimants seeking to rebut it.

Section 6 further reinforces this position by codifying the equitable doctrine of estoppel and laches. A person who knowingly acquiesced to the use of land for GEI purposes without timely objection shall be estopped from asserting a subsequent claim over such land. This provision effectively extinguishes the rights of those who remained passive in the face of prolonged educational use.

Vesting Certificates and the Role of the Estate Officer

The Act prescribes a structured process for the issuance of Vesting Certificates under Section 7. Prior to issuance, a public notice must be published in at least two local-language newspapers in wide circulation, objections must be invited and addressed within sixty days, and a summary hearing must be conducted before the Grievance Redressal Authority. Once issued, a Vesting Certificate constitutes conclusive evidence of title for all purposes.

The Block Education Officer (BEO) and the Deputy Director of Pre-University Education (DDPU) are designated as Estate Officers under Section 8. These officers bear responsibility for maintaining accurate land records, monitoring encroachments and misuse, coordinating with cognate departments such as the Revenue Department and Urban Development Department, and enabling the preparation and verification of Vesting Certificates.

Grievance Redressal and Appellate Mechanism

The Revenue Court constituted under the Karnataka Land Revenue Act, 1964 is the Grievance Redressal Authority under Section 9. Aggrieved persons may file a representation within thirty days of the impugned order, and the Authority is obligated to dispose of the matter within sixty days by means of a reasoned order. Further appellate recourse lies before the Karnataka Appellate Tribunal under Section 10, with a filing period of thirty days from receipt of the Authority's decision.

Overriding Effect and Good Faith Protection

Pursuant to Section 13, the Act operates with an overriding effect, prevailing over any inconsistent provisions in existing legislation. The State Government and its officers are also accorded protection from legal proceedings under Section 12 in respect of actions taken in good faith under the Act. These provisions signal the legislature's intent to insulate the regulatory framework from collateral challenge and institutional disruption.

Conclusion and Implications for Practice

The Karnataka Government Educational Institution's Lands (Protection and Regularisation) Act, 2026 marks a decisive legislative intervention in the law of property as it applies to publicly held educational lands. It displaces conventional principles of property transfer, raises formidable barriers to private claims, and establishes an administrative machinery for the systematic regularisation of GEI land holdings across the State. The thirty-day window for filing claims before the Grievance Redressal Authority is a critical and non-extendable limitation period.

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