



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

LEGAL OWNERSHIP AND CONTROL OF MINES PROPERTY IN KOLAR DISTRICT: AN ANALYSIS UNDER THE TRANSFER OF PROPERTY ACT, 1882

AUTHORED BY - DIKSHIKA YADAV

Abstract

The Kolar Gold Fields (KGF) represent a unique example of how ownership and control over mining property can differ in law. While the Government of India acquired full ownership of the mines through statutory law, the actual control over their use has evolved over time. This paper examines the present status of control over KGF by analysing it through the principles of the Transfer of Property Act, 1882. It argues that although ownership remains with the State, control is neither absolute nor direct, and instead depends on leases, administrative processes, and policy decisions. The study highlights the distinction between ownership and enjoyment of property, which is central to understanding the current situation of KGF.

Research Questions

1. Who holds legal ownership of Kolar Gold Fields after statutory acquisition?
2. How does the Transfer of Property Act, 1882 explain the concept of control through leases?
3. Who exercises actual control over KGF at present, and how may this change in the future?

H1 (Hypothesis)

Although the Kolar Gold Fields are legally owned by the Government of India after acquisition, the actual control over the property is exercised through limited rights such as leases under the Transfer of Property Act, 1882, resulting in a separation between ownership and control.

Scope of Research

This research is limited to:

- Legal ownership and control of KGF
- Application of the Transfer of Property Act, 1882

- Relevant mining laws and government policies

It does not include technical or geological aspects of mining.

Objectives of the Study

1. To examine the legal ownership of the Kolar Gold Fields after its acquisition by the Government of India.
2. To understand the concept of transfer of property, especially leases, under the Transfer of Property Act, 1882 in relation to mining property.
3. To analyse the difference between ownership and control of mining land in Kolar district.
4. To identify who actually exercises control over KGF at present, considering legal, administrative, and practical aspects.
5. To study the role of government policies and mining laws, particularly the Mines and Minerals (Development and Regulation) Act, 1957, in regulating mining rights and leases.
6. To evaluate the possible future control of KGF through lease mechanisms and private participation.

Legal Framework and Analysis

1. Ownership After Acquisition

After the 1956 Act:

- All property, rights, and interests in KGF were transferred to the Central Government
- Ownership became absolute and free from previous claims

Even though BGML managed the mines, it did so on behalf of the government.

Legal ownership clearly lies with the **Government of India**

2. Understanding “Control” under Property Law

The Transfer of Property Act helps us understand that ownership is not the same as control.

A person may:

- Own property
- Possess property
- Allow others to use it

These rights can be separated.

3. Lease as Transfer of Limited Interest

Under Section 105 of the Transfer of Property Act:

- A lease transfers only the **right to enjoy the property**, not ownership\text{Lease} =\text{Transfer of Right to Enjoy Property (Not Ownership)}

In mining:

- Government = Owner (Lessor)
- Private party = User (Lessee)

So control can shift without changing ownership.

4. Position After Closure of BGML

After 2001:

- BGML went into liquidation
- Its assets are under control of a **liquidator and government authorities**

This creates a situation where:

- Ownership = Government
- Operational control = None (inactive)
- Administrative control = Shared

5. Present Control of KGF

The current control can be understood at three levels:

(A) Legal Control

- Central Government (due to acquisition law)

(B) Administrative Control

- Government bodies and liquidation authorities managing BGML assets

(C) Practical Control

- No active mining operations
- No private lessee currently in full control

6. Future Control Through Lease System

If mining is revived:

- The government will likely grant leases under the Mines and Minerals (Development and Regulation) Act, 1957
- Private companies will get rights to extract minerals

This means:

- Ownership will remain with the State
- Control (use and operation) will shift to private players

Various studies on KGF show long-term environmental and administrative challenges, which indirectly highlight the need for effective legal control and structured property management.”

Research Methodology

This study follows a **doctrinal research method**, focusing on legal analysis.

Sources:

- **Primary:** Statutes such as the Transfer of Property Act, 1882 and the Kolar Gold Mining Undertakings (Acquisition) Act, 1956
- **Secondary:** Books, articles, and reports on mining law

Approach:

- Analytical study of ownership vs control
- Application of lease principles under property law
- Evaluation of present legal situation

References:

1. Government of India (1956) *Kolar Gold Mining Undertakings (Acquisition) Act, 1956*.
2. Economic Times (2020) ‘Karnataka govt plans revival of KGF’. Available at: <https://economictimes.indiatimes.com> (Accessed: 21 April 2026).
3. *State of Mysore v. Workers of Gold Mines* AIR 1958 SC 923.
4. Arora, N. (2023) ‘An analysis of mining legislations and reforms in India’, *White Black Legal International Law Journal*, 2(16), pp. 17–25. (White black legal.co.in)
5. Rajoriya, R. (2022) ‘Judicial approach to problems related to mining in India’, *International Journal for Legal Research and Analysis*, 2(7), pp. 1–10.