



KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SEVENTH SESSION

THE BANGALORE DEVELOPMENT AUTHORITY (AMENDMENT) BILL, 2020
(LA Bill No. 50 of 2020)

A Bill further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) and for matters connected therewith or incidental thereto;

Whereas it is expedient further to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the seventy first year of the Republic of India, as follows:-

1. Short title and Commencement.- (1) This Act may be called the Bangalore Development Authority (Amendment) Act, 2020.

(2) It shall be deemed to have come into force with effect from the 10th day of July, 2020.

2. Insertion of new section 38D.- In the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976), (hereinafter referred to as the Principal Act) after section 38C, the following shall be inserted, namely:-

“38D. Allotment of Bangalore Development Authority Land in favour of original owner or purchaser or unauthorized occupant etc.- (1) Notwithstanding anything contained in this Act or in any other law or any development scheme made under this Act, but without prejudice to section 38-C where the Authority after holding such enquiry as it deems fit, is of the opinion that any land vested in, or acquired by it cannot be used by it on account of existing building thereon and it is not practicable to include such land for the purpose of development scheme or formation of sites, the Authority may, subject to such rules after holding such enquiry as may be prescribed, allot such land by sale in favour of the original owner of the land or purchaser from its original owner or any other person in unauthorized occupation of the land for some reason or other who has put up the building on the land and is in settled possession of such land but does not include a tenant, licensee or permissive user subject to the conditions that,-

- (i) the building was in existence on such land and in settled possession for not less than twelve years prior to the date of commencement of the Bangalore Development Authority (Amendment) Act, 2020;
- (ii) the allottee makes payment towards the allotment of land at rates specified in the table below,-

Sl. No.	Extent of Land with building, other than corner site	Amount to be levied and collected
01	Up to 20'X30'	Ten percent of the Guidance value
02	More than 20'X30' and upto 30'X40'	Twenty five percent of the Guidance value
03	More than 30'X40' up to 40'X60'	Forty percent of the Guidance value
04	More than 40'X60' and upto 50'X80'	Fifty percent of the Guidance value and penalty as may be prescribed

Provided that, in respect of corner site with building twice the rate specified above.

- (iii) total extent of land allotted to any person under this sub-section shall not exceed 4000 square feet and no other member of his family shall be entitled to apply for or seek benefit of allotment of any other land on any ground whatsoever;
- (iv) such original possessor of the land, purchaser from its original possessor or the person who is in unauthorized occupation of the land for one reason or other and is in possession of such land with building for more than twelve years prior to the date of commencement of the Bangalore Development Authority (Amendment) Act, 2020 seeking an allotment makes an application to the Authority containing such particulars, within such time and along with such fee as may be prescribed and also produces copy of any of the following supporting documents to establish his settled possession and construction of Building thereon like sale deed, approved plan and permission for construction of building, order for permanent supply of electricity, sanction for connection of supply of water and underground drainage for such building, property tax receipt given or issued by the competent authority for being paid the tax for such building or any such other document to establish his settled possession and construction of any building as may be prescribed:

Provided that no such land shall be allotted if,-

- it is reserved for parks, playground, open space or for providing civic amenities;
- it affects alignment of any road or proposed ring road, National Highways, by-pass road or mass rapid transit system (rail) projects;
- it is abutting to or upon a storm water drain, tank bed area, river course or beds or below high tension electric lines; and
- the possession for more than twelve years is litigious or interrupted possession by virtue of interim order of court.

Explanation: for the purpose of this section,-

- (a) “guidance value” means estimated market value published under the Karnataka Stamp Act, 1957 prevailing on the date of allotment;
- (b) “land” means site with building;
- (c) “original owner of the land” means a person who was occupant of the land immediately before publication of development scheme which contained proposal for acquisition of such land; and
- (d) “settled possession” means in possession of land with permanent building, without any litigious or interrupted possession but does not include a tenant, licensee or permissive user.

(2) The jurisdictional officer who is proved to have failed to prevent unauthorised occupation or construction that have taken place in his jurisdiction from the date of commencement of the Bangalore Development Authority (Amendment) Act, 2020 shall be liable for such punishment as may be prescribed.

(3) The Bangalore Development Authority shall take up an action plan to evict the unauthorized occupants in Bangalore Development Authority Lands and who are not eligible for allotment of site under this section on the date of commencement of the Bangalore Development Authority (Amendment) Act, 2020, within two years from the date of commencement of the Amendment Act.”

3. Repeal and savings.- (1) The Bangalore Development Authority (Amendment) Ordinance, 2020 (Karnataka Ordinance 10 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) to allot the BDA sites to the original owner or purchaser thereof or unauthorized occupant with Building who is in settled possession for twelve years before the commencement of this Amendment Act where the Bangalore Development Authority could not make sites or include such sites in its scheme of formation of layout, subject to such conditions specified therein and such other as may be prescribed.

A provision is also made to punish erring officials who fail to protect the Bangalore Development Authority property from the date of commencement of this Act and also to take action to evict such unauthorized occupation within a period of two years.

As the matter was urgent and both Houses of the State Legislature were not in a session, the Bangalore Development Authority (Amendment) Ordinance, 2020 (Karnataka Ordinance 10 of 2020) was promulgated to achieve the above object.

This Bill seeks to replace the said Ordinance.

Hence the Bill.

FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed legislative measure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2:	Sub-section (1) of section 38D sought to be inserted by clause 2, empowers the State Government to make rules regarding the manner of holding enquiry to allot land by sale.
	Clause (ii) to sub-section (1) of section 38D sought to be inserted by clause 2, empowers the State Government to make rules regarding penalty to be imposed in respect of sites exceeding 40 x 60 dimension up to 50 x 80.
	Clause (iv) to sub-section (1) of section 38D sought to be inserted by clause 2, empowers the State Government to make rules regarding the fee to be paid and the supportive documents, particulars to be provided and time within which to be filed by the applicant.
	Sub-section (2) of section 38D sought to be inserted by clause 2, empowers the State Government to make rules regarding punishment to the jurisdictional officer who is proved to have failed to prevent unauthorised occupation or construction.

The proposed delegation of legislative power is normal in character.

EXPLANATORY STATEMENT AS REQUIRED BY SUB-RULE (1) OF RULE 80 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE KARNATAKA LEGISLATIVE ASSEMBLY.

It is considered necessary to amend the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) to allot the BDA sites to the original owner or purchaser thereof or unauthorized occupant with Building who is in settled possession for twelve years before the commencement of this Amendment Act where the Bangalore Development Authority could not make sites or include such sites in its scheme of formation of layout, subject to such conditions specified therein and such other as may be prescribed.

A provision is also made to punish erring officials who fail to protect the Bangalore Development Authority property from the date of commencement of this Act and also to take action to evict such unauthorized occupation within a period of two years.

As the matter was urgent and both Houses of the State Legislature were not in a session, therefore the Bangalore Development Authority (Amendment) Ordinance, 2020 (Karnataka Ordinance 10 of 2020) was promulgated to achieve the above object.

B.S. Yediyurappa
Chief Minister

M.K. Vishalakshi
Secretary (I/c)
Karnataka Legislative Assembly

ANNXURE**EXTRACT FROM THE BANGALORE DEVELOPMENT AUTHORITY ACT, 1976
(KARNATAKA ACT 12 OF 1976)****XX****XX****XX**

38C. Power of authority to make allotment in certain cases.- Notwithstanding anything contained in this Act or in any other law or any development scheme sanctioned under this Act, or the City of Bangalore Improvement Act, 1945 where the Authority or the erstwhile Board of Trustees for the improvement of the City of Bangalore has already passed a resolution to reconvey in favour of any person any site formed in the land which belong to them or vested in or acquired by them for the purpose of any development scheme and on the ground that it is not practicable to include such site for the purpose of the development scheme, the Authority may allot such site by way of sale or lease in favour of such person subject to the following conditions:-

(a) the allottee shall be liable to pay any charges as the Authority may levy from time to time ; and

(b) the total extent of the site allotted under this section together with the land already held by the allottee shall not exceed the ceiling limit specified under section 4 of the Urban Land (Ceiling and Regulation) Act, 1976.

XX**XX****XX**