



**KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
SEVENTH SESSION**

**THE KARNATAKA TOWN AND COUNTRY PLANNING
(THIRD AMENDMENT) BILL, 2020
(LA Bill No. 62 of 2020)**

A Bill further to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and for matters connected therewith or incidental thereto;

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) 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 Karnataka Town and Country Planning (Third Amendment) Act, 2020.

(2) It shall be deemed to have come into force with effect from the 22nd day of May, 2020.

2. Amendment of section 17.- In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963)(hereinafter referred to as the principal Act), in section 17,-

(i) in the heading, for the words “sub-division”, the words “single plot or sub-division” shall be substituted;

(ii) in sub section (1), after the words “Every person who intends to” the words “develop a single plot or” shall be inserted;

(iii) in sub section (2A),-

(a) for the word “park” the words “park and play ground” shall be substituted;

(b) for the word “parks” the words “parks and play ground” shall be substituted;
and

(iv) after sub section (2B), the following shall be inserted, namely:-

“(2-C) (i) The Planning Authority, if the developer of the layout so desires, may also permit development of layout in phases. In such a case, the developer shall submit a phasing plan along with the provisional plan showing the development of the layout area in three phases, indicating development of forty percent of the layout area in the first phase, thirty percent of the layout area in the second phase and the remaining thirty percent of the layout in the third phase.

(ii) The Planning Authority shall release all building sites in the first phase of the layout, that is forty percent of the total layout area, after the relinquishment of roads, parks and playground and civic amenity areas of the entire layout area without claiming any compensation as specified in sub-section (2-A) and after completion of all infrastructure development works in the first phase as specified in Table-A below and after obtaining certificate of completion for the above said works from the concerned Authority/ Agency/ Department/ Corporation specified in Table-B below. A copy of the first phase layout plan

affixing the seal of the Planning Authority showing the building sites released for transfer of title to the allottee by the developer by registration and a copy shall be sent to the local authority for issue of Khata to the sites.

(iii) The Planning Authority shall release all building sites in the second phase of the layout, that is thirty percent of the total layout area, after completion of all infrastructure development works in the second phase as specified in Table-A below and after obtaining certificate of completion for the above said works from the concerned Authority/ Agency/ Department/ Corporation as specified in Table-B below. A copy of the second phase layout plan affixing the seal of the Planning Authority showing the building sites released for transfer title to the allottee by the developer by registration and a copy shall be sent to the local authority for issue of the Khata to the sites.

(iv) The Authority shall approve the final layout plan releasing the remaining thirty percent of building sites on completion of all infrastructure development works in the third phase as specified in the Table-A below and after obtaining certificate of completion for the above said works from the concerned Authority/ Agency/ Department/ Corporation as specified in the Table-B below. A copy of the final layout plan affixing the seal of the Planning Authority showing the building sites released for transfer of title to the allottee by the developer by registration and a copy shall be sent to the local authority for issue of the Khata to the sites.

(v) The building sites mentioned in sub-clause (ii) of sub section (2-C) shall be released only after registration of the project under The Real Estate (Regulation and Development) Act, 2016 (Central Act 16 of 2016).

(vi) The inspection for certification of all the development works in each of the three phases shall be conducted jointly by all the concerned Authorities/ Agencies/ Departments/Corporations.

(vii) Any building site which has not been released by the Planning Authority shall not be issued any Khata or given property index number (e-khata) under The Karnataka Municipalities Act, 1964, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Gram Swaraj and Panchayat Raj Act, 1993.

(viii) The development works specified in sub clause (ii), (iii) and (iv) above shall be as specified in table below.-

TABLE-A

{see sub-section (2-C)(ii)(iii)(iv)}

Development Works to be completed	Condition before release of sites
1. Formation, Metalling, Asphaltting/ concreting of roads and cross drainage works along with pavements, construction of storm water drains	Certificate of completion from the concerned Authority/ Agency/ Department/Corporation*
2. Completion of water supply works including laying of water supply pipelines, construction of water tank/s and individual connections to building sites.	

<ol style="list-style-type: none"> 3. Completion of underground drainage works including laying of underground drainage lines, construction of sewage treatment plant/ soak pit and individual connections to building sites. 4. Development of parks and playgrounds and open spaces 5. Laying out of underground cables (if developer intends to lay underground cables) 6. Completion of electrical work including erection of street lighting poles, erection of transformers and connections for street lighting 7. Rain water harvesting 8. Tree planting 	
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TABLE-B

***Concerned agency to issue certificate of completion/ no objection certificate for different development works**

Road works	Urban areas: Urban local bodies Outside Urban limits: Panchayat Raj Engineering Dept.
Water Supply/ Underground Drainage works	BWSSB limit: BWSSB Other urban areas: Karnataka Urban Water Supply and Drainage Board (KUWS and DB) Outside Urban limits: Rural Water Supply Dept.
Electrical works	Concerned ESCOMs

3. Repeal and savings.- (1) The Karnataka Town and Country Planning (Amendment) Ordinance, 2020 (Karnataka Ordinance 09 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 Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) to facilitate disposal of sites by registration, by the developers in phased manner in the ratio of 40:30:30 by fully developing sites in each phase with all infrastructure and also to provide for single plot development subject to such conditions specified for disposal. Care is also taken to protect the interest of the purchaser of sites. Certain consequential amendments are also made.

As the matter was urgent and both the Houses of the State Legislature were not in session, the Karnataka Town and Country Planning (Amendment) Ordinance, 2020 (Karnataka Ordinance 09 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.

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 the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) to facilitate disposal of sites by registration, by the developers in phased manner in the ratio of 40:30:30 by fully developing sites in each phase with all infrastructure and also to provide for single plot development subject to such conditions specified for disposal. Care is also taken to protect the interest of the purchaser of sites. Certain consequential amendments are also made.

As the matter was urgent and both the Houses of the State Legislature were not in session, the Karnataka Town and Country Planning (Amendment) Ordinance, 2020 (Karnataka Ordinance 09 of 2020) was promulgated to achieve the above object.

B. S. YEDIYURAPPA
Chief Minister

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

ANNEXURE**The extract from the Karnataka Town and Country Planning Act, 1961
(Karnataka Act 11 of 1963)****XX****XX****XX**

17. Sanction for sub-division of plot or lay-out of private street. (1) The State Government shall by rules prescribe the standards to be followed and minimum extent of Land to be considered for approval of Layout for sub dividing a plot and prescribe the minimum extent of area to be earmarked for park, open spaces and civic amenity sites and laying out roads. Every person who intends to sub divide his plot by making a layout on or after the date of the publication of the declaration of Local Planning Area under section 4-A, shall submit detailed plan of the layout of his plot showing layout of roads, sub-divided plots and earmarking area for park and open spaces and civic amenities to such extent and in such manner, as prescribed.

(2) The Planning Authority may, within the prescribed period, sanction such plan either without modification or subject to such modifications and conditions as it considers expedient or may refuse to give sanction, if the planning authority is of the opinion that such plan is not in any way consistent with the proposals of the Master Plan.

Provided that where the Master Plans are not finally approved, in such cases the Planning Authority may sanction the layout plan as per the guidelines issued by the Government from time to time.

(2A) If the Authority decides to sanction the layout plans under subsection (2), it shall sanction provisional layout plan in accordance with such rules as may be prescribed for demarcation and development purposes showing the sites, street alignment, park and civic amenity area and any other infrastructure facility including the arrangement to be made for leveling, paving, metalling, flagging, channeling, sewerage, draining, street lighting and water supply to the satisfaction of the Planning Authority and local authority. One copy of such plan shall be marked to the jurisdictional local authority. The owner shall relinquish the roads, parks to the local authority and Civic Amenity areas to the Planning Authority through registered relinquishment deed free of cost without claiming any compensation.

(2B) The Planning Authority shall ensure the completion of all development works including all infrastructure facilities as mentioned in subsection (2A) under the supervision of the concerned Authority/ Agency/Department. On obtaining the certificate of completion from the concerned Authority/Agency/Department on having completed all the development works and on relinquishment of the roads, parks to the local authority and Civic Amenity areas to the Planning Authority and handing over the same, the Planning Authority may issue the final layout plan affixing the seal of the Planning Authority for registration purpose.

Provided that no Commencement Certificate or licence shall be sanctioned or issued for buildings on sites in the layout unless the final layout plan is issued.

(3) No compensation shall be payable for the refusal or the insertion, imposition or modification or conditions in the grant of sanction.

(4) If any person does any work in contravention of sub-section (1) or in contravention of the modifications and conditions of the sanction granted under sub-section (2) or despite refusal for the sanction under the said subsection (2), the Planning Authority may direct such person by notice in writing to stop any work in progress and after making an inquiry in the prescribed manner, remove or pull down any work or restore the land to its original condition.

(5) Any expenses incurred by the Planning Authority under sub-section (4) shall be a sum due to the Planning Authority under this Act from the person in default.

(6) Any person aggrieved by the decision of the Planning Authority under sub-section (2) or sub-section (4) may, within thirty days from the date of such decision appeal to such authority as may be prescribed.

(7) The prescribed authority may after giving a reasonable opportunity of being heard to the appellant and the Planning Authority, pass such order as it deems fit, as far as may be, within four months from the date of receipt of the appeal.

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