

**THE KARNATAKA REGULARISATION OF UNAUTHORISED
CONSTRUCTION IN URBAN AREAS ACT, 1991.**

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STATEMENT OF OBJECTS AND REASONS.

I

Act 29 of 1991.- Bangalore Development Authority and other local bodies have been finding it difficult in their task of meeting the increasing demand for residential sites due to disproportionately high number of unauthorised constructions on urban land. The unauthorised constructions which already have come up over the years cannot possibly be demolished and any wholesale demolition would not only amount to wastage of national wealth but may in some amount to wastage of national wealth but may in some cases also create law and order problems. Keeping in view the above points, it is felt necessary to have a comprehensive legislation for regularisation of certain types of un-authorised constructions.

Hence this Bill.

(Published in the Karnataka Gazette Part IV- 2A (Extraordinary) No. 611 dated 25-9-1991 at page 79.)

II

Amending Act 9 of 1994.- It is considered necessary,-

(i) to exclude unauthorised constructions used for commercial purposes, and unauthorised constructions on the land belonging to the State Government and appurtenant to any building belonging to the State Government, or unauthorised constructions on land appurtenant to any building owned by the Central Government or by any company owned or controlled by the State Government or Central Government from the benefit of regularisation.

(ii) to extend the time limit from sixty days to three years for making an application for regularisation of unauthorised constructions,

(iii) to give proper representation in the Screening Committee to the members of the State Legislature and to the persons belonging to Scheduled Castes, Scheduled Tribes and Women,

(iv) to constitute two Screening Committees, one in respect of Bangalore District excluding the area within the limits of the Corporation of the City of Bangalore, and another Committee in respect of the area within the limits of the Corporation of the City of Bangalore.

(v) to provide for dis-connection of supply of water or electricity to the unauthorised constructions which have not been regularised, and

(vi) to provide for revision by the State Government on the order passed or proceeding recorded by the Screening Committees.

Hence the Bill.

(Obtained from L.A.Bill No.46 of 1993).

III

Amending Act 29 of 1994.- It was considered necessary to amend the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991,-

(i) to extend the period specified in section 3 till 1st October 1994 as to facilitate the interested persons to file applications for regularisation;

(ii) to make the Commissioner of the Municipal Corporation as the chairman of the Screening Committee of the District which have municipal Corporations.

Hence the Bill.

(Obtained from L.A. Bill No. 20 of 94 File No.LAW 58 LGN 94)

IV

Amending Act 27 of 1995.- It is considered necessary to amend the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991,-

(i) to provide for regularisation of Unauthorised Constructions made upto and inclusive of 1st January 1995; and to extend the date of making an application for regularisation from 1st day of October 1994 to 1st day of October, 1995.

(ii) to exclude unauthorised construction made on any land which belongs or vested in an Authority and which is notified for acquisition under Bangalore Development Authority Act, 1976, or under the Karnataka Urban Development Authority Act, 1987 or under the Karnataka Improvement Boards Act, 1976 from the benefit of regularisation;

(iii) to provide for regularisation of Unauthorised constructions made in green belt area declared as such under the Karnataka Land Revenue Act, 1964;

(iv) to provide for regularisation of unauthorised constructions which fall within the required setoff specified in any rules, bye-laws or regulations governing buildings;

(v) to provide for regularisation of unauthorised constructions having more than two floors;

(vi) to provide for regularisation of unauthorised constructions used for commercial purposes;

(vii) to provide for regularisation of unauthorised constructions made in violation of the Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Act, 1985;

(viii) to provide for appointment of competent authority for the purpose of the Act, by substituting the provisions relating to the Screening Committee;

As the matter was urgent and both the Houses of the Karnataka Legislature were not in Session the Karnataka Regularisation of Unauthorised Constructions in Urban Areas (Amendment) Ordinance, 1995 was promulgated.

Hence the Bill. (Obtained from L.A. Bill No. 23 of 1995)

Amending Act 17 of 2007.- In G.O.NO.RD 9 BMM 2003, dated: 8.9.2005 the posts of Regional Commissioners at Bangalore, Mysore, Gulbarga and Belgaum along with supporting staff has been created.

The Regional Commissioners have to be conferred with statutory powers by necessary amendments to the relevant Acts.

Since the matter was urgent and the Karnataka Legislature was not in session, the Karnataka Land Revenue and Certain Other Laws (Amendment) Ordinance 2006(Karnataka Ordinance No.5 of 2006) was promulgated to achieve the above Object.

Hence the Bill.

[L.A.Bill No. 7 of 2007]

[Entry 5 and 18 of List II of the Seventh Schedule to the Constitution of India.]

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KARNATAKA ACT NO. 29 OF 1991

(First published in the Karnataka Gazette Extraordinary on the Eighth day of November, 1991)

THE KARNATAKA REGULARISATION OF UNAUTHORISED CONSTRUCTIONS IN URBAN AREAS ACT, 1991.

(Received the assent of the Governor on the Fourth day of November, 1991)

(As amended by Acts 9 of 1994, 29 of 1994, 27 of 1995 and 17 of 2007)

An Act to provide for regularisation of certain unauthorised constructions in urban areas.

WHEREAS it is expedient to provide for regularisation of certain unauthorised constructions in urban areas;

BE it enacted by the Karnataka State Legislature in the Forty-second Year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991.

(2) It shall come into force on such ¹[date]₁ as the State Government may, by notification, appoint.

1. Act came into force on 1.8.1992 by notification No. HUD 201 MNJ 92 dt. 28.7.1992

2. Definitions .- In this Act, unless the context otherwise requires,-

(1) "Authority" means,-

(i) the Bangalore Development Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976) ; or

(ii) an Urban Development Authority constituted under the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987); or

(iii) an Improvement Board established under the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976);

¹[(1A) "Competent Authority" means a Competent Authority appointed under section 6.]₁

1. Inserted by Act 27 of 1995 w.e.f. 3.6.1995

(2) "construction" means any permanent structure;

(3) "family" in relation to a person means an individual, wife or husband, as the case may be, of such individual and their unmarried minor children;

(4) "permanent structure" means any building whether of masonry, bricks, wood, mud, metal or any other materials whatsoever;

(5) "revenue site" means a site formed without approval under the relevant law relating to town and country planning or the erection of building on land which has not been diverted in accordance with section 95 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964);

₁[(6) x x x]₁

1.Omitted by Act 27 of 1995 w.e.f. 3.6.1995

(7) "unauthorised construction" means any construction made without obtaining a building licence, or after obtaining a building licence which is issued in violation of any law relating to town and country planning or erection of building; ₁[and includes land appurtenant thereto not exceeding maximum extent as may be prescribed.]₁

1. Inserted by Act 9 of 1994 w.e.f. 1.8.1992

(8) "urban area" means,-

(i) any area within the limits of a City Municipality or a Town Municipality declared under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964);

(ii) any urban area within the limits of an Improvement Board established under the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976);

(iii) the Bangalore Metropolitan area as defined in the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

(iv) any urban area as defined in the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987); and

-includes such other area adjacent to the aforesaid area as the State Government may, by notification, specify.

3. Regularisation.- Notwithstanding anything contained in any law, but subject to such rules as may be prescribed, any unauthorised construction made in any urban area, except those specified in section 4, made prior to the ₁[first day of January 1995]₁; by any person on land,-

1.Substituted by Act 27 of 1995 w.e.f. 3.6.1995

(i) belonging to the State Government or;

(ii) which is a revenue site owned by him; or

(iii) belonging to him which is proposed to be acquired in connection with any development scheme of any Authority, in relation to which a notification under the Bangalore Development Authority Act, 1976, or under

section 17 of the Karnataka Urban Development Authorities Act, 1987, or under section 15 of the Karnataka Improvement Boards Act, 1976 is published and which has not yet vested in favour of any Authority for which the acquisition is proposed,

-may, on the application of such person made ¹[before the thirty first day of December 1995], be regularised in accordance with the provisions of this Act.

1.Substituted by Act 27 of 1995 w.e.f. 3.6.1995

4. Unauthorised constructions which shall not be regularised.- The following unauthorised constructions shall not be regularised; namely:-

(i) unauthorised constructions coming in the way of existing or proposed roads ¹[including those proposed for widening], and railway lines, communications and other civic facilities or public utilities;

1.Inserted by Act 27 of 1995 w.e.f. 3.6.1995

¹[(ii) x x x],

1.Omitted by Act 27 of 1995 w.e.f. 1.8.1992

(iii) unauthorised constructions made in forest land or on tank bed;

¹[(iv) xxx],

1.Omitted by Act 27 of 1995 w.e.f. 1.8.1992

(v) unauthorised constructions made by any person on the land belonging to another person over which former has no title;

¹[(vi) xxx],

1.Omitted by Act 27 of 1995 w.e.f. 1.8.1992

(vii) unauthorised constructions made in violation of Urban (Land Ceiling and Regulation) Act, 1976 (Central Act 33 of 1976);

¹[(viii) unauthorised constructions on land belonging to the State Government and appurtenant to any building belonging to the State Government;

1. Sub-section (viii to viii) inserted by Act 9 of 1994 w.e.f. 1.8.1992

¹[(viii) unauthorised constructions on land belonging to the Central Government],

1.Substituted by Act 27 of 1995 w.e.f. 1.8.1992

(viii) unauthorised constructions on land appurtenant to any building owned by the Central Government or by an company owned or controlled by the State Government or Central Government],

(viii) unauthorised constructions made on the land belonging to or vested in any Authority or a local authority; and

(ix) unauthorised constructions on any land reserved for parks, play grounds, open places or for providing any civic amenities.

5. Conditions for regularisation.- (1) No unauthorised construction shall be regularised if the person who has applied for regularisation or any member of his family owns any building or site within the urban area in which the unauthorised construction sought to be regularised is situated.

(2) No person shall be eligible to seek regularisation of more than one unauthorised construction either in his name or in the name of any member of his family.

1[6. Competent Authority.- (1) For the purpose of regularisation of unauthorised constructions, the State Government may by notification appoint an officer not below the rank of a K.A.S. Group-A Senior Scale officer to be a Competent Authority for such area or areas as may be specified by it, and two or more Competent Authorities may be appointed in respect of the same areas..

(2) The Competent Authority shall, scrutinise the application received under section 3, and after holding an enquiry in accordance with such rules as may be prescribed and subject to payment being made according to the provisions hereinafter contained, make a provisional order of regularisation of unauthorised constructions, and where such construction is situated on the land belonging to the State Government, may, for the purpose of regularising the construction also make a provisional order for grant of the appurtenant land included in the said construction, subject to such maximum extent that a may be prescribed.

(3) Burden of proving that an unauthorised construction was made prior to the first day of January, 1995 shall lie on the applicant who seeks regularisation of such unauthorised construction.]₁

1. Substituted by Act 27 of 1995 w.e.f. 3.6.1995

7. Payment of amount and grant of land.- (1) Within two months from the date of receipt of ₁[a provisional order of regularisation] from the ₂[Competent Authority]₂ the person in whose favour such order is made, shall pay the amount as may be prescribed. Different amount may be prescribed in respect of different urban areas or class or classes of persons.

1. Substituted by Act 9 of 1994 w.e.f. 1.8.1992

2. Substituted by Act 27 of 1995 w.e.f. 3.6.1995

(2) On payment being made in accordance with sub-section (1),-

(i) in the case of land belonging to the State Government the ¹[Competent Authority shall make a final order]¹ granting the land of which ²[provisional regularisation has been ordered]² and on such grant the grantee shall be eligible to get a sale deed executed for such land in his name at his cost and thereupon, the unauthorised construction situate therein ²[shall be regularised]²;

1. Substituted by Act 27 of 1995 w.e.f. 3.6.1995

2. Substituted by Act 9 of 1994 w.e.f. 1.8.1992

(ii) in cases not falling under clause (i), the unauthorised construction ¹[shall be regularised]¹.

1. Substituted by Act 9 of 1994 w.e.f. 1.8.1992

8. Unauthorised constructions not regularised to be demolished.- All unauthorised constructions which are not regularised under this Act shall be liable for demolition and ¹[the supply of water or electricity shall be liable to be disconnected without notice and]¹ the persons who have made such constructions shall be liable to be evicted summarily in accordance with the relevant law.

1. Substituted by Act 9 of 1994 w.e.f. 1.8.1992

1[8A. Revision by the ²[Regional Commissioner]².- The ²[Regional Commissioner]² may, on its own motion or on the application of any person at any time call for and examine the order passed or proceeding recorded by the competent authority for the purpose of satisfying himself as to the legality or propriety of the order or the regularity of such proceeding and may pass such order with respect thereto as he may deem fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard.]¹

1. Substituted by Act 27 of 1995 w.e.f. 3.6.1995.

2. Substituted by Act 17 of 2007 w.e.f. 5.1.2007.

9. Power to make rules.- (1) The State Government may, by notification, after previous publication make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for,-

(a) manner of enquiry to be held under ¹[sub-section (2)]¹ of section 6;

1. Substituted by Act 27 of 1995 w.e.f. 3.6.1995

¹[(b) the powers and duties of the ²[Competent Authority]²;

1. Clause (b) to (d) inserted by Act 9 of 1994 w.e.f. 1.8.1992

2. Substituted by Act 27 of 1995 w.e.f. 3.6.1995

1[(c) xxx]1

1. Omitted by Act 27 of 1995 w.e.f. 3.6.1995

(d) the period within which the sale deed under sub-section (2) of section 7 shall be executed;]1

1[(e)]1 the amount to be paid under section 7;

1. Re-lettered by Act 9 of 1994 w.e.f. 1.8.1992

1[(f)]1 any other matter for which rules have to be made or are necessary under this Act.

1. Re-lettered by Act 9 of 1994 w.e.f. 1.8.1992

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Removal of difficulties.- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty.

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(The above translation of the PÀÉÁðIPÀ ÉÀUÀgÀ ¥ÀæzÉÃ±ÀUA¼À°ègÀÄªÀ CÉÀçüPÀÈvÀ ¢ªÀiÁðtUA¼ÀÉÀÄß ,ÀPÀæªÀÄUÉÆ½,ÀÄªÀ CçüªAiÀÄªÀÄ, 1991 was published in the official Gazette (Extraordinary) Part-IV-2B as No.68 dated 5-2-1992 under clause (3) of Article 348 of the Constitution of India.)

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NOTIFICATION

Bangalore, dated 28th July 1992[No.HUD 291 MNJ 92]

S.O.2281.- In exercise of the powers conferred under sub-section (2) of section 1 of the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991,

Government of Karnataka hereby appoints First August Nineteen Ninety two (1-8-1992), as the date on which the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,

S. NARAYANASWAMY,
Under Secretary to Government (I/c)
Housing & Urban Development Department.
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