

KARNATAKA ACT NO. 24 OF 2016

THE KARNATAKA HOUSING BOARD (AMENDMENT) ACT, 2016

Arrangement of Sections

Sections:-

1. [Short title and commencement](#)
2. [Amendment of long title and preamble](#)
3. [Amendment of section 2](#)
4. [Amendment of section 3](#)
5. [Amendment of section 6](#)
6. [Amendment of section 7](#)
7. [Amendment of section 8](#)
8. [Amendment of section 10](#)
9. [Amendment of section 15](#)
10. [Substitution of section 17](#)
11. [Amendment of section 19](#)
12. [Substitution of section 20](#)
13. [Amendment of section 25](#)
14. [Amendment of section 26](#)
15. [Amendment of section 27](#)
16. [Amendment of section 29](#)
17. [Amendment of section 32A](#)
18. [Substitution of section 33](#)
19. [Amendment of section 52](#)
20. [Amendment of section 64](#)
21. [Insertion of new section 76A](#)

STATEMENT OF OBJECTS AND REASONS

Amending Act 24 of 2016.- It is considered necessary to amend Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) to,-

1. reconstitute the Board;
2. empowers the Board to discharge Local Authority functions till handing over of the layout developed by it and to collect maintenance and other charges in such lay-out;
3. substitute the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 instead of Land Acquisition Act, 1894;
4. substitute the words "Town Board, Sanitary Board and Mandal Panchayat" with the words "Town Panchayats and Gram Panchayat;"
5. empower the Board to take up public private partnership Housing Schemes;
6. enhance the powers of the Board to take up projects from fifty lakhs to two hundred and fifty lakhs;
7. empower the Board for making bulk allotment of houses, sites or flats developed by it to the State Government, Central Government, any Corporation, Body, organisation owned or controlled by the State Government or Central Government; and

8. Certain consequential or incidental amendments are also made.

Hence the Bill.

[L.A. Bill No. 24 of 2016, File No. Samvyashae 11 Shasana 2016]

[Entries 5,18 and 32 of List II of the Seventh Schedule to the Constitution of India]

KARNATAKA ACT NO. 24 OF 2016

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty Eighth day of July, 2016)

THE KARNATAKA HOUSING BOARD (AMENDMENT) ACT, 2016

(Received the assent of the Governor on the Twenty Seventh day of July, 2016)

An Act further to amend the Karnataka Housing Board Act, 1962.

Whereas it is expedient further to amend the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-seventh year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Housing Board (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of long title and preamble.- In the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963), (hereinafter referred to as the Principal Act), for the long title and first paragraph of the preamble, the following shall be substituted, namely:-

“An Act to provide for quality and affordable housing accommodation to all sections of the society.

Whereas it is expedient to provide for quality and affordable housing accommodation to all sections of the society with special emphasis to economically weaker sections and to adopt sustainable, equitable and eco-friendly design and construction techniques and with that object in view it is necessary to establish a Board for the State of Karnataka and to make certain other provisions;

3. Amendment of section 2.- In section 2 of the principal Act,-

(i) after clause (h), the following shall be inserted, namely:-

“(h-1) "Joint Venture Projects" means, projects taken up by Local bodies or Private parties and the Board jointly, subject to such terms and conditions as may be prescribed."

(ii) after clause (n), the following shall be inserted, namely:-

(n-1) "Public Private Partnership projects" means a project on a specific term of contract between a private party and the Board for providing a public asset or service subject to such norms as may be prescribed."

4. Amendment of section 3.- In section 3 of the principal Act,-

(i) in sub-section (2),-

(a) for clause (b), the following shall be substituted, namely:-

“(b) the Additional Chief Secretary or the Principal Secretary or the Secretary to Government as the case may be Housing Department, Government of Karnataka;”

(b) for clause (e), the following shall be substituted, namely:-

"(e) the Director of Town and Country Planning, Government of Karnataka,"

(c) for clause (f), the following shall be substituted, namely:-

“(f) the Additional Chief Secretary or the Principal Secretary or the Secretary to Government as the case may be, Energy Department, Government of Karnataka;”

(d) after clause (h), the following shall be inserted, namely:-

“(h-1) the Additional Chief Secretary or the Principal Secretary or the Secretary to Government as the case may be Urban Development Department, Government of Karnataka;

(h-2) the Chief engineer of the Board;

(h-3) the Additional Director of Town and Country Planning of the Board;

(h-4) the Secretary of the Board who shall be the member Secretary;”.

(e) for clause (i), the following shall be substituted, namely:-

“(i) three non-official members appointed by the State Government of which one shall be woman”.

(ii) in sub-section (4), for the words and figures “the land acquisition Act, 1894”, the words, figures and brackets “the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013)” shall be substituted.

5. Amendment of section 6.- In section 6 of the principal Act, for the words, "other member" wherever they occur, the words "other non-official member" shall be substituted.

6. Amendment of section 7.- In section 7 of the principal Act,-

(i) for the words, "other member" the words "other non-official member" shall be substituted; and

(ii) in clause (c), for the words, "a member" the words "non-official member" shall be substituted.

7. Amendment of section 8.- In section 8 of the principal Act,-

(i) in sub-section (1), for the words, "a member" the words "non-official member" shall be substituted; and

(ii) in sub-section (2), for the word, "members" the words "non-official members" shall be substituted.

8. Amendment of section 10.- In section 10 of the principal Act,-

(i) in the heading, after the words “Chief Engineer”, the words “the Additional Director of Town and Country Planning” shall be inserted;

- (ii) in sub-section (2), after the words “the Chief Engineer”, the words “the Additional Director of Town and Country Planning” shall be inserted;
- (iii) in sub-section (7), after the words “the Chief Engineer” the comma and words “,the Additional Director of Town and Country Planning” shall be inserted.

9. Amendment of section 15.- In section 15 of the principal Act, in sub-section (1),-

- (i) in clause (a), for the words “rupees fifty lakhs”, the words “rupees two hundred and fifty lakhs” shall be substituted;
- (ii) in clause (b), for the words “rupees ten lakhs”, occurring in two places the words “rupees fifty lakhs” shall be substituted;
- (iii) after clause (b), the following shall be inserted, namely:-

“(c) No joint venture or public private partnership arrangement involving an estimated cost of rupees two hundred and fifty lakhs and more shall be made without the previous sanction of the State Government, subject to such terms and conditions as may be prescribed of such joint venture or public private partnership as the case may be.”

10. Substitution of section 17.- For section 17 of the principal Act, the following shall be substituted, namely:-

“17. Duty of the Board to undertake housing schemes, land development schemes, infrastructure development, building construction schemes, schemes under joint venture or public private partnership.- Subject to the provisions of this Act and the rules made in this behalf and control of the State Government, the Board may incur expenditure and undertake works in any area for the framing and execution of such housing schemes, land development schemes, infrastructure development, construction and disposal of the commercial premises and building construction schemes as it may consider necessary or as may be entrusted to it by the State Government or Government undertakings or under joint venture or public private partnership arrangements subject to such conditions as may be prescribed.”

11. Amendment of section 19.- In section 19 of the Principal Act, in sub-section (1), clause (iii) shall be omitted.

12. Substitution of section 20.- For section 20 of the Principal Act, the following shall be substituted, namely:-

“20. Sanction to programme and budget.- The State Government may sanction the programme and the budget forwarded to it with such modifications as it deems fit.”

13. Amendment of section 25.- In the principal Act,-

- (i) in the heading to section 25, for the words “or a mandal panchayat”, the words “or a Grama panchayat” shall be substituted;

(ii) in section 25, for the words “town board, sanitary board or the mandal panchayath” wherever they occur the words, “ town panchayat or the Grama panchayat” shall respectively be substituted;

(iii) in sub-section (1), for clause (c), the following shall be substituted, namely:-

“(c) is situated in any area included within the jurisdiction of a town panchayat or grama panchayat constituted under the Karnataka Municipalities Act, 1964 or the Gram Swaraj and Panchayat Raj Act, 1993 and is vested in such town panchayat or Grama panchayat”

14. Amendment of section 26.- In section 26 of the principal Act, for the words “town board, sanitary board or the mandal panchayat” wherever they occurs, the words, “town panchayat or the Grama panchayat” shall be substituted.

15. Amendment of section 27.- In section 27 of the principal Act, in the heading and in sub-section (1), after the words, “public street”, the words “or divert nala” shall be inserted.

16. Amendment of section 29.- In section 29 of the principal Act, in the heading and in the section, for the words, “town board, sanitary board or mandal panchayath” wherever they occur, the words “ town panchayat or Grama panchayat” shall respectively be substituted.

17. Amendment of section 32A.- In section 32A of the principal Act,-

(i) in the heading, for the figures and the word “20 of 1985”, the figures and the word “14 of 1993” shall be substituted;

(ii) for sub-section (1), the following shall be substituted, namely:-

“(1) After the completion of any housing scheme or land development scheme till the layout is handed over to the concerned Corporation, City Municipal Council, Town Municipal Council, Town Panchayat or a Grama panchayat, as the case may be, under section 29,-

(a) the powers and functions of the Municipal Corporation, City Municipal Council, Town Municipal Council, Town Panchayat or a Grama panchayat or standing committee by whatever name called, under the Karnataka Municipalities Act, 1964 (Karnataka Act No. 22 of 1964) or the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) or the words the Karnataka Gram Swaraj and Panchayat Raj Act, 1993 (Karnataka Act 14 of 1993) shall be exercised by the Board; and

(b) the powers and functions of the Commissioner of Corporation, Chief Officer of the Municipal Council, town panchayat or Panchayat Development Officer or the Secretary of the Grama Panchayat as the case may be shall be, exercised and discharged by the Housing Commissioner.

(c) The Board shall collect the maintenance and other charges from the allottees or purchasers till handing over of layout to the local authority after the completion of housing scheme or

land development scheme. The maintenance and other charges shall be such as may be decided by the Board."

18. Substitution of section 33.- For section 33 of the principal Act, the following shall be substituted, namely:-

“33. Power to purchase land, lease, exchange or procuring by agreement.- (1) The Board may enter into an agreement for purchase of the Land from any person or take on lease or exchange any land required for the purposes of a housing scheme or land development scheme or any interest in such land or for compensating the owners of any such right in respect of any deprivation or interference therewith subject to such terms and conditions as may be prescribed.

Provided that Subject to such rules, as may be prescribed, the previous approval of the State Government is necessary in case of purchase or exchange or sharing basis of land in lieu of compensation in respect of project involving land worth more than rupees two hundred and fifty lakhs or lease for more than ten years.

(2) The Board may take steps for compulsory acquisition of any land or any interest therein through the State Government required for the execution of a housing scheme or land development scheme in accordance with the procedure provided in the Right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act, 2013 (Central Act 30 of 2013).

(3) The Board may procure land by purchase or exchange or sharing of land in lieu of compensation subject to such rules as may be prescribed provide link roads, for water resources, sewage treatment plants, providing infrastructure like roads, power, water civic amenities in the execution of a housing scheme or land development scheme, construction projects and urban infrastructure purposes even when such procurement is on behalf of Government agencies."

19. Amendment of section 52.- In section 52 of the principal Act, in sub-section (1) and (3), for the words "one lakhs" the words "fifty lakhs" shall respectively be substituted.

20. Amendment of section 64.- In section 64 of the principal Act, for the words and figures " the Land Acquisition Act, 1894" the words, figures and brackets " the Right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Act, 2013 (Central Act 30 of 2013)" shall be substituted.

21. Insertion of new section 76A.- After section 76 of the principal Act, the following shall be inserted, namely:-

“76A. Power of the Board to make bulk allotment.- Notwithstanding anything contained in this Act or land development scheme sanctioned under this Act, the Board may, subject to such restrictions, conditions and after limitation as may be prescribed, make bulk allotment with prior approval of the Government by sale, lease or otherwise of sites developed, houses or flats constructed by it or belonging to it or vested in it or acquired by it for the purpose of any development scheme,-

- (i) to the State Government; or
- (ii) to the Central Government; or
- (iii) to any corporation, body or organization owned or controlled by the central Government or State Government.”

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

K. DWARAKANATH BABU

Secretary to Government

Department of Parliamentary Affairs