



KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
SECOND SESSION

THE KARNATAKA LAND REVENUE (SECOND AMENDMENT) BILL, 2012
(L.A. BILL NO. 45 OF 2012)

(As passed by both the Houses and as returned by His Excellency the Governor of Karnataka with message for reconsideration)

A Bill further to amend the Karnataka Land Revenue Act, 1964.

Whereas it is expedient further to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), for the purposes hereinafter appearing;

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

1. Short title and commencement.- (1) This Act may be called the Karnataka Land Revenue (Second Amendment) Act, 2012.

(2) It shall come into force at once.

2. Insertion of section 94CC.- After section 94C of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) the following shall be inserted, namely.-

“94CC. Grant of Land in case of construction of dwelling house in occupied land in urban area.- Notwithstanding anything contained in this Act and except as hereinafter provided in this section, the prescribed authority, if satisfied after holding such enquiry as it deems fit that any person is in unauthorized occupation of any revenue land belonging to Government and has constructed a dwelling house on such land, prior to first day of January 2012, in an urban area may on an application made to it by such person within such period, in such form along with such fee and on payment of such amount, as may be prescribed grant in such manner and subject to the following conditions and such other restrictions and

conditions as may be prescribed, such land to the extent covered by the house to be specified in the order of grant, namely,-

- (i) The applicant shall submit proof for having constructed the dwelling house prior to first day of January 2012;
- (ii) No vacant land without a dwelling house shall be regularized;
- (iii) No land shall be granted if the person who has applied for grant of such land or any member of his family owns any building or site within the urban area in which the land for which application is made is situated;
- (iv) No person shall be eligible for grant of land for more than one dwelling house either in his name or in the name of any member of his family;

Explanation : For the purpose of this clause "Members of Family" means and includes the husband, wife, un-married daughters and minor sons as the case may be.

- (v) The land so granted shall not be alienated for a period of fifteen years from the date of receipt of order of grant;
- (vi) The grantee shall not use the building for any purposes other than as dwelling house;
- (vii) No land with dwelling house shall be granted in the areas belonging to the City Corporation or Municipalities or Urban Local bodies or Development Authorities or Town Planning Authority including Pattan (Town) Panchayat lying within the limits of cities and urban areas;
- (viii) The plinth area of a dwelling house in a site or plot of land not exceeding 20' x 30' feet or actual built up area of the dwelling house whichever is less than be regularized.
- (ix) No land occupied by dwelling house shall be granted where such land,-

- (a) lies in the line of natural drains or course of valley;
- (b) belongs to an authority owned or controlled by State Government or any local authority;

- (c) coming in the way of existing or proposed roads, inner or outer ring roads, national highways, by pass over ring roads including those proposed for widening and railway lines, tramways, mass rapid transit system projects, communications and other civic facilities or public utilities;
- (d) where occupied site or plot of land is of more than the prescribed limit;
- (e) is a forest land;
- (f) belongs to another person over which the applicant has no title;
- (g) is reserved for parks, play grounds, open places or for providing any civic amenities;
- (h) is abutting to neighbouring property, storm water drain, tank bed areas, river course or beds and canals or below the high tension electric lines;
- (i) use is against height restrictions specified in zoning regulations for heritage monuments, aerodromes and Defence regulations;
- (j) not conforms to any clearance from high-tension lines or fire protection measures;
- (k) is in the area covered by the Coastal Zone Regulation of the Ministry of Environment and Forest, Government of India:

Provided that, regularization of violation in respect of change of land use shall be made as far as may be in accordance with Section 14-A of the Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and is in accordance with the approved master plan of each City Corporation, Municipalities, Urban Local bodies, Development Authorities and Town Planning Authority.

Explanation.- For purpose of this section urban area means area lying within the limits of Cities and City Municipalities specified in column (2) of the table below and within such distance from such limits specified in the corresponding entries in column (3) thereof;

TABLE

Sl.No.	Places	Distance
(1)	(2)	(3)
1.	Bruhat Bangalore Mahanagaraplaike under the Karnataka Municipal Corporations Act, 1976	18 kms
2.	The Cities of Belgaum, Gulbarga, Hubli-Dharwad, Mangalore and Mysore respectively under the provisions of Karnataka Municipal Corporations Act, 1976	10 kms
3.	All City Municipalities under the Karnataka Municipalities Act, 1964	5 kms
4.	Other Municipal Corporations under the Karnataka Municipal Corporations Act, 1976	10 kms
5.	TMCs and Town Panchayats	3 kms

STATEMENT OF OBJECTS AND REASONS**(As appended to at the time of Introduction)**

It is considered necessary to amend the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) for regularization of unauthorized construction of dwelling house constructed in Revenue Lands in urban areas prior to first day of January 2012.

Hence, the Bill.

FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2.- Section 94 CC empowers the State Government to make rules to prescribe the fee and amount for regularization of unauthorized constructions of dwelling house and to prescribe the conditions and restrictions for such regularization.

The above delegation of legislative power is of normal in character.

V. SHRINIVASA PRASAD
Minister for Revenue

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

ANNEXURE

Extract from the Karnataka Land Revenue Act, 1964
(Karnataka Act 12 of 1964)

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94C. Grant of land in case of construction of dwelling house in occupied land.- Notwithstanding anything contained in this Act and except as hereinafter provided in this section the prescribed authority, if satisfied after holding such enquiry as it deems fit that any person is in unauthorised occupation of any land belonging to the Government and has constructed a dwelling house on such land, since prior to the fourteenth day of April, 1998 may on an application made to it by such person within such period in such form along with such fee and on payment of such amount, as may be prescribed grant in such manner and subject to such restriction and conditions as may be prescribed such land to the extent covered by the house to be specified in the order of grant:

Provided that nothing in this section shall apply to forest land:

Provided further that nothing in this section shall apply to any unauthorised construction made on Government land and in respect of which application is made under the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991.

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**MESSAGE UNDER ARTICLE 200 OF THE CONSTITUTION OF INDIA TO
THE KARNATAKA LEGISLATIVE ASSEMBLY AND KARNATAKA
LEGISLATIVE COUNCIL IN RESPECT OF THE KARNATAKA LAND
REVENUE (SECOND AMENDMENT) BILL, 2012, WHICH AFTER ITS
PASSAGE THROUGH BOTH THE HOUSES OF THE LEGISLATURE HAS
BEEN SUBMITTED FOR OBTAINING THE ASSENT OF THE GOVERNOR
(L.A. BILL NO. 45 OF 2012)**

The Karnataka Land Revenue (Second Amendment) Bill, 2012 seeking to insert a new section 94CC in the Karnataka Land Revenue Act, 1964, providing for grant of land in the case of unauthorized construction of dwelling houses in Government land in urban areas, has been passed by both the Houses of the Legislature. This legislation has been brought with the intention of regularizing unauthorized occupation of revenue land belonging to Government in urban areas with dwelling houses constructed prior to the 1st January 2012, by granting the land to unauthorized occupants.

Section 94C of the Karnataka Land Revenue Act provided for the same object was in force from 14.04.1998. This section provided for grant of land belonging to Government and unauthorizedly occupied by a person, where the dwelling house was constructed prior to 14.04.1998. It was a one time measure. However it is not known why such lands under unauthorized occupation made prior to 14.04.1998 could not be granted till now.

The Government had constituted a Task Force for Protection of Public Lands headed by Shri.V.Balasubramanian, IAS, retired Additional Chief Secretary to Government. The Task Force, in its report, has brought out that over 11 lakh acres of Government lands are under unauthorized occupation. The report has highlighted that large junks of land, especially in urban areas has been grabbed on account of increasing cost of land. This kind of unabated regularization of unauthorized construction in Government land

would no doubt directly encourage encroachment of Government land by land grabbers.

The Joint Legislature Committee constituted to go into the details of the problem of land grabbing and encroachments, has also observed as follows:

"x x x Because of the inaction of the Government to let go the crooked land-grabbers, real estate agents and their daring abettors, ordinary citizens have come to lose faith in government and administration. It is therefore the considered opinion of this Committee that it is absolutely essential for Government to take stringent action against land-grabbers their abettors as narrated above."

The policy of regularization of encroachment of Government land directly encourages illegal occupation of Government land. **This amendment will cause severe inroads into the lofty principles such as Rule of Law, Equality before Law, Due Process, Majesty of Law, Dignity of Courts, Inalienable Fundamental Rights, Directive Principles, etc., which are enshrined in the Constitution.** In the larger interest of the public, illegal occupation of Government land has to be curbed.

The Hon'ble Supreme Court, in its judgment dated 28.01.2011, in Jaspal Singh & other vs. State of Punjab, has categorically said that long duration of illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularizing the illegal possession. The Amendment Bill does not specifically prohibit grant/regularization of common land. This amendment does not serve any public good or social cause; on the other hand it may lead to illegal grabbing of Government land.

In view of the above, the two Houses of the Legislature need to reconsider the Bill now in the light of the observations made above. Hence the Bill is returned to the Karnataka Legislative Assembly and the Karnataka Legislative Council for reconsideration.

H.R.BHARDWAJ
Governor of Karnataka