



**KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
SECOND SESSION**

**THE KARNATAKA TOWN AND COUNTRY PLANNING AND CERTAIN
OTHER LAWS (AMENDMENT) BILL, 2013**

(L.A. Bill No. 19 of 2013)

A Bill further to amend the Karnataka Town and Country Planning Act, 1961, the Karnataka Municipal Corporations Act, 1976 and the Karnataka Municipalities Act, 1964.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Sixty Fourth 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 and certain other Laws (Amendment) Act, 2013.

(2) It shall be deemed to have come into force with effect from the 19th day of October, 2013.

2. Amendment of Karnataka Act 11 of 1963.- In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) in section 76FF,-

(1) in sub-section(1), for the words and figures "the 3rd day of December 2009" the words, figures and brackets "the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013" shall be substituted.

(2) in sub-section (13), for the words, figures and brackets "one year from the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2009" the words "such period as may be prescribed" shall be substituted.

3. Amendment of Karnataka Act 14 of 1977.- In the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) in section 321A, in sub-section (1), for the words and figures "the 3rd day of December 2009" the words, figures and brackets "the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013" shall be substituted.

4. Amendment of Karnataka Act 22 of 1964.- In the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) in section 187A, in sub-section (1), for the words and figures "the 3rd day of December 2009" the words, figures and brackets " the date of commencement of the Karnataka Town and Country Planning and certain other Laws (Amendment) Act, 2013" shall be substituted.

5. Repeal and savings.- (1) The Karnataka Town and Country Planning and certain other Laws (Amendment) Ordinance, 2013 (Karnataka Ordinance No.2 of 2013) 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 the 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) the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for,-

- (1) extension of time limit for regularization of unauthorized constructions till the date of promulgation of the Karnataka Town and country Planning and certain other Laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013); and
- (2) empowering the State Government to prescribe the last date for receiving applications for regularization of unauthorized constructions.

As the matter was urgent and both Houses of the Karnataka State Legislature were not in session, the Karnataka Town and Country Planning and certain other laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013) was promulgated on 19.10.2013.

This bill seeks to replace the said ordinance.

Hence the Bill.

**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 Karnataka Town and Country Planning Act, 1961, (Karnataka Act 11 of 1963) the Karnataka Municipal Corporations Act, 1976(Karnataka Act 14 of 1977) and the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) to provide for,-

- (1) extension of time limit for regularization of unauthorized constructions till the date of promulgation of the Karnataka Town and country Planning and certain other Laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013); and
- (2) empowering the State Government to prescribe the last date for receiving applications for regularization of unauthorized constructions.

As the matter was urgent and both Houses of the Karnataka State Legislature were not in session, the Karnataka Town and Country Planning and certain other laws (Amendment) Ordinance, 2013 (Karnataka Ordinance 2 of 2013) was promulgated on 19.10.2013.

FINANCIAL MEMORANDUM

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2.- In sub-clause (2), in sub-section (13) of section 76FF proposed to be amended, empowers to the State Government to make rules prescribing the time limit within which application for regularization of unauthorized construction may be made to the Planning Authority.

The proposed delegation of legislative power is normal in character.

VINAY KUMAR SORAKE
Minister for Urban Development

P. OMPRAKASHA
Secretary
Karnataka Legislative Assembly

ANNEXURE

EXTRACT FROM THE KARNATAKA TOWN AND COUNTRY PLANNING ACT, 1961, (KARNATAKA ACT 11 OF 1963)

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76 FF. Regularisation of certain development and change of land use.- (1) Notwithstanding anything contained in this Act, where any land has been developed or change in land use is made in contravention of section 14, 14A, section 15, section 17 or the regulations or in contravention of commencement certificate granted under section 15, the Planning Authority may regularise such development and change of land use made prior to the 3rd day of December, 2009, subject to such rules as may be prescribed and on payment of the prescribed amount, which may be different for different purposes, but not exceeding the estimated cost of the development.

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(13) Any person seeking regularization under this section shall make an application to the Planning Authority within one year from the date of commencement of the Karnataka Town and Country Planning and Certain Other Laws (Amendment) Act, 2009.

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EXTRACT FROM THE KARNATAKA MUNICIPAL CORPORATIONS ACT, 1976(KARNATAKA ACT 14 OF 1977)

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321-A. Regularisation of certain unlawful buildings.- (1) Notwithstanding anything contained in this Act, when construction of any building is completed in contravention of the section 300, section 321 and building bye laws made under section 423, the Commissioner may

regularise building constructed prior to the 3rd day of December 2009 subject to the following restrictions and such rules as may be prescribed and on payment of the amount specified in sub-section (2), namely:-

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**EXTRACT FROM THE KARNATAKA MUNICIPALITIES ACT, 1964
(KARNATAKA ACT 22 OF 1964)**

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187-A. Regularisation of certain unlawful building.-

(1) Notwithstanding anything contained in this Act, when construction of any building is completed in contravention of section 187 and building bye-laws, the Municipal Commissioner or the Chief Officer, as the case may be, may regularise building constructed prior to the 3rd day of December 2009, subject to the following restrictions and such rules as may be prescribed and on payment of the amount specified in sub-section (2), namely:-

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