



KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
THIRD SESSION

**THE BASAVAKALYAN DEVELOPMENT BOARD
(AMENDMENT) BILL, 2019
(LA Bill No. 02 of 2019)**

A Bill to amend the Basavakalyan Development Board Act, 2005.

Whereas it is expedient to amend the Basavakalyan Development Board Act, 2005 (Karnataka Act 13 of 2005) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Seventieth Year of Republic of India as follows:-

1. Short title and commencement.— (1) This Act may be called the Basavakalyan Development Board (Amendment) Act, 2019.

(2) It shall come into force at once.

2. Omission of sections 22, 24, 25 and 27.— In the Basavakalyan Development Board Act, 2005, (Karnataka Act 13 of 2005) (hereinafter referred to as the Principal Act) sections 22, 24, 25 and 27 shall be omitted.

3. Amendment of section 23.— In section 23 of the Principal Act,-

- (i) in sub-section (1), for the word "Basavakalyan", the words "Basavakalyan Heritage sites" shall be substituted;
- (ii) in sub-section (2), for the word "Basavakalyan", the words "Basavakalyan Heritage sites" shall be substituted;
- (iii) in sub-section (3), the words "or person" shall be omitted;
- (iv) in sub-section (5), the words "or person" shall be omitted; and
- (v) in sub-section (6), the words " person or" and "the person or" shall be omitted.

4. Transitory Provisions.- (1) On and from the date of commencement of the Basavakalyan Development Board (Amendment) Act, 2019, all assets and liabilities along with staff relating to Town Planning and Development of the Board shall be transferred to concerned Urban Development Authority of Basavakalyan.

- (2) It shall be incumbent upon the concerned municipality to ensure,-
- (a) the maintenance, keeping in repair, lighting and cleaning of the streets in the Basavakalyan area; and
 - (b) the drainage, sanitary arrangement and water supply in respect of the streets in the Basavakalyan area.

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to omit sections 22, 24, 25 and 27 and to amend section 23 of the Basavakalyan Development Board Act, 2005 to separate the Basavakalyan Urban Development Authority Functions from the Basavakalyan Development Board.

Hence the Bill.

**FINANCIAL MEMORANDUM**

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

R.V. DESHPANDE
Minister for Revenue

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

ANNEXURE**EXTRACT FROM THE BASAVAKALYAN DEVELOPMENT BOARD ACT,
2005 (KARNATAKA ACT 13 OF 2005)****XX****XX****XX**

22. Basavakalyana Development Board to be the Urban Development Authority for Basavakalyan.- (1) Notwithstanding anything contained in the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) and the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987) on and from the date of its constitution, the Board shall be deemed to be the Urban Development Authority for the Basavakalyan, and the Board shall have all the powers and perform all the functions of an Urban Development Authority as if the said Authority has been constituted under section 3 of the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987).

(2) The staff, assets and liabilities of the Basavakalyan Town Planning Authority shall stand transferred to the Basavakalyan Development Authority.

23. No other authority or person to undertake development without permission of the Board.- (1) Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Board, no authority or person shall undertake any development within the Basavakalyan, of the types as the Board may from time to time specify by notification published in the Official Gazette.

(2) No local authority shall grant permission for any development referred to in subsection (1), within the Basavakalyan, unless the Board has granted permission for such development.

(3) Any authority or person desiring to undertake development referred to in subsection (1) shall apply in writing to the Board for permission to undertake such development.

(4) The Board may, after making such inquiry as it deems necessary grant such permission without or with such conditions, as it may deem fit, to impose or refuse to grant such permission.

(5) Any authority or person aggrieved by the decision of the Board under sub-section (4) may, within thirty days from the date of the decision appeal against such decision to the State Government, whose decision thereon shall be final: Provided that, where the aggrieved authority submitting such appeal is under the administrative control of the Central

Government, the appeal shall be decided by the State Government, after consultation with the Central Government.

(6) In case any person or authority does anything contrary to the decision given under sub-section (4) as modified in sub-section (5), the Board shall have power to pull down, demolish or remove any development under taken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.

24. Power of entry.- The Board may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purposes of,-

(a) making any enquiry, inspection, measurement or survey or taking levels for such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) making such levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of any plan or in contravention of any conditions subject to which such permission has been granted; or

(g) doing any other thing necessary for the efficient administration of this Act.

Provided that,-

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women or children, if any, to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be, compatible with the exigencies of the purpose for which the entry is made, to the social and religious usage of the occupants of the land or building entered.

25. Levy of Fee.- (1) It shall be lawful for the Board to levy, at such rate as may, by the regulations be specified, a fee for grant of permissions under section 23.

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27. Duty to maintain streets etc.,- Notwithstanding anything contained in the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964) it shall be incumbent on the board to make reasonable and adequate provision by any means or measures which it is lawfully competent to use or take, for the following matters, namely:-

(a) the maintenance, keeping in repair, lighting and cleaning of the streets in the Basavakalyan area; and

(b) the drainage, sanitary arrangement and water supply in respect of the streets in the Basavakalyan area.

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