

Ordinance Summary

The Bangalore Development Authority (Amendment) Ordinance, 2020

- The Bangalore Development Authority (Amendment) Ordinance, 2020 was promulgated on May 28, 2020. It amends the Bangalore Development Authority Act, 1976. The Ordinance proposes to regularise existing unauthorised constructions built on land of Bangalore Development Authority (BDA).
- **Powers to allot unusable land:** The Ordinance empowers BDA to allot, by sale, any land vested in or acquired by it but that cannot be used by it. This includes land on which existing constructions are present and hence, are not fit for future development purposes or formation of sites by BDA.
- **Eligibility for allottees:** The Ordinance permits BDA to allot such land in favour of: (i) the original owner of land, (ii) purchaser from original owner, (iii) any other person in unauthorised occupation of the land, or (iv) a person who has put up building on the land and is in settled possession of such land. An original owner of the land is a person who was occupant of the land immediately before the publication of a development scheme, which proposes to acquire the said land.
- **Conditions for allotment:** Allotment of such land will be subject to the following conditions: (i) age of the building on such land should be 12 years or more, (ii) the allottee will be required to pay a penalty at specified rates, (iii) up to 4,000 sq. ft of land will be allotted to one person, (iv) no other family member will be entitled for allotment of any other land, and (v) eligible and interested persons will be required to furnish documentary evidence to establish possession and construction.
- However, such land will not be allotted, if – (i) it is reserved for civic amenities such as parks or playgrounds, (ii) it affects road projects or mass-rapid transit system projects, (iii) it is adjacent to storm water drains or river/tank beds or is below high tension electric lines, and (iv) the possession for more than 12 years is litigious or interrupted by an interim court order.
- **Penalty:** The allottee will pay penalty fees based on the extent of land with building and prevailing guidance value. Guidance value is the estimated market value of land published under the Indian Stamps Act, 1957, prevailing on the date of allotment. The penalty rates are:

Extent of land (in feet)	Penalty to be paid
Up to 20'x 30'	10% of guidance value
Up to 30'x 40'	25% of guidance value
Up to 40'x 60'	40% of guidance value
Up to 50'x 80'	50% of guidance value

The Ordinance also adds that the penalty rate will be doubled for corner sites.

- **Eviction of unauthorised occupants:** The Ordinance also requires BDA to prepare an action plan to evict unauthorised occupants. Unauthorised occupants are people who are ineligible for allotment of land under the provisions of this Ordinance. BDA is required to take such action within two years of the Ordinance coming into force. Further, a failure to prevent unauthorised occupation or construction will render the jurisdictional officer liable for punishment.

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