

KARNATAKA ORDINANCE NO. 7 OF 2001
THE KARNATAKA SLUM AREAS (IMPROVEMENT AND
CLEARANCE) AND CERTAIN OTHER LAW (AMENDMENT)
ORDINANCE, 2001

ARRANGEMENT OF SECTIONS

Sections:

1. Short title and commencement
2. Amendment of Karnataka Act 33 of 1974
3. Amendment of Karnataka Act 32 of 1974

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*(Promulgated by the Governor of Karnataka in the fifty second
year of the Republic of India and published in the Karnataka
Gazette Extraordinary on the Seventeenth day of
November 2001)*

An Ordinance further to amend the Karnataka Slum Areas (Improvement and clearance) Act, 1973 and the Karnataka Public Premises(Eviction of Unauthorised Occupants) Act, 1974.

Whereas the Karnataka Legislative Council is not in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for her to take immediate action further to amend the Karnataka Slum Areas(Improvement and clearance) Act, 1973 (Karnataka Act 33 of 1974) and the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) for the purposes hereinafter appearing.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely:-

1. Short title and commencement.- (1) This Ordinance may be called the Karnataka Slum Areas (Improvement and Clearance) and Certain Other Law (Amendment) Ordinance, 2001.

(2) It shall come into force at once.

2. Amendment of Karnataka Act 33 of 1974.-In the Karnataka Slum Areas (Improvement and Clearance) Act, 1973 (Karnataka Act 33 of 1974),-

(1) in section 27,-

(i) in the heading, after the words 'land acquired' the words 'or land transferred by the Government or the local authority' shall be inserted;

(ii) after sub-section(2), the following shall be inserted, namely:-

"(3) Where any slum area is located on the land belonging to the Government or any local authority, the Government or the local authority may subject to such restrictions and conditions as it may impose, transfer to, and vest in, the Board such land free of cost for the purpose of undertaking such measures as may be necessary for improvement, development, clearance or redevelopment of the land or erection of building or buildings thereon".

(2) after section 27, the following sections shall be inserted, namely:-

"27A. Carrying out the development and allotment of sites etc., (1) Subject to section 27, the Board shall form layout on the lands transferred to and vested in it under sub-section(2) or (3) of section 27 by realigning internal roads for easy and convenient movement of the slum dwellers and for improving the hygienic conditions. The Board may undertake all measures necessary for improvement clearance development or redevelopment of such land and erection of building thereon.

(2) The Board may, for the purpose of forming layout under sub-section(1) demolish any structure or building in a slum area in accordance with section 10 and the persons affected by such demolition shall, as far as, may be accommodated within the same slum area and if it is not possible they shall be accommodated in the area available in the adjacent slum area or any other area meant for rehabilitation of slum dwellers.

(3) Subject to such restrictions, conditions and limitations as may be prescribed, the Board, shall have power to lease, allot, sell or otherwise transfer the sites formed in the layout under sub-section(1) or dwelling unit of any building constructed in such layout.

27B. Recovery of sums due to the Board.-(1) All cost damages, penalties, charges, rent contribution or any other sum which under this Ordinance or any rule made thereunder are due by any person to the Board be demanded by the prescribed authority by issuing a notice of demand to such person and indicating therein the liability incurred in default of payment, and may be recovered in the prescribed manner if within one month from the date of service of notice, such person does not make payment to the Board;

(2) Any person disputing the demand made in the notice issued under sub-section(1) may prefer an appeal under section 59, within thirty days from the date of service of the notice and the provisions of that section shall mutatis mutandis apply;

(3) for sub-sections(1) and (2) of section 34, the following shall be substituted, namely:

"(1) The Board shall consist of a Chairman and other Official and non-official members as specified in sub-section(2);

(2) The Board shall consist of,-

(a) A Chairiman, who shall be appointed by the Government;

(b) the Commissioner of the Board shall be the Member-Secretary;

(c) A representative of the Finance Department, Government of Karnataka, not below the rank of a Deputy Secretary to Government;

(d) A representative of the Housing Department, Government of Karnataka, not below the rank of a Deputy Secretary to Government;

(e) The Director of Town Planning, Government of Karnataka;

(f) A representative of Health and Family Welfare Services Department, Government of Karnataka, not below the rank of a Joint Director;

(g) A representative of the Bangalore Mahanagara Palike not below the rank of a Deputy Commissioner;

(h) A representative of the Directorate of Social Welfare, Government of Karnataka, not below the rank of a Joint Director;

(i) the regional chief of the Housing and Urban Development Corporation or his nominee;

(j) five non-official members nominated by the Government, and out of whom one shall be a woman and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes.

(4) in section 37, -

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

"(1) The Government shall appoint an officer not below the rank of a Deputy Secretary to Government to be the Commissioner of the Board."

(ii) in sub-section (2), for the word "Secretary" the word "Commissioner" shall be substituted.

(5) after section 37 the following section shall be inserted, namely:-

"37A. Powers and duties of the Commissioner.- The Commissioner of the Board shall in addition to performing such functions as may be conferred on him by or under this Ordinance or under any other law for the time being in force,-

(a) carryout the resolutions of the Board:

Provided that, if in the opinion of the Commissioner any resolution of the Board contravenes any provisions of this Ordinance or of any other law or any rule, notification, regulations or bye law made or issued under this Ordinance, or any other law or any order passed by the Government, or is prejudicial or detrimental to the interest of the Board he shall, within fifteen days of passing of such resolution refer the matter to the Government and inform the Board at its next meeting, of the action taken by him and until the orders of the Government on such reference are received, the Commissioner shall not be bound to give effect to such resolution.

(b) keep and conduct the Board's correspondence;

(c) carry out and execute such scheme and works as the Government may direct and incur necessary expenditure thereon;

(d) be responsible for implementing the scheme of the Board;

(e) operate the accounts of the Board and be responsible for the maintenance of the accounts of the Board;

(f) exercise supervision and control over the accounts and proceedings of the Board and over the officers and servants of the Board in the matters of executive administration;

(g) furnish to the Government a copy of the minutes of the proceedings of the Board and any other information which the Government may, from time to time, call for; and

(h) authenticate by his signature all permissions, orders, decisions; notices and other documents of the Board and the orders of the Board."

(6) in section 43, the words " including quorum in the meeting" shall be inserted at the end.

3. Amendment of Karnataka Act 32 of 1974.- In the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act 1974 (Karnataka Act 32 of 1974) in section 2, in the explanation to clause (e) after item (f), the following item shall be inserted, namely:-

"(g) the Karnataka Slum Clearance Board established under the Karnataka Slum Areas (Improvement and Clearance) Act, 1973."