

KARNATAKA ACT NO.1 OF 2005
THE KARNATAKA TOWN AND COUNTRY PLANNING (AMENDMENT) ACT, 2004
Arrangement of Sections

Sections:

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STATEMENT OF OBJECTS AND REASONS

It is considered necessary to amend the Karnataka Town and Country planning Act, 1961 to provide for,-

- (i) Definition of heritage building and heritage precinct and make regulation for conservation of the same;
- (ii) Replacing the comprehensive development plan and outline development plan by master plan to simplify the procedure;
- (iii) Deemed change of land use from commercial or industrial to residential and from industrial to commercial;

Certain other consequential changes are made.

Hence the Bill.

[L.C. BILL No. 12 OF 2004]

(Entry 50 of list II, Entries 20 and 42 of list III of Seventh Schedule to the Constitution of India.)

KARNATAKA ACT NO. 1 OF 2005

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**THE KARNATAKA TOWN AND COUNTRY PLANNING
(AMENDMENT) ACT, 2004**

(Received the assent of the President on the 2nd day of February, 2005)

An Act further to, amend the Karnataka Town and Country Planning Act, 1961.

Whereas it is expedient further to amend the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) for the purposes hereinafter appearing;

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

1. Short title and commencement. - (1) This Act may be called the Karnataka Town and Country Planning (Amendment) Act, 2004.

(2) It shall come into force at once.

2. Amendment of section 2. - In section 2 of the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963) (hereinafter referred to as the principal Act):-

(i) clause (1-d) shall be omitted;

(ii) after clause (1e), the following shall be inserted, namely:-

"(1ea) "Heritage Building" means a building possessing architectural, aesthetic, historic or cultural values which is declared as heritage building by the Planning Authority or any other competent authority within whose jurisdiction such building is situated;

(1eb) "Heritage Precinct" means an area comprising heritage building or buildings and precincts thereof or related places declared as such by the Planning Authority or any other Competent Authority within whose jurisdiction such area is situated."

(iii) after clause (3-a), the following clause shall be inserted, namely;

"(3-b) "**Master Plan**" means a plan for the development or re-development of the area within the jurisdiction of a planning authority;"

3. Amendment of CHAPTER III.- In CHAPTER III of the principal Act, for the heading, for the words "OUTLINE DEVELOPMENT PLAN" , the heading "MASTER PLAN" shall be substituted.

4. Substitution of section 9. - For section 9 of the principal Act, the following shall be substituted, namely:-

"9. Preparation of Master Plan. – (1) Every planning authority shall, as soon as may be, carry out a survey of the area within its jurisdiction and shall, not later than two years from the date of declaration of the local planning area, prepare and publish in the prescribed manner a master plan for such area and submit it to the State Government, through the Director, for provisional approval.

(2) If the master plan is not prepared, published and submitted to the State Government by the Planning Authority within the period specified in sub-section (1), the State Government may authorise the Director to prepare and publish such plan in the prescribed manner and direct the cost thereof to be recovered from the Planning Authority out of its funds, notwithstanding anything contained in any law relating to the said fund.

(3) Notwithstanding anything contained in sub-section (2), if any Planning Authority is converted into, or amalgamated with any other Planning Authority or is sub-divided into two or more Planning Authorities, the master plan prepared for the area by the planning authority so converted, amalgamated or sub-divided shall, with such alterations and modifications as the State Government may approve, be deemed to be the master plan for the area of the new Planning Authority or authorities into or with which the former Planning Authority was converted, amalgamated or sub-divided.

(4) A copy of the master plan with the report sent to State Government under sub-section (1) or sub-section (3) shall be kept open for inspection by the public at the head office of the Planning Authority."

5. Amendment of section 10.- In section 10 of the principal Act,-

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

" (1) A Planning Authority, before carrying out a survey of the area under its jurisdiction under sub-section (1) of section 9, for the purpose of preparing a Master Plan for such area, shall make a declaration of its intention to prepare such plan and shall despatch a copy of such resolution with a copy of plan showing only boundary of the entire area proposed to be included in the master plan to the State Government. The planning authority shall publish a notice of such declaration in the Official Gazette and also in one or more local newspaper in the prescribed manner calling suggestions from the public within a period of sixty days:

Provided that no such declaration of intention need be made when the masterplan is prepared and published by the Director under sub-section (2) of section 9."

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

"(3) A copy of the plan showing the boundaries of the area included in the master plan shall be opened to public at all reasonable hours at the office of the Planning Authority or Local Authority."

6. Substitution of section 12. - For section 12 of the principal Act, the following shall be substituted, namely:-

"12. Contents of Master Plan.- (1) The Master Plan shall consist of a series of maps and documents indicating the manner in which the development and improvement of the entire planning area within the jurisdiction of the Planning Authority are to be carried out and regulated, such plan shall include proposals for the following, namely:-

- (a) zoning of land use for residential, commercial, industrial, agricultural, recreational, educational and other purposes together with Zoning Regulations;
- (b) a complete street pattern, indicating major and minor roads, national highways, and state highways, and traffic circulation pattern, for meeting immediate and future requirements with proposals for improvements;
- (c) areas reserved for parks, playgrounds, and other recreational uses, public open spaces, public buildings and institutions and area reserved for such other purposes as may be expedient for new civic developments;

- (d) areas earmarked for future development and expansion;
- (e) reservation of land for the purposes of Central Government, the State Government, Planning Authority or public utility undertaking or any other authority established by Law, and the designation of lands being subject to acquisition for public purposes or as specified in Master Plan or securing the use of the land in the manner provided by or under this Act;
- (f) declaring certain areas, as areas of special control and development in such areas being subject to such regulations as may be made in regard to building line, height of the building, floor area ratio, architectural features and such other particulars as may be prescribed;
- (g) stages by which the plan is to be carried out.

Explanation:

- (i) **“Building Line”** means the line up to which the plinth of a building adjoining a street may lawfully extend and includes the lines prescribed, if any, in any scheme;
- (ii) **“Floor Area Ratio”** means the quotient of the ratio of the combined gross floor area of all the floors, excepting areas specifically exempted under the regulations, to the total area of the plot.

(2) The following particulars shall be published and sent to the State Government through the Director along with the masterplan, namely:-

- (i) a report of the surveys carried out by the Planning Authority before the preparation of such plan;
- (ii) a report explaining the provisions of the Master Plan;
- (iii) regulations in respect of each land use zone to enforce the provisions of such plan and explaining the manner in which necessary permission for developing any land can be obtained from the Planning Authority;
- (iv) a report of the stages by which it is proposed to meet the obligations imposed on the Planning Authority by such plan.

(3) Master Plan shall indicate “Heritage Buildings” and “Heritage Precincts” and shall include the regulations made therein for conservation of the same.”

7. Substitution of section 13.- For section 13 of the principal Act, the following shall be substituted, namely:-

“13. Approval of the Master Plan.- (1) On receipt of the Master Plan with the reports referred to in section 12 from the Planning Authority under sub-section (1) of section 9, or after such plan and reports are prepared and published under sub-section (2) of section 9, the State Government after making such modifications as it deems fit or as may be advised by the Director, shall return through the Director, the plan and the reports to the Planning Authority, which shall thereupon publish, by notification, the plan and the reports inviting public comments within sixty days of such publication.

(2) If within sixty days of the publication under sub-section (1), any member of the public communicates in writing to the Planning Authority any comments on the plan and the reports, the Planning authority shall consider such comments and resubmit the plan and the reports to the State Government, through the Director with recommendations for such modifications in the plan and reports as it considers necessary in the light of the public comments made on the plan and reports.

(3) The State Government, after receiving the plan and the reports and the recommendations for modifications from the Planning Authority, shall, in consultation with the Director, give its final approval to the plan and the reports with such modifications as the Director may advise in the light of the comments and the recommendations of the Planning authority or otherwise.

(4) The Planning Authority shall then publish in the prescribed manner the Master Plan and the reports as finally approved by the State Government. The plan and the reports shall be permanently displayed in the offices of the Director and the Planning Authority and a copy shall be kept available for inspection of the public at the office of the Planning Authority.

8. Insertion of new sections 13-A, 13-B, 13-C, 13-D and 13-E.- After section 13 of the principal Act, the following sections shall be inserted, namely:-

“13-A. Interim Master Plan.- (1) Pending the preparation of Master Plan, a Planning Authority may, where it considers it expedient, and shall, when so directed by the State Government, prepare and publish the Interim Master Plan for the entire area within the jurisdiction of the Planning Authority, or for any part thereof; and their upon, the provisions of section 13 shall, so far as may be, but subject to the provisions of this section, apply in relation to such Interim Master Plan as they apply in relation to the preparation and publication of the Master Plan.

(2) The Planning Authority shall prepare and publish such plan not later than one year from the date of notice in the official Gazette of its declaration of intention to prepare a Master plan or not later than such further period not exceeding one year as may be extended by the State Government.

(3) The Interim Master Plan shall provide only for matters mentioned in clauses (a), (b) and (c) of section 12 and if necessary, such other matters specified in that section as the Planning Authority may decide to include or as may be directed by the State Government.

(4) The Interim Master Plan shall consist of such maps and such descriptive matters as the Planning Authority may consider necessary to explain and illustrate the proposals made in such plan.

13-B. Preparation of Master Plan for Additional Area. – If at any time after a Planning Authority has declared its intention to prepare a Master Plan or after a Master Plan prepared by a Planning authority has been sanctioned the jurisdiction of the Planning Authority is extended by inclusion of an additional area, the Planning Authority after following the provisions of this Act for the preparation of a Master Plan, prepare and publish a Master Plan for such additional area either separately or jointly with the provisional or final Master Plan prepared or to be prepared for the area originally under its jurisdiction, and submit it to the State Government for sanction after following the same procedure as it followed for submission of a Master Plan to the State Government for approval:

Provided that, where a Master Plan for the additional area requires modification of the final Master Plan or where the State Government directs any such modifications, the Planning Authority shall revise the final Master Plan after following the procedure laid down in section 9, so far as may be relevant.

13-C. Existing Outline Development Plan or Comprehensive Development Plan deemed to be Master Plan - (1) The declaration of intention of making an Outline Development Plan published by the State Government under sub-section (1) of section 10 immediately prior to the commencement of the Karnataka Town and Country Planning (Amendment) Act, 2004

(hereinafter in this section referred to as the Amendment Act), shall be deemed to be the declaration of intention of making Master Plan under this Act.

(2) The Outline Development Plan or Comprehensive Development Plan prepared by any Planning Authority and provisionally or finally approved by the State Government under section 13, or as the case may be, under section 22 prior the commencement of the Amendment Act shall be deemed to be the Master Plan provisionally, or as the case may be, finally approved under this Act.

(3) The Comprehensive Development Plan prepared by any Planning Authority revised under section 25 prior to the commencement of the Amendment Act shall be deemed to be Master Plan revised under this Act.

13-D. Revision of Master Plan. – At least once in every ten years from the date on which the Master Plan has come into force, subject to the provisions of section 13-C, the Planning Authority may and if directed so by the State Government shall, carryout a fresh survey of the area within its jurisdiction, with a view to revising the existing Master Plan and the provisions of section 9 to section 12 (both inclusive) shall mutatis mutandis apply in respect of such revision of the Master Plan.”

13-E. Amendment to Regulations. - The State Government may, after previous publication of the draft for not less than one month by notification make amendments to regulations.

9. Amendment of Section 14. - In section 14 of the principal Act,-

(i) for the heading, the following shall be substituted, namely:-

“ Enforcement of the Master Plan and the Regulations”

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

“(1) On and from the date on which a declaration of intention to prepare a Master Plan is published under sub-section (1) of section 10, every land use, every change in land use and every development in the area covered by the plan subject to section 14-A shall conform to the provisions of this Act, the Master Plan and the Report, as finally approved by the State Government under sub-section (3) of section 13.”

10. Amendment of section 14-A.- In section 14-A of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

“(3) Notwithstanding anything contrary contained in the Act, if the change in land use or development is from commercial or industrial to residential or from industrial to commercial and the stipulated fee is paid and the Local Planning Authority is informed prior to effecting the change, the permission for such change of land use or development shall be deemed to have been given.”

11. Amendment of CHAPTER IV.- In CHAPTER IV of the principal Act, for the heading "COMPREHENSIVE DEVELOPMENT PLAN", the heading "ENFORCEMENT OF MASTER PLAN"shall be substituted.

12. Omission of sections 19, 20, 21, 22, 23 and 25. - Sections 19, 20, 21, 22, 23 and 25 of the principal Act, shall be omitted.

13. Amendment of section 26. - In section 26 of the principal Act, in sub-section (1), for the words, figures and brackets “Comprehensive Development Plan published under sub-section (4) of section 22”, the words, figures and brackets, “Master Plan published under sub-section (4) of section 13” shall be substituted.

14. Amendment of section 69.- For section 69 of the principal Act, the following shall be substituted, namely:-

“69. Acquisition of land designated for certain purposes in a Master Plan.- (1) The Planning Authority may acquire any land designated in a Master Plan for a specified purpose in clause (b), (c) or (d) of sub-section (1) of section 12, or for any public purpose out of those specified land in clause (a) of sub-section (1) of section 12 by agreement or under the Land Acquisition Act, 1894 (Central Act I of 1894) as in force in the State. If the land is acquired under the Land Acquisition Act, 1894, the provisions of said Act as amended by section 72 of this Act shall apply to the determination of compensation for the acquisition of such land.

(2) If the designated land, except land specified for the purpose in clause (b) of sub-section (1) of section 12, is not acquired by agreement within five years from the date, the Master Plan is published in the gazette under sub-section (4) of section 13 or if the proceedings under Land Acquisition Act are not commenced within such period the designation shall be deemed to have been lapsed.”

15. Amendment of section 70. - In section 70 of the principal Act, for the words “an outline or comprehensive development plan”, the words “Master Plan” shall be substituted.

16. Amendment of section 72.- In section 23 of the Land Acquisition Act, 1894 substituted by section 72 of the principal Act,-

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

“(1) the market value.-

- (i) in case of acquisition of the designated land referred to in sub-section (2) of section 69 of the Karnataka Town and Country Planning Act, 1961 (hereinafter in this section referred to as the said Act), on the date the Master Plan is published under sub-section (4) of section 13 of the said Act; and
- (ii) in the case of acquisition of any land included in a town planning scheme under the said Act, on the date on which such scheme comes into force under sub-section (2) of section 45 of the said Act:”

(2) in sub-section (2), for the words “fifteen percent”, the words “thirty percent” shall be substituted;

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

“(3) In addition to the market value of the land, as provided above, the court shall in every case, award an amount calculated at the rate of twelve percent per annum, such market value, for the period from the date of publication of the notification under sub-section (1) of section 4, to the date of award of the Deputy Commissioner or date of taking possession of the land, whichever is earlier.

Explanation. - In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any court shall be excluded. ”

17. Amendment of section 73. - In section 73 of the principal Act,-

- (i) clause (b) shall be omitted;
- (ii) in clause (c), the words and figures, “or under the said sub-section, read with section 24,” shall be omitted;
- (iii) in clause (d), the words and figures, “or under the said sub-section, read with section 24” shall be omitted;

- (iv) in clause (d-1), for the words and figures “ sections 11, 20 or 27”, the words and figures “sections 11 or 27” shall be substituted.

18. Amendment of section 74.- In section 74 of the principal Act, in sub-section (2),-

- (i) in clause (d), the words and figures “section 20” shall be omitted;
(ii) clause (h) and clause (i) shall be omitted.

19. Amendment of section 75.- In section 75 of the principal Act, in sub-section (1) for the words “an Outline Development Plan or a Comprehensive Development Plan”, the words “the Master Plan” shall be substituted.

20.- substitution of section 81.- For section 81 of the principal Act, the following shall be substituted, namely:-

"81. Delegation of powers of Planning Authority.- The State Government may, by notification and subject to such restrictions and conditions as may be specified therein, delegate any of the powers and functions of the Planning Authority under this Act to any local authority or any officer of the local authority.

21. Omission of section 81-A.- Section 81-A of the principal Act shall be omitted.

22. Amendment of section 82.- In section 82 of the principal Act,-

- (i) in sub-section (1), for the words, “outline or a comprehensive Development Plan”, the words, “Master Plan” shall be substituted;
(ii) in sub-section (2), for the words “Outline Development Plan or the Comprehensive Development Plan, as the case may be, for such area”, the words, “Master Plan for such area” shall be substituted.

23. Substitution of expressions “Outline Development Plan, etc.”.- In any other place in the principal Act, for the expressions,-

- (i) “an Outline Development Plan”, the expression “a Master Plan” shall be substituted;
(ii) "Outline Development Plan", the expression "Master Plan" shall be substituted;
(iii) “Comprehensive Development Plan”, the expression “Master Plan” shall be substituted;
(iv) “Outline Development Plan or Comprehensive Development Plan”, the expression “Master Plan” shall be substituted.

24. Amendment of Karnataka Act 12 of 1964, - In the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), in section 95,-

- (i) in the first proviso to sub-section (2), for the words “Outline Development Plan or the Comprehensive Development Plan”, the words “Master Plan” shall be substituted;
(ii) sub-sections (3-A) and (3-B) shall be omitted.

By order and in the name of the Governor of Karnataka

G. Dakshina Moorthy
Secretary to Government
Department of Parliamentary Affairs and Legislation.