

THE BANGALORE DEVELOPMENT AUTHORITY ACT, 1976**ARRANGEMENT OF SECTIONS****STATEMENT OF OBJECTS AND REASONS**

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STATEMENT OF OBJECTS AND REASONS

I

Act 12 of 1976.- At the conference of the Ministers for Housing and Urban Development held at Delhi in November 1971, it was agreed that a common Authority for the development of metropolitan cities should be set up.

Bangalore City with its population (as per last census) is a Metropolitan City. Different Authorities like the City of Bangalore Municipal Corporation, the City Improvement Trust Board, the Karnataka Industrial Area Development Board, the Housing Board and the Bangalore City Planning Authority are exercising jurisdiction over the area. Some of the functions of these bodies like development, planning, etc., are overlapping creating thereby avoidable confusion, besides hampering co-

ordinated development. It is, therefore, considered necessary to set up a single authority like the Delhi Development Authority for the city areas adjacent to it which in course of time will become part of the City.

For the speedy implementation of the above said objects as also the 20 point programme and for establishing a co-ordinating Central Authority, urgent action was called for. Moreover the haphazard and irregular growth would continue unless checked by the Development Authority and it may not be possible to rectify or correct mistakes in the future.

It was therefore necessary to issue the measure in the form of an Ordinance.

The Bill seeks to replace the said Ordinance.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 688 dated 5.2.1976. at page 45)

II

Amending Act 8 of 77.- The Bangalore Development Authority Act, 1976 came into force on the 20th day of December 1975. There is no provision under this Act for the reservation of seats for persons belonging to the scheduled castes, scheduled tribes and for women in the Bangalore Development Authority. It is also considered desirable to delegate to the Engineering Staff of the Bangalore Development Authority powers of scrutinising estimates to the same extent to which such powers have been delegated to the Engineering Staff of the Public Works Department so as to ensure quick implementation of development schemes.

As a number of housing schemes have been taken up in the Bangalore City by the Housing Board before the commencement of the Act, it is desirable to permit the Housing Board to execute these works in accordance with the said scheme. The Housing Board can also be permitted to take-up scheme in an area within the purview of the Bangalore Development Area, in conformity with the lay out plan of the Bangalore Development Authority. Clause (k) of Section 3(ii) refers to the Karnataka Road Transport corporation where the correct nomenclature of this Corporation is the Karnataka State Road Transport Corporation. This requires to be modified.

With a view to giving representation to persons belonging to Scheduled Castes and Scheduled Tribes as also to women, to delegate the financial powers to the Engineering members and officers for scrutinising the estimates, to indicate the correct nomenclature of the Karnataka State Road Transport Corporation and to enabling the Karnataka Housing Board to undertake the housing activities in

Bangalore, necessary amendments to the Bangalore Development Authority Act, 1976 are proposed.

Hence this Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 239 dated 28.3.1977 at page 4)

III

Amending Act 18 of 1981.- Due to his being burdened with very heavy administrative and the executive responsibilities the Chairman of the Bangalore Development Authority was not able to provide the necessary leadership with regard to policy matters of the Bangalore Development Authority. Government therefore considered that it was necessary in the interest of the better administration of the Authority to appoint a senior officer of the rank of a Secretary to Government, as Commissioner of the Authority for the purposes of the better and more effective administration of the Bangalore Development Authority so as to leave sufficient time to the Chairman to guide the proceedings of the Authority. As the matter was urgent an Ordinance was issued for the said purposes.

The Bill seeks to replace the said Ordinance.

(Obtained from L.A Bill No. 12 of 1981.)

IV

Amending Act 37 of 1982.- In the Bangalore Development Authority Act, 1976 there is no provision for transfer of the employees of the Authority. It is now proposed to transfer any officer or servant of the Authority to an equivalent post in any Municipal Corporation or Municipal council. Powers have been conferred on the State Government to issue directions in this behalf for compliance by the Local Authority. It is also considered necessary to have a representative from the Administrative Department, namely Housing and Urban Development Department as a member of the said Authority.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 817 dated 24.11.1982 at page 3.)

V

Amending Act 17 of 1984.- There is no provision in the Bangalore Development Authority Act making it obligatory on the part of the Authority to reserve any area for civic amenities and public parks and playgrounds. There is also no provision in the Bangalore Development Authority Act prohibiting the allotment or diversion of areas or sites reserved for civic amenities, parks or playgrounds, for other purposes.

The Committee on Public Accounts in the Third Report (1979-80) has observed that many of the Boards and Corporations do not furnish their accounts for being presented to the Legislature after audit.

It is therefore considered necessary to amend the Act providing for the following:-

- (a) to define the term "civic amenity" ;
- (b) that at least fifteen percent of the total area of a layout should be reserved for public parks and playgrounds and an additional ten percent should be reserved for civic amenities ;
- (c) that the authority shall not have the power to dispose of sites reserved for parks, play grounds and other civic amenities for any other purposes;
- (d) fixing the responsibility on the Commissioner for the maintenance of accounts, the preparation of the annual statement of accounts and sending them to the State Government ;
- (e) requiring the State Government for getting the accounts audited to place them before the Legislature ; and
- (f) to enhance the power of the Chairman under section 50.

Hence this Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. .47 dated 18.1.1984 at page 5.)

VI

Amending Act 34 of 1984.- The problem of encroachments on lands belonging to Municipalities, Bangalore Development Authority, Improvement Boards and other Local Bodies has assumed serious proportions. It is necessary to provide deterrent punishment for such encroachments.

2. Hence it is proposed to introduce a provision to make encroachment on lands belonging to the City Improvement Trust Board, Mysore, Village Panchayats, Taluk Boards, Municipal Councils, Municipal Corporations, Improvement Boards and the Bangalore Development Authority an offence punishable with imprisonment for a term which may extend to three years and with fine which may extend to five thousand rupees. Further, it is also proposed that any person who had unauthorisedly occupied land belonging to any of the said bodies and who fails to vacate such land in pursuance of an order under Section 5(1) of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act 1974, shall on conviction be punished with imprisonment for a term which may extend to three years and with a further fine which may extend to Rs.50 per acre of land or part thereof for every

day on eviction. A person who intentionally aids or abets the commission of these offences shall also be liable to receive the same punishment. It is proposed to introduce this provision in the following statutes:

- (1) The City of Mysore Improvement Act, 1903
- (2) Karnataka Village Panchayats and Local Boards Act, 1959.
- (3) Karnataka Municipal Act, 1964.
- (4) Karnataka Municipal Corporations Act, 1976.
- (5) Karnataka Improvement Boards Act, 1976.
- (6) Bangalore Development Authority Act, 1976.

(3) It is also proposed to extend the application of Chapter III A of the Karnataka Slum Areas (Improvement and Clearance) Act 1974 to the whole State and to make the Tahsildar of the Taluk the licensing authority, where there is already no licensing authority.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 104 dated 6.2.1984 at page 9.)

VII

Amending Act 34 of 1986.- Under section 10 of the Bangalore Development Authority Act, the Commissioner has been empowered to sanction any estimate etc., if the value not exceeding one lakh rupees and the Authority may sanction any estimate etc., of the value exceeding rupees five lakhs. Now it is proposed to enhance this outer limit to rupees twenty lakhs and rupees fifty lakhs respectively.

2. Provision has been made to make the Commissioner of the Corporation of the City of Bangalore as ex-officio member of the Authority in place of an officer of the Health and Family Welfare Department.

3. At present the Commissioner has no discretion in implementing any resolution of the Authority even if such resolution contravenes any provision of the Act or any other law for the time being in force. It is proposed to empower the Commissioner to submit such resolution to Government for orders and not to implement such resolution etc., till he receives the orders of the Government thereon.

4. Provision has been made for submission of copies of resolutions to the Government and to empower the Government to cancel the resolution or order or repeal any resolution or bye-law.

5. Opportunities are also taken to make certain consequential amendments.

6. As the Karnataka Legislative Council was not in session and as the matter was very urgent, the Bangalore Development Authority (Amendment) Ordinance, 1986 (Karnataka Ordinance 6 of 1986) was promulgated.

This Bill seeks to replace the said Ordinance.

Hence this Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 626 dated 19.8.1986 at page 6.)

VIII

Amending Act 11 of 1988.- With a view to make the definition of 'civic amenity' more comprehensive and to provide for allotment of Civic Amenity sites not only to Government and Local bodies, but also to private organisations doing yeoman service to the public, amendment to clause (b) of section 2 is proposed.

Having regard to the nature of his duties the Secretary, Bangalore Development Authority, who is now an almost permanent invitee to the meeting of the Bangalore Development Authority, is proposed to be given statutory status and to be made ex-officio member. So it is proposed to amend section 3 and to insert a new section 12-A.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 71 dated 5.2.1988 at page 4.)

IX

Amending Act 18 of 1991.- The Bangalore Development Authority Act, 1976 was amended with effect from the twenty first day of April, 1984 and clause (bb) was inserted in section 2, defining the civic amenities. Section 38A was also inserted by the same amendment prohibiting the use of area reserved for Parks, Playgrounds and civic amenities for other purposes. But even after the aforesaid amendment, the Bangalore Development Authority allotted civic amenity sites for purposes other than those enumerated in clause (bb) of section 2, like mosques, churches, temples, private schools etc. The allotment of civic amenity sites for purposes other than those enumerated in clause (bb) were questioned in the High Court and the same was quashed on the ground that the Authority could not allot for such purposes. Representations were made to the Government and accordingly the Bangalore Development Authority Act was amended on seventh day of May, 1984 substituting clause (bb) with effect from the twenty first day of April, 1984 enlarging the definition of civic amenities, But the allotments made during the period from twenty first day of April, 1984 and the seventh day of May, 1988, for purposes other

than those specified in clause (bb) as existed earlier were not saved by the 1988 amendments. It is considered necessary to validate such allotments, if site is used for the purpose for which it is allotted.

As the matter was urgent, the Bangalore Development Authority (Amendment) Ordinance 1991 was promulgated.

This Bill seeks to replace the said Ordinance.

Hence this Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 121 dated 20.3.1991 at page 127.)

X

Amending Act 6 of 1993.- The Bangalore Development Authority has been levying tax on land and building and also certain cesses on such tax on the strength of the power conferred on it under section 29 of the Bangalore Development Authority Act, 1976. The High Court in W.P. No. 4394 of 1988 and other connected matters has held that the Authority is not discharging municipal functions like maintaining public streets, supply of drinking water etc. It has further held that there is no specific provision to levy tax and fees. Accordingly the Writ Petition was allowed and the Authority was directed to refund the tax. This decision was confirmed in Writ Appeal No. 223 to 239 of 1992, with the result the Authority had to refund the tax levied and collected already unless suitable amendments are made in the Act.

The Bangalore Development Authority is in fact maintaining the streets and providing certain civic amenities within its jurisdiction. In the circumstances it was considered necessary to amend the Bangalore Development Authority Act, 1976.

(i) to specifically impose a duty on the Authority to maintain, keep in repair, light and cleanse street:

(ii) to empower the Authority to levy tax on land and buildings ;

(iii) to declare the Authority as a local authority for the purpose to levy and collection of certain cesses ;

(iv) to validate the levy and collection of tax on land and building and cesses on such tax.

Since, the matter was urgent and both the Houses were not in session the above amendments were carried out by promulgation of the Bangalore Development Authority (Amendment) Ordinance, 1992.

This Bill seeks to replace the said ordinance.

(Obtained from L.A. Bill No 3 of 1993.)

XI

Amending Act 17 of 1994.- Some of the bulk allotments made by the Authority in favour of the State and Central Government Organisations, House Building Co-operative Societies etc., have been quashed by the High Court of Karnataka in various Writ Petitions because there is no provision in the Act for making bulk allotment. Therefore, it was considered necessary to amend the Bangalore Development Authority Act,-

- (i) to take power to make bulk allotment;
- (ii) to validate bulk allotment made earlier.

Opportunities are also taken to make certain consequential amendments.

Hence this Bill.

(Obtained from a L.A. Bill No 36 of 1993.)

XII

Amending Act 26 of 1995.- The Bangalore Development Authority Act, 1976, provides for appointment of an engineer who shall be an officer of the Karnataka Engineering Service not below the rank of a Chief Engineer to the Bangalore Development Authority.

It is considered necessary to provide either for appointment of an engineer as above, or appointment of an engineer who is an officer employed in any undertaking owned or controlled by the State Government.

Hence the Bill.

(Obtained from L.A. Bill No 20 of 1995)

XIII

Amending Act 1 of 2000.- It is considered necessary to amend the Bangalore Development Authority Act, 1976, to provide for allotment of lands vested in Bangalore Development Authority or acquired by it, to the original owner or any other person who is in occupation of the land or has put up structure on the land which is in his occupation on the date of commencement of the Amendment subject to the condition of his paying the amount fixed by the Authority in cases where the Authority after carrying out a survey is of the opinion that the land so occupied cannot be used by it on account of existing structure or building thereon or it is not practicable to include such land for the purpose of development scheme or formation of site.

Hence the Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 302 dated 31.3.1999 at page 4.)

XIV

Amending Act 22 of 2000.- Note.- By this Act certain obsolete enactments were repealed, while doing so some minor consequential amendments were made to some Acts including Act 12 of 1976.

(Obtained from L.A. Bill No 17 of 2000.)

XV

Amending Act 19 of 2002.- The Bangalore Development Authority was levying and collecting property Tax on lands and buildings on the strength of a notification issued under section 29 of the Bangalore Development Authority Act, 1976. Levy and collection of tax by the Bangalore Development Authority was challenged before the High Court in Writ Petition No:4394-4410/1988. The Single Judge of the Court held that,-

(a) the Bangalore Development Authority has no power to levy and collect property tax as the Bangalore Development Authority Act has not authorised the Bangalore Development Authority to levy and collect such Tax;

(b) the property tax is service related and as the Bangalore Development Authority has not rendered any service to the property owners it is not legally permissible to levy such Tax, and

(c) the tax collected has to be refunded.

The said order was confirmed in Appeal in Writ Appeal No.223-39/1992 by a Division Bench of the High Court.

In order to remedy the defect and to validate the levy Amendment Act was enacted in 1993 introducing new sections 28A, 28B and 28C along with a validating provision. The said Amendment Act was challenged before the High Court in Writ Petition No.5173/1993 on the ground that it suffered from the vice of excessive delegation and is arbitrary and violative of Article 14 of the constitution. The High Court by its order dated 4.4.97 negated all those contentions. Against that order a Special Leave Petition was filed before the Supreme Court, in Civil Appeal No.7791-1997 by Shri B.Krishna Bhat.

The Supreme Court has upheld the validity of Section-28A to 28C of the Bangalore Development Authority Act, 1976, which were incorporated by 1993 Amendment Act. But it has set-aside Section 7 of the Amendment Act which provided for validation of collection of property tax made by the Bangalore Development Authority prior to the date of amendment on the ground that validation of such collection is impermissible. Further, it has also held that the tax already collected is liable to be refunded.

The decision of the Supreme Court is based on the finding of the High Court of Karnataka that the Bangalore Development Authority is not authorised to levy property Tax since, it is not performing municipal functions. However, the Bangalore Development Authority has been providing most of the Civic Amenities provided by the local authority in the layouts formed by it. In practice, Bangalore Development Authority was discharging municipal functions in respect of its layouts till they were handed over to either Bangalore Mahanagara Palike or the concerned City Municipal Councils.

In the circumstances, apprehensions are that there will be innumerable requests for refund of tax in accordance with the Supreme Court Judgement, which would be impossible for the Bangalore Development Authority to concede to such requests. In order to overcome such a situation, it is considered necessary to amend the Bangalore Development Authority Act, 1976 and the City of Bangalore Improvement Act, 1945 to validate the collection of tax keeping in view the observations of the Apex Court.

Hence the Bill.

(L.A. Bill No. 3 of 2002)

XVI

Amending Act 19 of 2005.- It is considered necessary to amend section 10 of the Bangalore Development Authority Act, 1976 to empower the Commissioner, Bangalore Development Authority, to sanction estimates upto rupees fifty lakhs and to empower Bangalore Development Authority, where the amount exceeds rupees fifty lakhs but does not exceed such amount as may be specified by the State Government by notification.

Hence the Bill.

(LA Bill No. 7 of 2005)

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KARNATAKA ACT NO. 12 OF 1976.

*(First published in the Karnataka Gazette Extraordinary
on the Eighth day of March 1976)*

THE BANGALORE DEVELOPMENT AUTHORITY ACT, 1976.

*(Received the assent of the Governor on the Second
day of March 1976)*

(As Amended by Acts 8 of 1977, 18 of 1981, 37 of 1982, 17 of 1984, 34 of 1984, 34 of 1986, 11 of 1988, 18 of 1991, 6 of 1993, 17 of 1994, 26 of 1995, 1 of 2000, 22 of 2000, 19 of 2002 and 19 of 2005)

An Act to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for matters connected therewith.

WHEREAS it is expedient to provide for the establishment of a Development Authority for the development of the City of Bangalore and areas adjacent thereto and for matters connected therewith ;

BE it enacted by the Karnataka State Legislature in the Twenty-seventh Year of the Republic of India as follows:-

CHAPTER I**PRELIMINARY**

1. Short title and commencement.- (1) This Act may be called the Bangalore Development Authority Act, 1976.

(2) It shall be deemed to have come into force on the twentieth day of December, 1975.

2. Definitions.- In this Act, unless the context otherwise requires,-

(a) 'Authority' means the Bangalore Development Authority constituted under section 3 ;

(b) 'amenity' includes road, street, lighting, drainage, public works and such other conveniences as the Government may, by notification, specify to be an amenity for the purposes of this Act ;

¹[(bb) civic amenity means,-

(i) a market, a post office, a telephone exchange, a bank, a fair price shop, a milk booth, a school, a dispensary, a hospital, a pathological laboratory, a maternity home, a child care centre, a library, a gymnasium, a bus stand or a bus depot ;

(ii) a recreation centre run by the Government or the Corporation;

(iii) a centre for educational, social or cultural activities established by the Central Government or the State Government or by a body established by the Central Government or the State Government ;

(iv) a centre for educational, religious, social or cultural activities or for philanthropic service run by a cooperative society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) or a society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) or by a trust created wholly for charitable, educational or religious purposes ;

(v) a police station, an area office or a service station of the Corporation or the Bangalore Water Supply and Sewerage Board or the Karnataka Electricity Board ; and

(vi) such other amenity as the Government may, by notification, specify ;]¹

1. Inserted by Act 17 of 1984 w.e.f. 21-4-1984 and substituted by Act 11 of 1988 w.e.f. 21-4-1984.

(c) 'Bangalore Metropolitan Area' means the area comprising the City of Bangalore as defined in the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949), the areas where the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945) was immediately before the commencement of this Act in force and such other areas adjacent to the aforesaid as the Government may from time to time by notification specify;

(d) 'betterment tax' means the tax payable under section 20 in respect of an increase in the value of land resulting from the execution of a development scheme ;

(e) 'building' includes any structure or erection or part of a structure or erection which is intended to be used for residential, industrial, commercial or other purposes, whether in actual use or not;

(f) 'building operations' includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(g) 'bye-laws' means bye-laws made by the Authority under this Act ;

(h) 'Chairman' means the chairman of the Authority;

¹[(hh) 'Commissioner' means the Commissioner appointed under section 12;]¹

1. Inserted by Act 18 of 1981 w.e.f. 30-12-1980.

(i) 'Corporation' means the ¹[Corporation of the City of Bangalore;]¹

1. Substituted by Act 34 of 1986 w.e.f. 7-10-1986.

(j) 'development' with its grammatical variations means the carrying out of building, engineering, or other operations in or over or under land or the making of any material change in any building or land and includes redevelopment ;

(k) 'engineering operations', means formation or laying out of means of access to road ;

(l) 'Government' means the State Government ;

(m) 'land' includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

¹[(n) ' local authority' means a municipal corporation or a municipal council constituted or continued under any law for the time being in force;]¹

1. Substituted by Act 37 of 1982 w.e.f.31-12-1982.

(o) 'means of access' includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road ;

(p) 'regulation' means regulations made by the Authority under this Act;

(q) 'street' includes any highway and any causeway, bridge, aqueduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not ;

(r) 'to erect' in relation to any building includes,-

(i) any material alteration or enlargement of any building ;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place ;

(iv) the conversion of two or more places of human habitation into a greater number of such places ;

(v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security ;

(vi) the addition of any rooms, buildings, houses or other structures to any building ; and

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, or a door opening on to such street or land ;

(s) all other words and expressions used herein but not defined shall have the meaning respectively assigned to them in the City of Bangalore Municipal Corporation Act, 1949.

CHAPTER II

THE BANGALORE DEVELOPMENT AUTHORITY

3. Constitution and incorporation of the Authority.- (1) As soon as may be after the date of commencement of this Act, the Government shall, by notification, constitute for the Bangalore Metropolitan Area an Authority to be called the Bangalore Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both moveable and immoveable and to contract and shall by the said name sue or be sued.

(3) The Authority shall consist of the following members, namely:-

(a) the Chairman ;

(b) one person to be called the Finance Member possessing qualifications in accounts and audit ;

(c) an engineer who shall be an officer of the Karnataka Engineering Service ¹[or an officer employed in any undertaking owned or controlled by the State Government]¹ not below the rank of a Chief Engineer ;

^{1. Inserted by Act 26 of 1995 w.e.f. 5-10-1995.}

(d) a town planner who shall be a person with experience in town planning ;

(e) a person with experience in architecture ;

¹[(f) the Commissioner, Corporation of the City of Bangalore, *ex-officio*;¹

^{1. Substituted by Act 34 of 1986 w.e.f. 6-6-1986.}

¹[(ff) an officer of the Secretariat Department incharge of urban development, not below the rank of a Deputy Secretary to Government.]¹

^{1. Inserted by Act 37 of 1982 w.e.f. 31-12-1982.}

(g) two persons who are members of the Karnataka State Legislature;

¹[(gg) two persons of whom one shall be woman and one shall be a person belonging to the Scheduled Castes or the Scheduled Tribes;]¹

^{1. Inserted by Act 8 of 1977 w.e.f. 4-3-1977.}

¹[(h) four others of whom one shall represent the labour ;]¹

1. Substituted by Act 8 of 1977 w.e.f. 4-3-1977.

(i) a representative of the Bangalore Water Supply and Sewerage Board ;

(j) a representative of the Karnataka Electricity Board ;

¹[(k) a representative of the Karnataka State Road Transport Corporation;]¹

1. Substituted by Act 8 of 1977 w.e.f. 4-3-1977.

(l) two persons elected by the councillors of the Bangalore City Corporation from among themselves in the prescribed manner :

Provided that during the period of supersession of the Corporation or where any Administrator has been appointed, the two persons shall be nominated by the Administrator from among the officers of the Corporations.

¹[(m) the Commissioner, ex-officio;]¹

1. Inserted by Act 18 of 1981 w.e.f. 30-12-1980.

¹[(n) the Secretary of the Authority, who shall be an *ex-officio* member.]¹

1. Inserted by Act 11 of 1988 w.e.f. 7-5-1988.

(4) The persons referred to in ¹[clauses (a) to (e) and (ff) to (h)]¹ of sub-section (3) (both inclusive) shall be appointed by the Government and the persons referred to in clauses (i), (j) and (k) thereof shall be nominated by the respective bodies :

1. Substituted by Act 34 of 1986 w.e.f. 6-6-1986

Provided that all the first members of the Authority shall be appointed by the Government,

(5) The Chairman, the engineer member, the finance member and the town planner member shall be whole-time members and the other members shall be part-time members.

(6) The names of the Chairman and members (appointed or elected) shall be published by Government by notification.

4. Disqualification for office of member.- (1) No person shall be appointed as or continue to be a member if he,-

(a) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government involves moral turpitude; or

(b) is of unsound mind and stands so declared by a competent court; or

(c) is an undischarged insolvent ; or

(d) has been removed or dismissed from the service of the Central Government or a State Government or a Corporation owned or controlled by the Central Government or a State Government ; or

(e) has directly or indirectly by himself or his partner any share or interest in any work done by the order of the Authority or in any contract or employment with or under or by or on behalf of the Authority ;

(f) being an elected member ceases to be a councillor of the Corporation; or

(g) is employed as paid legal practitioner on behalf of the Authority or accepts employment as legal practitioner against the Authority.

(2) A person shall not be disqualified under clause (e) of sub-section (1) or be deemed to have any share or interest in any contract or employment within the meaning of the said clause by reason only of his having a share or interest in any newspaper in which any advertisement relating to the affairs of the Authority is inserted.

5. Term of office and conditions of service of members.- (1) Subject to the pleasure of the Government and the provisions of section 6, the Chairman and other members of the Authority shall hold office for a period of three years from the date on which they assume office and shall be eligible for re-appointment under such conditions as may be prescribed :

Provided that the term of office of the representative of the Corporation shall come to an end when he ceases to be a councillor or when the Corporation is superseded.

(2) The other conditions of service of members shall be such as may be prescribed.

(3) Any member other than an ex-officio member may resign his office by writing under his hand addressed to the Government but shall continue in office till his resignation is accepted by the Government.

(4) A casual vacancy caused by resignation of a member or otherwise may be filled by fresh appointment or election and the person so appointed or elected shall hold office for the remaining period for which the member in whose place he was appointed or elected would have held office.

(5) No Act or proceeding of the Authority shall be invalid merely by reason of any vacancy in or defect in the constitution or reconstitution of the Authority.

6. Removal of member.- The Government shall remove a member if-

(a) he becomes subject to any of the disqualifications mentioned in section 4 :

Provided that no member shall be removed on the ground that he has become subject to the disqualification mentioned in clause (e) of that section, unless he has been given an opportunity of submitting his representation ; or

(b) he refuses to act or becomes incapable of acting; or

(c) he, without obtaining leave of absence from the Authority, absents from there consecutive meetings of the Authority ; or

(d) in the opinion of the Government he has so abused his position as to render his continuance in office detrimental to the public interest :

Provided that no member shall be removed under this clause unless he has been given an opportunity of submitting his representation.

7. Eligibility for reappointment.- Any person ceasing to be a member shall, unless disqualified under section 4, be eligible for reappointment as a member.

8. Meetings of the Authority.- (1) The meetings of the Authority shall be convened by the Chairman and shall be held at any place within the jurisdiction of the Authority.

(2) The Authority shall meet at such times and shall observe such rules of procedure in regard to the transaction of business at its meetings (Including quorum at meetings) as may be provided by the regulations.

(3) The Chairman or, if for any reason he is unable to attend any meeting, any other member chosen by the members present at the meeting shall preside at the meeting.

(4) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the members present and voting and in the event of an equality of votes, the Chairman or in his absence, the person presiding, shall have and exercise a second or casting vote.

(5) A member shall not, at any meeting of the Authority or a committee thereof, take part in the discussion of or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest.

9. Appointment of committees.- (1) The Authority may from time to time appoint committees consisting of the Chairman and such other members as it thinks fit and may with the approval of the Government associate with such committees in such manner and for such period as may be prescribed, any person or persons whose assistance or advice it may desire and refer to such committees for inquiry and report any subject relating to the purposes of this Act.

(2) Every committee appointed under the sub-section (1) shall conform to any instructions that may from time to time be given to it by the Authority and the Authority may at any time alter the constitution of any committee so appointed or rescind any such appointment. The Chairman shall be the President of every such committee.

10. Powers of different authorities.- (1) The ¹[Commissioner]¹ may, on behalf of the Authority, sanction any estimate, call for tenders or enter into any contract or agreement the value or amount whereof shall not exceed ²[fifty lakhs]² of rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; and every such contract or agreement shall be reported to the Authority at its next meeting.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

2. Substituted by Act 34 of 1986 w.e.f. 6-6-1986 and again substituted by Act 19 of 2005 w.e.f. 1.6.2005.

(2) The Authority may sanction any estimate, call for tenders or enter into any contract or agreement the value whereof exceeds ¹[fifty lakhs]¹ of rupees but ²[does not exceed such amount as may be specified by the Government, from time to time]² and where the value of any estimate, contract or agreement ²[exceeds the amount so specified]² the same shall not be entered into except with the previous sanction of the Government.

1. Substituted by Act 34 of 1986 w.e.f. 6-6-1986 and again substituted by Act 19 of 2005 w.e.f. 1.6.2005.

2. Substituted by Act 17 of 1994 w.e.f. 31-3-1994.

(3) Every contract or agreement on behalf of the Authority, other than a contract or agreement referred to in sub-section (1), shall be in writing and shall be signed by the ¹[Commissioner]¹ and sealed with the common seal of the Authority.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(4) The common seal of the Authority shall be in the custody of the ²[Commissioner]², who shall personally affix the seal to any contract or other instrument.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(5) The acceptance of any tender shall be subject to such rules as may be proscribed.

(6) A contract not made or executed as provided in this section and the rules made thereunder shall be null and void and shall not be binding on the Authority.

11. Authority may compromise claims by or against it.- The Authority may compound or compromise any claim or demand arising out of any contract entered into by it under this Act or any action or suit instituted by or against it for such sum of money or other compensation as it shall deem sufficient :

Provided that no such claim or demand exceeding fifty thousand rupees shall be compounded or compromised except with the previous approval of the Government.

¹[12. Appointment of Commissioner.- (1) The State Government shall appoint an officer, not below the rank of Divisional Commissioner, to be the Commissioner for the Authority.

(2) The Commissioner shall receive such monthly salary and other allowances as the State Government may, from time to time determine.

(3) The State Government may, from time to time, grant leave of absence for such period ²[as it thinks fit]² to the Commissioner. A copy of every order granting such leave shall be communicated to the Chairman.]¹

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

2. Substituted by Act 22 of 2000 w.e.f. 29-11-2000.

¹[12A. Appointment of Secretary.- (1) The State Government shall appoint an officer not below the rank of a senior scale officer of the Karnataka Administrative Service, to be the Secretary of the Authority.

(2) The Secretary shall receive such monthly salary and other allowances as the State Government may from time to time determine.]¹

1. Inserted by Act 11 of 1988 w.e.f. 7-5-1988

¹[13. Powers and duties of the Commissioner.- (1) The Commissioner shall be the Chief Executive and Administrative Officer of the Authority.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(2) The Commissioner shall in addition to performing such functions as are conferred on him by or under this Act or under any law for the time being in force,-

(a) carry into effect the resolutions of the Authority ;

¹[Provided that, if in the opinion of the Commissioner any resolution of the Authority contravenes any provision of this Act or any other law or of any rule, notification, regulation or bye-law made or issued under this Act or any other law, or of any order passed by the Government or is prejudicial or detrimental to the interest of the Authority, he shall, within fifteen days of the passing of the resolution refer the matter to the Government for orders and inform the Authority 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 the resolution ;]¹

1. Inserted by Act 34 of 1986 w.e.f. 6-6-1986.

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

(c) carry out and execute such schemes and works as the State Government may direct and incur necessary expenditure therefor ;

(d) be responsible for implementing the schemes of the Authority ;

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

(f) exercise supervision and control over the accounts and proceedings of all officers and servants of the Authority in matters of executive administration and in the matters concerning the accounts and records of the Authority and to the extent specified in sub-section (1) of section 50 dispose of all questions relating to the service of such officers and servants and their pay, privileges and allowances ; and

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

(h) authenticate by his signature all permissions, orders, decisions, notices and other documents of the Authority and the orders of the Chairman.

(3) The Commissioner shall have all the powers of a major Head of the Department of the State Government under the Karnataka State Civil

Services Rules for the time being in force as respects the officers and servants of the Authority.]¹

14. Objects of the Authority.- The objects of the Authority shall be to promote and secure the development of the Bangalore Metropolitan Area and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of moveable and immoveable property, whether within or outside the area under its jurisdiction, to carry out building, engineering and other operations and generally to do all things necessary or expedient for the purposes of such development and for purposes incidental thereto.

CHAPTER III

DEVELOPMENT SCHEMES

15. Power of Authority to undertake works and incur expenditure for development, etc.- (1) The Authority may,-

(a) draw up detailed schemes (hereinafter referred to as "development scheme") for the development of the Bangalore Metropolitan Area ; and

(b) with the previous approval of the Government, undertake from time to time any works for the development of the Bangalore Metropolitan Area and incur expenditure therefor and also for the framing and execution of development schemes.

(2) The Authority may also from time to time make and take up any new or additional development schemes,-

(i) on its own initiative, if satisfied of the sufficiency of its resources, or

(ii) on the recommendation of the local authority if the local authority places at the disposal of the Authority the necessary funds for framing and carrying out any scheme; or

(iii) otherwise.

(3) Notwithstanding anything in this Act or in any other law for the time being in force, the Government may, whenever it deems necessary require the Authority to take up any development scheme or work and execute it subject to such terms and conditions as may be specified by the Government.

16. Particulars to be provided for in a development scheme.- Every development scheme under section 15,-

(1) shall, within the limits of the area comprised in the scheme, provide for ,-

(a) the acquisition of any land which, in the opinion of the Authority, will be necessary for or affected by the execution of the scheme ;

(b) laying and re-laying out all or any land including the construction and reconstruction of buildings and formation and alteration of streets ;

(c) drainage, water supply and electricity ;

¹[(d) the reservation of not less than fifteen percent of the total area of the layout for public parks and playgrounds and an additional area of not less than ten percent of the total area of the layout for civic amenities.]¹

1. Inserted by Act 17 of 1984 w.e.f. 21-4-1984.

(2) may, within the limits aforesaid, provide for,-

(a) raising any land which the Authority may consider expedient to raise to facilitate better drainage ;

(b) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;

(c) the sanitary arrangements required ;

¹[(d) x x x]¹

1. Omitted by Act 17 of 1984 w.e.f. 21-4-1984.

(3) may, within and without the limits aforesaid provide for the construction of houses.

17. Procedure on completion of scheme.- (1) When a development scheme has been prepared, the Authority shall draw up a notification stating the fact of a scheme having been made and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the area comprised therein, a statement specifying the land which is proposed to be acquired and of the land in regard to which a betterment tax may be levied may be seen at all reasonable hours.

(2) A copy of the said notification shall be sent to the Corporation which shall, within thirty days from the date of receipt thereof, forward to the Authority for transmission to the Government as hereinafter provided, any representation which the Corporation may think fit to make with regard to the scheme.

(3) The Authority shall also cause a copy of the said notification to be published in ¹[x x x]¹ the official Gazette and affixed in some conspicuous

part of its own office, the Deputy Commissioner's Office, the office of the Corporation and in such other places as the Authority may consider necessary.

1. Omitted by Act 17 of 1994 w.e.f. 31-3-1994.

(4) If no representation is received from the Corporation within the time specified in sub-section (2), the concurrence of the Corporation to the scheme shall be deemed to have been given.

(5) During the thirty days next following the day on which such notification is published in the official Gazette the Authority shall serve a notice on every person whose name appears in the assessment list of the local authority or in the land revenue register as being primarily liable to pay the property tax or land revenue assessment on any building or land which is proposed to be acquired in executing the scheme or in regard to which the Authority proposes to recover betterment tax requiring such person to show cause within thirty days from the date of the receipt of the notice why such acquisition of the building or land and the recovery of betterment tax should not be made.

(6) The notice shall be signed by or by the order of the ¹²[Commissioner]¹ and shall be served,-

2. Substituted by Act 34 of 1986 w.e.f. 6-6-1986.

(a) by personal delivery or if such person is absent or cannot be found, on his agent, or if no agent can be found, then by leaving the same on the land or the building ; or

(b) by leaving the same at the usual or last known place of abode or business of such person ; or

(c) by registered post addressed to the usual or last known place of abode or business of such person.

18. Sanction of scheme.- (1) After publication of the scheme and service of notices as provided in section 17 and after consideration of representations, if any, received in respect thereof, the Authority shall submit the scheme, making such modifications therein as it may think fit, to the Government for sanction, furnishing,-

(a) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(b) complete plans and estimates of the cost of executing the scheme;

- (c) a statement specifying the land proposed to be acquired ;
- (d) any representation received under sub-section (2) of section 17;
- (e) a schedule showing the rateable value, as entered in the municipal assessment book on the date of the publication of a notification relating to the land under the section 17 or the land assessment of all land specified in the statement under clause(c) ; and
- (f) such other particulars, if any, as may be prescribed.

(2) Where any development scheme provides for the construction of houses, the Authority shall also submit to the Government plans and estimates for the construction of the houses.

(3) After considering the proposal submitted to it the Government may, by order, give sanction to the scheme.

19. Upon sanction, declaration to be published giving particulars of land to be acquired.- (1) Upon sanction of the scheme, the Government shall publish in the official Gazette a declaration stating the fact of such sanction and that the land proposed to be acquired by the Authority for the purposes of the scheme is required for a public purpose.

(2) The declaration shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area and the place where a plan of the land may be inspected.

(3) The said declaration shall be conclusive evidence that the land is needed for a public purpose and the Authority shall, upon the publication of the said declaration, proceed to execute the scheme.

(4) If at any time it appears to the Authority that an improvement can be made in any part of the scheme, the Authority may alter the scheme for the said purpose and shall subject to the provisions of sub-sections (5) and (6), forthwith proceed to execute the scheme as altered.

(5) If the estimated cost of executing the scheme as altered exceeds, by a greater sum than five per cent the estimated cost of executing the scheme as sanctioned, the Authority shall not, without the previous sanction of the Government, proceed to execute the scheme as altered.

(6) If the scheme as altered involves the acquisition otherwise than by agreement, of any land other than that specified in the schedule referred to in clause (e) of sub-section (1) of section 18, the provisions of sections 17 and 18 and of sub-section (1) of this section shall apply to the part of the

scheme so altered in the same manner as if such altered part were the scheme.

20. Levy of betterment tax.- (1) Where as a consequence of execution of any development scheme, the market value of any land in the area comprised in the scheme which is not required for the execution thereof has in the opinion of the Authority, increased or will increase the authority shall be entitled to levy on the owner of the land or any person having an interest therein a betterment tax in respect of the increase in value of the land resulting from the execution of such scheme.

(2) Such increase in value shall be the amount by which the value of the land, on the completion of the execution of the scheme, estimated as if the land were clear of buildings, exceeds the value of the land prior to the execution of the scheme estimated in like manner, and the betterment tax shall be one-third of such increase in value.

21. Assessment of betterment tax by the Authority.- (1) When it appears to the Authority that a development scheme is sufficiently advanced to enable the amount of the betterment tax to be determined, the Authority shall, by a resolution passed in this behalf declare that for the purpose of determining such tax, the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to every person on whom a notice in respect of land to be assessed had been served under sub-section (5) of section 17 or to the successor in interest of such person, as the case may be, that the Authority proposes to assess the amount of the betterment tax payable in respect of such land under section 20.

(2) The Authority shall then assess the amount of betterment tax payable by each person concerned after giving such person an opportunity of being heard and such person shall, within three months from the date of receipt of notice in writing of such assessment inform the Authority in writing whether or not he accepts the assessment.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2), such assessment shall be final.

(4) If the person concerned does not accept the assessment made by the Authority or fails to give the Authority the information required under sub-section (2) within the period specified therein the Authority shall make a

reference to the District Court for determining the betterment tax payable by such person.

22. Manner of payment of betterment tax.- The betterment tax determined under section 21 shall be paid within such time and in such number of installments not exceeding ten as may be specified by the Authority together with interest at such rates as may be prescribed.

23. Recovery of betterment tax.- Where any person liable to pay betterment tax fails to pay the same within the time specified by the Authority or makes default in payment of two consecutive instalments or any three installments, the Authority shall be entitled to recover the whole of the amount due together with interest from the said person or his successor-in-interest in such land in the manner provided by the ¹[Karnataka Municipal Corporations Act, 1976]¹, for the recovery of taxes and if the said money is not so recovered, the ²[Commissioner]² may, after giving public notice of his intention to do so and not less than one month after the publication of such notice, sell the land or the interest of the said person or his successor-in-interest in such land by public auction and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

1. Substituted by Act 34 of 1986 w.e.f. 7-10-1986.

2. Substituted by Act 18 of 1991 w.e.f. 30-12-1980.

24. Payment etc. no bar to future acquisition.- Acceptance of liability to betterment tax under sub-section (3) of section 21, or payment of the said tax after determination under section 22 shall not debar subsequent acquisition of the land concerned, if such acquisition is necessary for purposes of this Act.

25. Power of Authority to take up works for further development.-
(1) Notwithstanding anything contained in any other provision of this Act, the Authority may, with the previous sanction of the Government, take up such works as the Authority considers necessary or desirable for the further development of any area within the Bangalore Metropolitan Area :

Provided that the Corporation shall be consulted if such area lies within the limits of the City of Bangalore.

(2) The expenditure incurred or proposed to be incurred or such portion thereof as may be determined by the Authority and approved by the Government in carrying out such works may be recovered by a pro-rata levy on the owners of properties benefitted by such works as may be determined by

the Authority. The said sum may be recovered as any other sum due to the Authority under the provisions of this Act.

26. Crediting betterment tax collected to the funds of the Corporation in certain cases.-Where the increase in value of any land is due to the execution of a development scheme made on the recommendation of the Corporation and for which the Corporation has placed at the disposal of the Authority the necessary funds for framing and carrying out such schemes, the betterment tax collected by the Authority from the owners of such land shall be credited by the Authority to the Municipal Fund of the Corporation.

27. Authority to execute the scheme within five years.-Where within a period of five years from the date of the publication in the official Gazette of the declaration under sub-section (1) of section 19, the Authority fails to execute the scheme substantially, the scheme shall lapse and the provisions of section 36 shall become inoperative.

28. Land vested in Corporation and required by the Authority for formation of street to be vested temporarily in the Authority.-Whenever under any development scheme the whole or any part of an existing public street or other land vested in the Corporation is included in the site of any part of a street to be formed, altered, widened, raised, re-arranged or re-constructed by the Authority, the Authority shall give notice to the Corporation that the whole or a part, as the case may be, of such existing street or other land (hereinafter called the "part required") is required by it as part of a street to be dealt with as aforesaid, and the part required shall thereupon, subject to the provisions of sub-section (1) of section 30, be vested in the Authority:

Provided that nothing in this section shall be deemed to affect the rights or powers of the Corporation under the '[Karnataka Municipal Corporations Act, 1976]¹ in or over any Corporation drain or water work.

¹ Substituted by Act 34 of 1986 w.e.f. 7-10-1986.

1[28A. Duty to maintain streets etc.- It shall be incumbent on the Authority 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 cleansing of the streets formed by the Authority till such streets are vested in the Corporation; and

¹ Sections 28A, 28B and 28C inserted by Act 6 of 1993 w.e.f. 20-12-1975.

(b) the drainage, sanitary arrangement and water supply in respect of the streets formed by the Authority.

28B. Levy of tax on lands and buildings.- (1) Notwithstanding anything contained in this Act, the Authority may levy a tax on lands or buildings or on both, situated within its jurisdiction (hereinafter referred to as the property tax) at the same rates at which such tax is levied by the Corporation within its jurisdiction.

(2) The Provisions of the Karnataka Municipal Corporations Act, 1976 (Karnataka Act 14 of 1977) shall *mutatis mutandis* apply to the assessment and collection of property tax.

¹[**Explanation.-** For the purpose of this section “property tax” means a tax simpliciter requiring no service at all and not in the nature of fee requiring service.]¹

1. Inserted by Act 19 of 2002 w.e.f. 20-12-1975.

28C. Authority is deemed to be a Local Authority for levy of cesses under certain Acts.- Notwithstanding anything contained in any law for the time being in force the Authority shall be deemed to be a local authority for the purpose of levy and collection of,-

(i) education cess under sections 16.17 and 17A of the Karnataka Compulsory Primary Education Act, 1961 (Karnataka Act 9 of 1961);

(ii) health cess under sections 3,4 and 4A of the Karnataka Health Cess Act, 1962 (Karnataka Act 28 of 1962);

(iii) library cess under section 30 of the Karnataka Public Libraries Act, 1965 (Karnataka Act 10 of 1965) ; and

(iv) beggary cess under section 31 of the Karnataka Prohibition of Beggary Act, 1975 (Karnataka Act 27 of 1975).]²

29. Authority and ¹[Commissioner]¹ to exercise powers and functions under ²[Karnataka Act 14 of 1977]².- (1) In any area or part thereof to which this Act applies, the Government may, by notification, declare that from such date and for such period as may be specified therein and subject to such restrictions and modifications, if any as may be specified in the notification,-

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

2. Substituted by Act 34 of 1986 w.e.f. 7-10-1986.

(i) the powers and functions of the Corporation ¹[(including the power to levy, assess and collect property tax)]¹ or a standing committee

thereof under the ²[Karnataka Municipal Corporations Act 1976]² shall be exercised and discharged by the Authority ; and

1. Inserted by Act 6 of 1993 w.e.f. 20-12-1975.

2. Substituted by Act 34 of 1986 w.e.f. 7-10-1986.

(ii) the powers and functions of the Commissioner of the Corporation under the said Act shall be exercised and discharged by the ¹[Commissioner]¹:

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

Provided that the Corporation shall be consulted before making such declaration if such area or part thereof lies within the limits of the City of Bangalore.

(2) On the making of a declaration under sub-section (1), notwithstanding anything contained in any other law for the time being in force, the Corporation, any standing committee thereof or the Commissioner of the Corporation, shall not be competent to exercise or discharge the powers or functions conferred or imposed on the Authority or the ¹[Commissioner]¹, as the case may be, by such declaration.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(3) The Authority or the ¹[Commissioner]¹ may delegate any of the functions exercisable by it or him under sub-section (1) to any officer or servant of the Authority.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(4) The exercise or discharge of any of the powers or functions delegated under sub-section (3) shall be subject to such limitations, conditions and control as may be laid down by the Authority or the ¹[Commissioner]¹, as the case may be,

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

30. Streets on completion to vest in and be maintained by Corporation.- (1) The Government after consulting the Corporation and on being satisfied that any street formed by the Authority has been duly levelled, paved, metalled, flagged, channelled, drained and seweraged in the manner provided for in the plans of any scheme sanctioned by the Government and that such lamps, lamp posts and other apparatus as are in its opinion necessary for the lighting thereof and should be provided by the Authority have been so provided, shall declare such street to be a public street, and such street shall thereupon vest or re-vest, as the case may be,

in the Corporation and the Corporation shall thereafter maintain, keep in repair, light and cleanse such street.

(2) Any open space including such parks and play grounds as may be notified by the Government reserved for ventilation in any part of the area under the jurisdiction of the Authority as part of any development scheme sanctioned by the Government shall be transferred on completion to the Corporation for maintenance at the expense of the Corporation and shall thereupon vest in the corporation.

(3) Any dispute which arises between the Authority and the Corporation in respect of any of the provisions of this section shall be determined by the Government, whose decision shall be final.

31. Authority not to sell or otherwise dispose of sites in certain cases.- The Authority shall not sell or otherwise dispose of any sites for the purpose of constructing buildings thereon for the accommodation of persons until all the improvements specified in section 30 have been substantially provided for in the estimates.

32. Forming of new extensions or layouts or making new private streets.- (1) Notwithstanding anything to the contrary in any law for the time being in force, no person shall form or attempt to form any extension or layout for the purpose of constructing buildings thereon without the express sanction in writing of the Authority and except in accordance with such conditions as the Authority may specify:

Provided that where any such extension or layout lies within the local limits of the Corporation, the Authority shall not sanction the formation of such extension or layout without the concurrence of the Corporation :

Provided further that where the Corporation and the Authority do not agree on the formation of or the conditions relating to the extension or layout, the matter shall be referred to the Government, whose decision thereon shall be final.

(2) Any person intending to form an extension or layout or to make a new private street, shall send to the ¹[Commissioner]¹ a written application with plans and sections showing the following particulars:-

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(a) the laying out of the sites of the area upon streets, lands or open spaces ;

(b) the intended level, direction and width of the street ;

(c) the street alignment and the building line and the proposed sites abutting the streets;

(d) the arrangement to be made for levelling, paving, metalling, flagging, channelling, sewerage, draining, conserving and lighting the streets and for adequate drinking water supply.

(3) The provisions of this Act and any rules or bye-laws made under it as to the level and width of streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (2) and all the particulars referred to in that sub-section shall be subject to the approval of the Authority.

(4) Within six months after the receipt of any application under sub-section (2), the Authority shall either sanction the forming of the extension or layout or making of street on such conditions as it may think fit or disallow it or ask for further information with respect to it.

(5) The Authority may require the applicant to deposit, before sanctioning the application, the sums necessary for meeting the expenditure for making roads, side-drains, culverts, underground drainage and water supply and lighting and the charges for such other purposes as such applicant may be called upon by the Authority, provided the applicant also agrees to transfer the ownership of the roads, drains, water supply mains and open spaces laid out by him to the Authority permanently without claiming any compensation therefor.

1[(5A) Notwithstanding anything contained in this Act, the Authority may require the applicant to deposit before sanctioning the application such further sums in addition to the sums referred to in the sub-section (5) to meet such portion of the expenditure as the Authority may determine towards the execution of any scheme or work for augmenting water supply, electricity, roads, transportation and such other amenities within the Bangalore Metropolitan area.]¹

1. Inserted by Act 17 of 1994 w.e.f. 20-6-1987.

(6) Such sanction may be refused,-

(i) if the proposed street would conflict with any arrangements which have been made or which in the opinion of the Authority is likely to be made for carrying out any general scheme of street improvement or other schemes of development or expansion by the Authority ; or

(ii) if the proposed street does not conform to the provisions of the Act, rules and bye-laws referred to in sub-section (3), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open ; or

¹[(iii-a) if the proposed extension or lay out is on the land which is proposed to be acquired for the purpose of the development scheme under this Act, and in respect of which a notification under sub-section (3) of section 17 is already published; or]¹

1. Inserted by Act 17 of 1994 w.e.f. 31-3-1994.

(iv) if the layout in the opinion of the Authority cannot be fitted with any existing or proposed expansion or development schemes of the Authority.

(7) No person shall form a layout or make any new private street without the sanction of or otherwise than in conformity with the conditions imposed by the Authority. If the Authority requires further information from the applicant no steps shall be taken by him to form the layout or make the street until orders have been passed by the Authority after the receipt of such information:

Provided that the passing of such orders shall not, in any case, be delayed for more than six months after the Authority has received all the information which it considers necessary to enable it to deal finally with the said application.

(8) If the Authority does not refuse sanction within six months from the date of the application under sub-section (2) or from the date of receipt of all information asked for under sub-section (7), such sanction shall be deemed to have been granted and the applicant may proceed to form the extension or layout or to make the street, but not so as to contravene any of the provisions of this Act and the rules or bye-laws made under it.

(9) Any person who forms or attempts to form any extension or layout in contravention of the provisions of sub-section (1) or makes any street without or otherwise than in conformity with the orders of the Authority under this section, shall be liable, on conviction, to a fine which may extend to ten thousand rupees.

33. Alteration or demolition of extension, layout or street.- (1) If any person forms an extension or layout or makes any street referred to in section 32 or puts up any building without or otherwise than in conformity

with the orders of the Authority under the said sub-section the ¹[Commissioner]¹ may, whether or not the offender be prosecuted under this Act by notice,-

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(a) require the offender to show cause, by a written statement signed by him and sent to the ¹[Commissioner]¹ on or before such day as may be specified in the notice, why such extension, layout or street should not be altered to the satisfaction of the ¹[Commissioner]¹ or if such alteration be deemed impracticable by the ¹[Commissioner]¹, why such extension layout or street should not be demolished ; or

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(b) require the offenders to appear before the ¹[Commissioner]¹ either personally or by a duly authorised agent on such day and at such time and place as may be specified in the notice and show cause as aforesaid.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(2) If any person on whom such notice is served fails to show cause to the satisfaction of the ¹[Commissioner]¹ why such extension, layout or street should not be so altered or demolished, the ¹[Commissioner]¹ may pass an order directing the alteration or demolition of such extension, layout or street.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

1[33A. Prohibition of unauthorised occupation of land.- (1) Any person who unauthorisedly enters upon and uses or occupies any land belonging to the Authority to the use or occupation of which he is not entitled or has ceased to be entitled, shall on conviction, be punished with imprisonment for a term which may extend to three years and which fine which may extend to five thousand rupees.

2. Inserted by Act 34 of 1984 w.e.f. 26-6-1984.

(2) Any person who having unauthorisedly occupied whether before or after the commencement of the Karnataka Municipal Corporations and certain other Laws (Amendment) Act, 1984, any land belonging to the Authority to the use or occupation of which he is not entitled or has ceased to be entitled, fails to vacate such land in pursuance of an order under sub-section (1) of section 5 of the Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1974 (Karnataka Act 32 of 1974) shall, on conviction, be punished with imprisonment for a term which may extend to

three years and with fine which may extend to five thousand rupees and with a further fine which may extend to fifty rupees per acre of land or part thereof for every day on which the occupation continues after the date of the first conviction for such offence.

(3) Whoever intentionally aids or abets the commission by any other person of an offence punishable under sub-section (1) or sub-section (2) shall, on conviction, be punishable with the same punishment provided for such offence under the said sub-sections.]¹

34. Power of Authority to order work to be carried out or to carry it out itself in default.- (1) The Authority may,-

(a) if any person who applies for permission under section 32 and is permitted expressly by it to carry out himself the works relating to the forming of the extension or layout or the making of a street, does not so carry it out ;or

(b) if any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved or lighted to the satisfaction of the Authority by notice, require the person forming the extension or layout or the owners of such street or part and the owners of buildings and lands fronting or abutting on such street or part, including in cases where the owners of the land and of the building thereon are different, the owners both of the land and of the building, to carry out any work which, in its opinion, may be necessary and within such time as may be specified in such notice.

(2) If any such work is not carried out within the time specified in the notice under sub-section (1), the Authority may, if it thinks fit execute itself or cause it to be executed and the expenses incurred shall be paid by the persons or owners referred to in sub-section (1) in such proportions as may be determined by the Authority. Such expenses may be recovered from the persons concerned as if they were arrears of land revenue.

CHAPTER IV

ACQUISITION OF LAND

35. Authority to have power to acquire land by agreement.- Subject to the provisions of this Act and with the previous approval of the Government, the Authority may enter into an agreement with the owner of any land or any interest therein, whether situated within or without the

Bangalore Metropolitan Area for the purchase of such land or interest therein for the purpose of this Act.

36. Provisions applicable to the acquisition of land otherwise than by agreement.- (1) The acquisition of land under this Act otherwise than by agreement within or without the Bangalore Metropolitan Area shall be regulated by the provisions, so far as they are applicable, of the Land Acquisition Act, 1894.

(2) For the purpose of sub-section (2) of section 50 of the Land Acquisition Act, 1894, the Authority shall be deemed to be the local authority concerned.

(3) After the land vests in the Government under section 16 of the Land Acquisition Act, 1894, the Deputy Commissioner shall, upon payment of the cost of the acquisition, and upon the Authority agreeing to pay any further costs which may be incurred on account of the acquisition, transfer the land to the Authority, and the land shall thereupon vest in the Authority.

CHAPTER V

PROPERTY AND FINANCE

37. Power of Government to transfer to the Authority lands belonging to it or to Corporation, etc.- (1) The Government may, by notification, from time to time, for the purposes of this Act and subject to such limitations and conditions as it may impose and to the provisions hereinafter contained, transfer to and vest in the Authority any land belonging to the Government or to the Corporation or a local authority

(2) No land belonging to the Corporation or a local authority shall be vested in the Authority under sub-section (1) except after consulting the Corporation or the local authority.

(3) Whenever it appears to the Government that any land vested in the Authority under sub-section (1) is not required by the Authority for the purpose of this Act or any other land vesting in the Authority is required by the Government or Corporation or a local authority, the Government may by notification, direct that the land shall revert in or stand transferred to Government or the Corporation or the local authority concerned, as the case may be.

38. Power of Authority to lease, sell or transfer property.- Subject to such restrictions, conditions and limitations as may be prescribed, the

Authority shall have power to lease, sell or otherwise transfer any movable or immovable property which belongs to it, and to appropriate or apply any land vested in or acquired by it for the formation of open spaces or for building purposes or in any other manner for the purpose of any development scheme.

1[38A. Grant of area reserved for civic amenities etc.- (1) The Authority shall have the power to lease, sell or otherwise transfer any area reserved for civic amenities for the purpose for which such area is reserved.

1. Inserted by Aact 17 of 1984 and substituted by Act 18 of 1991 w.e.f. 21-4-1984.

(2) The Authority shall not sell or otherwise dispose of any area reserved for public parks and playgrounds and civic amenities, for any other purpose and any disposition so made shall be null and void :

Provided that where the allottee commits breach of any of the conditions of allotment, the Authority shall have right to resume such site after affording an opportunity of being heard to such allottee.]¹

1[38B. Power of authority to make bulk allotment.- Notwithstanding anything contained in this Act or development scheme sanctioned under this Act, the Authority may, subject to any restriction, condition and limitation as may be prescribed, make bulk allotment by way of sale, lease or otherwise of any land which belongs to it or is vested in it or acquired by it for the purpose of any development scheme,-

1. Sections 38B and 38C inserted by Act 17 of 1994 w.e.f. 20-12-1975.

- (i) to the State Government ; or
- (ii) to the Central Government ; or
- (iii) to any corporation, body or orginsation owned or controlled by the Central Government or the State Government ;or
- (iv) to any housing co-operative society registered under the Karnataka Co-operative Societies Act, 1959 (Karnataka Act 11 of 1959) ; or
- (v) to any society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) ; or
- (vi) to a trust created wholly for charitable, educational or religious purpose :

Provided that prior approval of the Government shall be obtained for allotment of land to any category listed above.

***38C. Power of authority to make allotment in certain cases.-** Notwithstanding anything contained in this Act or in any other law or any

development scheme sanctioned under this Act, or ¹[the City of Bangalore Improvement Act, 1945]¹ where the Authority or the erstwhile Board of Trustees for the improvement of the City of Bangalore has already passed a resolution to reconvey in favour of any person any site formed in the land which belong to them or vested in or acquired by them for the purpose of any development scheme and on the ground that it is not practicable to include such site for the purpose of the development scheme, the Authority may allot such site by way of sale or lease in favour of such person subject to the following conditions:-

1. Substituted by Act 22 of 2000 w.e.f. 29-11-2000.

(a) the allottee shall be liable to pay any charges as the Authority may levy from time to time ; and

(b) the total extent of the site allotted under this section together with the land already held by the allottee shall not exceed the ceiling limit specified under section 4 of the Urban Land (Ceiling and Regulation) Act, 1976.]¹

* This section was amended by Act 1 of 2000 and it was repealed by Ordinance 4 of 2000 without bringing the amendment into force.

39. Power of Authority to borrow.- (1) The Authority may, from time to time, with the previous sanction of the Government and subject to such conditions as may be prescribed in this behalf, borrow any sum required for the purpose of this Act.

(2) The rules made by the Government for the purpose of this section may empower the Authority to borrow by the issue of debentures and to make arrangement with the bankers.

(3) Debentures issued by the Authority shall be in such form as the Authority, with the sanction of the Government, may, from time to time, determine.

(4) Every debenture shall be signed by the ¹[Commissioner]¹ and one other member of the Authority.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(5) Loans borrowed and debentures issued under this section may be guaranteed by the Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Government.

40. Development Fund and the items to be credited to such fund.-

(1) The rents, profits, and sale proceeds of all lands, buildings and other property vested or vesting in or acquired by the Authority under this Act shall be credited to a fund to be called "the Bangalore Development Fund."

(2) There shall also be credited to the said Fund,-

(a) any amount borrowed under section 39;

¹[(aa) the property tax levied and collected under section 28B;]¹

¹ 1. Inserted by Act 6 of 1993 w.e.f. 20-12-1975.

(b) such sums as may be placed by the Government at the disposal of the Authority from time to time for the purpose of this Act ;

(c) such contributions as the Corporation or a local authority may, from time to time, be called upon by the Government to make after consideration by the Government of the relief or addition to the Municipal resources accruing or likely to accrue as the result of development schemes undertaken by the Authority ; and

(d) subject to the provisions of section 26, betterment tax and other sums due and paid to or recovered by the Authority under the provisions of this Act.

41. Application of the Bangalore Development Fund.- (1) The said fund shall be held by the Authority in trust and shall be applied by it, subject to the general or special orders of the Government, in payment of the charges incidental to the carrying out of the purposes of this Act ¹[including the cost of maintaining, keeping in repair, lighting and cleansing of streets and the cost of maintaining drainage and sanitary arrangement and water supply, under section 28A.]¹

¹ 1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(2) Such charges shall include, among other things,-

(a) the cost, if any, of maintaining a separate establishment for the collection of the rents and profits and other proceeds of the property vested or vesting in or acquired by the Authority under this Act ;

(b) the cost of petty and other establishments, not being part of the scheduled staff, necessary for the supervision of properties or other revenue purposes ;

(c) the cost of management including the salaries and allowances of the scheduled staff and all incidental expenses ; and

(d) all payments made by the Authority in respect of rates and taxes levied under the City of Bangalore Municipal Corporation Act, 1949 upon lands and buildings vested in the Authority and not subject to exemption.

(3) The Authority may also, from time to time, and in the prescribed manner, make advances from the said Fund for the purposes of enabling

persons not being Government servants to provide themselves with houses or other accommodation.

42. Laying of annual estimate of income and expenditure.- (1) The ¹[Commissioner]¹ shall, at a special meeting to be held not later than the first day of February in each year, lay before the Authority an estimate of the income and of the expenditure of the Authority for the year commencing on the first day of April then next ensuing in such detail and form as the Authority shall, from time to time, direct.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

(2) Such estimate shall make provision for the efficient administration of this Act and a copy thereof shall be sent by post or otherwise to each member of the Authority at least ten clear days prior to the date of the meeting before which the estimate is to be laid.

43. Authority to approve or amend such estimate.- The Authority shall consider the estimate so submitted to it, and shall approve the same either unaltered or subject to such alterations as it thinks fit.

44. Estimates to be submitted to Government for sanction.- The estimate, as approved by the Authority, shall be submitted to the Government which may, either sanction or disallow such estimate or any portion thereof and return the same for amendment. The Authority shall forthwith amend the estimate so returned and shall re-submit the amended estimate to the Government.

45. Supplementary estimates may be prepared and submitted when necessary.- The Authority may, at any time during the year for which any estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered and approved by the Authority and submitted to the Government.

46. Provisions regarding expenditure.- No sum shall be expended by or on behalf of the Authority unless included in the estimate or the supplementary estimate which has been sanctioned by the Government or in the amount payable by the Authority under a decree or award of a court:

Provided that in any case of unforeseen circumstances a sum not exceeding ten thousand rupees may be expended though not so included and in such a case the ¹[Commissioner]¹ shall forthwith report to the

Government the circumstances in which the expenditure was incurred and the source from which it is proposed to be met :

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

Provided further that any such expenditure shall be included in a supplementary estimate to be approved and sanctioned in the manner laid down in section 45.

1[47. Accounts and audit.- (1) The Commissioner shall cause to be maintained such books of accounts and other registers as may be prescribed and shall prepare in the prescribed manner an annual statement of accounts.

(2) The accounts of the Authority shall be audited annually by an auditor appointed by the Government.

(3) The auditor shall for the purpose of the audit have access to all the accounts and other records of the Authority.

(4) The Authority shall pay from its funds such charges for the audit as may be prescribed.

(5) As soon as the accounts of the Authority have been audited, the Commissioner shall send a copy of the audited accounts together with a copy of the report of the auditor to the State Government. The audited accounts and the report of the auditor shall be published by the Authority in the prescribed manner. The audited accounts and the report shall be laid before each house of the State Legislature, as soon as may be, after it is received by the Government.

(6) The Authority and the Commissioner shall comply with such directions as the State Government may, after perusal of the report of the auditor, think fit to issue.

2. Sections 47 and 47A substituted by Act 17 of 1984 w.e.f. 21-4-1984.

47A. Reports.- The Authority shall before such date and in such form and at such intervals as may be prescribed submit to the State Government a report on such matters as may be prescribed. Every such report shall be laid before each House of the State Legislature, as soon as may be, after it is received by the Government.]²

48. Power of auditor to require production of documents and attendance of persons concerned.- (1) The Auditor may,-

(a) require in writing the production of such vouchers, statements, returns, correspondence, notes or other documents in relation to the accounts as he may think fit ;

(b) require in writing any salaried servant of the Authority accountable for or having the custody or control of such vouchers, statements, returns, correspondence, notes or other documents or of any property of the Authority or any person having directly or indirectly by himself or his partner any share or interest in any contract with or under the Authority to appear in person before him at the office of the Authority and answer any question ;

(c) in the event of clarification being required on any specific point from the Chairman or any officer or member in writing, require such person to furnish the clarification on such point.

(2) The auditor may, in any requisition made under sub-section (1) specify a reasonable period being not less than three days within which the said requisition shall be complied with.

(3) The auditor shall give to the Authority not less than two weeks notice in writing of the date on which he proposes to commence the audit :

Provided that notwithstanding anything contained in this sub-section, the auditor may for special reasons which shall be recorded in writing, give shorter notice than two weeks or commence a special or detailed audit if so directed by the Government without giving notice.

CHAPTER VI

OFFICERS AND SERVANTS OF THE AUTHORITY

49. Schedule of officers and servants to be submitted for sanction of Government.- The Authority shall, from time to time prepare and submit for the sanction of the Government a schedule of the staff of officers and servants whom it shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Authority proposes for each such officer or servant. No alteration in the sanctioned schedule shall be made without the sanction of the Government.

50. Appointments, etc., by whom to be made.- (1) Subject to the provisions of the regulations framed under section 70 and of the schedule for the time being in force sanctioned by the Government under section 49 the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Authority (not

being officers in Government service lent to the Authority) shall be exercised by the ¹[Commissioner]¹ in the case of officers and servants ²[who are not above the rank of Group B officers of the State Civil Services]² and in every other case by the Authority :

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

2. Substituted by Act 17 of 1994 w.e.f. 31-3-1994.

¹[Provided that in the case of officers in Government service lent to the Authority,-

(i) who are not above the rank of Group A (Junior Scale), the Commissioner may exercise the powers of sanctioning or withholding increment, fining or suspending or granting leave to the officers and shall report the fact to the Head of Department of Government to which such officers belong ;

(ii) who are above the rank of Group A (Junior Scale), the Commissioner may exercise the powers of granting leave and making incharge arrangement.]¹

1. Substituted by Act 17 of 1994 w.e.f. 31-3-1994.

(2) The power of dispensing with the service of any officer or servant of the Authority not being an officer in Government service lent to the Authority otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the provisions of sub-section (1), be exercised by the Authority only.

CHAPTER VII

ART COMMISSION

51. Constitution of Art Commission.- (1) The Government may, by notification constitute an Art Commission for the Bangalore Metropolitan Area to be called " The Bangalore Urban Art Commission" which shall consist of a Chairman and such other members representing among others, visual arts or architecture, Indian History or Archaeology and the environmental sciences, as it may appoint.

(2) It shall be the duty of the Art Commission to make recommendations to the Government as to,-

(i) restoration and conservation of urban design and of the environment in the development areas ;

(ii) the planning and development of future urban design and of the environment;

(iii) the restoration and conservation of archaeological and historical sites and sites of high scenic beauty ;

(iv) the grants, concessions and other modes of compensation for purchase or acquisition that should be made for the purpose by the Government or any Authority and the conditions subject to which such grants, concessions and compensation should be made ; and

(v) any other matter referred to the Commission by the Government.

(3) The powers to be exercised and the functions to be performed and the procedure to be followed by the Art Commission shall be such as may be prescribed.

(4) The Government may after consideration of the recommendations of the Art Commission and after giving an opportunity to the Authority to make any representation issue such directions to the Authority as it may think fit and the Authority shall comply with every such direction.

CHAPTER VIII

MISCELLANEOUS

52. Powers of entry.- The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of,-

(a) making any enquiry, inspection, measurement or survey or taking levels of 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 condition 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, 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 usages of the occupants of the land or building entered.

53. Directions by the Authority.- (1) The Authority in order to carry out the purpose of this Act may issue directions to the Bangalore Water Supply and Sewerage Board, Karnataka Electricity Board and such other bodies as are connected with developmental activities in the City and provide the funds required to comply with the same.

(2) Notwithstanding anything in any other law for the time being in force every such direction shall be complied with by the body to whom they are issued. On failure it shall be competent for the Authority to take necessary action in this behalf and recover expenses if any incurred therefor from the body concerned.

(3) Any dispute which arises between the Authority and the Boards or other bodies referred to in sub-section (1) in respect of the directions issued to them shall be determined by the Government whose decision shall be final.

54. Offences by companies.- (1) If the person committing an offence under this Act is a company every person who, at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary

or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section,-

(a) 'company' means a body corporate and includes a firm or other association of individuals ; and

(b) 'director' in relation to a firm means a partner in the firm.

55. Fines when realised to be credited to the Bangalore Development Fund.- All fines realised in connection with prosecutions under this Act shall be paid to the credit of the Bangalore Development Fund.

56. Composition of offences.- (1) The Authority or any person authorised by the Authority by general or special order, may, either before or after the institution of proceedings compound any offence made punishable by or under this Act.

(2) Where an offence has been compounded, the offender if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

¹[57. x x x]¹

1. Omitted by Act 18 of 1981 w.e.f. 30-12-1980.

58. Members and officers to be public servants.- Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

59. Jurisdiction of courts.-No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

60. Sanction of prosecution.-No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority.

61. Protection of action taken in good faith.-No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

62. Power to delegate.- The Authority may, by notification direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by the ¹[Commissioner]¹ or ²[such whole

time member or officer]² of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

1. Substituted by Act 18 of 1981 w.e.f. 30-12-1980.

2. Substituted by Act 8 of 1977 w.e.f. 4-3-1977.

1[62A. Appeal against assessment etc.,- (1) Any person aggrieved by the assessment, levy or imposition of any tax under section 28B may, within a period of one month next after service of notice of demand, appeal to such authority as the Government may, by notification, specify (hereinafter referred to as the Appellate Authority) ;

Provided that any person aggrieved by assessment, levy or imposition of any tax made after the 24th day of July, 1992, may, prefer an appeal against such assessment levy or imposition of tax, within a period of one month from the date of coming into force of the provisions of this section :

Provided further that the Appellate Authority may admit an appeal after the expiry of the period specified above, if sufficient cause is shown to its satisfaction for not preferring it within the said period.

(2) No such appeal shall be heard and determined unless,-

(a) a memorandum of appeal in writing stating the grounds on which the demand made is disputed has been presented ; and

(b) the amount admitted by the appellant has been paid or deposited by him in the office of the Authority.

(3) The Appellate Authority shall, after giving a reasonable opportunity of being heard to both the parties pass such order as it deems fit. This decision of the Appellate Authority in any appeal under this section shall be final.]¹

1. Inserted by Act 6 of 1993 w.e.f. 10-2-1993.

63. Revision.-(1) The Government may call for the records of any proceedings of the Authority or any officer subordinate to the Authority for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

(2) The Authority may call for the records of any proceedings of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of any order or proceedings and may pass such order with respect thereto as it thinks fit.

(3) No order under sub-section (1) or sub-section (2) shall be made to the prejudice of any person unless he has had an opportunity of making representation.

64. Notice of suit against the Authority.- ¹[(1)]¹ No suit or other proceedings shall be commenced against the Authority or any member or any officer or servant of the Authority or against any person acting under the direction of the Authority, the member or officer of the Authority for anything done, or purporting to have been done, in pursuance of the Act or a rule, regulation or bye-law made thereunder without giving to the Authority one month's previous notice in writing of the intended suit or other proceedings, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceedings nor after tender of sufficient amends.

1. Renumbered by Act 17 of 1994 w.e.f. 31.3.1994.

¹[(2) A suit to obtain an urgent or immediate relief against the Authority or any member or any officer or servant of the Authority in respect of any act done or purporting to be done by such officer or servant in his official capacity may be instituted with the leave of the Court, without serving any notice as required by sub-section (1) but the Court shall not grant relief in the suit whether *inter alia* or otherwise except after giving to the Authority, officer or servant, as the case may be, a reasonable opportunity of showing cause in respect of relief prayed for in the suit :

Provided that the Court shall if it is satisfied after hearing the parties that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with requirements of sub-section (1).]¹

1. Inserted by Act 17 of 1994 w.e.f. 31.3.1994.

65. Government's power to give directions to the Authority.-The Government may give such directions to the Authority as in its opinion are necessary or expedient for carrying out the purposes of this Act, and it shall be the duty of the Authority to comply with such directions.

¹[65A. Transfer of employees.-(1) Notwithstanding anything contained in this Act, or in any law for the time being in force, the State Government may transfer any officer or servant of the authority to the service of any local authority.

(2) The State Government shall have power to issue such general or special directions as it thinks necessary for the purpose of giving due effect

to transfers made under sub-section (1) and such directions shall be complied with by the local Authority concerned.]¹

1. Inserted by Act 37 of 1982 w.e.f. 31.12.1982.

[65B. Submission of copies of resolution and Government's power to cancel the resolution or order.- (1) The Commissioner shall submit to the Government copies of all resolutions of the Authority.

(2) If the Government is of opinion that the execution of any resolution or order issued by or on behalf of the Authority or the doing of any act which is about to be done or is being done by or on behalf of the Authority is in contravention of or in excess of the powers conferred by this Act or any other law for the time being in force or is likely to lead to a breach of peace or to cause injury or annoyance to the public or to any class or body of persons or is prejudicial to the interests of the Authority, it may, by order in writing suspend the execution of such resolution or order or prohibit the doing of any such act after issuing a notice to the Authority to show cause, within the specified period which shall not be less than fifteen days, why,-

(a) the resolution or order may not be cancelled in whole or in part, or,

(b) any regulation or bye-law concerned may not be repealed in whole or in part.

(3) Upon consideration of the reply, if any, received from the Authority and after such inquiry as it thinks fit, Government may pass orders cancelling the resolution or order or repealing the regulation or bye-law and communicate the same to the Authority.

(4) Government may at any time, on further representation by the Authority or otherwise, revise, modify or revoke an order passed under sub-section (3).]¹

1. Inserted by Act 34 of 1986 w.e.f. 6.6.1986.

66. Default in performance of duty.- (1) If the Government is satisfied that the Authority has made default in performing any duty imposed on it by or under this Act it may fix a period for the performance of that duty.

(2) If in the opinion of the Government the Authority fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the Government, notwithstanding anything contained in section 5 to supersede and reconstitute the Authority in the prescribed manner.

(3) After the supersession of the Authority and until it is reconstituted, the powers, duties and functions of the Authority under this Act shall be carried on by the Government or by such officer or officers as the Government may appoint for this purpose.

67. Amendment of the Karnataka Town and Country Planning Act, 1961.- (1) In the Karnataka Town and Country Planning Act, 1961 (Karnataka Act 11 of 1963),

(a) in section 2, for item (i) of sub-clause (a) of clause (7), the following item shall be substituted namely:-

“(i) the local planning area comprising the City of Bangalore, the Bangalore Development Authority, and”,

(b) after section 81-A, the following section shall be inserted, namely:-

“81-B. Consequences to ensue upon the constitution of the Bangalore Development Authority.- Notwithstanding anything contained in this Act, with effect from the date on which the Bangalore Development Authority is constituted under the Bangalore Development Authority Act, 1976 the following consequences shall ensue,-

(i) the Bangalore Development Authority shall be the local Planning Authority for the local planning area comprising the City of Bangalore with jurisdiction over the area which the City Planning Authority for the City of Bangalore had jurisdiction immediately before the date on which the Bangalore Development Authority is constituted ;

(ii) the Bangalore Development Authority shall exercise the powers, perform the functions and discharge the duties under this Act as if it were a Local Planning Authority constituted for the Bangalore City ;

(iii) the City Planning Authority shall stand dissolved and upon such dissolution,-

(a) anything done or any action taken (including any appointment, notification, order, scheme or bye-law made or issued), any commencement certificate or permission granted by the Bangalore City Local Planning Authority shall be deemed to have been done, taken, made, issued or granted under the provisions of this Act by the Bangalore Development Authority and continue to be in force until it is superseded by anything done or any action taken, any appointment, notification, order, scheme, or bye-

law, made or issued, commencement certificate or permission granted by the Bangalore Development Authority under the provisions of this Act ;

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done, by, with or for the Bangalore City Local Planning Authority shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the Bangalore Development Authority.

(c) all property movable and immovable and all interests of whatsoever nature and kind therein vested in the Bangalore City Local Planning Authority shall with all rights of whatsoever description used, enjoyed or possessed by the Bangalore City Local Planning Authority, vest in the Bangalore Development Authority ;

(d) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by or against the Bangalore City Local Planning Authority may be continued or be instituted by or against the Bangalore Development Authority."

1[68. Housing Board not to undertake any Housing Scheme after the commencement of this Act.- The Housing Board established under the Karnataka Housing Board Act, 1962 (Karnataka Act 10 of 1963) shall not undertake any Housing Scheme in any area within the Bangalore Metropolitan Area except in conformity with the layout plan of the Bangalore Development Authority :

Provided that any Housing Scheme undertaken by the Karnataka Housing board before the commencement of this Act shall be executed by the said Board in accordance with the said scheme.]¹

¹ Substituted by Act 8 of 1977 w.e.f. 4-3-1977.

69. Power to make rules.-(1) The Government may by notification make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-

(a) for the guidance of the Authority and persons connected with the administration of this Act or in cases not expressly provided for herein;

(b) the manner of election of members by the Councillors of the Corporation ;

- (c) the conditions of service of the Chairman and other members of the Authority ;
- (d) the manner of appointment of committees and the period of such appointment ;
- (e) the terms and conditions subject to which the Authority may take up development scheme or work and execute it ;
- (f) the particulars to be specified in the application of the scheme;
- (g) the restrictions, conditions and limitations subject to which the Authority may lease, sell or transfer movable or immovable property ;
- (h) regulating the allotment or sale by auction of sites by the Authority;
- (i) the manner of reconstitution of the Authority ;
- (j) any other matter which has to be or may be prescribed by rules.

70. Power to make regulations.- (1) The Authority may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder to carryout the purposes of this Act and without prejudice to the generality of this power, such regulations may provide for,-

- (a) the summoning and holding of meetings of the Authority the time and place where such meetings are to be held, the conduct of business at such meeting and the number of members necessary to form a quorum thereat ;
- (b) giving instructions to the Committees ;
- (c) the form of contract or agreement of be entered into by the Authority;
- (d) the appointment of persons for enforcement of processes for recovery of dues ;
- (e) the procedure to be followed for the carrying out the functions of the Authority under Chapters II and III ;
- (f) for regulating the grant of leave, leave allowances, pensions and gratuities and other matters relating to conditions of service of the officers and servants of the Authority not being officers in Government service lent to the Authority ;
- (g) any other matter which is to be prescribed by regulations under the Act;

(2) The Government may, by notification, rescind any regulation made under this section and thereupon, the said regulation shall cease to have effect.

(3) All regulations made under this section shall be published in the official Gazette.

71. Power to make bye-laws.- (1) The Authority may, with the previous approval of the Government make bye-laws not inconsistent with the rules or the regulations made under this Act, in respect of the following matters, namely:-

(a) the management, use and regulation of houses constructed under any scheme ;

(b) regulating the construction and reconstruction of building in regard to such matters as the following, namely:- the notice to be given previous to erection the plans to be submitted, the line of frontage with neighbouring buildings, the free space to be left about the buildings, the level and width of foundation, the stability of structure, the materials to be used and the provision to be made for the drainage and ventilation; and

(c) the forming of extensions or lay-outs and the laying out of private streets, for determining the information and plans to be submitted with applications for permission to form extensions or lay-outs and to make private streets; and for regulating the level and width of streets and the height of buildings abutting thereon.

(2) The Government may, by notification, rescind any bye-law made under this section and thereupon, the said bye-law shall cease to have effect.

(3) All bye-laws made under this section shall be published in the Official Gazette and also in at least two newspapers in English and Kannada having large circulation in the City of Bangalore.

72. Penalty for breach of the provisions of the Act.- Whoever contravenes any of the provisions of this Act or of any rule, regulation, or bye-law or scheme made or sanctioned thereunder shall be punished with fine which may extend to twenty-five rupees and in the case of a continuing contravention, with fine which may extend to five rupees for each day after the first during which the contravention continues.

73. Act to override other laws.-The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

74. Removal of difficulties-Notwithstanding any thing contained in this Act if any difficulty arises in giving effect to the provisions of this Act the Government may, by order published in the official Gazette not inconsistent with the provisions of this Act remove the difficulty.

75. Dissolution of the Authority.- (1) The Government may, by notification, declare that with effect from such date as may be specified in the notification, the Authority shall be dissolved:

Provided that no such declaration shall be made by the Government unless a resolution to that effect has been moved in and passed by both Houses of the State Legislature.

(2) With effect from the date specified in the notification under sub-section (1), -

(a) all properties, funds and dues which are vested in and realisable by the Authority shall vest in and be realisable by the Government ;

(b) all liabilities enforceable against the Authority shall be enforceable against the Government to the extent of the properties, funds and dues vested in and realised by the Government.

(3) Nothing in this section shall affect the liability of the Government in respect of loans or debentures guaranteed under sub-section (5) of section 39.

76. Repeal and savings.- (1) On the issue of the notification under sub-section (1) of section 3 constituting the Bangalore Development Authority, the City of Bangalore Improvement Act, 1945 (Mysore Act 5 of 1945) shall stand repealed.

(2) On such repeal the Board constituted under the said Act shall stand dissolved and all the members thereof including the Chairman shall cease to hold office.

(3) Subject to the provisions of sub-section (2) nothing in sub-section (1) shall affect,-

(a) the previous operation of the said Act or and thing duly done or suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Act, or

- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Act ; or
- (d) any investigation, legal proceeding or remedy in respect of any right, privilege, obligation, liability forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture, punishment may be imposed as if this Act had not been enacted :

Provided that all the assets and liabilities of, and all contracts made by or on behalf of the Board of Trustees for the improvement of the City of Bangalore before the date of commencement of this Act and subsisting on that day shall subject, to such conditions as may be specified by the State Government, devolve on the Authority :

Provided further that anything done or any action taken (including any appointment, notification, rule, regulation, order, scheme or bye-law made or issued, any permission granted) under the said Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act :

Provided also that any reference in any enactment or in any instrument to any provision of the repealed Act shall unless a different intention appears be construed as reference to the corresponding provision of this Act.

(4) Notwithstanding the provisions of sub-section (1).-

(a) every officer and other employee serving under the Board constituted under the City of Bangalore Improvement Act, 1945 immediately before the date of commencement of this Act shall, on and from such date, be transferred to and become an officer or other employee of the Authority and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Act had not been repealed and shall continue to do so unless and until such tenure remuneration and terms and conditions are duly altered by the Authority:

Provided that any service rendered by any such officer or other employee before the repeal of the City of Bangalore Improvement Act, 1945 shall be deemed to be service rendered under the Authority :

Provided further that the Authority may employ any such officer or other employee for the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly ;

(b) the City of Bangalore Improvement (Allotment of Sites) Rules, 1972 and the City of Bangalore Improvement (Disposal of Corner Sites and Commercial Sites) Rules, 1972 relating to allotment of sites shall be continued to be in force unless and until superseded by or under the provisions of this Act as if the provisions of the said rules had not been repealed, but references to the Board shall be construed as references to the Authority.

77. Repeal of Karnataka Ordinance No. 29 of 1975.- (1) The Bangalore Development Authority Ordinance 1975 (Karnataka Ordinance No. 29 of 1975) is hereby repealed.

(2) Notwithstanding such repeal any thing done or any action taken under the said Ordinance, shall be deemed to have been done or taken under the corresponding provision of this Act.

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