

KARNATAKA IMPROVEMENT BOARDS RULES, 1976

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SCHEDULE 1 :- SCHEDULE

KARNATAKA IMPROVEMENT BOARDS RULES, 1976

In exercise of the powers conferred by Section 69 of the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976) the Government of Karnataka hereby makes the following rules

1. Title and commencement :-

(1) These rules may be called the Karnataka Improvement Boards Rules, 1976.

(2) They shall come into force at once

.

2. Definitions :-

In these rules unless the context otherwise requires.

(1) "Allottee" means the person to whom a site is allotted under these rules;

(2) "Backward Class" a person shall be considered to belong to the backward class if.

(i) he is.

(a) an actual cultivator;

(b) an artisan;

(c) a petty businessman;

(d) holding an appointment in inferior service (i.e., Class IV) in Government service or corresponding service under local bodies, autonomous bodies or private employment including casual labour; or

(e) engaged in any occupation involving manual labour;

(3) "Board" means an improvement Board established for any urban area under Section 3;

(4) "Chairman" means a Chairman of the Board;

(5) "Family" in relation to a person means such person, the wife or husband as the case may be of such person, and the children, grand children, parents, sisters and brothers of such person and wholly dependent on such person;

(6) "Form" means a form appended to these rules;

(7) "Income" means the fixed annual income of a person;

(8) "Member" means a member of the Board;

(9) "Act" means the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976);

(10) "State Government" means the Government of State of Karnataka;

(11) "Section" means a section of the Act;

(12) "Stray Site" means a site which was once allotted but subsequently was either cancelled by the Board or surrendered by the allottee for a site left over inadvertently while notifying the sites for allotment or a site which has been formed on account of readjustment in the plan subsequent to the issue of readjustment in the plan subsequent to the issue of notification inviting applications for allotment of sites.

3. Allowance :-

(1) Where an official is appointed as Chairman of the Board he shall be paid his grade pay plus a special pay of Rs. 150 per month. Where a non-official is appointed as Chairman of the Board he shall be paid remuneration and other allowances as may be fixed by Government: Provided that where the person appointed is a minister or a legislator he shall not be entitled to any remuneration.

(2) Every member of the Board shall be entitled only to sitting fee of Rs. 40 per day of sitting at the meeting of the Board and no other allowances or remuneration.

4. Leave :-

(1) The power to grant leave to the Chairman shall vest in the State Government.

(2) Chairman shall be the authority to grant leave of absence to the non-official members to attend the meetings.

5. Travelling allowance :-

(1) The Chairman performing journey for the purpose of the Board, shall be entitled to travelling allowance at the rates and subject to the conditions specified in the Karnataka Civil Services Rules applicable to Officer of Class I from time to time:

¹ Provided that where the Chairman is a non-official he shall be entitled to travelling allowance at the rate of seventy five paise per kilometre.]

(2) An official member shall until he retires from such service or post, continue, to be governed by the travelling allowances rules applicable to him in such service or post. After retirement from such service or post, he shall be governed as regards travelling allowance by sub-rule (1).

1. Proviso to sub-rule (1) inserted by GSR 164, dated 4-6-1979.

6. Proceedings :-

The proceedings of every meeting of the Board shall be recorded in a minute book kept for the purpose and shall be signed by the Chairman of the meeting of that day or at the next succeeding meeting.

7. Restrictions on matters to be discussed at meetings :-

Notwithstanding anything contained in these rules the Board shall not be bound to furnish any information at a meeting of the Board, if, in the opinion of the Chairman or member of the Board presiding at the meeting it would not be in the public interest to furnish such information.

8. Offer of site for allotment :-

(1) Whenever the Board has formed an extension or layout in pursuance of any scheme, the Board may, subject to the general or special orders of the Government, offer any or all the sites in such extension or layout for allotment of sites under these rules.

(2) Due publicity shall be given in respect of the sites for allotment specifying their location, number, the amount payable as earnest money, the last date of submission of applications and such other particulars as the Chairman may consider necessary by affixing a notice to the notice Board of the office of the Board and in other office as the Chairman may decide from time to time and by publication in any one or more daily newspapers published in the concerned city having a wide circulation.

9. Reservation of sites :-

(1) The Board may with the previous sanction of the Government, set apart sites in any area for allotment to any specified class or specified classes of persons or purposes as it may consider necessary.

(2) Where sites are set apart under sub-rule (1), the procedure to be followed to the allotment of those sites subject to the general or special orders of the Government, be determined by the Board.

10. Allotment of Stray sites :-

Notwithstanding anything contained in Rule 8 the Board may allot a stray site to a person who is eligible for allotment of a site under Rule 15.

11. Disposal of sites for charitable purposes :-

Notwithstanding anything contained in these rules, sites may be allotted on lease basis, to registered charitable institutions for purposes of construction of schools, colleges, playgrounds, hostels, temples, community centres and recreation clubs on such rent as may be fixed by the Board. The Government may call for the records and revise the rent if it is satisfied that the rent fixed is too low. After the expiry of the lease period the entire land with Buildings and constructions therein shall vest in the Board free from all encumbrances. But, such sites may be conveyed by the Board to such institutions, after recovering such expenditure if any, as it may have incurred: Provided that no amount towards such expenditure shall be recovered by the Board in the case of persons belonging to backward class, Scheduled Castes and the Scheduled Tribes if so directed by Government.

12. Allottee to be lessee :-

The site allotted under Rule 8 or Rule 10 shall be deemed to have been leased to the allottee until the lease is determined or the site is conveyed in the name of the allottee in accordance with these rules. During the period of lease, the allottee shall pay to the Board rent at the rate of rupees three per annum where the area of the site does not exceed two hundred square metres, rupees six per annum where the area of the site exceeds two hundred square metres, but does not exceed five hundred square metres and rupees twelve per annum where the area of the site exceeds five hundred square metres before the commencement of each year.

13. Applications :-

(1) Applications, for allotment of sites shall be in Form 1 which may be obtained from the offices of the Board on payment of a sum of two rupees which amount shall not be refunded. The application shall be attested by a Magistrate of the First Class.

(2) Every application shall be accompanied by the receipt, challan or draft evidencing the deposit of the earnest money under Rule 14.

(3) Every applicant shall indicate the dimensions of the site required by him.

(4) When applications are invited under Rule 8, the application shall be presented in person or sent by registered post so as to reach the office of the Board before the date and time fixed for

receipt of such applications. Applications received after the date and time so fixed shall be rejected.

14. Earnest money :-

Every applicant for a site shall deposit as earnest money an amount equal to twelve and a half per cent of the value of a site of the dimensions applied for and enclose with the application the receipt obtained in token of such deposit, or challan for having credited the amount to the Reserve Bank of India or a draft for the amount drawn in favour of the Chairman: Provided that the money to be deposited by a member of the Scheduled Caste, Scheduled Tribe or wandering tribe or nomadic tribe or semi-nomadic tribe or a denotified tribe shall be three per cent of the value of the site.

15. Eligibility for allotment No person :-

(1) Who is not ordinarily resident (Living independently or with his family members) in the area within the jurisdiction of the Board for not less than five years immediately before the last date fixed for making application.

(2) Who or any member of his family owns or is a lessee entitled to demand conveyance eventually or has been allotted a site or a house by the Board or any authority shall be eligible to apply for the allotment of a site: Provided that the Board may relax the conditions in the case of persons who are domiciled in Karnataka, but have gone outside the State for employment, business, studies or training and who intent to reside in such area.

16. Principles for selection of applicants for allotment of sites. (1) The Board shall consider the case of each applicants on merits and shall have regard to the following principles in making selection :-

(1)

(i) The status of the applicant i.e., whether he is married or single and his dependent children;

(ii) The income of the applicant and his capacity to purchase a site and build a house therein for his residence: Provided that this condition shall not be considered in case of applicants belonging to scheduled caste, scheduled tribes, wandering tribes, nomadic tribes and other backward classes.

(iii) The number of years the applicant has been waiting for an

allotment of site and the fact that he did not secure a site either earlier though he is eligible and had applied for a site;

(iv) Persons who are ex-servicemen or members of the family of the deceased servicemen killed in action during the last ten years.

(2) The sites may be allotted among the different classes of persons as indicated hereunder.

(a) Wandering tribes, nomadic tribes, denotified tribes, semi-nomadic tribes two per cent;

(b) Scheduled Tribes three per cent;

(c) Scheduled Castes Thirteen per cent;

(d) Ex-servicemen or members of the family of deceased servicemen and members of the armed forces of the Union nine per cent;

(e) State Government servants twelve per cent;

(f) Servants of the Central Governments and Corporations ten per cent;

(g) General public fifty-one per cent.

17. Committees :-

The Board shall constitute a committee called "allotment committee" consisting of three members for considering applications and making recommendations to the Board for allotment. The Chairman of the Board shall be the Chairman of the committee. Of the other two members one shall be elected by the Board from among the members nominated by Government and the other from among the members representing the concerned Municipal Council or Corporation.

18. Selection of applicants :-

The Board shall consider the recommendations of the allotment committee and after such further enquiry as it deem fit make allotment.

19. Revocation of proposal for allotment of site :-

(1) The Board may at any time revoke any proposal to dispose off any site under these rules if in its opinion, the area covered by such site has to be reserved for any purpose for the use of inhabitants of the extension concerned.

(2) When a revocation is made under sub-rule (1), the applicants for sites in such area shall be given option to apply for other sites in the extension and any application made accordingly shall be considered along with the other applications for sites in such extensions.

20. Decision of the Board :-

The Board shall have the right to reject the allotment of sites applied for by an applicant without assigning any reasons. The decision of the Board shall be final and binding on every applicant.

21. Value of site :-

The value of a site mentioned while inviting applications may be altered by the Board with the sanction of the Government and an allottee may accept the site at the altered price or decline the allotment:

Provided that a person whose annual income is less than rupees three thousand and six hundred shall be entitled to get a site measuring 9.14M x 12.19M (30' x 40') or less at fifty per cent of the value of the site fixed by the Board:

1 Provided further that a person belonging to Scheduled Castes/Scheduled Tribes, whose annual income is less than rupees three thousand and six hundred, shall be entitled to get a site measuring 9.14M x 12.19M (30' x 40') or less, at twenty-five per cent of the value of the site fixed by the Board.]

1. Second proviso inserted by GSR 102, dated 24-4-1981.

22. Conditions of allotment and Sale of site :-

The allotment of a site under these rules shall be subject to the following conditions.

(1) The allottee shall within a period of 15 days from the date of receipt of notice of allotment, pay to the Board twelve and a half per cent of the price of the site and if no such payment is made the allottee shall be deemed to have declined the allotment.

(2) The balance of the value of site (less a sum of rupees thirty where the area of the site does not exceed two hundred square metres, rupees sixty where the area of the site exceeds two hundred square metres and does not exceed five hundred square metres and rupees one hundred and twenty where the area exceeds five hundred square metres) shall be paid within 90 days

from the date of receipt of the notice of allotment or such extended period not exceeding ¹[two years] as the Chairman may specify. Interest at ² [eighteen per cent] shall be paid on the said amount for the extended period. If the said amount is not paid within the period of ninety days or the extended period the earnest money paid by the allottee shall be liable to forfeiture and allotment may be cancelled:

Provided that where an allottee is a person.

(i)- Whose annual income does not exceed two thousand and four hundred rupees, he may choose to pay the balance value of the site in quarterly, half yearly or annual installments and the rate of interest on the said amount for the extended period for quarterly payment will be two per cent, for half yearly payment will be three per cent and for the annual payment four per cent;

(ii) Whose annual income exceeds two thousand and four hundred rupees but does not exceed seven thousand and two hundred rupees interest at twelve per cent per annum shall be paid on the said amount for the extended period:

Provided further that where an allottee is a person belonging to a Scheduled Castes or Scheduled Tribes or other Backward Classes or a nomadic tribe or a wandering tribe or a denotified tribe or a family of defence personnel killed or disabled during the recent war and whose annual income from all sources does not exceed rupees five thousand, the balance value of the site required to be paid under this sub-rule shall be paid by him without interest within a period of 6 years from the date of receipt of notice of allotment.

(3) Until the site is conveyed to the allottee the amount paid by the allottee for the purchase of the site shall be held by the Board as security deposit for the due performance of the terms and conditions of the allotment and the lease-cum-sale agreement entered into between the Board and the allottee.

(4) After the payment under sub-rule (2) is made the Board shall intimate the allottee the actual measurement of the site and the particulars thereof and a lease-cum-sale agreement in Form II shall thereafter be executed by the allottee and the Board and registered by the allottee. If the agreement is not executed within forty-five days after the Board has intimated the actual measurements and price of the site to the allottee, the earnest money paid by the

allottee may be forfeited, the allotment of the site may be cancelled and the amount paid by the allottee after deducting the earnest money be refunded to him. Every allottee shall construct a building on the site in accordance with the plan and design approved by the Board. If in any case it is considered necessary to add any additional conditions in the agreement the Board may make such conditions. Approval of the concerned Municipal Council or Corporation of the plans and designs shall be necessary when the layout in which the site is situated is transferred to the control of the said Municipal Council or Corporation.

(5) The allottee shall comply with the conditions of the agreement executed by him and the buildings and other bye-laws of the Board or the concerned Municipality as the case may be for the time being in force.

(6) The allottee shall construct a building within a period of two years from the date of execution of the agreement or such extended period as the Board may in any specified case by written order from him. If the building is not constructed within the said period the allotment may, after reasonable notice to the allottee, be cancelled, the agreement revoked, the lease determined and the allottee evicted from the site from the Board and after forfeiting twelve and a half per cent of the value of the site paid by the allottee the Board shall refund the balance to the allottee.

(7)

(a) On the expiry of the period of ten years and if the allotment has not been cancelled or the lease has not been determined in accordance with these rules or the terms of the agreement in the meanwhile the Board shall by notice call upon the allottee to get the sale deed of the site executed at his own cost within the time specified in the said notice;

(b) If the allottee fails to get the sale deed executed within the time so specified the Board shall itself execute the sale deed and recover the cost and other charges, if any, incidental thereto from the allottee as if the said amount is due to the Board.

(8) The allottee shall ordinarily reside or himself make use of the building constructed on the site allotted to him.

(9) With effect from the date of taking possession of the site the allottee or his heirs and successors shall be liable to pay the taxes,

fees and cesses payable in respect of the site and any building erected thereon.

(10) If the particulars furnished by the applicant in the prescribed application form for allotment of site are found incorrect or false subsequently, twelve and a half per cent of the site value shall be forfeited after the site is resumed by the Board and the balance amount of site value refunded to the applicant.

1. Substituted for the words "one year" by GSR 126, dated 16-4-1979 and shall be deemed to have come into force w.e.f. 3-9-1976.
2. Substituted for the words "fifteen per cent" by GSR 292, dated 15-11-1984.

23. Restrictions, conditions and limitations on sale of sites.

:-

(1) Notwithstanding anything contained.

(i) These rules or any other rules, bye-laws or orders governing the allotment, grant or sale of sites by the Board for construction of buildings; or

(ii) Any instrument executed in respect of any site allotted, granted or sold by the Board for constructions of buildings. The Chairman may at the request of the allottee, grantee or purchaser of a site execute a deed of conveyance subject to the restrictions, conditions, limitations specified in sub-rule (2).

(2) The conveyance by the Chairman of a site in favour of an allottee, grantee or purchaser of a site (hereinafter referred to as purchaser) shall be subject to the following restrictions, conditions and limitations namely.

(a) In the case of a site on which a building has not been constructed.

(i) the purchaser shall construct a building on the site within such period as may be specified by the Board, as per plans, designs and conditions to be approved by the Board or in conformity with the provisions of the Municipal Laws and the bye-laws made thereunder;

(ii) the purchaser shall not without the approval of the Board, construct on the site any building other than a building for the construction of which a site was allotted, granted or sold;

(iii) the purchaser shall not alienate site within a period of ten years from the date of allotment except by mortgage in favour of the Government of India, the Government of Karnataka, the Life Insurance Corporation of India, the Karnataka Housing Board or any co-operative society approved by the Board or any corporation set-up, owned or controlled by the State Government or the Central Government to secure moneys advanced by such Government, Corporation, Board, Society or Corporations as the case may be for the construction of the building on the site;

(b) In the case of a site on which a building has been constructed, the purchaser shall not alienate the site and the building constructed thereon within a period of ten years from the date of allotment, except.

(i) by mortgage in favour of the Government of India, the Government of Karnataka, the Life Insurance Corporation of India or the Karnataka Housing Board or any Co-operative Society approved by the Board to secure moneys advanced by such Government, Corporation, Board or Society for the construction of the building on the site; or

(ii) with the previous approval of the Board.

(c) In the event of purchaser committing breach of any of the conditions in clause (a) or clause (b), the Board may at any time after giving to the purchaser reasonable notice resume the site free from all encumbrances. The purchaser may remove all things which he has attached to the earth:

Provided he leaves the site in the state in which he received it. All transactions entered into in contravention of conditions specified in clauses (a) and (b) shall be null and void ab initio.

Explanation. In this rule reference to the Board shall be deemed to include the Chairman when authorised by the Board by a general resolution to exercise any power vested in the Board.

(3) Notwithstanding anything contained in sub-rule (2) the Board may with the previous approval of the State Government and payment of such sum not exceeding twelve and a half per cent of the value of the site allotted by the lessee, by order in writing permit the alienation during the period of the lease of the site and the building, if any, constructed thereon, on account of the inability of the lessee to reside in the said site or house for reasons beyond

his control or the insolvency or impecuniosity of the lessee. Where such permission is granted, the alienee shall for the purpose of this rules be the lessee subject to all the terms and conditions of the lease deed already executed.

24. Voluntary surrender :-

An allottee may at any time after allotment surrender the site allotted to him to the Board. On such surrender the Board shall refund all amounts paid by the allottee to the Board in respect of the said site.

25. Revision :-

(1) Government may suo moto or otherwise call for the record on any decision, order or proceedings of the Chairman or the Board under these rules for the purpose of satisfying itself as to the legality or propriety of such decision, order or proceeding.

(2) If in any case, it appears to the Government that any decision, order or proceedings so called for should be modified, annulled or reversed, Government may pass such order as it may deem fit: Provided that no decision or order shall be modified, annulled or reversed unless a notice has been served on the parties interested and opportunity given to them for making representation to the Government.

26. Savings :-

Nothing in these rules shall be applicable to the sale or transfer of sites by the Board to

(a) The Karnataka Housing Board for construction of Houses;

(b) The State Government for any purposes;

(c) The Life Insurance Corporation of India, the Karnataka State Road Transport Corporation and the Karnataka Electricity Board.

SCHEDULE 1

SCHEDULE

THE SCHEDULE

Site No.....formed by the Improvement Board of..... in
Block No.....in the.....extension.

Site bound on

East by

West by

North by

South by

and measuring east to west.....north to south.....in all
measuring.....square feet.

In witness whereof the parties have affixed their signature to this
agreement.

The Improvement Board.....

Witnesses:

- 1.
2. Lessee/Purchaser

Witnesses:

- 1.
- 2.