

**KARNATAKA REGULARISATION OF UNAUTHORISED  
CONSTRUCTIONS IN URBAN AREAS ACT, 1991**

**29 of 1991**

**[November 8, 1991]**

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An Act to provide for regularisation of certain unauthorised constructions in urban areas. Whereas, it is expedient to provide for regularisation of certain unauthorised constructions in urban areas; Be it enacted by the Karnataka State Legislature in the Forty-second Year of the Republic of India as follows.

**1. Short title and commencement :-**

- (1) This Act may be called the Karnataka Regularisation of Unauthorised Constructions in Urban Areas Act, 1991.
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

**2. Definitions :-**

In this Act, unless the context otherwise requires.-

(1) "Authority" means.-

(i) the Bangalore Development Authority constituted under the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976); or

(ii) an Urban Development Authority constituted under the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987); or

**1**[(1-A) "Competent Authority" means a Competent Authority appointed under Section 6 ;] (iii) an Improvement Board established under the Karnataka Improvement Boards Act, 1976 (Karnataka Act 11 of 1976);

(2) "Construction" means any permanent structure;

(3) "Family" in relation to a person means, an individual, wife or husband, as the case may be, of such individual and their unmarried minor children;

(4) "Permanent Structure" means any building whether of masonry, bricks, wood, mud, metal or any other materials whatsoever;

(5) "Revenue Site" means a site formed without approval under the relevant law relating to town and country planning or the erection of building on land which has not been diverted in accordance with Section 95 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964);

**1**[(6) x x x x x;]

(7) "Unauthorised Construction" means any construction made without obtaining a building licence, or after obtaining a building licence which is issued in violation of any law relating to town and country planning of erection of building <sup>3</sup> [and includes land appurtenant thereto not exceeding maximum extent as may be prescribed;]

(8) "Urban area" means.-

(i) any area within the limits of a City Municipality or a Town Municipality declared under the Karnataka Municipalities Act, 1964 (Karnataka Act 22 of 1964);

(ii) any urban area within the limits of an Improvement Board established under the Karnataka Improvement Board Act, 1976

(Karnataka Act 11 of 1976);

(iii) the Bangalore Metropolitan area as defined in the Bangalore Development Authority Act, 1976 (Karnataka Act 12 of 1976);

(iv) any urban area as defined in the Karnataka Urban Development Authorities Act, 1987 (Karnataka Act 34 of 1987); and includes such other area adjacent to the aforesaid area as the State Government may, by notification specify.

1. Clause (6) omitted by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

3. Inserted by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

### **3. Regulation :-**

Notwithstanding anything contained in any law, but subject to such rules as may be prescribed, any unauthorised construction made in any urban area, except those specified in Section 4 , made prior to the <sup>1</sup>[First day of January, 1995], by any person, on land.-

(i) belonging to the State Government; or

(ii) which is a revenue site owned by him; or

(iii) belonging to him which is proposed to be acquired in connection with any development scheme of an Authority, in relation to which a notification under the Bangalore Development Authority Act, 1976 , or under S.17 of the Karnataka Urban Development Authorities Act, 1987, or under Section 15 of the Karnataka Improvement Boards Act, 1976 , is published and which, has not yet vested in favour of any Authority for which the acquisition is proposed.

may, on the application of such person made <sup>2</sup> [before the Thirty-first day December, 1995], be regularised in accordance with the provisions of this Act.

1. Substituted for the words and figures "Thirty-first day of March, 1990" by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

2. \Inserted by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 1-8-1992.

### **4. Unauthorised constructions which shall not be regularised :-**

The following unauthorised constructions shall not be regularised; namely.-

(i) unauthorised constructions coming in the way of existing or proposed roads <sup>1</sup>[including those proposed for widening] and railway lines, communications and other civic facilities or public utilities;

[(ii) x x x x x;]

(iii) unauthorised constructions made in forest land or on tank bed;

[(iv) x x x x x;]

(v) unauthorised constructions made by any person on the land belonging to another person over which former has no title;

[(vi) x x x x x;]

(vii) unauthorised constructions made in violation of Urban (Land Ceiling and Regulation) Act, 1976 (Central Act 33 of 1976);

**2**[(vii-a) unauthorised constructions on land belonging to the State Government and appurtenant to any building belonging to the State Government;

**3** [(vii-b) unauthorised constructions on land belonging to the Central Government;]

(vii-c) unauthorised constructions on land appurtenant to any building owned by the Central Government or by any company owned or controlled by the State Government or Central Government;]

(viii) unauthorised constructions made on the land belonging to or vested in any authority or a Local Authority; and

(ix) unauthorised constructions on any land reserved for parks, playgrounds, open places or for providing any civic amenities.

1. \Inserted by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 1-8-1992.

2. Section 6 substituted by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

3. Substituted for the words "an order of regularisation" by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

## **5. Conditions for regularisation :-**

(1) No unauthorised construction shall be regularised if the person who has applied for regularisation or any membra of his family

owns any building or site within the urban area in which the unauthorised construction sought to be regularised is situated.

(2) No person shall be eligible to seek regularisation of more than one unauthorised construction either in his name or in the name of any member of his family;

## **6. Competent Authority :-**

**1**

(1) For the purpose of regularisation of unauthorised constructions, the State Government may by notification appoint an Officer not below the rank of a K.A.S. Group-A Senior Scale Officer to be a Competent Authority for such area or areas as may be specified by it, and two or more Competent Authorities may be appointed in respect of the same areas.

(2) The Competent Authority shall scrutinise application received under Section 3 and after holding an enquiry in accordance with such rules as may be prescribed and subject to payment being made according to the provisions, hereinafter contained make a provisional order of regularisation of unauthorised constructions and where such construction is situated on the land belonging to the State Government may for the purpose of regularising the construction also make a provisional order for grant of the appurtenant land included in the said construction, subject to such maximum extent that may be prescribed.

(3) Burden of proving that an unauthorised construction was made prior to the First day of January, 1995 shall lie on the applicant who seeks regularisation of such unauthorised construction.]

1. Section 6 substituted by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

## **7. Payment of amount and grant of land :-**

(1) Within two months from the date of receipt of <sup>1</sup>[a provisional order of regularisation] from the <sup>2</sup>[Competent Authority], the person in whose favour such order is made, shall pay the amount as may be prescribed. Different amount may be prescribed in respect of different urban areas or class or classes of persons.

(2) On payment being made in accordance with sub-section (1).-

(i) In the case of land belonging to the State Government the <sup>3</sup>[Competent Authority shall make a final order] granting the land

of which <sup>4</sup>[provisional regularisation has been ordered] and on such grant, the grantee shall be eligible to get a sale deed executed for such land in his name at his cost and thereupon, the unauthorised construction situate therein <sup>5</sup>[shall be regularised];

(ii) in cases not falling under clause (i), the unauthorised construction <sup>6</sup> [shall be regularised.]

1. Substituted for the words "an order of regularisation" by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

2. Substituted for the words "Screening Committee" by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

3. Substituted for the words "Member-Secretary of the Screening Committee shall issue an order" by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1996.

4. Substituted for the words "regularisation has been ordered" by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

5. Substituted for the words "shall be deemed to have been regularised" by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

6. Substituted for the words "shall be deemed to have been regularised" by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

### **8. Unauthorised constructions not regularised to be demolished :-**

All unauthorised construction which are not regularised under this Act shall be liable for demolition and <sup>1</sup> [the supply of water or electricity shall be liable to be disconnected without notice and] the persons who have made such constructions shall be liable to be evicted summarily in accordance with the relevant law.

1. Inserted by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

### **8A. Revision by the Divisional Commissioner :-**

<sup>1</sup> The Divisional Commissioner of the concerned Revenue Division may on his own motion or on the application of any person at any time call for and examine the order passed or proceeding recorded by the Competent Authority for the purpose of satisfying himself as to the legality or propriety of the order or the regularity of such proceeding and may pass such order with respect thereto as he may deem fit:

Provided that no such order shall be made except after giving the person affected a reasonable opportunity of being heard.]

1. Section 8-A inserted by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

## **9. Power to make rules :-**

(1) The State Government may, by notification after previous publication make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for.-

(a) manner of enquiry to be held under <sup>1</sup>[sub-section (2)] of Section 6 ;

<sup>2</sup>[(b) the powers and duties of the <sup>3</sup>[Competent Authority];

<sup>4</sup>[(c) x x x x;]

(d) the period within which the sale deed under sub-section (2) of Section 7 shall be executed;]

<sup>5</sup> [(e) the amount to be paid under Section 7 ;

(f) any other matter for which rules have to be made or are necessary under this Act.]

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of Thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be: so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1. Substituted for the words, figure and brackets "sub-section (4)" by Act No. 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

2. Clauses (b) to (d) inserted by Act No. 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

3. Substituted for the words "Screening Committee" by Act No. 27

of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

4. Clause (c) omitted by Act No, 27 of 1995 and shall be deemed to have come into force w.e.f. 3-6-1995.

5. Clauses (b) and (c) renumbered as clauses (e) and (f) by Act No, 9 of 1994 and shall be deemed to have come into force w.e.f. 1-8-1992.

**10. Removal of difficulties :-**

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification made such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty.