

THE BANGALORE METROPOLITAN

REGION DEVELOPMENT

AUTHORITY ACT, 1985



KARNATAKA ACT No. 39 OF 1985

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THE BANGALORE METROPOLITAN REGION DEVELOPMENT AUTHORITY ACT, 1985.

(Received the assent of the Governor on the Eighteenth day of October, 1985)

An Act to provide for the establishment of an authority for the purpose of planning, co-ordinating and supervising the proper and orderly development of the areas within the Bangalore Metropolitan Region and to provide for matters connected therewith.

Whereas it is expedient to provide for the establishment of an authority for the purposes of planning, co-ordinating and supervising the proper and orderly development of the area within the Bangalore Metropolitan Region and to provide for matters connected therein ;

Be it enacted by the Karnataka State Legislature in the Thirty-sixth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title and commencement.—(1) This Act may be called the Bangalore Metropolitan Region Development Authority Act, 1985.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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

(a) " Authority " means the Bangalore Metropolitan Region Development Authority constituted under section 3 ;

(b) " amenity " includes roads, bridges, streets, transport, lighting, water and electricity supply, sewerage,

drainage, public works, open spaces, recreational grounds, parks, and other conveniences, services or utilities ;

(c) "Bangalore Metropolitan Region" means the area comprising the Bangalore District and Malur Taluk of Kolar District and such other areas as the State Government may, from time to time, by notification, specify ;

(d) "Chairman" means the Chairman of the Authority ;

(e) "Corporation" means the Corporation of the City of Bangalore ;

(f) "development" with its grammatical variations means the carrying out of building, engineering or other operations in or over or under any land or the making of any material change in any building or land or in the use of any building, or land and includes redevelopment and forming of layouts and sub-division of any land including amenities ;

(g) "Executive Committee" means the Executive Committee constituted under section 6 ;

(h) "fund" means the Bangalore Metropolitan Region Development Authority Fund ;

(i) "land" includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

(j) "local authority" means the City of Bangalore Municipal Corporation, the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board, a Zilla Parishad, a Municipal Council, a Sanitary Board, the Karnataka Electricity Board and the Karnataka Road Transport Corporation a Zilla Parishad, a Municipal Council, a Sanitary Board, or a Mandal Panchayat constituted or continued under any law for the time being in force ;

(k) "member" means a member of the Authority ;

(l) "Metropolitan Commissioner" means the Metropolitan Commissioner appointed under section 8 ; and

(m) "regulation" means a regulation made under this Act.

CHAPTER II

The Bangalore Metropolitan Region Development Authority

3. Constitution and Incorporation of the Authority

(1) As soon as may be, after the date of commencement of this Act, the State Government shall, by notification, constitute for the Bangalore Metropolitan Region an authority to be called the Bangalore Metropolitan Region Development Authority.

(2) The Authority shall be a body corporate 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 immovable and to contract and may, by the said name, sue or be sued.

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

(a) the Chief Minister of Karnataka who shall be the Chairman;

(b) the Minister in charge of Urban Development who shall be the Vice-Chairman;

(c) the Chairman, Bangalore Development Authority;

(d) the Mayor, Corporation of the City of Bangalore;

(e) the Chief Secretary to the Government of Karnataka;

(f) the Divisional Commissioner, Bangalore Division, Bangalore;

(g) the Secretary, Finance Department, Government of Karnataka;

(h) the Secretary, Housing and Urban Development Department, Government of Karnataka;

(i) the Secretary, Public Works Command Area Development and Electricity Department, Government of Karnataka;

(j) the Secretary, Commerce and Industries Department, Government of Karnataka;

(k) the Chairman, Bangalore Water Supply and Sewerage Board;

(l) the Chairman, Karnataka Housing Board;

(m) the Chairman, Karnataka Slum Clearance Board;

(n) the Chairman, Karnataka Electricity Board;

(o) the Chairman, Karnataka State Road Transport Corporation;

(p) the Director of Town Planning, Government of Karnataka;

(q) the Chief Conservator of Forests (General), Government of Karnataka;

(r) the Chairman, Bangalore Urban Art Commission;

(s) the Divisional Railway Manager, Southern Railway, Bangalore (with the consent of the Central Government);

(t) the General Manager, Bangalore Telephones, Bangalore (with the consent of the Central Government);

(u) three members appointed by the Government, representing labour, women and Scheduled Castes and Scheduled Tribes;

(v) four members of the Karnataka State Legislature representing the Bangalore Metropolitan Region, appointed by the Government; and

(w) four members from amongst the persons representing the local authorities in the Bangalore Metropolitan Region, appointed by the Government.

(x) the Metropolitan Commissioner, who shall be the Member-Secretary.

4. Term of office and conditions of service of members.—(1) Subject to the pleasure of the Government, the members appointed under items (u), (v) and (w) of sub-section (3) of section 3 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.

(2) Any member, other than an ex-officio member, may resign his office by writing under his hand addressed to the State Government.

(3) A casual vacancy caused by resignation of a member or otherwise may be filled by appointment by the State Government and the persons so appointed shall hold office for the remaining period for which the member in whose place he is appointed would have held office.

(4) No act or proceeding of the Authority or the Executive Committee or any other committee shall be invalid merely by reason of any vacancy or defect in the constitution or reconstitution of the Authority, Executive Committee or any other committee, as the case may be, or any defect or irregularity in the constitution or procedure of the Authority not affecting the merits of the matter under consideration.

(5) Any person ceasing to be a member shall be eligible for reappointment as a member.

(6) The sitting fee and other allowances payable to members other than the ex-officio members for attending the meetings of the Authority, Executive committee or any other committee shall be such as may be prescribed.

5. Meetings of the Authority.—(1) The meetings of the Authority shall be convened by the Metropolitan Commissioner and it shall ordinarily meet at least once in three months at such place within the jurisdiction of the Authority and at such time as the Chairman may decide.

(2) The Authority shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at meetings) as may be prescribed by regulations.

(3) The Chairman or, if for any reason he is unable to attend any meeting, the Vice-Chairman or if for any

reason he is also unable to attend the meeting, any other member chosen by the members present at the meeting, shall preside at the meeting of the Authority.

(4) All questions which come up before any meeting of the Authority shall be decided by 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.

6. **Executive Committee.**—(1) There shall be an executive committee of the Authority consisting of—

(a) the Minister in charge of Urban Development, who shall be the Chairman;

(b) the Metropolitan Commissioner who shall be the Vice-Chairman;

(c) the Chairman, Bangalore Development Authority;

(d) the Commissioner, Bangalore Development Authority;

(e) the Mayor, Corporation of the City of Bangalore;

(f) the Commissioner, Corporation of the City of Bangalore;

(g) the Secretary, Housing and Urban Development, Government of Karnataka;

(h) the Secretary, Finance Department, Government of Karnataka;

(i) the Secretary, Public Works, Command Area Development and Electricity Department;

(j) the Chairman, Bangalore Water Supply and Sewerage Board;

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(k) the Director of Town Planning, Government of Karnataka ;

(1) the Divisional Commissioner, Bangalore Division, Bangalore.

(2) Subject to the general superintendence and control of the Authority, the management of the affairs of the Authority shall vest in the Executive Committee.

(3) Subject to the rules, and to the direction of the Authority, the Executive Committee may exercise any power and do any act or thing which may be exercised or done by the Authority.

(4) The procedure to be followed by the Executive Committee and all other matters relating to the Executive Committee shall be such as may be prescribed by regulations.

7. Appointment of other committees.—(1) The Authority may from time to time appoint ; committees consisting of such members as it thinks fit and may with the approval of the Government associate with such committee 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 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 Authority shall nominate one of the members as the Chairman of every such committee.

(3) The procedure to be followed by the committees and all other matters relating to the committees shall be such as may be prescribed by regulations.

8. Officers and servants.—(1) The State Government shall appoint a Metropolitan Commissioner who

shall be the Chief Administrative and Executive Officer of the Authority. The State Government shall by order determine, from time to time, the salary and other terms and conditions of service and the powers and functions of the Metropolitan Commissioner. He shall be appointed for such period not exceeding three years as the State Government may decide, and the appointment may be extended from time to time for a period not exceeding three years at a time.

(2) The State Government may, appoint one or more Deputy or Assistant Metropolitan Commissioners, a Town Planner, a Law-Officer and an Accounts Officer. The State Government shall by order determine, from time to time, the salaries and other terms and conditions of service of the Deputy Metropolitan Commissioner, the Assistant Metropolitan Commissioner, the Town Planner, the Law Officer and the Accounts Officer.

(3) The Authority may, from time to time, sanction creation of such other posts of officers and servants as may be necessary for the efficient performance of the functions of the Authority. The condition of recruitment, appointment and service and the powers and duties of such officers and servants shall be such as may be determined by regulations:

Provided that no post carrying a minimum salary of one thousand five hundred rupees and above shall be created without the approval of the Government.

CHAPTER III

Powers and Functions of the Authority

9. Powers and functions of the Authority.—(1) Subject to the provisions of this Act and the rules made thereunder the functions of the Authority shall be—

(i) to carry out a survey of the Bangalore Metropolitan Region and prepare reports on the surveys so carried out;

(ii) to prepare a structure plan for the development of the Bangalore Metropolitan Region ;

(iii) to cause to be carried out such works as are contemplated in the structure plan ;

(iv) to formulate as many schemes as are necessary for implementing the structure plan of the Bangalore Metropolitan Region ;

(v) to secure and co-ordinate execution of the town-planning scheme and the development of the Bangalore Metropolitan Region in accordance with the said schemes ;

(vi) to raise finance for any project or scheme for the development of the Bangalore Metropolitan Region and to extend assistance to the local authorities in the Region for the execution of such project or scheme ;

(vii) to do such other acts and things as may be entrusted by the Government or as may be necessary for, or incidental or conducive to, any matters which are necessary for furtherance of the objects for which the Authority is constituted ;

(viii) to entrust to any local authority the work of execution of any development plan or town planning scheme ;

(ix) to co-ordinate the activities of the Bangalore Development Authority, the Corporation of the City of Bangalore, the Bangalore Water Supply and Sewerage Board, the Karnataka Slum Clearance Board, the Karnataka Electricity Board, the Karnataka Industrial Areas Development Board, the Karnataka State Road Transport Corporation and such other bodies as are connected with developmental activities in the Bangalore Metropolitan Region.

10. No other authority or persons to undertake certain development without permission of the Authority.—

(1) Notwithstanding anything contained in any law for the time being in force, except with the previous permission of the Authority, no authority or person shall undertake any development within the Bangalore Metropolitan Region of the types as the Authority may from time to time specify, by notification published in the official Gazette.

(2) No local authority shall grant permission for any development referred to in sub-section (1), within the Bangalore Metropolitan Region, unless the Authority has granted permission for such development.

(3) Any authority or person desiring to undertake development referred to in sub-section (1) shall apply in writing to the Authority for permission to undertake such development.

(4) The Authority shall, after making such inquiry as it deems necessary grant such permission without any conditions or with such conditions as it may deem fit to impose or refuse to grant such permission.

(5) Any authority or person aggrieved by the decision of the Authority under sub-section (4) may, within thirty days from the date of the decision appeal against such decision to the State Government, whose decision thereon shall be final :

Provided that, where the aggrieved authority submitting such appeal is under the administrative control of the Central Government, the appeal shall be decided by the State Government, after consultation with the Central Government.

(6) In case any person or authority does anything contrary to the decision given under sub-section (4) as modified in sub-section (5), the Authority shall have power to pull down, demolish or remove any development undertaken contrary to such decision and recover the cost of such pulling down, demolition or removal from the person or authority concerned.

CHAPTER IV

Finance, Accounts and Audit

11. Authority's funds.—(1) The Authority shall have a fund called the Bangalore Metropolitan Region Development Authority Fund which shall be operated by such officers as may be authorised by the Authority.

(2) The Authority may accept grants, subventions, contributions, donations and gifts from the Central Government, the State Government, a local authority or any individual or body, whether incorporated or not, for all or any of the purposes of this Act.

(3) The State Government shall, every year, make a grant to the Authority of a sum equivalent to the administrative expenses of the Authority till the Authority is able to meet its administrative expenses out of its own resources.

(4) All moneys received by or on behalf of the Authority by virtue of this Act, and all interests, profits, and other moneys accruing to or borrowed by the Authority, shall be credited to the Fund.

(5) Except as otherwise directed by the State Government, all moneys and receipts specified in the foregoing provisions and forming part of the Fund shall be deposited in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or invested in such securities, as may be approved by the State Government.

(6) The Fund, and all other assets vesting in the Authority shall be held and applied by it, subject to the provisions of and for the purposes of this Act.

12. Budget.—The Authority shall prepare, every year, in such form and at such time as may be prescribed, an annual budget estimate in respect of the next financial year showing the estimated receipts and disbursements of the Authority and shall submit a copy thereof to the State Government.

13. Annual report.—The Authority shall, after the end of each year prepare in such form and before such date as may be prescribed, a report of its activities during such year and submit to the State Government and the State Government shall cause a copy of such report to be laid before both Houses of the State Legislature.

14. Subventions and loans to the Authority.—(1) The State Government may, from time to time, make subventions to the Authority for the purposes of this Act on such terms and conditions as the State Government may determine.

(2) The State Government may, from time to time advance loans to the Authority on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may determine.

15. Power of Authority to borrow.—The Authority may from time to time, with the previous sanction of the State Government, and subject to the provisions of this Act and to such conditions as may be prescribed in this behalf, borrow any sum required for the purposes of this Act.

16. Accounts and audit.—(1) The Authority shall cause to be maintained proper books of accounts and such other books as the rules made under this Act may require and shall prepare in accordance with such rules an annual statement of accounts.

(2) The Authority shall cause its accounts to be audited annually by such persons as the State Government may direct.

(3) As soon as the accounts of the Authority have been audited, the Authority shall send a copy thereof together with a copy of the report of the auditor thereon to the State Government and shall cause the accounts to be published in the prescribed manner and place copies thereof for sale at a reasonable price.

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

CHAPTER V

MISCELLANEOUS

17. 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 purposes 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 conditions 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 or children, 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 usage of the occupants of the land or building entered.

18. Directions by the Authority.—(1) The Authority may, in order to carry out the development plans and schemes

issued under section 9 or any town planning scheme or any direction to the Bangalore Development Authority, Bangalore Water Supply and Sewerage Board, Karnataka Electricity Board and such other bodies as are concerned with developmental activities in the Bangalore Metropolitan Region. The directions issued by the Authority shall prevail over any directions issued by the Bangalore Development Authority under section 53 of the Bangalore Development Authority Act 1976 (Karnataka Act 12 of 1976).

(2) Notwithstanding anything contained in any other law for the time being in force, every such direction shall be complied with by the body to whom it is issued. On failure, it shall be competent for the Authority to take necessary action to carry out the directions issued under sub-section (1) 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 State Government whose decision shall be final.

19. Metropolitan Commissioner to attend meetings of, Corporation, BDA and BWSSB.—(a) The Metropolitan Commissioner shall be entitled to attend and take part in the meetings of the Corporation of the City of Bangalore, the Bangalore Development Authority, the Bangalore Water Supply and Sewerage Board, the Karnataka Electricity Board and the Karnataka Road Transport Corporation but he shall have no right to vote.

(b) The said bodies shall invite the Metropolitan Commissioner to attend their meetings.

20. 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 punishable with imprisonment for a term which may extend to one year or with

fine which may extend to ten thousand rupees or with both and in the case of continuing contravention, with additional imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees or with both for each day after the first during which the contravention continues.

21. 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 responsible to the company for the conduct of its business 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 purpose 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.

22. Fines realised to be credited to the Fund.— All fines realised in connection with prosecutions under this Act, shall be credited to the Fund.

23. **Members and officers to be public servants.**—Every member, 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.

24. **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.

25. **Power to delegate.**—The Authority may, by notification, direct that any power exercisable by it under this Act except the power to make regulation may also be exercised by the Chairman or such officer of the Authority as may be specified in the notification subject to such restrictions and conditions as may be specified therein.

26. **Revision.**—(1) The State Government may call for the records of any proceeding of the Authority for the purpose of satisfying itself as to the legality or propriety of the order or proceeding and may pass such order with respect thereto as it thinks fit.

(2) The Authority may call for the records of any proceeding of any officer subordinate to it for the purpose of satisfying itself as to the legality or propriety of the order or proceeding 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.

27. **Government's power to give directions to the Authority.**—The State 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.

28. Act to over-ride 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.

29. Power to make rules.—(1) The State Government may, by notification, subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(2) 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 rule 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 done under that rule.

30. Regulation.—The Authority may, by notification and with previous sanction of the Government, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its functions under this Act. Regulation may be made in respect of any matter which is required to be or may, in the opinion of the Authority be provided by regulations.

31. Amendment of the Karnataka Town and Country Planning Act 1961.—After section 81-B of the Karnataka Town and Country Planning Act 1961 (Karnataka Act 11 of 1963), the following section shall be inserted, namely:—

“81-C. Outline development plan and comprehensive development plan of Bangalore Metropolitan Region.—Notwithstanding anything in this Act, the Planning Authorities within the Bangalore Metropolitan Region as defined

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in the Bangalore Metropolitan Region Development Authority Act, 1985 shall submit the outline development plans and comprehensive development plans under sections 9 and 19 respectively to the State Government through the Bangalore Metropolitan Region Development Authority for approval and the said Authority shall exercise the powers and discharge the functions of the Director of Town Planning in respect of such outline development plans or comprehensive development plans. The provisions of sections 9 and 19 shall mutatis mutandis be applicable for the purpose of this section.

A. N. BANERJI,
Governor of Karnataka.

By Order and in the name of the Governor of Karnataka,

K. R. CHAMAYYA,
Secretary to Government,
Dept. of Law and Parly. Affairs.