



THE KARNATAKA TOWN AND COUNTRY PLANNING (SECOND AMENDMENT) ORDINANCE, 2021

The Governor of Karnataka promulgated the Karnataka Town and Country Planning (Second Amendment) Ordinance, 2021 (Karnataka Ordinance No. 07 of 2021) on 12.08.2021 (**the Ordinance**). This Ordinance has brought the following amendments to the Karnataka Town and Country Planning Act, 1961 (**the Act**).

TOWN AND COUNTRY PLANNING OFFICER

- The Ordinance has inserted a new Section 4-I to the Act which provides for the designation of a town and country planning officer cum member secretary by the State Government in consultation with the Director of Town and Country Planning (**the Director**).
 - This designation shall be made at the time of constituting the Planning Authority.
 - The officer designated as town and country planning officer shall not be below the rank of Assistant Director of Town and Country Planning and shall also have a bachelor's or master's degree in town planning.
 - The designated officer shall carry out survey of the planning area, prepare an existing-land-use map and master plan for local planning area and forward the same to the Planning Authority.

FUNCTIONS OF THE PLANNING AUTHORITY

- The Ordinance has defined the functions of the Planning Authorities as follows –
 - Preparing plan, promoting and regulating the orderly growth of urban and rural area, including land use;
 - Circulation, preparation and implementation of the master plan; and
 - Preparation and execution of town planning schemes and development schemes and securing the development of local planning area.
- For the performance of the functions stated above, the planning authority shall have the power to study and survey the movable and immovable property within the local planning

area. They shall also have the power to acquire, hold, manage and dispose of said properties.

DEVELOPMENT OF LAND OUTSIDE LOCAL PLANNING AREA

- To carry out development on any land in an area other than the notified local planning area, an application in writing has to be made to the local authority as prescribed by the regulations.
- The local authority shall obtain permission from the Director (or an officer authorised by them) before granting permission to the applicant.
- This procedure shall also be continued in the interim period where Planning Authorities are not constituted after the notification of local planning areas.
- Where local planning areas are not notified –
 - The Department of Town and Country Planning shall provide the village extension plan and opinion for the diversion of land use.
 - The Director (or a qualified officer designated by him) may prepare village or settlement extension plans sought by the Central or State Government Departments or other authorities.

AMENDMENT RELATING TO DEVELOPMENT RIGHTS

- The Development Rights issued by the Planning Authority under Section 14-B of the Act shall be in the form of Notional Land.
- The amendment has set a cut off date at 03.06.2004 for the provision of Development Rights. Any area surrendered before the cut-off date shall not be eligible for issue of Development Rights.
- The Public Authority deposits for the grant of development rights is set at 10% of the market value of the area required.

PROCUREMENT OF LAND BY PUBLIC AUTHORITY

- Whenever the public authority intends to procure land for any public purpose, it shall notify the details of the land to be surrendered to the public authority including the title, extent of the land, and such other particulars in the prescribed form seeking the consent of the landowners or interested persons in the land to submit the claims to such authority.
- They shall also invite any objections and suggestions from the landowners or interested persons within 60 days from the date of publication of the notification in the Gazette and newspapers, as per requirement.
- For seeking consent of landowners for development rights, the officer authorised by the public authority that is acquiring the land shall –
 - Get the consent of landowners for development rights
 - Survey and take levels of land and building in the area
 - Do all acts necessary for the determination of the adaptability of the land for the purpose for which it is acquired
 - Set out the boundaries of the land or building proposed to be taken and the intended line of work, if any.
 - Verify the remaining lands rendered unfit for beneficial use of landowners.
- The public authority shall verify the claims of the landowners and interested persons in the land, pass orders and obtain relinquishment deeds from the eligible landowners.
- Each suggestion and objections received shall be gone through and the decision made thereon shall be recorded.
- Once verification is complete, the public authority shall
 - Pass provisional acceptance and have it published in the official gazette within 90 days.
 - Obtain the relinquishment deeds on the notification of the provisional acceptance and notify the final acceptance within 60 days from the notification.
 - Such final notification shall be notified to planning authority within 7 days from the date of notification.

- On the receipt of such notification, the planning authority shall ensure that no TDR has been granted on the same land and issue the Development Right Certificate within a period of 30 days.
- The DRC may be used by the owner or may be transferred as TDR to another person to be used within the same local planning area.

QUANTUM OF DEVELOPMENT RIGHTS

Sl. No.	Area Surrendered	Development Rights permitted
1.	Land Development Rights	
	(i) Any road widening/any road formation as proposed in Master Plan or as proposed by the Local Authority or Developing Authority. (ii) Any Infrastructure Projects approved by the Government (Transportation, Water Supply, Sewage, Electricity, etc.). (iii) Providing for parking, Parks, playgrounds, and open spaces, or any other public places proposed in the Master Plan or proposed by Local Authority and redevelopment projects on private land (iv) Providing EWS/LIG/affordable housing/Slum	DR in the form of notional land which shall be equal to two times of the Area surrendered.

	<p>redevelopment project on private land</p> <p>(v) Any other public purpose notified by the Government from time to time.</p>	
2.	Building Development Rights	
a.	<p>All types of buildings. (The Area considered for quantum of Development Rights shall be the Area surrendered limited to the allowable Floor Area Ratio (FAR) for such building area.)</p>	<p>Development Rights in the form of notional land which shall be equal to one time the land area derived by dividing the value of the building / portion of the building surrendered, by the market value of the land / plot on which the building is situated.</p> <p>The method of valuation of building shall be as prescribed.</p>

- Further, the requirement of the deposit sum being equal to the market value is omitted.
- TDR is redefined as follows –
 - **“Transferable Development Rights” (TDR)** means the Development Right in the form of notional land transferred by the owner to a transferee, which may be sold or disposed or utilized elsewhere in the Local Planning Area or any other area notified by the Government. The DR of the ‘Area’ surrendered in the form of Notional land, shall be permitted to be utilized as TDR, only after factorizing the market value of the originating plot and the receiving plot, as specified in the terms and conditions
- TDRC is redefines as –

- “Transferred Development Rights Certificate” (TDRC) means the certificate of Development Rights transferred by the DRC holder as TDR. TDRC shall also be issued for the TDR transferred by any subsequent TDRC holder.”

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