

INTERIM
REPORT

TRANSLATED
EXCERPTS FROM ORIGINAL
KANNADA REPORT

INTRODUCTION:

1. The Joint Legislature Committee on Encroachments in Bangalore Urban District was constituted in June 2006 with 14 MLAs and 6 MLCs. So far it has received over 400 complaints. The Committee has held twenty meetings and conducted eleven spot inspections.

2. From the hearings of various departments of government and statutory bodies such as the BMP, BDA, CMCs, TMCs, etc. the Committee is convinced that Bangalore is the haven for Land Mafias, Real Estate Sharks and Land Encroachers. The BMP, BDA, CMCs and the Cooperation Department, to name a few, have utterly failed in their duties to protect government and public land and have become not only helpless, tolerant witnesses but in many cases their officials have also become active participants, abettors and promoters of these crimes. For instance, the Principal Secretary, Revenue Department declared before the Committee that as many as 300,000 bogus Record of Rights have been issued by colluding Revenue Staff. The Secretary, Cooperation Department, when the usurpation of sites meant for Civic Amenities, Public Parks, Playgrounds, Public Utilities and Roads was pointed out to him, informed the Committee that this is a fact and the officers cannot take action as per law because they are being threatened and their life is in danger from vested interests, pressure lobbies and other powerful persons. He therefore doubted the purpose of merely discussing the problem of land grabbing as it cannot be controlled by government officers alone.

3. It is also a sad commentary that while some neighbouring states have taken effective action, land-grabbers from these states have now migrated to Bangalore as there is full freedom and immunity for them to practice land-grabbing here. At this rate, Bangalore will become infamously the Land Grabbing Capital of India while so far it has been known as India's Garden City, IT City, Science City and Silk City.

B. ROLE OF BDA AND BMP

4. There is absolute lawlessness regarding BDA layout violations. In the majority of layouts approved by the BDA, the sites for Civic Amenities, Parks, Roads and other public places amounting to about 50% of the total layout area have not been relinquished to the BDA at all and have been distributed as housing sites. In quite a few cases, layouts have not been approved by the BDA at all in the first place and the entire area without regard to public amenities, road width etc. have been distributed as private sites. BDA's layouts in Banashankari III Stage (at Gerehalli and Hosakere village limits), Konanakunte in Bangalore South Taluk, Judicial Officers Layout in Bangalore North Taluk

helplessness, if
the govt. cannot
protect its own
land, who else can?

once all
superlatives
and adjectives used
all through the
report

are only a few examples of such total lawlessness.

5. What is more shocking is that in these illegally distributed sites, the BMP has been going on merrily giving building licenses with impunity to whoever is asking for building plan approvals. Khathas are given casually and carelessly and in many cases for pecuniary gain of BMP officials and buildings are sanctioned without caring to look into whether the land belongs to government or BDA. The issue of khata and building license in the two and half acre land belonging to NIMHANS and in Gerehally-Hosakere BDA layouts are only two such examples of a large number of cases of illegal approvals and sanctions. It is shocking that the BMP top officials declare that once a sale deed is submitted by a person purportedly owning the site, the BMP cannot enquire into the title and is bound to give the khatha. The BMP's excuse is that since khatha is not a proven document of title, it can be given casually even without spot inspection and enquiry among the neighbouring site owners even though the Check List for issue of khatha specifically requires local enquiry and verification of documents of title before issue of khatha. The Committee has seen over-writings, obvious bogus entries, illegible and unreadable writings of BMP officials and casual approvals by senior officers. It is also amusing that the BMP seriously recommends that it cannot verify the titles to property and therefore there should be a fool-proof Department separately to issue documents of title. The BMP has miserably failed to take elementary care to verify the claims of sale-deed producers which can only indicate corruption in the ranks of officials.

Why Bangalore is recorded, why this is an infrastructure issue becomes clear through this

Who has pushed them to do all this?

6. It is seen that in the cities in some neighbouring states like Hyderabad, their Development Authority and Municipal Corporation have taken steps in having Estate Officers whose duty it is to inspect CA sites and sites meant for Parks and public lands in layouts and to make weekly reports personally to their Commissioner and to remove immediately if any encroachment is noticed. In Hyderabad, for instance, 25% of the sites in a private layout (and one floor in a multi-storied building) is mortgaged by registered deed to the Urban Development Authority and it is released only after the organization develops the layout strictly according to the approved layout plan. Similarly, the one entire floor in an apartment building mortgaged is released only after the builder completes the building according to approved plan.

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7. Such discipline is totally lacking in Bangalore city and the BDA and BMP have become silent spectators and worse, active facilitators and promoters of land-grabbing. There is no point in BMP and BDA officials going abroad to visit Tokyo, Paris, New York, London and Las Vegas to "study" the civic administration. It is enough if only they care to go to neighbouring state capitals and learn how these cities have dealt with the problem of land encroachment with all the limitations of a democratic set up, poverty and urban congestion. After all, such social and legal milieu is not existing only in Bangalore and these other capital cities have been able to control land-grabbing with all the given limitations. What is lacking in Bangalore is the Administrative Will and an indifference, inaction and putting all the blame on lack of Political Will.

indicative of the mechanism having completely failed.

Language of report highlighted

although in the introduction it speaks of... it will... concrete issues... norms... in the final report

although blaming administration, it the ground's... not as...

C. ILLEGAL ACTIVITIES OF HOUSE BUILDING COOPERATIVE SOCIETIES

8. There are statistically 305 House Building Cooperative Societies in Bangalore Urban district of which 195 are said to be functioning. Government have acquired lands for these Societies as their members who mostly belong to middle class and poorer sections cannot buy lands on their own. These Societies have to follow the BDA-approved layout plans and also the legal provisions of the Cooperative Societies Act. In a majority of cases the Societies have violated the law by selling away the sites, including civic sites and parks and playground sites to non-members, joint-developers and land-sharks. The Registrar of Cooperative Societies and the army of officials under the Department have been mute witnesses and, in fact, beneficiaries of such illegalities. In one case the notorious President of a House Building Cooperative Society has gone to the extent of officially claiming that the members have been charged Rs.20 per square feet of site so that a total amount of Rs.4.5 crores had to be paid as bribes to officials and non-officials. He also has the temerity to publish a paid advertisement in newspapers that such bribe was paid as it is public knowledge that without bribes no work can be got done in Bangalore! The officers of the Cooperation Department have simply accepted the proceedings of the general body officially declaring bribe payment and have not taken any action against the Society and its office bearers as if the Cooperative Societies Act and various other penal provisions do not exist or are to be ignored.

D. ENCROACHMENTS IN TANK BEDS:

9. In 1961 there were 262 tanks and lakes in Bangalore Urban district which has come down to 114 in 1985 as mentioned by the Committee headed by Shri N.Lakshman Rau IAS (Retd) which was constituted to recommend measures to protect these lakes. In 2002 the Government constituted a Lake Development Authority under the Chairmanship of the Chief Secretary and a full time senior Conservator of Forests as its Secretary. In spite of these measures, encroachment in the tank beds are rampant. The Lake Development Authority has become a toothless body unable and unwilling to protect the lakes in spite of its having top level officers as its office-bearers. Out of the large number of lakes, the committee visited so far three lakes and in all these lakes it was seen that they are used for public sewage disposal and dumping of debris by the apartment builders. The lakes in Bangalore have become sewage tanks and have ceased to be water bodies safeguarding environment.

10. It is also noticed that these apartment builders have encroached into the tank bed lands. In a majority of these lakes there is either dwindling or no water body at all and only weeds, sewage and building material debris have filled the tank beds. The roads leading to these tanks are just narrow lanes of less than twenty feet width in most cases on both sides of which multi-storied apartments have come up without any license from the local bodies such as

*Total
encroachment
if no govt. accepts
this report then
major action awaits*

CMCs or BMP. It is a matter of shock to the committee as to how the BDA or the Town Planning Authority gave Commencement, Completion and Occupancy Certificates to these buildings in utter violation of common sense let alone the Town Planning Act. The CMCs have also turned a blind eye to these buildings as they have issued no licences to about 125 such apartment buildings even though they are legally required to issue license in every case.

Similarly, the Karnataka State Pollution Control Board which is entrusted with safeguarding the environment of the State and preservation of ecological assets like the waterbodies of Bangalore has been impotent to take any action against the apartment builders who let out domestic sewage from these buildings to the lakes. In spite of its vast powers under the Pollution of Water and Air Acts the Board has failed miserably to protect these water bodies.

E. ENCROACHMENTS IN FOREST LANDS:

Handwritten notes:
- All major govt. agencies damaged. Important.
- BDA, BMP, CMCs, Regd. Soc. op. Societies, K S PCB, Lake Dept. Auth.

11. Even though the Karnataka Forest Act has punitive provisions to prevent encroachments in Forest areas, it is seen that even in the Bannerghatta National Park there are large encroachments. Section 64 A of the Karnataka Forest Act gives powers to the officers of the Forest Department to prosecute encroachers in the forest area. However, it is seen that apart from giving notices to the encroachers as early as in 2002 and 2003, no further action has been taken by the Forest Department in removing encroachments and punishing the perpetrators.

12. In most cases, issue of notice has become a substitute for taking action and often a convenient ruse to enable the encroachers to go to the courts and get stay orders which continue for years with the Forest Department sleeping over and not taking any positive action to vacate the stay orders. It is seen that even industrial houses such as the Birlas have encroached upon forest and revenue land and no action has been taken against them till the Committee was seized of the matter. In many cases the Forest Department has taken shelter that the Revenue Department has granted forest lands and the Forest Department is having "correspondence" with them.

Handwritten notes:
- emp.
- ↓

F. ENCROACHMENT OF LANDS UNDER REVENUE DEPARTMENT, WAKF BOARD AND MUZRAI (RELIGIOUS ENDOWMENTS)

13. The total government land in the district is 118,668 acres comprising of

Gomal and Assessed Waste	-	88,355 acres
Tank beds	-	26,468 "
Gundu Thope, Raja Kaluve, Roads	-	3,246 "
Grave Yards	-	599 "

Handwritten note:
all land under question?

Of the total gomal land 67,175 acres have been disposed of by grant, regularization of unauthorized cultivation and Lease. The balance of available gomal land is 21,180 acres of which, after surveying, as on 30 June 2006 the extent of encroachment detected is 4,322 acres. The balance of all government lands still to be surveyed is about 85,000 acres for which purpose 247 more surveyors (there are only 36 surveyors at present) are required to

7

complete the work in two months. Already 200 more surveyors have been deputed for this purpose in the first week of September 2006. Out of the area identified as encroachment 252 acres have been resumed and of this 109 acres have already been auctioned at Rs.114 crores.

G. TOTAL IMMUNITY TO ERRING AND CORRUPT OFFICIALS AND PUBLIC SERVANTS:

14. The most disturbing preliminary finding of the Committee is that in Bangalore Urban district the officials of all the government departments have gone scot-free after abetting and actively promoting land-grabbing. At the most some suspension of minor officials have taken place and they have been reinstated on pressure so that they can carry on their illegal acts of greed in a business as usual scenario. *most*
15. For instance, In Jala hobli of Bangalore North Taluk (formerly in Devanahalli Taluk) a large number of Revenue records have been deliberately destroyed when the district was bifurcated into Rural and Urban districts in 1985 and later when Bangalore International Airport project was announced. Apart from such instances of criminal destruction, there are any number of instances where the Village Accountants, Revenue Inspectors, BMP, BDA, CMC, TMCs and Village Panchayat officials create false documents for personal gain. Serious cases of such willful misuse of official position should be culled out and such government and public servants should be prosecuted under the Indian Penal Code. Sections 198, 198, 464 etc. of IPC makes provision for such prosecution. If this is done in a few extreme cases it will send a message to all the erring officials and public servants. *most*
- This is where some big politicians apparently hold hand* ←

H. PRELIMINARY RECOMMENDATIONS:

16. Action should be taken to prosecute officials and non-officials in glaring cases of land-grabbing under the existing provisions of law such as the Indian Penal Code, Code of Criminal Procedure, Cooperation Act, etc.
17. Andhra Pradesh has passed the A.P. Land Grabbing (Prohibition) Act in 1982 itself constituting an exclusive Special Court in Hyderabad and Special Tribunals in the districts to punish land-grabbers and abettors with imprisonment upto three years. With suitable modifications, Karnataka should also immediately legislate such an Act with improvements.
18. Action also should be initiated under the Karnataka Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Gamblers, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1985. Under this Act Slum Grabber is defined as a person who illegally takes possession of any Government, Local Body's or Private Person's land or constructs structures and any person who abets such illegal act. The Act thus covers any land grabber and any person including public servants who abets such land-grabbing and they can be detained upto one year. This Act is known commonly as "Goonda" Act and so far in Karnataka only habitual offenders and bootleggers have been detained.

The drastic provision of detention upto one year should be used against land-grabbers also.

19. The officials of BMP, BDA, CMCs should visit a few capital cities such as Hyderabad and study as to how the Municipal Corporations and Urban Development Authorities there are successfully implementing existing legal provisions of ensuring retention of CA sites, sites for parks, playgrounds etc, and take care in issuing khata and building plans, widening of roads, protection of lakes, etc.
20. Cases of Government Departments, BMP and BDA are pending in various courts for years together. It is imperative that the Government Departments, BMP and BDA should defend the court cases vigilantly by means of reviewing every week the important cases pending in the courts.

21. A Permanent Legal Authority to control Encroachments:

Bangalore Metropolitan Region consisting of Bangalore Urban and Rural Districts is fast becoming totally urbanized. Already its population in the greater BMP area is about 8 million and by 2020 it will exceed 12 million. Bangalore is considered to be the "Boom City" of India and found a place in the TIME and Newsweek magazines as one of the ten world's fastest developing cities. Because of its still moderate climate (which is fast changing, though), availability of skilled young technical graduates, medical and educational facilities and the peaceful nature of the people leading to maintenance of good law and order, many industries, commercial establishments and real estate developers are flocking to Bangalore, exercising enormous pressure on its infrastructure. Bangalore is already the costliest city in the South of India, next only to New Delhi and Mumbai. With its fast development in the current and next decades, the pressure on land for buildings will increase manifold. It is therefore certain that encroachments on every available government and public land, lung space, playgrounds, tank beds, etc. will increase. The existing organizations like the BDA, BMP, CMCs, TMCs, Panchayats and others cannot by themselves control such pressure. Even now, the BMP has a Bangalore Metropolitan Task Force with a DIG rank police officer, the BDA has a Vigilance Wing with an SP rank officer, the Revenue Department has a Cell for Prevention of Encroachment of Lands with an Assistant Commissioner as its head. But each one of them work in isolation and none of them has been able to prevent illegal occupation of government and public land and property in any effective manner.

It is therefore necessary to constitute by law an Authority for Prevention of Encroachment and Misuse of Land and Public Properties. This Authority should be legally empowered to identify, remove, punish and take preventive steps to deal with the encroachment problem effectively. It should have powers to demand and obtain information from any person, Government Departments and Statutory Bodies which it thinks is of relevance to encroachment of government and Statutory Bodies' properties. It should also be clothed with powers as Court to enquire and file cases in *prima facie* cases. It should have powers under the Karnataka Police Act and other Acts such

9

Acts as the Land Revenue, Public Premises Eviction Act, Cooperative Societies Act, KIADB Act, KHB Act, BDA, BMP, BMRDA, CMCs, TMCs, Village and Town Panchayats Act, etc. It should be headed by persons of the rank of either a High Court Judge or the Chief Secretary to Government and must have adequate police and administrative staff. The cost of establishing and maintaining such an Authority will be negligible and can be met by recovering the encroached properties and preventing further encroachments.