

## THE KARNATAKA GOVERNMENT PARKS (PRESERVATION) ACT, 1975)

### ARRANGEMENT OF SECTIONS

#### Statements of Objects and Reasons:

#### Sections :

1. [Short title and commencement.](#)
2. [Definitions.](#)
3. [Application of the Act.](#)
4. [Preservation of Parks.](#)
5. [Permission in certain cases.](#)

### STATEMENTS OF OBJECTS AND REASONS

**Act 23 of 1975.-** With a view to preserve and maintain certain Government Parks in the State of Karnataka as horticultural gardens and to improve their utility as such parks it is proposed to prohibit alienation of any portion of land or building with such parks.

Hence this Bill.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary) No. 473 dated 17.5.1973 at page 4.)

### II

**Amending Act 24 of 1976 -** According to section 4 of the Karnataka Government Parks (Preservation) Act, 1975 no building shall be erected within the parks . Government consider that it is necessary to relax this conditions to enable the taking up of important construction work of “Veera Soudha” in Lalbagh. This proposal does not involve any financial commitment on the part of Government of Karnataka.

Since both the Houses of State Legislature were not in Session an ordinance to the effect was promulgated by the Governor of Karnataka on 9th January 1975.

This Bill seeks to replace the said ordinance.

(Published in the Karnataka Gazette Part IV-2A (Extraordinary ) No. 627 dated 31.1.1976. at page 3.)

### III

**Amending Act 30 of 1982.-** To enable the construction of 'Veera Soudha' a memorial for freedom fighter, in the lalbagh gardens section 5 was added in 1976 to the Karnataka Government Parks (Preservation) Act, 1975. IN view of several representations from the public opposing the said proposal it is now proposed to omit the said section 5 and to have the Veera Soudha somewhere else.

Hence the Bill.

(Obtained from L.A. Bill No. 22 of 1982 file No. LAW 82 LGN 80.)

#### IV

**Amending Act 42 of 2003.-** Central Jail located in the heart of Bangalore City has been shifted to Parappana Agrahara and a decision has been taken by the State Government to earmark the land and the building of the Central Jail for development and preservation as a park in order to preserve lung space in the heart of the city.

Therefore, it is considered necessary to amend the definition of "park" appearing in section 2 of the Karnataka Government Parks (Preservation) Act, 1975 to empower the State Government to notify the Central Jail premises as park for the purpose of the said Act.

Hence the Bill.

[L.A. Bill No. 13 of 2003]

[Entry 14 of List-II of Seventh Schedule to the Constitution of India]

#### V

**Amending Act 21 of 2010.-** It is considered necessary to amend the Karnataka Government Parks (Preservation) Act, 1975 to provide for alienation of certain area of Indira Gandhi Musical Foundation Park to Bruhat Bangalore Mahanagara Palike and Lalbagh to the Bangalore Metro Rail Corporation Ltd., for the following purposes; namely:-

- (i) for widening of the roads by the Bruhat Bangalore Mahanagara Palike, and
- (ii) for construction of elevated station for Metro Rail Project of Bangalore.

As the matter was urgent and both the Houses of the Karnataka State Legislature were not in session, the Government of Karnataka promulgated the Karnataka Government Parks (Preservation) (Amendment) Ordinance, 2008. (Karnataka Ordinance 4 of 2008)

This Bill seeks to replace the said Ordinance.

Hence the Bill.

[L.A.Bill No. 11 of 2009, File No.DPAL 28 Shasana 2008]

[Entry 18 of List II of the Seventh Schedule to the Constitution of India.]

#### VI

**Amending Act 21 of 2011.-** It is considered necessary to amend the Karnataka Government Parks (Preservation) Act, 1975, to provide parking space for vehicles of Advocates and visitors in Cubbon Park without disturbing the standing trees.

Hence the Bill.

[L.A. Bill No.22 of 2011, File No.Samvyashae 19 Shasana 2011]

[Entry 18 of List II of the Seventh schedule to the constitution of India.]

**VII**

**Amending Act 58 of 2013.-** In an area of 49 acres and 34 guntas (approximately) consisting of the buildings of Vidhana Soudha and Vikasa Soudha with the boundaries specified hereunder, the Government sometimes find it difficult to take up repairs, and other developmental works.

- North : Starting from Legislature House circle, running along the road and ending upto car parking gate.
- South : Vidhana Veedhi road starting from Lokayuktha office running along Gopala Gowda Circle touching Police Timmaiah circle.
- East : Starting from Legislature circle, running along boundary wall of Rajbhavan and touching Police Timmaiah circle.
- West : Starting from Lokayukta office running along M.S. Building compound and ending at Parking gate.

Hence the Bill.

[L.C. Bill No. 14 of 2013, File No. Samvyashae 39 Shasana 2013]

[Entry 35 of List II of the Seventh Schedule to the Constitution of India.]

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## KARNATAKA ACT NO. 23 OF 1975

*First published in the Karnataka Gazette on the Twenty-second day of May 1975)*

### THE KARNATAKA GOVERNMENT PARKS (PRESERVATION) ACT, 1975)

*(Received the assent of the Governor on the Ninth day of May, 1975)*

(As amended by Karnataka Act 24 of 1976, 30 of 1982, 42 of 2003, 21 of 2010, 21 of 2011 and 58 of 2013)

#### **An Act to make provision to ensure the preservation of certain Government parks in the State of Karnataka.**

WHEREAS it is expedient in public interest to preserve certain parks vested in the State Government in the State of Karnataka.

BE it enacted by the Karnataka State Legislature in the Twenty-sixth Year of the Republic of India as follows :-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Government Parks (Preservation) Act, 1975.

(2) It shall come into force at once.

**2. Definitions.-** In this Act unless the context other-wise requires "Park" includes a garden <sup>1</sup>[or any land with or without building earmarked by the State Government for development and preservation as parks.]<sup>1</sup>

<sup>1</sup>. Inserted by Act 42 of 2003 w.e.f. 6.9.2003

**3. Application of the Act.-** (1) This Act shall apply to all lands and buildings within the limits of such parks belonging to the State Government as the State Government may, from time to time, by notification in the official Gazette, specify.

(2) The notification referred to in sub-section (1) shall specify as nearly as possible, the situation and limits of such parks.

**4. Preservation of parks.-** (1) It shall be the duty of the State Government to preserve and maintain as horticultural gardens the parks to which this Act is applicable and take such action as may be necessary to improve the utility of such parks as such gardens.

(2) No land or building within the parks to which this Act is applicable shall be alienated by way of sale, lease, gift, exchange, mortgage or otherwise or no licence for the use of any such land or building shall be granted and any alienation made or licence granted in contravention of this section shall be **null and void**:

Provided that the restriction under this sub-section to lease shall not apply in the case of buildings existing on the date of coming force of this Act.

<sup>1</sup>**5. Permission in certain cases :-** Notwithstanding anything contained in section 4, the State Government may subject to such conditions and restrictions as it may impose as regards construction, maintenance, management use and like matters alienate an area of,-

- (a) 1223 sq. mtrs at Indira Gandhi Musical Fountain Park to the Bruhat Bangalore Mahanagara Palike for the purpose of widening of roads; and
- (b) 1135. 18 sq. mtrs at Lalbagh gardens along the compound wall of west gate towards western side of the park (presently called R.V. Road) to Bangalore Metro Rail Corporation Limited for the purpose of construction of elevated Station for Metro Rail Project of Bangalore”
- (c) 2126.71 sq.mtrs area of Cubbon Park located between Vidhana Soudha and Karnataka High Court Building, East: Park area of survey No. 1284; West: Survey No. 570; North: Park area in survey No. 1284 linking to the nursery and South: Park area of survey No. 1284 opposite to High Court ;
- (d) 11,160 sq.mtrs area of Cubbon Park located between East: High Court of Karnataka in survey No. 1284; West: Existing Road between Vidhana Soudha, and High Court in the Cubbon Park area of survey No. 1284; North: General Post Office and South: Cubbon Park area of survey No. 1284.]<sup>1</sup>

<sup>2</sup>[(e) 18028.35 Square meters between High Court Building and Old KGID Building surrounded by,-

East: K.G.I.D. Building and High Court Building Security fence 120.65 meters.

West: Ambedhakar Veedhi 170.68 meters.

North: K.G.I.D. road to Ambedhakar Veedhi. 137.27 meters.

South: High Court Building and Road leading from Ambedhakar Veedhi to High Court Building Security fence 170.42 meters.

to park the Vehicles of High Court Advocates and visitors]<sup>2</sup>.

1. Inserted by Act 21 of 2010. Clause (a) and (b) of section 5 shall be deemed to have come into force with effect from 22<sup>nd</sup> day of November 2008 and clause (c) and (d) of section 5 shall come into force w.e.f.17.05.2010.

2. Inserted by Act 21 of 2011 w.e.f. 06.04.2011.

<sup>1</sup>[(f) 49 acres and 34 guntas (approximately) consisting of the buildings of Vidhana Soudha, Vikasa Soudha and other structures with the boundaries specified hereunder for the purposes of repairs and other developmental works,-

- North: Starting from Legislature House circle, running along the road and ending upto car parking gate.
- South: Vidhana Veedhi road starting from Lokayuktha office running along Gopala Gowda circle touching Police Timmaiah circle.
- East: Starting from Legislature circle, running along boundary wall of Rajbhavan and touching Police Timmaiah circle.
- West: Starting from Lokayukta office running along M.S. Building compound and ending at Parking gate]<sup>1</sup>.

1. Inserted by Act 58 of 2013 w.e.f. 27.08.2013.

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## KARNATAKA ACT NO. 58 OF 2013

(First published in the Karnataka Gazette Extra-ordinary on the Twenty seventh day of August, 2013)

## THE KARNATAKA GOVERNMENT PARKS (PRESERVATION) (AMENDMENT) ACT, 2013

(Received the assent of the Governor on the Twenty seventh day of August, 2013)

An Act further to amend the Karnataka Government Parks (Preservation) Act, 1975.

Whereas, it is expedient further to amend the Karnataka Government Parks (Preservation) Act, 1975 (Karnataka Act 23 of 1975), for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-fourth year of the Republic of India, as follows:-

**1. Short title and commencement.-** (1) This Act may be called the Karnataka Government Parks (Preservation) (Amendment) Act, 2013.

(2) It shall come into force at once.

(Section 5, clause (f) is incorporated in the principal Act)

**2. Amendment of section 5.-** In the Karnataka Government Parks (Preservation) Act, 1975 (Karnataka Act 23 of 1975) in section 5, after clause (e), the following shall be inserted, namely:-

"(f) 49 acres and 34 guntas (approximately) consisting of the buildings of Vidhana Soudha, Vikasa Soudha and other structures with the boundaries specified hereunder for the purposes of repairs and other developmental works,-

North: Starting from Legislature House circle, running along the road and ending upto car parking gate.

South: Vidhana Veedhi road starting from Lokayuktha office running along Gopala Gowda circle touching Police Timmaiah circle.

East: Starting from Legislature circle, running along boundary wall of Rajbhavan and touching Police Timmaiah circle.

West: Starting from Lokayukta office running along M.S. Building compound and ending at Parking gate."