

VOLUME **2A**

**MODEL
URBAN & REGIONAL
PLANNING AND
DEVELOPMENT LAW
(REVISED)**

UDPFI

**URBAN DEVELOPMENT PLANS
FORMULATION & IMPLEMENTATION
GUIDELINES**

**MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
GOVERNMENT OF INDIA, NEW DELHI**

AUGUST 1996

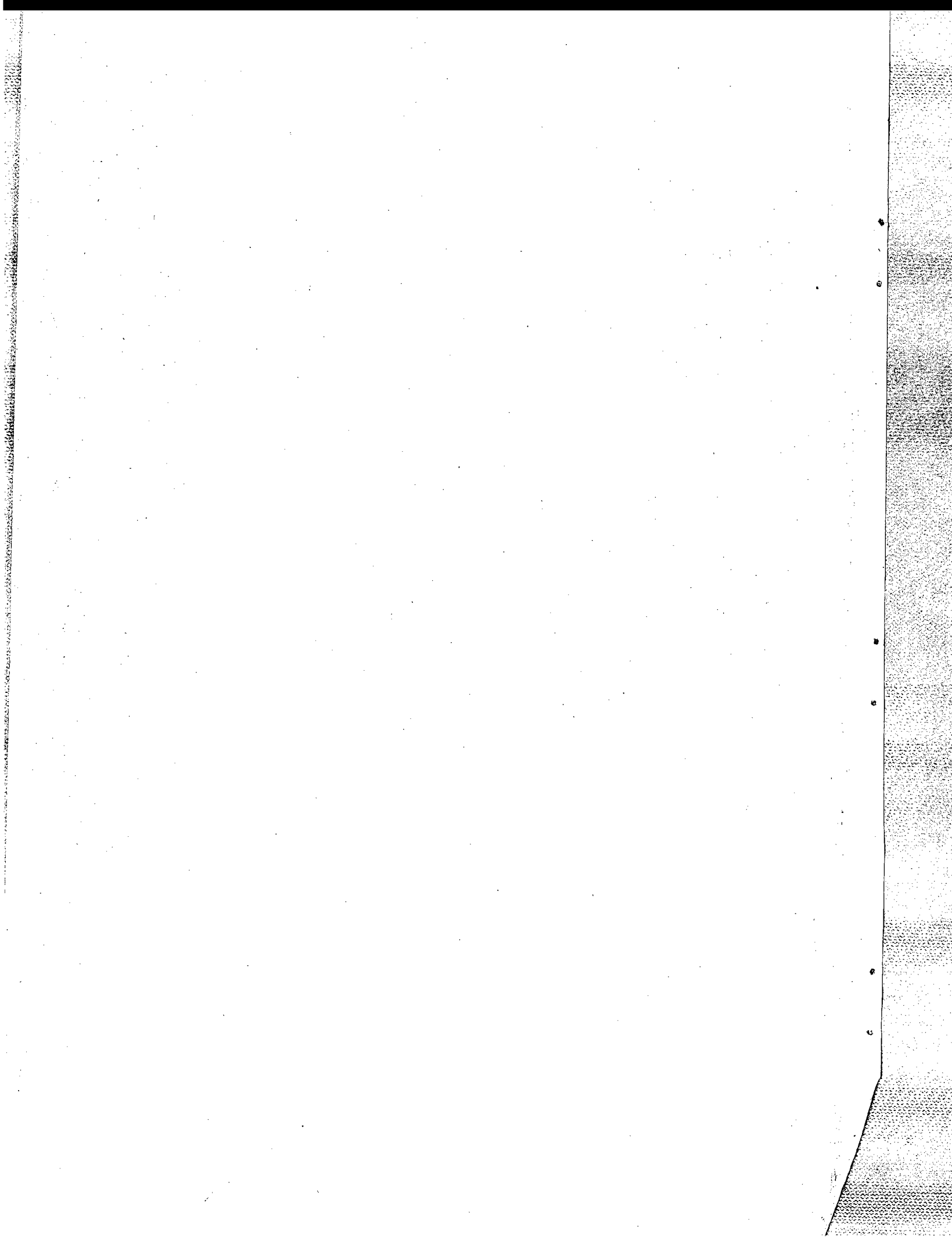
**MODEL
URBAN & REGIONAL PLANNING
AND DEVELOPMENT
LAW (REVISED)**

**AS A
CONSEQUENCE TO**

***CONSTITUTION (SEVENTY-FOURTH)
AMENDMENT ACT, 1992***

AND

UDPFI GUIDELINES



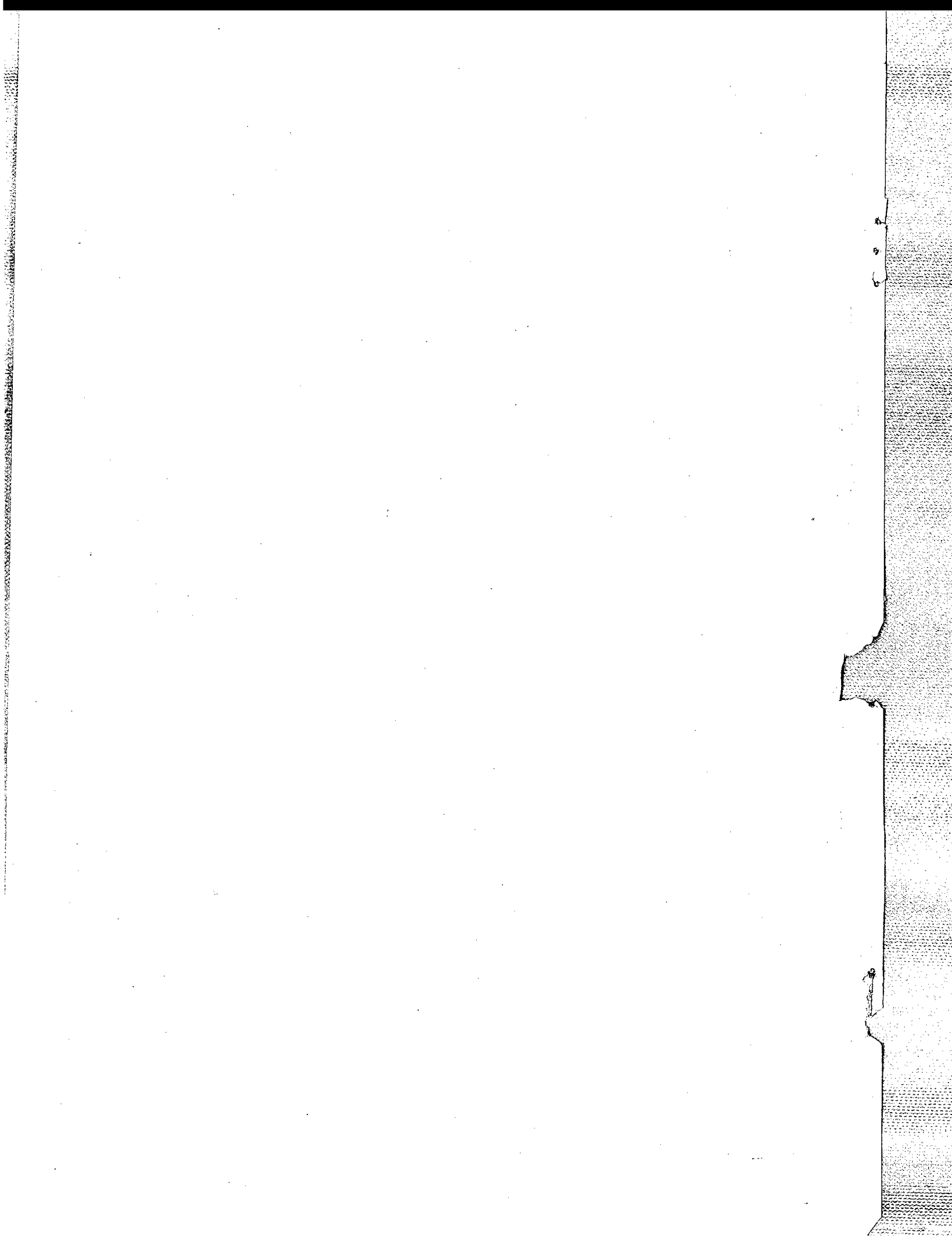
UDPFI

URBAN DEVELOPMENT PLANS
FORMULATION & IMPLEMENTATION
GUIDELINES

PREPARED BY



**CENTRE FOR RESEARCH, DOCUMENTATION & TRAINING,
INSTITUTE OF TOWN PLANNERS, INDIA,
4-A, RING ROAD, I. P ESTATE, NEW DELHI-110002, PHONE : 3318571**



PREAMBLE

CHAPTER - I

PRELIMINARY

1. Short title, Extent and Commencement.
2. Definitions.

CHAPTER - II

**STATE URBAN AND REGIONAL PLANNING BOARD AND
STATE PERSPECTIVE PLAN**

3. State Urban and Regional Planning Board.
4. Functions and powers of the Board.
5. Term of office and conditions of service of the Members of the Board.
6. Meetings of the Board.
7. State Chief Urban and Regional Planner and his functions.
8. Office of the State Chief Planner to function as technical secretariat for the Board.
9. Approval of state perspective plan.
10. Review and revision of the state perspective plan.

CHAPTER - III

**METROPOLITAN PLANNING COMMITTEE AND
PLANS FOR METROPOLITAN AREA DEVELOPMENT**

11. Declaration of Metropolitan Area.
12. Establishment of Metropolitan Planning Committee.
13. Duties and functions of Urban and Regional Planning Member.
14. Staff of the metropolitan planning committee.
15. Term of office and conditions of service of members of the metropolitan planning committee.
16. Meetings of the metropolitan planning committee.
17. Functions & powers of the metropolitan planning committee.
18. Constitution of Metropolitan Area Development Integration Committee.

19. Preparation and approval of Metropolitan Area Perspective Plan.
20. Preparation and approval of Metropolitan Area Development Plan.
21. Review and revision of the metropolitan area perspective plan.
22. Review and revision of the metropolitan area development plan.
23. Modifications to metropolitan area perspective plan and development plan.

CHAPTER - IV

DISTRICT PLANNING COMMITTEE AND PLANS FOR DISTRICT PLANNING AREA DEVELOPMENT

24. District to be the District Planning Area.
25. Constitution of District Planning Committee.
26. Functions and powers of district planning committee.
27. Staff of the district planning committee.
28. Term of office and conditions of service of members of the district planning committee.
29. Meetings of the district planning committee.
30. Duties and functions of Urban and Regional Planning Member of the district planning committee.
31. Constitution of District Development Integration Committee.
32. Preparation and approval of district perspective plan.
33. Preparation and approval of district development plan.
34. Review and revision of the district perspective plan.
35. Review and revision of the district development plan.
36. Modifications to district perspective plan and district development plan.

CHAPTER - V

PLANNING AND DEVELOPMENT AUTHORITIES AND PLANS FOR LOCAL PLANNING AREA DEVELOPMENT

37. Local Planning Area.
38. Planning and Development Authority.
39. Powers & functions of planning and development authority.
40. Constitution of Standing Planning Committee and appointment of Municipal Planner.
41. Constitution of Development Integration Committee for the local planning area.
42. Functions of the Municipal Planner.
43. Staff of the planning and development authority.
44. Preparation of perspective plan of local planning area and its contents.
45. An existing plan to be deemed as perspective plan.
46. Preparation of development plan of local planning area and its contents.

47. Approval of perspective plan of local planning area.
48. Approval of development plan of local planning area.
49. Review, revision and preparation of fresh perspective plan of the local planning area.
50. Review, revision and preparation of fresh development plan of the local planning area.
51. Provisions of development plan to prevail.
52. Modifications in perspective plan or development plan of local planning area.

CHAPTER - VI

SPECIAL AREA PLANNING AND DEVELOPMENT AUTHORITY AND PLANS FOR SPECIAL AREA DEVELOPMENT

53. Declaration of Special Area.
54. Special Area Planning and Development Authority.
55. Incorporation of special area planning and development authority.
56. Staff of the special area planning and development authority.
57. Functions of special area planning and development authority.
58. Special area planning and development authority to exercise certain powers of planning and development authority.
59. Fund of the special area planning and development authority
60. Application of chapter XIII.

CHAPTER - VII

CONTROL OF DEVELOPMENT AND USE OF LAND

61. Use and development of land to be in conformity with the development plan or development scheme or land pooling scheme.
62. Prohibition of development.
63. Permission for development.
64. Appeal against refusal or conditional grant of permission.
65. Lapse of permission.
66. Obligation to acquire and on refusal of or on grant of permission in certain cases.
67. Power of revocation modification or of permission to develop.
68. Penalty for unauthorised development or for use otherwise than in conformity with the development plan or development scheme or land pooling scheme.
69. Power to require removal of unauthorised development.
70. Power to stop unauthorised development.
71. Removal or discontinuance of unauthorised temporary development summarily.
72. Power to require removal of authorised development or use of land.
73. Interim provision pending preparation of plan.

74. Planning and development authority to include special area planning and development authority.
75. Power of metropolitan planning committee or district planning committee to exercise control of development and use of land.
76. Over-riding effect of this Act.

CHAPTER - VIII

DEVELOPMENT SCHEMES

77. Power of the metropolitan planning committee, the district planning committee and the planning and development authority to take up development schemes.
78. Preparation of development schemes.
79. Power of the metropolitan planning committee, the district planning committee and the planning and development authority to engage consultants.
80. Publication of the development scheme and its approval.
81. Power of planning and development authority to set up functional agencies.
82. Auction of Floor Area Ratio.

CHAPTER - IX

LAND POOLING SCHEMES

83. Power of planning and development authority to prepare Land Pooling Schemes.
84. Contents of land pooling scheme.
84. Reconstitution of original plots into final plots.
86. Declaration of intention to prepare land pooling scheme.
87. Engagement of Project Planner.
88. Preparation of land pooling scheme.
89. Publication of the draft pooling scheme.
90. Consideration of objections and submission of final land pooling scheme to government for approval.
91. Approval of government and date of commencement of the land pooling scheme.
92. Appeal.
93. Effect of scheme.
94. Constitution of Tribunal for Land Pooling Scheme.
95. Place where Tribunal for land pooling scheme may sit.
96. Decision on questions of law and other questions.
97. Tribunal for land pooling scheme not to be court.
98. Remuneration of Assessors and payment of incidental expenses of Tribunal for land pooling scheme.

99. Disputed ownership.
100. Restrictions on use and development of land after declaration of intention to prepare a land pooling scheme.
101. Withdrawal of land pooling scheme by the planning and development authority.
102. Power of planning and development authority to evict summarily.
103. Power to enforce land pooling scheme.
104. Power to make minor variations in land pooling scheme on ground of error, irregularity or informality.
105. Power to vary land pooling scheme.
106. Apportionment of cost of land pooling scheme withdrawn.
107. Cost of land pooling scheme.
108. Contribution towards cost of land pooling scheme.
109. Compensation in respect of property or right injuriously affected by land pooling scheme.
110. Exclusion or limitation of compensation in certain cases.
111. Provision for cases in which the owner is not provided with a plot in the final land pooling scheme.
112. Payment of net amount due to planning and development authority.
113. Power of planning and development authority to make agreement in respect of a land pooling scheme.
114. Recovery of arrears.
115. Execution of works in the land pooling scheme by planning and development authority.

CHAPTER X

PRIVATE AND JOINT SECTOR PARTICIPATION IN DEVELOPMENT

116. Development works by promoters.
117. Power to grant licence to promoters.
118. Application for grant of licence.
119. Additional provisions where cost of development work is to be realised in advance.
120. Provisions for economically weaker sections.
121. Recovery of capital or maintenance cost of amenities
122. Private sector land pooling scheme by Association of Original Plot Owners.
123. Submission of private sector land pooling scheme to the planning and development authority.
124. Approval of private sector land pooling scheme by government.
125. Development works in joint-sector.
126. Rules for regulating development by private and joint sector.
127. Reference to Arbitrator in case of disputes.

CHAPTER - XI

ACQUISITION, ASSEMBLY AND DISPOSAL OF LAND

128. Power to acquire land, under the Land Acquisition Act, 1894.
129. Special provision for invocation of section 4 of Local Acquisition Act, 1894 in certain cases.
130. Acquisition of property by planning and development authority.
131. Transfer of government land to the Planning and Development Authority.
132. Acquisition of land by way of Negotiated Settlement.
133. Acquisition of land by way of according Transferable Development Right.
134. Acquisition of land and built space by way of Accommodation Reservation.
135. Disposal of land and other property by the planning and development authority.

CHAPTER XII

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENTAL CHARGES

136. Levy of Developmental Charges.
137. Assessment of developmental charges.
138. Tribunal for Developmental Charges.

CHAPTER - XIII

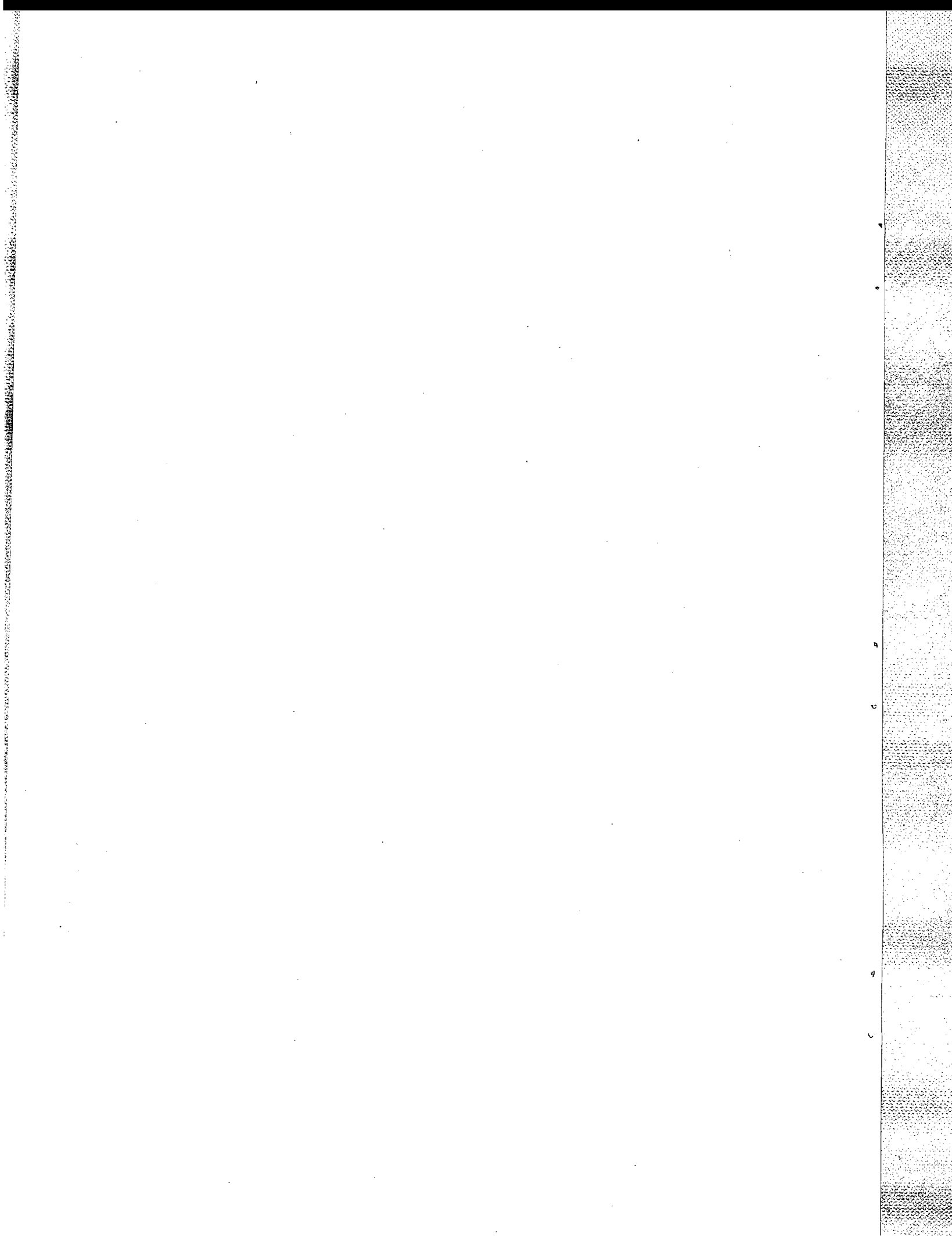
FINANCE, ACCOUNTS AND AUDIT

139. Fund of the planning and development authority and its application.
140. Fund of the Board, the metropolitan planning committee and the district planning committee.
141. Budget.
142. Accounts and Audit.
143. Increase in duty on certain transfer of immovable property.
144. Charges for using agricultural land for building purposes.
145. Contribution by the planning and development authority to the Board, the metropolitan planning committee and the district planning committee.
146. Levy of users' charges.
147. Contribution by municipal bodies to the planning and development fund.
148. Annual Reports.
149. Pension and Provident Fund.

CHAPTER XIV

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

150. Action by government before issue of notification under sub-section (3) of Section 1.
151. Power of entry.
152. Service of notices, etc..
153. Public notice how to be made known and notices, etc. to fix reasonable time.
154. Authentication of orders and documents.
155. Mode of proof or records.
156. Restriction on the summoning of officers and servants of the Board, the metropolitan planning committee, and the planning and development authority.
157. Offences by companies..
158. Penalty for obstructing contractor or removing mark.
159. Sanction of prosecution.
160. Compounding of offences.
161. Magistrate's power to impose enhanced penalties.
162. Right to appear by recognised agent.
163. Jurisdiction of Courts.
164. Fine when realised to be paid to the concerned authority.
165. Members and officers to be public servants.
166. Protection of action taken in good faith.
167. Finality of orders.
168. Validation of acts and proceedings.
169. Temporary association of persons.
170. Power to delegate.
171. Power of the planning and development authority to borrow money.
172. Control by the Government and the Board.
173. Returns and information.
174. Qualifications of Metropolitan Planning Member, District Planning Member, Municipal Planner and Project Planner.
175. Effect of laws.
176. Power to fix land values within the local planning area.
177. Provisions of the perspective plan to stand modified in certain cases.
178. Power to make agreement.
179. Reference to High Court questioning the validity of the perspective plan and development plan.
180. Power to make rules.
181. Power to make regulations.
182. Laying of rules before State Legislature.
183. Dissolution of special area planning and development authority.
184. Repeal and Saving.



MODEL
URBAN AND REGIONAL PLANNING AND DEVELOPMENT BILL

NO..... of 19.....

PREAMBLE

An Act further to amend the to make provision for the promotion of development and regulation of growth of urban and rural areas located in the metropolitan areas and districts in the State as a consequence of Constitution (Seventy-fourth Amendment) Act, 1992 and for purposes connected with the matters aforesaid.

Whereas it is expedient further to amend the Act, to make provision for the promotion of development and regulation of growth of urban and rural areas located in metropolitan areas and districts in the state to give effect to the provisions of the Constitution of India as amended by the Constitution (Seventy-Fourth) Amendment Act, 1992 and for purposes connected with the matters aforesaid. Be it enacted by the State Legislature in the year of the Republic of India as follows :-

CHAPTER - I

PRELIMINARY

Short title, Extent
and Commencement.

1. (1) The Act may be called the..... Urban & Regional Planning and Development Act,
- (2) It extends to the whole of the State of
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:-
 - (1) "*Accommodation Reservation*" means permission to the owner of the land which is required for public amenities in the development plan to use the potential of a plot in

the form of built space guided by Floor Space Index or Floor Area Ratio, in addition to the area required for the amenity, in lieu of the cost of land and the built-up space of such amenity to be transferred to the planning and development authority in accordance with regulations made under this Act;

- (2) "**Agriculture**" includes horticulture, farming, growing of crops, fruits, vegetables, flowers, grass, fodder, trees or any kind of cultivation of soil, breeding and keeping of livestock including cattle, horses, donkeys, mules, pigs, fish, poultry and bees; and use of land which is ancillary to the farming of land or any other agricultural purposes, but shall not include the use of any land attached to a building for the purpose of a garden to be used alongwith such building, and "agricultural" shall be construed accordingly;
- (3) "**Amenities**" include roads and streets, open spaces, parks, recreational grounds, playgrounds, water, gas and electricity supply, street lighting, sewerage, drainage, public facilities and other utilities, services and conveniences;
- (4) "**Annual Plan**" of Metropolitan Planning Committee, District Planning Committee or Planning and Development Authority, as the case may be, means a plan conceived within the framework of the respective Metropolitan Area Development Plan, District Development Plan or Local Planning Area Development Plan containing the physical and fiscal details of new and ongoing projects or schemes to be undertaken during a financial year;
- (5) "**Area of bad layout or obsolete development**" means an area which is badly laid out or of obsolete development, together with other lands contiguous or adjacent thereto, which is defined by a perspective plan, development plan or an annual plan as an area of bad layout or obsolete development;
- (6) "**Board**" means the State Urban and Regional Planning Board constituted under this Act;

- (7) "**Building Operations**" include:-
- (a) erection or re-erection of a building, or any part of it;
 - (b) roofing, re-roofing of any part of a building or open space;
 - (c) any material alteration or enlargement of any building;
 - (d) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affect its security; and
 - (e) the construction of a door or window opening on any street or land not belonging to the owner;
- (8) "**Commerce**" means carrying on any trade, business or profession, sale or exchange of goods of any type whatsoever, and includes the running of, with a view to making profit, hospitals, nursing homes, infirmaries, educational institutions, and also includes hotels, restaurants, boarding houses not attached to any educational institution, sarais; and "commercial" shall be construed accordingly;
- (9) "**Commercial use**" includes the use of any land or building or part thereof for purpose of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise;
- (10) "**Court**" means a principal civil court of original jurisdiction, and includes any other civil court empowered by the government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction;
- (11) "**Development**", with its grammatical variations, means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change, in any building or land, or in the use of any building or land and includes subdivision of any land;

- (12) "**Development Plan**" means a comprehensive plan of a local planning area covering the whole area or part thereof, conceived within the framework of the perspective plan providing medium-term (five years) policies, programmes and detailed proposals for socio-economic and spatial development of such area indicating the manner in which the use of land and development therein shall be carried out;
- (13) "**District Development Plan**" means a five year regional plan of socio-economic and spatial development of a district incorporating both physical and fiscal proposals of the development plans of various municipal bodies and panchayats located in the district;
- (14) "**Engineering Operations**" include the formation or laying out of means of access to a road or the laying out of means of water supply, drainage, sewerage or of electricity cables or lines of telephone and other communication lines;
- (15) "**Functional Specialisation of a Settlement**" means the main function which a settlement serves among various other settlements in a region or area and includes functions such as commercial, industrial, educational, tourism, rural services, etc.;
- (16) "**Future Development Area**" means an area located within the boundary of a local planning area and so designated in a development plan, for the purpose of planning and development during a specified future period of time;
- (17) "**Final Plot**" means a plot which is allotted in lieu of original plot in a land pooling scheme;
- (18) "**Government**" means the State Government;
- (19) "**Industry**" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948; and "industrial" shall be construed accordingly;
- (20) "**Industrial use**" includes the use of any land or building or part thereof for purposes of industry as defined;
- (21) "**Land**" includes benefits to arise out of land and things

attached to the earth or permanently fastened to anything attached to the earth;

- (22) "**Local Planning Area**" means an area declared to be a local planning area under Section 37 of this Act;
- (23) "**Local Newspaper**" means any newspaper published or circulated within the metropolitan area, the district or the local planning area, as the case may be;
- (24) "**Metropolitan area**" means an area as notified under sub-section (1) of section 11 of this Act;
- (25) "**Metropolitan Area Development Plan**" means a five year regional plan of socio-economic and spatial development of a metropolitan area conceived within the framework of its approved perspective plan;
- (26) "**Municipal Body**" means a municipal corporation, a municipal council or a nagar panchayat;
- (27) "**Natural Hazard**" means the probability of occurrence within a specified period of time in a given area of a potentially damaging natural phenomenon;
- (28) "**Notification**" means notification in the Official Gazette;
- (29) "**Occupier**" includes
 - (a) a tenant,
 - (b) an owner in occupation of, or otherwise using his land,
 - (c) a rent-free tenant of any land,
 - (d) a licensee in occupation of any land, and
 - (e) any person who is liable to pay to the owner charges for the use and occupation of any land;
- (30) "**Operational Construction**" means any construction whether temporary or permanent, which is necessary for the operation, maintenance, development or execution

of any of the following services, namely:-

- i) railways,
- ii) national highways,
- iii) national waterways,
- iv) major ports,
- v) airways and aerodromes,
- vi) posts and telegraphs, telephones, wireless, broadcasting and other like forms of communication,
- vii) regional grid for electricity, and
- viii) any other service which the government may, if it is of the opinion that the operation, maintenance, development or execution of such other service is essential to the life of the community, by notification, declare to be a service for the purposes of this clause;

Explanation: For the removal of doubts, it is hereby declared that the construction of new building, new structure or new installation or any extension thereof, as the case may be, used for residential, commercial, public and semi-public, industrial, warehousing purposes shall not be deemed to be an operational construction within the meaning of this clause.

(31) "**Owner**" includes a mortgagee in possession, a person who for the time being is receiving or is entitled to receive, or has received, the rent or premium for any land whether on his own account or on account of, or on behalf of or for the benefit of any other person or as an agent, trustee, guardian or receiver for any other person or for any religious or charitable institution, or who would so receive the rent or premium or be entitled to receive the rent or premium if the land were let to a tenant, and includes the head of a government department, General Manager of a railway, the Secretary or other principal officer of a Local Authority, statutory authority or a company, in respect of properties under their respective control;

(32) "**Perspective Plan**" means a long-term (20-25 years) plan providing the goals, policies, strategies and general

programmes of spatio-economic development of a state, a metropolitan area, a district or a local planning area, as the case may be;

- (33) "**Plan**" means a perspective plan, or a development plan, or an annual plan of a metropolitan area, district or a local planning area, as the case may be, prepared under this Act;
- (34) "**Planning and Development Authority**" means a municipal corporation, a municipal council or a nagar panchayat designated as a planning and development authority under section 38 of this Act.
- (35) "**Prescribed**" means prescribed by rules made under this Act;
- (36) "**Projects and Schemes**" mean plans, conceived within the framework of approved development plan, containing detailed working layouts with all supporting infrastructure and documents including cost of development, source of finance and recovery instruments for their execution;
- (37) "**Promoter**" includes an individual, company or association or body of individuals, whether incorporated or not, a cooperative society, a corporate body, or an agency national or international to whom a licence is given under section 117 to undertake development works within the framework of plan, a development scheme or a land pooling scheme duly approved under this Act.
- (38) "**Public Place**" means any place or building which is open to the use and enjoyment of the public, whether it is actually used or enjoyed by the public or not, and whether the entry is regulated by any charge or not;
- (39) "**Regulation**" means a regulation made under this Act and includes zoning and other regulations made as part of a development Plan;
- (40) "**Relocation of population**" means, in relation to an area of bad layout or obsolete development or a slum area, the making available in that area or elsewhere, accommodation for residential purposes or for carrying on business or other activities together with amenities

to persons living or carrying on business or other activities in the said area who have to be so accommodated so that the said area may be properly planned:

- (41) "**Residence**" includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables and out houses, if any, appurtenant to such building, and "residential" shall be construed accordingly;
- (42) "**Rule**" means a rule made under this Act;
- (43) "**Special Area**" means an area declared to be a special area under section 53 of this Act;
- (44) "**Transferable Development Right**" means a development right to transfer the potential of a plot designated for a public purpose in a plan, expressed in terms of total permissible built space calculated on the basis of Floor Space Index or Floor Area Ratio allowable for that plot, for utilisation by the owner himself or by way of transfer by him to someone else from the present location to a specified area in the plan, as additional built space over and above the permissible limit in lieu of compensation for the surrender of the concerned plot free from all incumbrances to the planning and development authority;
- (45) "**Tribunal**" means the Tribunal for land pooling schemes constituted under section 94 and also the Tribunal for Developmental Charges constituted under section 138 of this Act;
- (46) Words and expressions not defined in this Act have the same meaning as in the¹ Municipal Act, 19....., and the Constitution (Seventy-Third and Seventy- Fourth) Amendment Act, 1992.

¹Relevant Municipal or other Acts to be quoted.

CHAPTER - II

STATE URBAN AND REGIONAL PLANNING BOARD AND STATE PERSPECTIVE PLAN

State Urban and
Regional Planning
Board

3. (1) As soon as may be, after the commencement of this Act, the government shall, by a notification in the Official Gazette, constitute and appoint for the purpose of carrying out the functions assigned to it under this Act, a State Urban and Regional Planning Board hereinafter called the Board.
- (2) The Board shall consist of a Chairperson, a Vice-Chairperson and not more than twenty three other members to be appointed by the Government.
- (3) The Chairperson of the Board shall be the Chief Minister of the State.
- (4) The Vice-Chairperson of the Board shall be the Minister in-charge of Urban and Regional Planning of the State.
- (5) The other members shall consist of the following:-
- (a) The chairperson of the State Planning Board or the Deputy Chairperson of the State Planning Board in case the chairperson is the Chief Minister;
- (b) The Chief Secretary of the State;
- (c) Secretaries to the Government not exceeding six in number in the departments dealing with Municipal/ Local Administration, Urban and Regional Planning, Planning, Industries, Housing, Finance, Agriculture, Panchayati Raj, Rural Development, Education, Sports, Transport, Public Works, Environment and Tourism;
- (d) The Chairperson, Finance Commission constituted under the relevant state Act consequent to Constitution (Seventy-Fourth)

Amendment Act, 1992;

- (e) Chairperson of the State Transport Corporation;
- (f) Chairperson, State Pollution Control Board;
- (g) Chief Conservator of Forests and Wild Life;
- (h) Chief Urban and Regional Planner of the State;
- (i) Chairperson, the State Electricity Board;
- (j) A representative of the Institute of Town Planners, India;
- (k) Representatives of Ministries of the Central Government not exceeding five in number, dealing with Railways, Civil Aviation, Transport and Communications, and Urban Affairs and Employment (Department of Urban Development); and
- (l) Three non-officials, who in the opinion of the government, have special knowledge or practical experience of matters relating to town and country planning, engineering, transport, industry, commerce, agriculture or economics.

Functions and powers of the Board.

4. (1) Subject to the provisions of this Act and the rules framed thereunder, the functions of the Board shall be to advise the Government in matters relating to policy formulations for planning, development and implementation of state programmes and use of rural and urban land in the State, and to guide, direct, and assist the Metropolitan and District Planning Committees on matters relating to planning and development of their respective areas.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the Board, shall with the advice of the Chief Urban and Regional Planner of the State, formulate state perspective plan within three years from the date of commencement of this Act, taking into account various regions in the state for achieving spatio-economic development and social justice. Such

a plan shall contain policies and strategies regarding any or all of the following matters as may be considered necessary :-

- (i) Physical and natural resource potentials and their utilisation and fiscal resource mobilisation;
 - (ii) Natural disaster prone areas;
 - (iii) Poverty alleviation and employment in both formal and informal sectors;
 - (iv) Development of trade, commerce, and industries;
 - (v) Agriculture and rural development;
 - (vi) National and state level transportation network;
 - (vii) Infrastructure development;
 - (viii) Urbanisation trends, urbanisation policy, settlement pattern of large and medium towns and their functional specialisation;
 - (ix) Protection of environmentally and ecologically sensitive areas and conservation of national and state level heritage areas;
 - (x) Generalised land use;
 - (xi) Phasing of the plan in periods of five years, co-terminus with the State Five Year Plan;
 - (xii) Any other particulars and details as may be prescribed or as may be directed by the government;
- (3) Annual review of the physical achievements of the investments made by the various planning and development authorities and agencies for the last preceding year and submission of a report thereon to the Government;
 - (4) Resolution of conflicts arising out of overlapping functions between metropolitan planning and district

planning committees;

- (5) Advising the government on resolving inter-district spatial development, resource utilisation and infrastructure development issues; and
- (6) Any other matter as may be prescribed or as may be directed by the Government.

Term of office and conditions of service of the Members of the Board.

- 5. (1) The term of office and conditions of service of the members of the Board shall be such as may be prescribed and the non-official members shall be entitled to receive such allowances as may be fixed by the government.
- (2) The government, may, if it so thinks fit, terminate the appointment of any non-official member of the Board at any time.
- (3) A member of the Board appointed under clause (l) of sub-section (5) of Section 3 may resign his membership of the Board by giving notice in writing to the government and on such resignation being accepted by the Government, he shall cease to be a member of the Board.
- (4) Any vacancy created under sub-section (2) or (3) shall be filled by fresh appointment by the government.

Meetings of the Board.

- 6. (1) The Board shall meet at such times and places, not less than twice in a calendar year and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.
- (2) The Chairperson or in his absence the Vice-Chairperson or in the absence of both, any member chosen by the members present from amongst themselves, shall preside at a meeting of the Board.

State Chief Urban and Regional Planner and his functions.

- 7. (1) For the purpose of advising the government on matters related to urban and regional planning and development and also to perform the functions specified in sub-section (2) of section 4, the government shall appoint a person having educational qualifications in urban and regional planning, as the Chief Urban and

Regional Planner of the State, hereinafter called State Chief Planner;

- (2) The government shall provide the State Chief Planner such establishment consisting of such officers and staff as may be necessary;
- (3) The pay and allowances of the State Chief Planner and his establishment shall be met out of the consolidated fund of the government;
- (4) The duties and functions of the State Chief Planner shall be to:
 - (a) Advise and render technical assistance to the government pertaining to spatial planning and development and implementation of relevant state programmes;
 - (b) Render technical assistance to state Urban and Regional Planning Board in the formulation of state urbanisation policy and state perspective plan;
 - (c) Take necessary action for providing legal support in relevant Acts in matters arising out of the Constitutional provisions and national and state policies;
 - (d) Render technical guidance and assistance to metropolitan and district planning committees and planning and development authorities and other developmental agencies;
 - (e) Scrutinise the various plans submitted to the government and the Board for approval under this Act;
 - (f) Ensure that the comprehensive plans prepared by planning and development authorities are within the framework of the approved perspective plan of the concerned area;
 - (g) Prepare and publish plans, if so directed by the

government, in the event of default by a metropolitan planning committee, district planning committee or a planning and development authority;

- (h) Provide or organise necessary research inputs and other studies either himself or through the help of consultants for formulation of policies, strategies, norms, standards, laws, rules, regulations and guidelines pertaining to urban and regional planning and development;
- (i) Provide and promote manpower training facilities;
- (j) Establish an urban and regional planning information system and a network for dissemination of informations among various planning and development agencies; and
- (k) Perform any other function, as may be directed by the government, from time to time.

Office of the State Chief Planner to function as technical secretariat for the Board.

8. The office of the State Chief Planner shall also function as the technical secretariat of the Board and in order to enable him to perform the functions as detailed in sub-section (4) of section 7, the government shall provide in consultation with the Board, such additional officers and staff to the State Chief Planner as it may consider necessary.

Approval of state perspective plan.

9. (1) The state perspective plan, after approval by the Board, shall be forwarded to the government.
- (2) The government shall, within ninety days from the date of receipt of the state prespective plan under sub-section (1), approve it with or without modifications.
- (3) As soon as may be, after the state perspective plan has been approved by the government, the Board shall forward a copy thereof to every metropolitan planning committee, district planning committee and planning and development authority and also publish the salient features of such approved plan in atleast two newspapers circulating in the state of which one must be in the regional language, for information of the public

specifying the place or places where a full copy of such plan may be inspected;

Provided that, in case the state perspective plan has been approved by the government with modifications, the Board shall incorporate the necessary modifications before forwarding it to the above named bodies and before aforesaid publication of the plan in the news papers.

Review and revision of the state perspective plan.

10. At least once in ten years from the date of approval of the state perspective plan, prepared under sub-section (2) of section 4, the Board shall review such plan and prepare a fresh state perspective plan for a period of twenty to twentyfive years from the date of review after incorporating such modifications and amendments as may be necessary and submit for approval as laid down in section 9.

CHAPTER - III

METROPOLITAN PLANNING COMMITTEE AND PLANS FOR METROPOLITAN AREA DEVELOPMENT

Declaration of
Metropolitan Area.

11. (1) As soon as may be, after the commencement of this Act, the government may, in consultation with the Board, declare, by notification, an area having a population of ten lakhs or more comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas, as may be considered necessary, to be a Metropolitan Area.
- (2) Every such notification shall define the limits of the area to which it relates.
- (3) In case where the metropolitan area cuts across the boundaries of more than one state, the procedure laid down in Article 252 of the Constitution of India shall be followed and provisions of this Act shall not apply to such metropolitan area.

Establishment of
Metropolitan
Planning Committee.

12. (1) As soon as may be, after the declaration of the metropolitan area, the government shall, by notification with effect from such date as the government may appoint in this behalf, establish for each metropolitan area, a Metropolitan Planning Committee.
- (2) Every such metropolitan planning committee shall be a body corporate and shall have perpetual succession and a common seal and subject to such restrictions or qualifications imposed by or under this Act or any other law, may sue or be sued in its corporate name with power to acquire, hold or dispose of property movable or immovable and enter into contracts and do all things necessary, proper or expedient for the purposes of its constitution.
- (3) The metropolitan planning committee so established under sub-section (1) shall consist of the following thirty

members:

- (a) A Chairperson, who shall be the Minister Incharge of Urban and Regional Planning in the state;
- (b) A Vice-Chairperson, who shall be elected from amongst elected members as mentioned in clause (c) below ;
- (c) Twenty members, to be elected, by secret ballot, in the manner prescribed by and from amongst the elected members of Municipal Corporations and Municipal Councils and Nagar Panchayats and Chairpersons of the Panchayats in the metropolitan area in proportion to the ratio between the population of the municipal corporations, municipal councils, nagar panchayats and of the panchayats in that area;
- (d) A nominee of the Department of Urban Development in the Ministry of Urban Affairs and Employment of the Government of India, ex-officio;
- (e) Secretary, Urban Development Department of the State, ex-officio;
- (f) Secretary, Department of Industries/ Commerce, ex-officio;
- (g) A Municipal Commissioner, ex-officio to be nominated by the Government;
- (h) State Chief Planner, ex-officio;
- (i) Secretary, Department of Environment of the state, ex-officio;
- (j) Secretary, Department of Finance of the state, ex officio;
- (k) A full time Chief Administrative Officer to be appointed by the government; and

- (I) A full time Urban and Regional Planning Member with educational qualifications as contained in section 174 to be appointed by the government.
- Duties and functions of Urban and Regional Planning Member. 13. (1) The duties of the Urban and Regional Planning Member (hereinafter referred to as the Metropolitan Planning Member) shall be to assist the metropolitan planning committee in the preparation of the perspective plan, development plan and annual plan of the metropolitan area and in regulating the use of land and buildings in the metropolitan area and in all matters assigned to the metropolitan planning committee under section 17 and perform such other functions which are incidental, supplemental or consequential thereto or as may be delegated to him by the metropolitan planning committee.
- (2) The Metropolitan Planning Member shall be provided with such establishment by the metropolitan planning committee as may be considered necessary and expedient for efficient performance of his functions under this Act.
- Staff of the metropolitan planning committee. 14. (1) Subject to such control and restrictions as may be prescribed, the metropolitan planning committee may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades.
- (2) The Chief Administrative Officer, the Metropolitan Planning Member and other officers and employees of the metropolitan planning committee shall be entitled to receive from the funds of the metropolitan planning committee such salaries and such allowances and shall be governed by such conditions of service as may be determined by regulations made in this behalf.
- Term of office and conditions of service of members of the metropolitan planning committee. 15. (1) The term of office and conditions of service of the members of the metropolitan planning committee shall be such as may be prescribed and non-official members shall be entitled to receive such allowances as may be fixed by the metropolitan planning committee.

- (2) The government may, if it so thinks fit, terminate the appointment of any member of the metropolitan planning committee at any time, for reasons and in the manner as may be prescribed.
- (3) Any non-official member may resign his membership of the metropolitan planning committee by giving notice in writing to the government and on such resignation being accepted by the government, he shall cease to be a member of the metropolitan planning committee:
- (4) If any non-official member elected under clause (c) of sub-section (3) of section 12 ceases to be an elected member of the concerned municipal body or panchayat, he shall cease to be a member of the metropolitan planning committee:
- (5) Any vacancy arising out of the provisions contained in sub-sections (3) and (4) or otherwise shall be filled by fresh elections or appointment, as the case may be.
- Meetings of the metropolitan planning committee. 16. (1) The metropolitan planning committee shall meet as and when necessary and at least thrice in a year at such times and places as the Chairperson may determine in this behalf and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.
- (2) The Chairperson or in his absence the Vice-Chairperson, or in the absence of both, any member chosen by the members present from amongst themselves, shall preside at a meeting of the metropolitan planning committee.
- Functions & powers of the metropolitan planning committee. 17. (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the metropolitan planning committee shall be to formulate development goals, objectives, policies and priorities in matters relating to planning, development and use of urban and rural land in the metropolitan area having due regard to the overall objectives and priorities set by the Government of India and the Government of the State, plans prepared by municipal bodies and the panchayats within in the metropolitan area; matters of common

interest between the municipalities and the panchayats, coordinated spatial planning and economic development and social justice;

(2) In particular and without prejudice to the generality of the foregoing provisions, the metropolitan planning committee, with the assistance of the Metropolitan Planning Member and in consultation with the State Chief Planner shall:

(a) formulate a perspective plan within two years from the date of constitution of the metropolitan planning committee for the metropolitan area, taking into account the perspective plans of the state and of the planning and development authorities. Such perspective plan of the metropolitan area shall indicate policies, strategies and priorities and major projects for a plan period of twenty to twentyfive years having due regard to:

- (i) Physical and natural resource potentials and their utilisation;
- (ii) Natural hazard prone areas;
- (iii) Poverty alleviation and employment in both formal and informal sectors;
- (iv) Development of trade, commerce, and industry;
- (v) Rural development;
- (vi) Metropolitan area level transportation system including mass transport;
- (vii) Integrated infrastructure development covering water, energy, sanitation, education, health recreation, communication and other utilities, facilities and services;
- (viii) Housing and shelter development;

- (ix) Population assignment and settlement pattern of rural service centres as well as small, medium and large urban centres and their functional specialisation;
 - (x) Protection of environmentally and ecologically sensitive areas and conservation of heritage;
 - (xi) Generalised Land use;
 - (xii) Fiscal resource requirements and its mobilisation including the extent and nature of investments likely to be made in the metropolitan area by agencies of the government of India and the Government of state;
 - (xiii) Development of special areas, if any, such as new towns, industrial townships, coastal areas, etc.;
 - (xiv) Phasing of the metropolitan area perspective plan in periods of five years preferably co-terminus with the state five year plan; and
 - (xv) Any other particulars and details as may be considered necessary by the metropolitan planning committee and as may be directed by the government.
- (b) Formulate metropolitan area development plan within one year from the date of constitution of the metropolitan planning committee having regard or under preparation to the perspective plan prepared or under preparation under clause (a) of sub-section (2) and development goals, objectives and priorities for the plan period as well as the fiscal resources and central and state government investment policies and programmes incorporating :
- (i) All or any matters mentioned in

- sub-clauses (i) to (xiii) of clause(a) of sub-section (2);
- (ii) Phasing of the metropolitan area development plan into five annual plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements;
 - (iii) Any other particulars and details as may be considered necessary by the metropolitan planning committee or as may be directed by the government.
- (c) Prepare metropolitan area annual plan within the framework of approved metropolitan area development plan having regard to findings of review of fiscal and physical performance of the previous annual plan;
 - (d) Consult such institutions and organisations as the Chamber of Commerce and Industry, non-governmental organisations including professional bodies as Institute of Town Planners, India in the formulation of metropolitan level plans as the government may determine in this behalf;
 - (e) Monitor the physical achievements of the investments made by the various planning and development authorities on annual basis and submission of report thereon to the Board;
 - (f) Resolve conflicts arising out of overlapping functions of planning and development authorities and rural local bodies;
 - (g) Advise the municipal bodies and panchayats on their upgradation of status and alteration of boundaries;
 - (h) Sort out matters relating to sharing of water and other physical and natural resources;

- (i) Formulate policies and identify projects for integrated development of metropolitan area level infrastructure and facilitate their implementation through public or private agencies;
- (j) Serve as a nodal agency for disbursement of such funds as the government may determine, to the panchayats and the planning and development authorities and;
- (k) Perform any other incidental, supplemental and consequential function or as prescribed or as may be directed by the government or as may be necessary and required for the purposes of carrying out its functions under this Act.

Constitution of
Metropolitan Area
Development
Integration Committee.

18. (1) The Government shall constitute a Metropolitan Area Development Integration Committee for the purpose of integration of efforts of various agencies in formulation of aims, objectives, priorities, respective sectoral requirements and their projections as inputs for preparation of various plans of the metropolitan area under this Act and to provide such other inputs as may be required by the metropolitan planning committee.
- (2) The metropolitan area development integration committee shall consist of:-
- (a) The Chairperson of the metropolitan planning committee, ex-officio, chairperson;
 - (b) Chief Administrative Officer of the metropolitan planning committee; ex-officio - member;
 - (c) Metropolitan Planning Member of the metropolitan planning committee, ex-officio Member-Secretary;
 - (d) Heads of the relevant central and state government departments functioning or having jurisdiction over the metropolitan area as may be recommended by the metropolitan planning committee, ex-officio members;

- (e) A representative of the Institute of Town Planners, India member; and
- (f) Six other non-official members including representatives of non-governmental organisations operating within the metropolitan area, having special knowledge or experience in economics, geography, sociology, land management, and environment operating within the metropolitan area.

Preparation and approval of Metropolitan Area Perspective Plan

19.

- (1) The metropolitan planning committee shall prepare a perspective plan of the metropolitan area having regard to the provisions contained in clause (a) of sub-section (2) of section 17 and a report thereon and shall publish a notice in atleast one local newspaper indicating the place or places where copies of such plans along with the report thereon shall be available to the public for inspection inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days.
- (2) Simultaneously with the publication of the notice under sub-section (1), the metropolitan planning committee shall appoint a Hearing Committee consisting of not more than five of its members including the Metropolitan Planning Member, who will give hearing to all such persons who have made a request in writing for being so heard and submit their report to the metropolitan planning committee within a period of sixty days from the date of expiry of the notice under sub-section (1);
- (3) The metropolitan planning committee shall, within thirty days from the date of receipt of the report of the Hearing Committee under sub section (2) resolve to give effect such modifications, as may be considered necessary, and thereafter the perspective plan together with the objections received under sub-section (1) and the report of the hearing committee under sub-section (2) shall be submitted to the Board.
- (4) The Board shall within sixty days of the date of receipt of the metropolitan area perspective plan forwarded to it under sub-section(3), in consultation with the State

Chief Planner and after ensuring that the perspective plan is within the framework of the approved state perspective plan, approve the same with or without modifications.

- (5) As soon as may be but not later than thirty days after the perspective plan of the metropolitan area has been approved by the Board, the metropolitan planning committee shall forward a copy thereof to each of the concerned planning and development authorities and panchayat at the district level falling within the metropolitan area and also publish the salient features of such approved plan in at least two newspapers circulating in the concerned metropolitan area of which one must be in the regional language for information of the public and specifying the place or places where a full copy of such plan may be inspected;

Provided that in case the perspective plan of the metropolitan area has been approved by the Board with modifications the metropolitan planning committee shall incorporate the necessary modifications before forwarding it to the above bodies and before aforesaid publication in the newspapers.

Preparation and approval of Metropolitan Area Development Plan.

20. (1) The metropolitan planning committee shall prepare a metropolitan area development plan for a period of five year preferably coterminus with the State Five Year Plan, and a report thereon and shall publish the same by a notice in atleast one local newspaper indicating the place or places where the metropolitan area development plan shall be available for inspection by the public inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days from the date of publication of the aforesaid notice.
- (2) Simultaneously with the publication of notice under sub-section (1), the metropolitan planning committee shall appoint a Hearing Committee consisting of not more than five of its members including the metropolitan planning member, who will give hearing to all such persons who have made a request in writing for being so heard and submit their report to the metropolitan planning committee within a period of sixty days from

the date of expiry of notice under sub-section (1).

- (3) The metropolitan planning committee shall, within thirty days from the date of receipt of the report of the Hearing Committee under sub section (2) resolve to effect such modifications, as may be considered necessary, and thereafter the Metropolitan Area Development Plan together with the objectives received under sub-section (1) and the report of the Hearing Committee under sub-section (2) shall be submitted to the Board, State Chief planner and the government.
- (4) The government shall, within sixty days of the receipt of the Metropolitan Area Development Plan under sub-section (3) in consultation with the Board and the State Chief Planner, approve the same with or without modifications.
- (5) As soon as may be, but not later than thirty days, after the development plan of the metropolitan area has been approved by the government, the metropolitan planning committee shall publish a notifications in Official Gazette and in atleast two local newspapers, stating that the Development Plan of the metropolitan area has been approved and mentionng the place or places where a copy of the metropolitan area development plan may be inspected at all reasonable hours and that copies thereof or an extract therefrom certified to be correct shall be available for sale to the public at a reasonable price.
- (6) The metropolitan area development plan shall come into operation from the date of its publication in the Official Gazette.
- (7) Simultaneously with the publication of metropolitan area development plan in the Official Gazette under sub-section (5), the metropolitan planning committee shall forward a copy thereof to each of the concerned planning and development authorities and the panchayats at the district level following within the metropolitan area, who shall take steps necessary to obtain such sums of money as allocated to them under Central or state sector through the process of formulation of annual plans schemes and projects within the framework of the approved metropolitan area

development plan.

- Review and revision of the metropolitan area perspective plan.
21. Immediately after the expiry of ten years from the date of approval of the metropolitan area perspective plan under sub-section (4) of section 19 but not later than one year the metropolitan planning committee shall review such plan and prepare a fresh metropolitan area perspective plan for a period of twenty to twenty five years after incorporating such modifications and amendments as may be considered necessary and submit for approval as laid down in section 19.
- Review and revision of the metropolitan area development plan.
22. Immediately after the expiry of three years from the date of approval of the metropolitan area development plan under sub-section (4), of section 20 but not later than one year the metropolitan planning committee shall review such plan and prepare a fresh metropolitan area development plan for the next five years commencing from the date of expiry of such plan in force after incorporating such modifications and amendments, as may be considered necessary and submit it for approval as laid down in Section-20.
- Modifications to metropolitan area perspective plan and development plan.
23. (1) Notwithstanding anything contained in section 21 and 22, the perspective plan or development plan of a metropolitan area may be modified any time and for this propose, the metropolitan planning committee shall publish a draft of the proposed modifications by a notice in at least one local newspaper inviting objections and suggestion from the public within thirty days from the date of the aforesaid publication of the notice. and after giving an opportunity of hearing to such persons who have made request of being heard and after considering such objections and suggestions finalise the modifications and submit the modifications together with the objection and report of the to hearing committee to the Board or the government, as the case may be.
- (2) The Board or the government, as the case may be, may approve the modifications with or without variations or refuse to approve the modifications by a notification in the Official Gazette and in atleast one local newspaper.

Provided that no such modifications shall, as proposed be approved by the board or the government as the case may be, unless they are in public interest and are notified to the public.

CHAPTER - IV

DISTRICT PLANNING COMMITTEE AND PLANS FOR DISTRICT PLANNING AREA DEVELOPMENT

- District to be the District Planning Area.
24. (1) On coming into operation of this Act, every district in the state, excluding the area declared as a Metropolitan Area under Section 11, shall be the District Planning Area for the purposes of this Act.
- Constitution of District Planning Committee.
25. (1) The government shall, for each district planning area, constitute for the purposes of performance of the functions assigned to it, a Committee called the District Planning Committee.
- (2) Every district planning committee shall be a body corporate and shall have perpetual succession and a common seal and, subject to such restrictions or qualifications imposed by or under this Act or any other law, may sue or be sued in its corporate name with power to acquire hold and dispose of property movable or immovable and enter into contracts and do all things necessary, proper or expedient for the purpose of its constitution.
- (3) The district planning committee constituted under sub-section (1) shall consist of the following thirty members:-
- (a) A Chairperson and a Vice-Chairperson to be elected from amongst the members;
 - (b) 24-members to be elected by secret ballot, in the manner prescribed by and from amongst the elected members of the panchayat at the district level and of the municipal bodies in the district in proportion to the ratio between the rural and the urban population in the district;
 - (c) District Collector - ex-officio;

- (d) Five members to be appointed by the government as under:
 - (i) District level officer of the Industries Department, ex-officio;
 - (ii) District level officer of the Public Works Department, ex-officio;
 - (iii) The Chief Executive of the panchayat at the district level, Ex-officio;
 - (iv) A full time Chief Administrative officer, and
 - (v) A full time Urban and Regional Planning Member with educational qualifications as contained in section 174 to be appointed by the government.

Functions and powers of district planning committee.

- 26. (1) Subject to the provisions of this Act and the rules made thereunder, the functions of the district planning committee shall be to formulate development goals, objectives, policies and priorities in matters relating to planning, development and use of rural and urban land in the district having due regard to social justice.
- (2) In particular and without prejudice to the generality of the foregoing provisions, the district planning committee shall consolidate the plans (perspective, development and annual) prepared by the municipal bodies and the panchayat in the district and with the assistance of the urban and regional planning member, shall:
 - (a) Prepare a perspective plan within two years from the date of constitution of this district planning committee for the district taking into account the state perspective plan and the perspective plans of various panchayats and municipalities in the district. Such perspective plan of the district shall indicate long-term, twenty to twentyfive years, policies, strategies and priorities for spatio-economic development pertaining to:
 - (i) Rural development including physical and

natural resource utilisation, poverty alleviation, employment generation in both the formal and informal sectors, and integrated economic and social infrastructure development.

- (ii) Conservation of environment, forests, ecologically sensitive areas and heritage zones;
- (iii) Development of trade, commerce and industries;
- (iv) District level transportation system;
- (v) Integrated infrastructure development covering water, energy, sanitation, education, health, recreation, communication and other utilities, facilities and services;
- (vi) Housing and shelter development;
- (vii) Population assignment and settlement pattern including rural service centres, and small, medium and large urban centres with their functional specialisation;
- (viii) Generalised land use pattern;
- (ix) Development of special areas, if any, such as tribal areas, coastal areas, economically backward areas, areas for establishment of new towns, etc.;
- (x) Mobilisation of fiscal resources for plan implementation;
- (xi) Phasing of district perspective plan in periods of five years preferably co-terminus with the state five year plan; and
- (xii) Any other particulars and details as may

be considered necessary by the district planning committee or as may be directed by the government.

- (b) Formulate a district development plan within one year from the date of constitution of the district planning committee, taking into account the perspective plan prepared under clause (a) of sub-section (2); development goals, objectives and priorities identified for the five year plan period; sectoral requirements of various panchayats and municipal bodies and their spatial implications; and incorporating :
 - (i) such matters contained in sub-clause (i) to (x) of clause (a) of sub-section (2) as may be considered necessary ;
 - (ii) Phasing of district development plan into five annual plans by sectoral programmes, projects and schemes indicating physical targets and fiscal requirements; and
 - (iii) Any other particulars and details as may be considered necessary by the district planning committee or as may be directed by the government;
- (c) Formulate annual plan of the district within the framework of approved district development plan having regard to :-
 - (i) findings of the review of fiscal and physical performance of the previous year;
 - (ii) annual plan proposals of the panchayats and the municipal bodies; and
 - (iii) sectorwise programmes and projects for rural and urban areas including fiscal requirements and physical targets to be achieved during the year;

- (d) Consult such institutions and organisations as Chamber of Commerce and Industry; non-governmental organisations including professional bodies as Institute of Town Planners India in formulation of district level plans as government may determine in this behalf;
- (e) Resolve conflicts on:
 - (i) issues regarding development of peripheral areas of urban centres;
 - (ii) sharing of water and other physical and natural resources among various panchayats and municipal bodies;
 - (iii) sites for disposal of sewage and solid waste; and
 - (iv) overlapping functions;
- (f) Monitor the physical achievements of the investments made by the various planning and development authorities and panchayats within the district on annual basis and submission of report thereon to the Board;
- (g) Advise the municipal bodies and panchayats on upgradation of their status and alteration of boundaries;
- (h) Formulate policies and identify of projects for integrated development of district level infrastructure and facilitate and their implementation through an agency in public or private sector including non-governmental and community based organisations etc;
- (i) Serve as a nodal agency for disbursement of such funds, as may be determined by the government, to the panchayats and planning and development authorities in the district;
- (j) Formulate various guidelines, manuals, norms and standards for promotion of planning and

development: and

- (k) Perform any other incidental, supplemental or consequential function or as prescribed or as may be directed by the government or as may be necessary and required for the purposes of carrying out its functions under this Act.

Staff of the district planning committee.

- 27. (1) Subject to such control and restrictions as may be prescribed, the district planning committee may appoint such number of officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades.
- (2) The Chief Administrative Officer, the Urban and Regional Planning Member, and other officers and employees of the district planning committee shall be entitled to receive from the funds of the district planning committee such salaries and such allowances and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

Term of office and conditions of service of members of the district planning committee.

- 28. (1) The term of office and conditions of service of the members of the district planning committee shall be such as may be prescribed and non-official members shall be entitled to receive such allowances as may be fixed by the district planning committee.
- (2) The government may, if it so thinks fit, terminate the appointment of any member of the district planning committee at any time, for such reasons and in such manner as may be prescribed.
- (3) Any member, other than ex-officio, may resign his membership of the district planning committee by giving notice in writing to the government and on such resignation being accepted by the government, he shall cease to be a member of the district planning committee.
- (4) If any member elected under clause (b) of sub-section (3) of Section 25 ceases to be an elected member of the concerned local body, he shall cease to be a member of the district planning committee;

- (5) Any vacancy arising out of the provisions contained under sub-section (3) or (4) or otherwise shall be filled by fresh elections or appointment, as the case may be.
- Meetings of the district planning committee. 29. (1) The district planning committee shall meet as and when necessary and atleast thrice in a year at such times and places as the Chairperson may determine, in this behalf and shall observe such procedure as may be prescribed in regard to the transaction of its business at such meetings.
- (2) The Chairperson or in his absence the Vice-Chairperson, or in the absence of both, any member chosen by the members present from amongst themselves, shall preside at a meeting of the district planning committee.
- Duties and functions of Urban and Regional Planning Member of the district planning committee. 30. (1) The duty of the Urban and Regional Planning Member (hereinafter referred to as the District Planning Member) shall be to assist the district planning committee in the preparation of perspective plan, development plan and annual plan of the district and in all matters assigned to the district planning committee under Section 26 and perform all other such functions as may be incidental, supplemental or consequential thereto or as may be delegated to him by the district planning Committee.
- (2) The District Planning Member shall be provided with such establishment by the district planning committee as may be considered necessary and expedient for efficient performance of his functions under this Act.
- Constitution of District Development Integration Committee. 31. (1) The government shall constitute a District Development Integration Committee for the purpose of integration of efforts of various agencies in formulation of aims, objectives, priorities, respective sectoral requirements and their projections as inputs for preparation of various plans of the district planning area under this Act and to provide such other inputs as may be required by the district planning committee;
- (2) The District Development Integration Committee shall consist of the following members, namely:-

- (a) A Chairperson who shall be the Chairperson of the District Planning Committee, ex-officio;
- (b) Chief Administrative officer of the district planning committee;
- (c) District Planning Member of the district planning committee who shall be the Member Secretary;
- (d) Nominee of State Chief Planner;
- (e) Heads of the relevant central or state departments functioning or having jurisdiction over the district as may be recommended by the district planning committee; and
- (f) Six other non-official members having special knowledge or experience in urban and rural planning and development including representatives of non-governmental organisations operating within the district.

Preparation and approval of district perspective plan.

32. (1) The district planning committee shall prepare a perspective plan of the district and a report thereon and shall publish a notice in atleast one local news paper indicating the place or places where copies of such plan along with the report thereon shall be available to the public for inspection inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days.
- (2) The district planning committee shall appoint a Hearing Committee consisting of not more than five of its members including the District Planning Member, who shall give hearing to all such persons who have made a request in writing for being so heard and submit their report to the district planning committee.
- (3) The district planning committee shall within thirty days from the date of receipt of the report of the Hearing Committee under sub-section (2) resolve to give effect to such modifications as may be considered necessary, and thereafter the perspective plan shall be submitted to the Board.

- (4) The Board shall, within ninety days of the date of receipt of the district perspective plan forwarded to it under sub-section (3), shall, in consultation with the State Chief Planner and after ensuring that the concerned perspective plan is within the framework of the approved state perspective plan, approve the same or if it is considered necessary, suggest specific modifications so as to bring it in conformity with the state perspective plan.
- (5) As soon as may be, after the district perspective plan has been approved by the Board, the district planning committee shall forward a copy thereof to each of the planning and development authorities and district panchayat falling within the district and also publish the salient features of such approved plan in atleast two news papers circulating in the district of which one must be in the regional language for information of the public specifying the place or places where a full copy of such plan may be inspected;

Provided that in case the district perspective plan has been approved by the Board with modifications the district planning committee shall incorporate the necessary modifications, before forwarding it to the aforesaid bodies and before aforesaid publication in the newspapers.

Preparation and approval of district development plan.

33.

- (1) The district planning committee shall prepare a development plan for a period of five year preferably co-terminus with the State Five Year Plan, and a report thereon and shall publish the same by a notice in atleast one local newspaper indicating the place or places where the district development plan shall be available for inspection by the public inviting objections and suggestions in writing from any person in respect of the said plan within a period of thirty days from the date of publication of the aforesaid notice.
- (2) The district planning committee shall appoint a Hearing Committee consisting of not more than five of its members including the District Planning Member, who will give hearing to all such persons who have made a request in writing for being so heard and submit their report to the district planning committee.

- (3) The district planning committee shall within thirty days from the date of receipt of the report of the Hearing Committee under sub-section (2) resolve to give effect to such modifications, as may be considered necessary, and thereafter the District Development Plan shall be submitted to the Board, the State Chief Planner and the government.
- (4) The government shall, within sixty days of the receipt of the district development plan under sub-section(3), in consultation with the Board and the State Chief Planner, approve the same with or without modifications.
- (5) As soon as may be, but not later than thirty days after the district development plan has been approved by the government, the district planning committee shall publish a notification in Official Gazette and at least two local newspapers, one of which must be in regional language, of the approval of district development plan. The notice shall also state the name of the place or places where a copy of the district development plan may be inspected at all reasonable hours and also that copies thereof or extracts therefrom certified to be correct, shall be available for sale to the public at reasonable price.
- (6) The district development plan shall come into operation from the date of publication of the notification in the Official Gazette in sub-section (5).
- (7) Simultaneously with the publication of notification in the Official Gazette under sub-section (5) the district planning committee shall forward a copy thereof to each of the concerned planning and development authorities and panchayat at the district level and also publish the salient features of such approved plan in at least two newspapers circulating in the district of which one must be in the regional language for information of the public specifying the place or places where a full copy of such plan may be inspected;

Provided that in case the district development plan has been approved by the government with modifications, the district planning committee, shall incorporate the necessary modifications before forwarding it to the above bodies and before aforesaid publication in the

Official Gazette newspapers.

- (8) On receipt of the copy of the approved district development plan each concerned planning and development authority and panchayat at the district level shall take steps to obtain such sums of money as allocated to it under central or state sector and proceed to execute the concerned projects through the process of formulation of annual plan and schemes/projects within the framework of respective approved development plan.

Review and revision of the district perspective plan.

34. Immediately after expiry of ten years from the date of approval of the district perspective plan under sub-section (4) of Section 32 but not later than one year, the district planning committee, with the assistance of the District Planning Member, shall review such plan and prepare a fresh district perspective plan for a period of twenty to twentyfive years from the date of the review after incorporating such modifications and amendments as may be considered necessary and submit it for approval as laid down in section 32.

Review and revision of the district development plan.

35. Immediately after the expiry of three years from the date of approval of the district development plan under sub-section (4) of section 33, but not later than six months, the district planning committee shall with the assistance of the District Planning Member, review such plan and prepare a fresh district development plan for five years commencing from the date of expiry of such a plan in force after incorporating such modifications and amendments as may be considered necessary and submit it for approval as laid down in section 33.

Modifications to district perspective plan and district development plan.

36. (1) Notwithstanding anything contained in section 34 and 35, the perspective plan or development plan of a district may be modified any time and for this purpose the district planning committee shall publish a draft of the proposed modifications by a notice in at least one local newspaper inviting objections and suggestions from the public within thirty days from the date of aforesaid publication of the notice and after giving an opportunity of hearing to such persons who have made a request of being heard and after considering such objections and suggestions, finalise the modifications and submit the modifications to:

- (a) the Board in case of modifications in the perspective plan of the district; or
 - (b) the government in case of modifications in the development plan of the district.
- (2) The Board or the government, as the case may be, may approve the modifications with or without variations or refuse to approve the modification by a notification in the Official Gazette and in atleast one local newspaper.

Provided that no such modifications shall, as proposed be approved by the government or the Board as the case may be, unless they are in public interest and are notified to the public.

CHAPTER - V

PLANNING AND DEVELOPMENT AUTHORITIES AND PLANS FOR LOCAL PLANNING AREA DEVELOPMENT

- Local Planning Area. 37. (1) From the date of commencement of this Act, the area under the jurisdiction of a municipal corporation, a municipal council or a nagar panchayat shall be the local planning area for the purposes of this Act.
- (2) The government may, in consultation with the Board, the State Chief Planner, and the metropolitan planning committee or the district planning committee, as the case may be, amalgamate, two or more local planning areas into one local planning area, sub-divide local planning area into different local planning areas and include such divided areas in any other local planning area.
- (3) The government may, by notification in the Official Gazette direct that all or any of the rules, regulations, bye-laws, orders, directions and powers made, issued, conferred and in force in any other local planning area at the time, with such exceptions, adaptations and modifications as may be considered necessary by the government, shall apply to the area declared as amalgamated with or included in a local planning area under this section and such rules, regulations, bye-laws, orders, directions and powers shall forthwith apply to such local planning area without further publication.
- (4) When local planning areas are amalgamated or sub-divided or such sub-divided areas are included in other local planning areas, the government shall, in consultation with the Board and the planning and development authorities, frame a scheme determining what portion of the balance of the fund of the planning and development authorities shall vest in the planning and development authority or other such authorities

concerned and in what manner the properties and liabilities of the planning and development authority or other such authorities shall be apportioned amongst them and on the scheme being notified, the fund, property and liabilities shall vest and be apportioned accordingly.

Planning and
Development Authority.

38. (1) Every municipal corporation, municipal council and nagar panchayat shall, from the date of commencement of this Act, be the planning and development authority for the local planning area under their respective jurisdiction.
- (2) Every planning and development authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property both movable and immovable and to enter into contract and to do all things necessary, proper or expedient for the purposes of its constitution and shall by the said name sue and be sued.

Powers & functions
of planning and
development authority.

39. The functions of planning and development authority shall be to:
- (a) prepare for the local planning area or part thereof:
- (i) a perspective plan;
 - (ii) a development plan;
 - (iii) an annual plan; and
 - (iv) plans of projects or schemes.
- (b) implement the provisions contained in the plans prepared under clause (a) above by formulating and executing development schemes, land pooling schemes and projects;
- (c) promote, regulate and control the developmental activities in the local planning area in accordance with the provisions of this Act;
- (d) acquire, hold, manage and dispose of land and other properties;
- (e) set up special function agencies and guide, direct and

assist them on matters pertaining to their respective functions; and

- (f) perform such other functions as are supplemental, incidental or con-sequential to any of its functions or as may be directed by the government, from time to time.

Constitution of Standing Planning Committee and appointment of Municipal Planner

40. (1) Every planning and development authority shall, for the performance of the functions under this Act, constitute a Standing Planning Committee consisting of members as contained in sub-section (2) and appoint a full-time Municipal Planner.
- (2) The Standing Planning Committee shall consist of the following members:
- (i) The chairperson of the concerned municipal body: Chairperson ex-officio;
 - (ii) Two members of the concerned municipal body to be nominated by its members;
 - (iii) The chief executive officer of the concerned municipal body; and
 - (iv) The Municipal Planner, appointed under sub-section (1) : as its Member Secretary
- (3) The Standing Planning Committee shall have all the powers, responsibilities and the status as are given to a Standing Committee appointed under the Act under which the concerned municipal body is set up.
- (4) The Municipal Planner appointed under sub-section (1) shall possess such educational qualifications as are contained in section 174 of this Act.

Constitution of Development Integration Committee for the local planning area.

41. (1) For the purpose of integrated development of the local planning area, the District Collector, in consultation with the chairperson of the concerned planning and development authority, shall constitute a Development Integration Committee consisting of the following:
- (a) A Chairperson;

- (b) Heads of relevant central and state government departments functioning or having jurisdiction over the local planning area as may be determined by the Collector, members;
 - (c) Non-official members, not exceeding five, from amongst the residents and representatives of non-governmental and community based organisations; and
 - (d) The Municipal Planner of the concerned planning and development authority, Member Secretary.
- (2) The functions of the Development Integration Committee shall be :-
- (a) to identify development aims, objectives, priorities and programmes;
 - (b) to provide required inputs (such as data, information, reports, maps, etc.) with the assistance of respective departments, on future projections, major requirements and priorities as may be considered necessary by the Municipal Planner for preparation of various plans, schemes and projects for the local planning area under clause (a) of section 39.
 - (c) to ensure cooperation on inter departmental actions pertaining to formulation of plans, schemes and projects and their implementation; and
 - (d) any other function as may be considered necessary for the formulation of various plans, schemes and projects and their effective and efficient implementation;
- (3) The Development Integration Committee shall meet at such times and at such places as the Chairperson may decide;
- (4) The departments represented under clause (b) of sub-section (1) shall provide such funds as may be

necessary for meeting their specific obligations under clause (b) of sub-section (2).

Functions of the
Municipal Planner.

42. The Municipal Planner shall :

- (a) assist the planning and development authority, the standing planning committee and development integration committee in performance of their functions under Section 39, and sub-section (1) of section 40 and sub-section(2) of section 41 respectively;
- (b) prepare and implement the perspective plan, the development plan, the annual plan and projects and schemes, and if so required, get such plans, projects or schemes prepared from any agency or consultant as may be approved by the planning and development authority;
- (c) take all necessary actions required for approval of perspective plan, development plan, annual plan and projects and schemes as provided under this chapter;
- (d) monitor and review the perspective plan, the development plan and the annual plans, projects and the schemes; and
- (e) perform any other function assigned to him by the planning and development authority, standing planning committee or development integration committee.

Staff of the planning
and development
authority.

43.

- (1) Subject to such control and restrictions as may be prescribed every planning and development authority shall appoint such number of officers and employees as may be necessary for efficient performance of its functions under this Act and may determine their designations and grades;
- (2) The officers and employees appointed under sub-section (1) shall be entitled to receive such salaries and allowances and shall be governed by such conditions of service as may be determined by regulations made in this behalf;
- (3) The salaries and allowances of the municipal planner and other officers and employees of the planning and

development authority and all other expenses incurred in the performance of functions under this Act shall be met out of the Planning and Development Fund constituted under section 139.

Preparation of 44.
perspective plan
of local planning
area and its
contents.

- (1) Every planning and development authority, within one year of the commencement of this Act, shall prepare a (twenty to twenty-five years) perspective plan of the local planning area including such contiguous areas thereto, as may be considered necessary, after reviewing the implementation of such plan, if any, prepared earlier;

Provided that where a municipal corporation, a municipal council or a nagar panchayat has been constituted under the Municipal Act after the date of commencement of this Act, the prespective plan shall be prepared within one year of its constitution.

- (2) The perspective plan prepared under sub-section (1) shall incorporate socio-economic and developmental issues, goals, objectives, potentials, policies, strategies and priorities pertaining to the following as far as may be relevant:-
- (a) Physical characteristics and natural resources;
 - (b) Demography;
 - (c) Existing and proposed land uses;
 - (d) Economic development in primary, secondary and tertiary sectors as may be applicable;
 - (e) Poverty alleviation and employment generation in the formal and informal sectors;
 - (f) Housing and shelter development;
 - (g) Transportation network including inter-city and intra-city mass transportation system and its interface with location of major activity nodes and land use pattern;

- (h) Integrated infrastructure development covering:
 - (i) water harvesting and its utilisation;
 - (ii) energy;
 - (iii) drainage;
 - (iv) sanitation;
 - (v) refuse disposal;
 - (vi) education;
 - (vii) health;
 - (viii) recreation;
 - (ix) communication; and
 - (x) others utilities and services such as police protection, fire protection, etc.;
- (i) Protection of environmentally sensitive areas and conservation of heritage;
- (j) Spatial development indicating direction of growth of the settlement and its components such as residential, commercial, and industrial areas; open spaces, roads, etc.;
- (k) Renewal and upgradation of old or dilapidated areas and slums;
- (l) Fiscal resource mobilisation;
- (m) Implementation mechanism and processes;
- (n) Phasing of the plan in periods of five years preferably co-terminus with the state five year plans; and
- (o) Any other particulars and details as may be considered necessary by the planning and development authority.

An existing plan to be deemed as perspective plan.

45. If prior to the commencement of this Act any Master Plan or Development Plan for any area has been prepared under any other law, such master plan or developemnt plan shall be deemed to be a perspective plan of that local planning area prepared under this Act.

Preparation of development plan of local planning area and its contents.

46. (1) Every planning and development authority shall, not later than seventeen months from the date of coming into office under the provisions of the Municipal Act, prepare a development plan within the framework of the approved perspective plan covering the whole or part of the local planning area, as may be necessary, for a period of five years, the first three years of which shall be during and upto the end of the term of the municipal body in office, and the next two years, commencing from the date of assumption of office and during the life of the following or subsequent municipal body.

Explanation:

The objective of this provision of dividing the five year period of a local area development plan into three and two year terms is to introduce a dynamic participatory planning system where each elected municipal body when it assumes office, has an approved plan for implementation during the time taken for review of such plan and formulation and approval of next development plan incorporating results of review and its own policies and programmes. It also provides for implementation of such a next plan formulated by the municipal body, for three years up to the end of its term.

- (2) Notwithstanding any thing contained contrary to sub-section (1) in case no approved perspective plan exists, the planning and development authority shall take into account the provisions of the perspective plan under preparation according to the provision of sub-section (1) of section 44, and prepare the development plan within three-years from the date of commencement of this Act.
- (3) A development plan shall generally indicate the manner in which the use of land in the local planning area covered by such plan shall be regulated and also indicate the manner in which the development therein shall be carried out. In particular it shall provide, so far as may be necessary, for all or any of the following:-
- (a) analysis of dynamics of development which may include analysis of history of development, present status and trend of development,

location, site and situation, regional context, hinterland, its attributes and accessibility, physiographic and demographic characteristics; city influence area and its characteristics including settlement pattern, rural-urban relationship and fringe area developments;

- (b) current issues and prospects regarding;
- (i) economic base and employment in trade, commerce and industries in both formal and informal sectors;
 - (ii) hierarchy of commercial areas, dispersal of commercial activities and related issues;
 - (iii) dispersal of industries or restriction on specific type of industries considering the pollution level and environmental sustainability;
 - (iv) urban poverty and its alleviation;
 - (v) housing including informal sector housing, resettlement strategy and slum upgradation;
 - (vi) educational facilities including specialised education and research centres, health facilities including specialised hospitals, cultural and religious facilities;
 - (vii) public and semi-public offices;
 - (viii) system of open space, play fields and recreation areas; conservation areas; ecologically and environmentally sensitive areas; and public gathering grounds;
 - (ix) transportation covering: road, railway, waterway, pedestrian-path networks and related activity centres, parking and terminal facilities; mass transportation system and its integration with activity

- nodes and land use pattern; airport and seaport;
- (x) utilities and services such as water supply, drainage, sewerage, solid waste management, energy, communication, police, fire protection, cremation and burial grounds;
 - (c) existing land use;
 - (d) space requirement for various activities;
 - (e) economic and spatial development goals and objectives;
 - (f) development proposals which may include;
 - (i) concept of hierarchy of planning units and distribution of various activity nodes, facility centres, etc.;
 - (ii) mass transportation system and land use interface, transport and communication facilities such as hierarchy and network of roads, highways, parkways, railways, waterways, canals and airport including their extension, development and coordination;
 - (iii) proposals for designating the use of the land for residential development including informal sector housing and slum upgradation; commercial, industrial, agricultural and recreational uses,
 - (iv) proposals for the reservation of land for community facilities and services; public purposes such as schools, colleges and other educational institutions, medical and public health institutions, markets, social welfare and cultural institutions, theatres and places for public entertainment, public assembly,

museums, art galleries, religious buildings, parks, gardens and play-grounds, stadia, sites and services schemes, slum upgradation schemes, housing accommodation for socially and economically backward classes of people; parking and terminal facilities such as inter-city and intra-city bus and truck terminus, dairies, areas for open spaces, zoological gardens, natural reserves and sanctuaries; burial grounds, cremation grounds including electric crematorium; slaughter houses, tanneries and for such other purposes as may, from time to time, be considered necessary;

- (v) proposals for water supply, drainage, sewage and solid waste disposal, other public utilities, amenities and services including supply of electricity and gas and provision for telephones and postal services;
- (vi) public and semi-public offices;
- (vii) renewal and redevelopment areas;
- (viii) protection of environment, prevention of air and water pollution, promotion of ecological aspects, preservation, conservation and development of areas of natural scenery and landscape; urban forestry;
- (ix) preservation of features, structures, places of historical, architectural and scientific interest and educational value;
- (x) proposals for flood control;
- (xi) proposals for the reservation of land for public purpose by the central, state and local government or any other authority or body established by or under any law

for the time being in force;

- (xii) the filling up or reclamation of low lying, swampy or unhealthy areas or levelling up of land;
- (xiii) proposals for preparation of development schemes pertaining to tourism, environmental conservation, heritage, sites for reclamation; coastal area development, highway corridor development and the like;
- (xiv) such other proposals for public purposes as may, from time to time be approved by the planning and development authority or as may be directed by the government in this behalf;

(g) implementation mechanism which shall include:

- (i) phasing of the proposal contained in the development plan depending upon the priorities determined in two phases the first being for a period of three years and the second for two years;
- (ii) identification of sector-wise schemes and projects to be implemented by central or state government, planning and development authority, corporate bodies, co-operative and private sector.
- (iii) development promotion regulations for promoting and regulating the use and development of land including imposition of conditions and restriction in regard to the open space to be maintained for buildings, the Floor Area Ratio or Floor Space Index, the location, number, size, height, number of storeys and character of buildings and density of built-up area allowed in specified area, the use and purposes to which a building or specified areas of land may or may not be

appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking spaces, loading and unloading space for any building and the sizes of projections and advertisement signs and hoarding and other matters as may be considered necessary for carrying out the objects of this Act;

- (iv) Fiscal requirements and resource mobilisation proposals;
- (v) Regulations in respect of Transferable Development Rights and Accommodation Reservation.

(h) monitoring and review mechanism;

Approval of
perspective plan of
local planning
area.

47. (1) As soon as may be but not later than thirty days of the preparation of the perspective plan of a local planning area, the concerned planning and development authority shall accord its consent to the contents of the perspective plan and forward it to the State Chief Planner and metropolitan planning committee or district planning committee, as the case may be, for concurrence.
- (2) The State Chief Planner and the metropolitan planning committee or the district planning committee, as the case may be, within thirty days from the date of receipt of the perspective plan forwarded to it under sub-section (1) shall examine it in the light of state, metropolitan area or district perspective plan, as the case may be, and communicate in writing their concurrence to the perspective plan with or without specific modifications.
- (3) On receipt of the concurrence under sub-section (2) the planning and development authority shall not later than thirty days modify if necessary, the perspective plan in the light of the specific modifications contained in the concurrence letter of the State Chief Planner or the metropolitan planning committee or the district planning committee, as the case may be, and resubmit the modified plan to the State Chief Planner, or the

concerned metropolitan planning committee and district planning committee, as the case may be.

- (4) The state Chief Planner the metropolitan planning committee or the district planning committee, as the case may be, shall further examine the modified perspective plan, in the light of the specific modifications, suggested by it under sub-section (2) and communicate in writing within thirty days from the date of resubmission of the plan under sub-section (3), its concurrence with or without further specific modifications.
- (5) If the concurrence of the state Chief Planner or metropolitan planning committee or district planning committee is not received within the time allowed under sub-section (2) or sub-section (4), the concurrence shall be deemed to have been given by the State Chief Planner or, as the case may be, the metropolitan planning committee or the district planning committee.
- (6) As soon as may be, but not later than thirty days from the date of receipt of the concurrence from the state Chief Planner and the metropolitan planning committee or the district planning committee, as the case may be, and after modifying the perspective plan if necessary the planning and development authority shall publish a notice in atleast one local newspaper of the preparation of the perspective plan inviting objections and suggestions from the public within thirty days from the date of publication of the notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to be correct shall be available for sale to the public at a reasonable price.
- (7) The Standing Planning Committee shall consider all objections and suggestions received within the time allowed under sub-section (6) and after making such enquiry as it may consider necessary and after giving reasonable opportunity of being heard to those persons who have made a request in writing for being so heard, modify, if necessary, the perspective plan and submit it together with the objections and suggestions received

under sub-section (6) and the report of the standing planning committee to the planning and development authority within a period of sixty days of the date of expiry of the notice under sub-section (6).

- (8) The planning and development authority shall within thirty days from the date of receipt of perspective plan under sub-section (7) accord its concurrence and forward the same to the government and also to the State Chief Planner together with the objections and suggestions received under sub-section (6) and the report of the standing planning committee.
- (9) The government shall in consultation with the State Chief Planner, approve the perspective plan with or without modifications within sixty days of its receipt.
- (10) The planning and development authority shall publish a notice in the Official Gazette and one local newspaper of the approval of the perspective plan, stating the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to the correct shall be available for sale to public at a reasonable price.
- (11) The perspective plan shall come into force from the date of publication of notice of approval of the perspective plan in the Official Gazette under sub-section (10).

Approval of
development plan of
local planning
area.

48. (1) As soon as may be, but not later than thirty days of the preparation of the development plan of a local planning area, the concerned planning and development authority shall accord its consent to the development plan, and forward it to the State Chief Planner and the metropolitan planning committee or the district planning committee, as the case may be, for concurrence.
- (2) The State Chief Planner and the metropolitan planning committee or the district planning committee, as the case may be, shall within thirty days from the date of receipt of the development plan forwarded to it under sub-section (1) examine it in the light of the perspective plan approved or under the process of approval under section 47 and communicate their concurrence in writing

to the development plan being within the framework of perspective plan or suggest specific modifications if any, to bring it in conformity with the perspective plan.

- (3) The planning and development authority shall, modify, if necessary, within thirty days, the development plan in the light of the specific modifications suggested in the concurrence letter of the State Chief Planner or the metropolitan planning committee or the district planning committee, as the case may be, and resubmit to the State Chief Planner or the concerned metropolitan planning committee or district planning committee as the case may be.
- (4) The State Chief Planner or the metropolitan planning committee or the district planning committee, as the case may be, shall further examine the development plan, in the light of specific modifications suggested by it under sub-section (2) and communicate within thirty days from the date of resubmission of the plan, under sub-section (3), its concurrence in writing with or without further specific modifications.
- (5) In case there are further specific modifications suggested in the concurrence letter received under sub-section(4), the planning and development authority shall take necessary action to modify the development plan and resubmit within thirty days the modified plan for concurrence of the State Chief Planner or the concerned metropolitan planning committee or district planning committee as the case may be, but the part in respect of which no specific modifications has been suggested shall be deemed to have been concurred with and the planning and development authority shall proceed further for getting approval as provided under sub-section (7) of that part of the development plan in respect of which no modifications are required under sub-section (4).
- (6) If the concurrence of the State Chief Planner or the concerned metropolitan planning committee or district planning committee is not received within the time allowed under sub-section (2) or (4) as the case may be, within thirty days from the date of resubmission under sub-section (5) as the case may be, the concurrence shall be deemed to have been given by

the State Chief Planner or, as the case may be, the metropolitan planning committee or the district planning committee.

- (7) As soon as, may be but not later than thirty days from the date of receipt of the concurrence letter from the State Chief Planner and the metropolitan planning committee or the district planning committee, as the case may be, under sub-section (2), (4), (5) or deemed concurrence as stipulated under sub-section (6) as the case may be, the planning and development authority shall publish a notice in at least one local newspaper of the preparation of the development plan, inviting objections and suggestions from the public within thirty days from the date of publication of the notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom, certified to be correct, shall be available for sale to the public at a reasonable price. This notice shall also indicate the date, time and place where a public meeting shall be held to present the highlights of the development plan to the public.
- (8) The planning and development authority shall ensure that the public meeting is held as stipulated under sub-section (7) on the notified date.
- (9) The standing planning committee shall consider all objections and suggestions received within the time allowed under sub-section (7) and after making such enquiry as it may consider necessary and after giving reasonable opportunity of being heard to those persons who have made request in writing for being so heard, modify, if necessary, the development plan and submit it to the planning and development authority within sixty days from date of expiry of the notice under sub-section (7).
- (10) The planning and development authority shall accord its approval to the development plan by a Resolution passed in the meeting of the planning and development authority, with or without modifications, within thirty days of submission of the aforesaid plan to it under sub-section (9).

(11) The planning and development authority shall publish a notice in the Official Gazette and in at least one local newspaper of the approval of the development plan, stating the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to be correct shall be available for sale to public at a reasonable price.

(12) The development plan shall come into force from the date of publication of notice in the Official Gazette under sub-section (11).

Review, revision and preparation of fresh perspective plan of the local planning area.

49. (1) Immediately after the expiry of ten years from the date of approval of the perspective plan of the local planning area under Section 47, the planning and development authority shall review such plan and prepare a fresh perspective plan for a period of twenty to twentyfive years from the date of review after incorporating such modifications and amendments as may be considered necessary and submit for approval.

Provided that the time period taken for review and preparation of fresh Perspective Plan shall not exceed two years.

(2) The provisions of section 44 and section 47 shall, mutatis mutandis, apply to the preparation and approval of such a fresh perspective plan.

Review, revision and preparation of fresh development plan of the local planning area.

50. (1) Immediately after the expiry of three years from the date of approval of the development plan under section 48, the planning and development authority shall review such plan and prepare. A fresh development plan for five years commencing from the date of expiry of such a plan in force after incorporating such modifications and amendments as may be considered necessary and submit it for approval.

Provided that the time period taken for review and preparation of fresh development plan shall not exceed eighteen months.

(2) The provisions of section 46 and section 48 shall,

mutatis mutandis, apply to the preparation and approval of such a fresh development plan.

Provisions of development plan to prevail.

51. If any provision of an approved development plan of a local planning area is at variance with the provisions of the approved perspective plan of the same area, the provision contained in the approved development plan shall prevail.

Modifications in perspective plan or development plan of local planning area.

52. (1) Notwithstanding any thing contained in sections 49 and 50, the perspective plan or development plan of a local planning area may be modified any time and for this purpose, the planning and development authority shall publish a draft of the proposed modifications by a notice in at least one local newspaper inviting objections and suggestions from the public within thirty days from the date of aforesaid publication of the notice, and after giving an opportunity of being heard to such persons who have made request for being heard and after considering the objections and suggestion finalise the modifications in the plan and submit it to :

- (a) the Board in case of modifications in a perspective plan; or
- (b) the government in case of modifications in the development plan.

- (2) The Board or the government, as the case may be, may approve the modifications with or without variations or refuse to approve the modification by a notification in the Official Gazette and in atleast one local newspaper.

Provided that no modifications shall be proposed or approved unless they are :

- a) of emergent nature; or
- b) of minor nature in the interest of implementation which do not materially affect the structure of the plan; and
- c) in public interest and are notified to the public.

CHAPTER - VI

**SPECIAL AREA PLANNING AND DEVELOPMENT AUTHORITY AND
PLANS FOR SPECIAL AREA DEVELOPMENT**

Declaration of
Special Area.

53. (1) If any area, such as an area identified for establishment of a new town or industrial township, or identified as ecologically sensitive area like coastal belt or economic resource area like mining area, or under developed area like tribal area, large urban renewal or redevelopment areas, and the like, whether urban or rural or both, is designated as a special area in any perspective plan or any metropolitan development plan, district development plan or local planning area development plan and if the metropolitan planning committee or district planning committee so recommends, the government if satisfied that it is expedient in public interest that any such area should be developed as a special area, may by notification in the Official Gazette, declare such area as a Special Area, which shall be known by the name specified in the notification.

Provided that in the case of an area of an existing industrial township or Industrial Development Corporation or a body by whatever name called, as may have been designated by the government in which services are provided or proposed to be provided by the aforesaid industrial township or the Industrial Development Corporation or the body that area shall be deemed to be a special area declared under sub-section (1).

- (2) Such notification shall define the limits of such special area.
- (3) The government may, by notification in the Official Gazette :-
- a) alter the limits of the special area to include therein or exclude therefrom such areas as may

be specified in the notification; or

b) declare that the special area shall cease to be a special area.

(4) After declaration of any area as a special area under sub-section (1) the municipal corporation, the municipal council or the nagar panchayat, having jurisdiction, if any, shall cease to be the planning and development authority for the special area declared under this Act and the panchayats, if any, shall also cease to exercise the powers and to perform the functions and duties which the Special Area Development Authority constituted under section 54 is competent to exercise and perform under this Act.

Special Area
Planning and
Development
Authority.

54. (1) Simultaneously with the declaration of any area as a special area under sub section (1) of section 53, the government shall constitute, by a notification in the Official Gazette, a Special Area Planning and Development Authority consisting of the following members:

- (a) a chairperson;
- (b) representatives, not exceeding four in number, of the concerned metropolitan planning committee, and district planning committee constituted under this Act, or municipal bodies constituted under the Municipal Act or the panchayats constituted under the Panchayat Act, as may be considered necessary;
- (c) an Urban and Regional Planning Member with prescribed educational qualifications;
- (d) a finance member;
- (e) an engineer member;
- (f) a chief administrative officer; and
- (g) such other members, not exceeding three, out of which at least two shall be non-officials as the government may determine from time to time.

- (2) The Members specified under clauses (c), (d), (e) and (f) shall be full-time members.
- (3) The full-time members and the chairperson, if full-time, shall receive such salary and allowances out of the fund of special area planning and development authority and shall be subject to such terms and conditions of service as may be determined by the government.
- (4) Other members shall not be entitled to any salary but shall receive such allowances as may be prescribed under regulations.
- (5) The chairperson and the members of special area development authority shall hold office at the pleasure of the government.
- (6) Any vacancy arising out of resignation or otherwise shall be filled by fresh appointment.

Incorporation of special area planning and development authority.

55. A special area planning and development authority shall be a body corporate with perpetual succession and a common seal and shall have power to acquire, hold and dispose of property, both movable and immovable and to enter into contract and to do all things necessary and expedient for the purposes of its constitution and sue and be sued by the name specified in the notification under sub-section (1) of section 53.

Staff of the special area planning and development authority.

56. (1) A special area planning and development authority may appoint such officers and employees as may be necessary and proper for the efficient discharge of its functions.
- Provided that no post shall be created save with the prior sanction of the government.
- (2) The government may make rules in respect of recruitment, qualifications, appointment, scale of pay, leave, allowances and other conditions of service of the officers and other employees appointed under sub-section (1).

Functions of special area planning and development authority.

57. The powers and functions of the special area planning and development authority shall be to:
- (a) prepare a development plan for the special area within the framework of approved perspective plan, of the metropolitan area development plan, the district development plan or the local planning area development plan, as the case may be;
 - (b) implement the development plan prepared under clause (a) after its approval by way of formulating and executing land pooling schemes and development schemes;
 - (c) carry out construction activity and to provide utilities and amenities such as water, electricity, drainage and the like;
 - (d) provide and manage municipal services as specified in the Municipal Act, if so required by the government; and
 - (e) perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

Special area planning and development authority to exercise certain powers of planning and development authority.

58. A special area planning and development authority shall:-
- (a) for the purposes of plan preparation and approval exercise the powers and follow the procedure which a planning and development authority has to follow under Chapter V of this Act;
 - (b) for the purposes of exercising control on development and use of land exercise such powers and follow the procedures which a planning and development authority has to follow under chapter VII of this Act;
 - (c) for the purposes of preparing and implementing development scheme and land pooling scheme, exercise the power and follow the procedure which a planning and development authority has to follow under chapters VIII and IX of this Act, respectively;;
 - (d) for the purposes of acquisition, assembly and disposal of land, exercise the powers and follow such procedures

which a planning and development authority has to follow under Chapter XI of this Act; and

- (e) for the purposes of providing municipal services and their management, exercise the powers and follow such procedure which a municipality has to exercise and follow under the Municipal Act.

Fund of the special area planning and development authority.

59. (1) Every special area planning and development authority shall have its own fund and all receipts of that authority shall be credited therein and all payments shall be made therefrom.
- (2) The special area planning and development authority shall levy the developmental charges as provided under chapter XII of this Act.
- (3) The special area planning and development authority may for all or any of the purposes of this Act:-
- (a) receive money by way of grants, loans, advances or otherwise from the government or a metropolitan planning committee, district planning committee or planning and development authority or any other national and international agency;
 - (b) borrow money subject to such terms and conditions as may be agreed upon.

Application of Chapter XIII.

60. The provisions contained in Chapter XIII of this Act shall apply, mutatis mutandis, to the special area planning and development authority.

CHAPTER - VII

CONTROL OF DEVELOPMENT AND USE OF LAND

Use and development of land to be in conformity with the development plan, development scheme or land pooling scheme.

61. After the coming into operation of any development plan development scheme or a land pooling scheme in an area, no person shall use or permit any other person to use any land or carry out any development in that area otherwise than in conformity with such a development plan, development scheme or a land pooling scheme.

Provided that the planning and development authority may allow on application, the continuance, for a period not exceeding ten years, of the use, upon such terms and conditions as may be prescribed by the regulations made in this behalf, of any land for the purpose and to the extent, for and to which it is being used on the date on which such a plan or scheme came into operation.

Prohibition of development.

62. (1) After the enforcement of this Act in an area and subject to the provisions of this Act, no development, or institution, or change of use of any land shall be undertaken or carried out in that area:-

- (a) without obtaining a certificate from the planning and development authority certifying that the developmental charges as leviable under this Act have been paid or that no such developmental charges are leviable; and
- (b) without obtaining the permission in writing as provided for hereinafter:

Provided that no such permission shall be necessary :

- (i) for carrying out such works for the maintenance, improvement or other alteration of any building, which affects only the interior of the building or which

do not materially affect the external appearance of the building;

- (ii) for the carrying out by the Central or the State Government or any local authority of any works required for the maintenance or improvement of a highway, road or public street, being works carried out on land within the boundaries of such highway, road or public street;
- (iii) for the carrying out by the Central or the State Government or any local authority of any works for the purpose of inspecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;
- (iv) for the excavation (including wells) made in the ordinary course of agricultural operations;
- (v) for the construction of unmetalled road intended to give access to land solely for agricultural purposes;
- (vi) for normal use of land which has been used temporarily for other purposes;
- (vii) in case of land, normally used for one purpose and occasionally used for any other purpose for the use of land for that other purpose on occasions;
- (viii) for use, for any purpose incidental to the use of a building for human habitation, or any other building or land attached to such building.

Permission for development.

63. (1) Any person or body intending to carry out any development on any land shall make an application in writing to the planning and development authority for

permission in such form and containing such particulars and accompanied by such documents, fee and plans as may be prescribed by the rules and the regulations;

(2) On such application having been duly made, and on payment of the developmental charges as may be assessed under Chapter XI of this Act.

(a) the planning and development authority may pass an order:

- (i) granting permission unconditionally; or
- (ii) granting permission subject to such conditions as it may consider fit; or
- (iii) refusing permission;

(b) without prejudice to the generality of the foregoing clause, the planning and development authority may impose conditions:

- (i) to the effect that the permission granted is only for a limited period and that after the expiry of that period, the land shall be restored to its previous condition or the use of the land permitted shall be discontinued;
- (ii) for regulating the development or use of any other land under the control of the applicant or for the carrying out of works on any such land as may appear to the planning and development authority expedient for the purpose of the permitted development.

(3) The planning and development authority in dealing with the applications for permission shall have regard to:

- (a) the provisions of the development plan or development scheme or land pooling scheme in force or under preparation; or
- (b) any other material consideration.

- (4) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal shall be recorded in the order.
- (5) Any such order shall be communicated to the applicant in the manner prescribed by regulations.
- (6) In the case of a department of Central or State Government or local authority intending to carry out any development other than operational constructions on any land, the concerned department or local authority as the case may be, shall notify in writing to the planning and development authority, of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be prescribed by the government from time to time, at least, thirty days prior to the undertaking of such development; where the planning and development authority has raised any objection pertaining to the proposals received under sub-section (2) in respect of the conformity of the proposed development either to any matter in sub-section (3) or to any of the building bye-laws in force at the time, the department or the local authority, as the case may be, shall:-
 - (a) either make necessary modifications in the proposals for development to meet the objections raised by the planning and development authority, or
 - (b) submit the proposals for development together with the objections raised by the planning and development authority to the government for decision. When proposals and objections have been submitted, no development shall be undertaken until the government has finally decided on the matter.

The government on receipt of the proposals for development together with the objections of the planning and development authority shall, in consultation with the State Chief Planner either approve the proposals with or without modifications or direct the concerned department or local authority, as the case may be, to make such

modifications in the proposals as they consider necessary in the circumstances.

The "Operational Constructions" of the departments of Central or State Government or local authority, as may be notified by the government from time to time, shall be exempted from the purview of the planning and development authority.

Appeal against refusal or conditional grant of permission.

64. (1) Any applicant aggrieved by an order passed under sub-section (2) of section 63 may appeal, within one month of the communication of that order or if no order is passed, after the expiry of the period of three months from the date of submitting the application for permission prefer an appeal to the government or an officer appointed by the government, in this behalf in the manner and accompanied by such fees as may be prescribed.
- (2) The appellate authority, after receiving the appeal and after giving reasonable opportunity to the appellant and the concerned planning and development authority to be heard, may pass an order dismissing the appeal or allowing the appeal by:-
- (a) granting permission unconditionally; or
 - (b) granting permission subject to such conditions as it may think fit, or
 - (c) removing the conditions subject to which permission has been granted and imposing other conditions, if any, as it may consider fit.

Lapse of permission.

65. Every permission for any development granted under this Act shall remain in force for three years only from the date of such permission; provided that the planning and development authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period, for such time as it may consider proper; but such extended period shall in no case exceed one year.

Provided further that such lapse shall not be a bar for any subsequent application for fresh permission under this Act.

Obligation to acquire land on refusal of or on grant of permission in certain cases.

66.(1)

Where:-

- (a) any land is designated by a plan as subject to compulsory acquisition; or
- (b) any land is allotted by a plan for the purpose of any functions of a Government or a local authority or a statutory body, or is land designated in such plan as a site proposed to be developed for the purposes of any functions of any such government, authority or body; or
- (c) any land is indicated in any plan as land on which a highway is proposed to be constructed or included; or
- (d) any land for the development of which permission is refused or is granted subject to conditions, and
 - any owner of land referred to in clauses (a), (b), (c) or (d) claims:-
 - (i) that the land has become incapable of reasonably beneficial use in its existing state; or
 - (ii) where planning permission is given subject to conditions that the land cannot be rendered capable of reasonably beneficial use by the carrying out of the permitted development in accordance with the conditions; or
- (e) the owner of the land because of its designation or allocation in any plan claims that he is unable to sell it except at a lower price than that at which he might have reasonably expected to sell if it were not so designated or allocated;

the owner or person affected may serve on the government within such time and in such manner, as may be prescribed by regulations, a notice (hereinafter referred to as "the purchase notice") requiring the appropriate authority to purchase his interest in the land in accordance with the provisions of this Act.

- (2) The purchase notice shall be accompanied by a copy of any application made by the applicant to the planning and development authority, and of any order or decision

of that authority and of the government, if any, in respect of which the notice is given.

- (3) On receipt of a purchase notice, the government shall forthwith call from the planning and development authority such report or records or both, as may be necessary, which those authorities shall forward to the government as soon as possible but not later than thirty days from the date of their requisition.
- (4) On receiving such records or reports, if the government is satisfied that the conditions specified in sub-section(1) are fulfilled, and that the order or decision for permission was not duly made on the ground that the applicant did not comply with any of the provisions of this Act or rules or regulations, it may confirm the purchase notice, or direct that planning permission be granted without condition or subject to such conditions as will make the land capable of reasonably beneficial use. In any other case, it may refuse to confirm the purchase notice, but in that case, it shall give the applicant a reasonable opportunity of being heard.
- (5) If within a period of six months from the date on which a purchase notice is served, the government does not pass any final order thereon, the notice shall be deemed to have been confirmed at the expiration of that period.
- (6) If within one year from the date of confirmation of the notice, the appropriate authority fails to make an application to acquire the land in respect of which the purchase notice has been confirmed, the reservation, designation, allotment, indication or restriction on development of the land shall be deemed to have lapsed; and thereupon the land shall be deemed to be released from the reservation, designation or, as the case may be, allotment, indication or restriction and shall become available to the owner for the purpose of development otherwise permissible in the case of adjacent lands under the relevant plan.

Power of revocation or modification of permission to develop.

67. (1) If it appears to the planning and development authority that it is expedient, having regard to development plan prepared or under preparation and to any other material consideration that any permission

to develop land granted under this Act or any other law, should be revoked or modified, the planning and development authority after giving the person concerned an opportunity of being heard against such revocation or modification, may, by an order, revoke or modify the permission to such extent as appears to it to be necessary;

Provided that :-

- (a) where the permission relates to the carrying out of building or other operations, no such order :-
 - (i) shall affect such of the operations as have been previously carried out;
 - (ii) shall be passed after these operations have substantially progressed or have been completed;
 - (b) where permission relates to a change of use of land, no such order shall be passed at any time after the change has taken place.
- (2) When permission is revoked or modified by an order made under sub-section (1), if the owner claims from the planning and development authority within the time and in the manner prescribed, compensation for the expenditure incurred in carrying out the works after the grant of permission and in accordance with such permission, which has been rendered abortive by the revocation or modification, the planning and development authority shall, after giving the owner reasonable opportunity of being heard by an officer appointed by it in this behalf, and after considering the officer's report assess and offer such compensation to the owner as it thinks fit.
 - (3) If the owner does not accept the compensation, and gives notice, within such time as may be prescribed, of his refusal to accept, the planning and development authority shall refer the matter for the adjudication of the Court and the decision of the Court shall be final and binding on the owner and the planning and development authority.

Penalty for un-
authorised develop-
ment or for use
otherwise than in
conformity with the
development plan
or development
scheme or land
pooling scheme.

68. (1) Any person who, whether at his own instance or at the instance of any other person or anybody commences, undertakes or carries out development, institutes, or changes use of any land or building :-
- (a) in contravention of any development plan or development scheme or land pooling scheme;
 - (b) without obtaining a certificate regarding developmental charges under clause (a) of sub-section (1) of section 62;
 - (c) without permission as required under this Act;
 - (d) in contravention of any condition subject to which such permission has been granted;
 - (e) after the permission for development has been revoked under section 67; or
 - (f) in contravention of the permission which has been modified under section 67;
- shall, on conviction be punishable with simple imprisonment for a term which may extend to three years, or with a fine which may extend to ten thousand rupees or with both and in the case of a continuing offence with a further fine which may extend to five hundred rupees for every day during which the offence continues after conviction for the first commission of the offence.
- (2) Any person who continues to use or allows the use of any land or building in contravention of the provisions of the development plan or development scheme or land pooling scheme without having been allowed under section 61 or under clause (a) of sub-section (1) of section 100, or where the continuance of such use has been allowed under that section, continues such use after the period for which the use has been allowed or without complying with the terms and conditions under which the continuance of such use is allowed, shall be punishable with a further fine which may extend to five hundred rupees for every day during which such offence

Power to require removal of unauthorised development.

- continues after conviction for the first commission of the offence.
69. (1) Where any development of land has been or is being carried out as described in section 68, the planning and development authority, shall serve on the owner a notice requiring him, within such period, not exceeding one month, as may be specified therein, after the service of the notice, to take such steps as may be specified in the notice,
- (a) in cases specified in clauses (a), (c) or (e) of sub-section (1) of section 68 to restore the land to its condition before the said development took place;
 - (b) in cases specified in clause (d) or (f) of sub-section (1) of section 68 to secure compliance with the conditions or with the permission as modified;
 - (c) in cases specified in clause (b) of sub-section (1) of section 68 to pay the developmental charges and such penalty, if any, as may be prescribed;
- (2) In particular, any such notice may, for the purposes of sub-section (1) require:-
- (a) the demolition or alteration of any building or works;
 - (b) the carrying out on land, of any building or other operations; or
 - (c) the discontinuance of any use of land;

Provided that in case the notice required the discontinuance of any use of land, the planning and development authority shall serve a notice on the occupier also.

- (3) Any person aggrieved by such notice may, within the period specified in the notice and in the manner prescribed:-

- (a) apply for permission under section 63 this Act for the retention on the land or any buildings or works or for the continuance of any use of the land, to which the notice relates; or
 - (b) appeal to such authority in such manner as may be prescribed.
- (4) (a) The notice shall be of no effect pending the final determination or withdrawal of the application or the appeal.
- (b) (i) The provisions of the foregoing sections 63, 64 and 65 shall apply to such application with such modifications as may be necessary.
 - (ii) If such permission as aforesaid is granted on that application, the notice shall not take effect, or if such permission is granted for the retention only of some buildings or works or for the continuance of use of only a part of the land, the notice shall not take effect regarding such buildings or works or such part of the land, but shall have full effect regarding other buildings or works or other parts of the land.
- (5) The appellate authority may dismiss the appeal or accept the appeal by quashing or varying the notice as it may consider fit.
- (6) If within the period specified in the notice or within such period after the disposal or withdrawal of the application for permission or the appeal under sub-section (3) the notice or so much of it as continues to have effect, or the notice with variation made in appeal, is not complied with, the planning and development authority may:-
- (a) prosecute the owner for not complying with the notice and in case where the notice required the discontinuance of any use of land, any other person also who uses the land or causes or

permits the land to be used in contravention of the notice; and

- (b)(i) In the case of a notice requiring the demolition or alteration of any building or works or carrying out of any building or other operations, itself cause the restoration of the land to its condition before the development took place and secure the compliance with the conditions of the permission or with the permission as modified, by taking such steps as the planning and development authority may consider necessary including demolition or alteration of any building or works or carrying out of any building or other operations;
- (ii) the planning and development authority may recover the cost of any expenses incurred by it in this regard from the owner as arrears of land revenue.

- (7) Any person prosecuted under clause (a) of sub-section (6) shall be punishable with simple imprisonment for a term which may extend to six months or with a fine which may extend to ten thousand rupees, or with both and in the case of a continuing offence, with a further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence.

Power to stop unauthorised development.

- 70. (1) Where any development of land as described in section 68 is being carried out but has not been completed, the planning and development authority may serve on the owner and the person carrying out the development, a notice requiring the development of land to be discontinued from the time of the service of such notice.
- (2) Where such notice has been served, the provisions of clause (b) of sub-section (4) and sub-section (5) of section 69 shall apply with such modifications as may be necessary;

Provided that provisions of clause (a) of sub-section (4) of section 69 shall not apply, in spite of the filing of an application for permission for development or an appeal as provided in clause (b) of sub-section (3) of section 69, and the notice shall continue to have full effect.

- (3) Any person, who continues to carry out the development of land, whether for himself or on behalf of the owner or any other person, after such notice has been served, shall be punishable with simple imprisonment for a term which may extend to three years, or with a fine which may extend to ten thousand rupees, or with both and when the non-compliance is a continuing one, with a further fine which may extend to five hundred rupees for every day after the date of the service of the notice during which non-compliance has continued or continues.
- (4) If such notice is not complied with forthwith, the planning and development authority or such officer of the planning and development authority who may be authorised in this behalf, may require any police officer to remove such person and all assistants and workmen from the land at any time after the service of such notice and such police officer shall comply with the requisition accordingly.
- (5) After the requisition under sub-section (4) has been complied with, the planning and development authority or such officer of the planning and development authority who may be authorised in this behalf, may, if he thinks fit, depute, by a written order, a police officer or any officer or employee of the planning and development authority to watch the land in order to ensure that the development is not continued. The planning and development authority shall be empowered to seal the unauthorised development.
- (6) Where a police officer or an employee of the planning and development authority has been deputed under sub-section (5) to watch the land, the cost of such deputation shall be paid by the person at whose instance such development is being continued or to whom notice under sub-section (1) was given and shall

be recoverable from such person as arrears of land revenue.

Removal or discontinuance of unauthorised temporary development summarily.

71. (1) Notwithstanding anything herein before contained in this Chapter, where any person has carried out any development of a temporary nature unauthorisedly as indicated in sub-section (1) of section 68, the planning and development authority may by an order in writing direct that person to remove any structure or work erected, or discontinue the use of land made, unauthorisedly as aforesaid, within fifteen days of the receipt of the order; and if thereafter, the person does not comply with the order within the said period, the planning and development authority may request the District Magistrate or the Commissioner of Police, or the Superintendent of Police, as the case may be, or authorise any of its officers or servants, to have such work summarily removed or such use summarily discontinued without any notice as directed in the order; and any development unauthorisedly made again, shall be similarly removed or discontinued summarily without making any order as aforesaid.

(2) The decision of the planning and development authority on the question of what is development of a temporary nature shall be final.

(3) The planning and development authority may recover the cost of any expenses incurred by it in this regard from the owner as arrears of land revenue.

Power to require removal of authorised development or use of land.

72. (1) If it appears to the planning and development authority that it is expedient in the interest of the proper planning of its areas (including the interests of amenities), having regard to the perspective plan of the local planning area or its development plan prepared, or under preparation, or to be prepared, and to any other material consideration;

(a) that any use of land should be discontinued; or

(b) that any conditions should be imposed on the continuance thereof; or

- (c) that any building or works should be altered or removed;

The planning and development authority may, by notice served on the owner,

- (i) require the discontinuance of that use; or
- (ii) impose such conditions, as may be specified in the notice, on the continuance thereof; or
- (iii) require such steps, as may be specified in the notice to be taken for the alteration or removal of any buildings or works, as the case may be, within such period, being not less than one month, as may be specified therein, after the service of the notice.

- (2) Any person aggrieved by such notice, may within the said period and in the manner prescribed, appeal to the authority as may be prescribed.

- (3) If an appeal is filed under sub-section (2), the provisions of clause (a) of sub-section (3) and sub-section (4) of section 69 shall apply, with such modifications as may be necessary.

- (4) If any person:-

- (a) has suffered damage in consequence of the compliance with the notice, by the depreciation of any interest in the land to which he is entitled or by being disturbed in his enjoyment of the land, or
- (b) has carried out any works in compliance with the notice, and claims from the planning and development authority within the time and in the manner prescribed, compensation in respect of that damage, or of any expenses reasonably incurred by him for complying with the notice, the provisions of sub-sections (2) and (3) of section 67 shall apply with such modifications as may be necessary.

- (5) If any person interested in the land in respect of which a notice is issued under this section, claims that by reason of the compliance with the notice, the land will become incapable of reasonably beneficial use, he may within the period specified in the notice or within such period after the disposal of the appeal, if any, filed under sub-section (2) and in the manner prescribed, serve on the government, an acquisition notice requiring his interest in the land to be acquired.
- (6) When a notice is served under sub-section (5), the provisions of sub-section (2) to (5) of section 66 shall apply with such modifications as may be necessary.

Interim provision pending preparation of plan.

73. Where the planning and development authority in exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a plan before such plan has become operative, the planning and development authority shall have regard to the provisions which in its opinion will be required to be included for securing the proper planning of the concerned area.

Planning and development authority to include special area planning and development authority.

74. For the purposes of this Chapter, the planning and development authority shall also include special area planning and development authority.

Power of metropolitan planning committee or district planning committee to exercise control of development and use of land

75. (1) The metropolitan planning committee and district planning committee shall exercise control over development and use of land within the areas as specified in sub-section (2).
- (2) Any person or body (excluding a department of central or state government or a local authority) intending to undertake any development or carry out change in the use of land or building in an area situated :-
- (a) outside the jurisdiction of the planning and development authority but within the area covered by perspective plan of the local planning area;

- (b) outside the limits specified under clause (a) but within:
 - (i) five hundred metres on either side of the right of way of a national highway or an expressway including their bye-passes;
 - (ii) three hundred metres on either side of the right of way of a state highway including its bye-pass;
 - (iii) two hundred metres on either side of a district road; and
 - (iv) one hundred metres on either side of all other categories of roads entering into a city having a population of one lakh or more;
 - (v) within the area or areas as may be notified in Official Gazette and at least one local newspaper by the government from time to time.

shall make an application in writing to the metropolitan planning member or the district planning member as the case may be, for permission in such form and containing such particulars and accompanied by such documents, plans and fee as may be prescribed by the regulations.

- (3) On receipt of application under sub-section (1) having been duly made and on payment of the developmental charges as may be assessed under section 137, the metropolitan planning member or the district planning member, as the case may be, may pass an order:-
 - (i) granting permission unconditionally; or
 - (ii) granting permission subject to such conditions as he may think fit, or
 - (iii) refusing permission.

Provided that where the application relates to the area as specified under clause (a) of sub-section (2) the metropolitan planning member or the district planning member, as the case may be, shall consult the municipal planner before granting permission.

- (4) The provisions relating to control of development and use of land contained in this Chapter with regard to the proposed developments by any person or body excluding the departments of Central or State Government or local authority shall *mutatis mutandis* apply in respect of exercise of power by the metropolitan planning member or the district planning member, as the case may be, in this regard.
- (5) The provisions contained in this chapter relating to proposed developments by the departments of the central or state Government or the local authority as also other provisions regarding exemption of operational constructions of such departments or the local authority shall *mutatis mutandis*, apply.

Over-riding effect
of this Act.

- 76. Notwithstanding anything contained in the Municipal Act, or any other law relating to municipalities and municipal corporations contrary to the provisions contained in this Act, the provisions of this Act shall have an over-riding effect over all such laws.

CHAPTER - VIII

DEVELOPMENT SCHEMES

Power of the metropolitan planning committee, the district planning committee and the planning and development authority to take up development schemes.

77. (1) Subject to the provisions of this Act and rules and regulations made thereunder, a planning and development authority may undertake development in any area under its jurisdiction by framing and executing development schemes.
- (2) A metropolitan planning committee or a district planning committee may also get development schemes executed within the area under their respective jurisdiction. It shall, however not execute any development scheme itself, but function as a facilitator.

Preparation of development schemes.

78. (1) A development scheme may be prepared for making provision for all or any of the following matters namely:
- (a) acquisition of land by purchase, lease or otherwise and to erect thereon such buildings or to carry out such operations as may be necessary for the purposes of carrying on its functions;
 - (b) establishment of a new town;
 - (c) establishment of industries, industrial estates, flatted factories, service industries etc.;
 - (d) establishment of commercial centres, including specialised markets, wholesale trade centres and mandies;
 - (e) establishment of tourist centres and tourism related infrastructure;

- (f) development and landscaping of open spaces, recreational grounds, parks, zoological and botanical gardens, public assembly grounds and social forestry;
- (g) conservation of ecologically sensitive areas and prevention of injury or contamination to rivers, water bodies and sources of water supply;
- (h) preservation and protection of heritage sites and buildings, objects of historical importance or natural beauty and of buildings actually used for religious purposes.
- (i) control of floods and air and water pollution;
- (j) housing schemes for different income groups including housing for economically weaker sections of the society;
- (k) construction and maintenance of rest houses, night shelter, infirmaries, homes for destitutes, children, disabled, handicapped, senior citizens etc.;
- (l) redevelopment and renewal of blighted areas;
- (m) resettlement, rehabilitation and upgradation of slum areas;
- (n) provision of health care, educational cultural, religious and recreational facilities;
- (o) provision of water supply, electricity and gas; disposal of sewage, solid waste and refuse and manufacture of its bye-products;
- (p) provision of sanitary arrangement including construction of drains and general conservancy, public conveniences, etc.;
- (q) construction, reconstruction, alteration, improvement and maintenance of public roads and streets, bridges; parking lots, transport terminals including railway stations, bus depots,

- air and seaports, bus bays and stops, street lighting, and avenue plantation;
- (r) provision of public transportation including mass transportation by rail or road;
 - (s) provision of communication facilities;
 - (t) provision of burial and cremation grounds;
 - (u) slaughter houses;
 - (v) closure or demolition of dwellings and portions of dwellings unfit for human habitation;
 - (w) demolition of obstructive buildings or obstructive portions of buildings; and
 - (x) such other matters not inconsistent with the objects of this Act, as may be considered necessary.
- (2) Every development scheme shall contain details, as far as may be applicable, in respect of:
- (a) land assembly over which the development scheme is to be implemented;
 - (b) layout plan and other relevant drawings and details including, if necessary, the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs and hoardings;
 - (c) total estimated cost, sources of funding, cost recovery statement;

- (d) manner of disposal of assets, if any;
 - (e) management and maintenance mechanism;
 - (f) any other matter considered necessary;
- (3) The planning and development authority may, on such terms and conditions as may be agreed upon, undertake formulation and execution of any developmental project any where on behalf of a local authority, body corporate, co-operative society, or a department of the State or the Central Government.

Provided that permission for such development has been obtained under the provisions of chapter VII of this Act by the concerned local authority, body corporate or corporative society, as the case may be, the department of the State or Central Government.

- (4) No development scheme shall be framed by the planning and development authority and no project shall be formulated by any other person or body including departments of central and state governments unless they are in conformity with the provisions of a plan approved under this Act.

Power of the metropolitan planning committee, the district planning committee and the planning and development authority to engage consultants.

79. The metropolitan planning committee, the district planning committee and the planning and development authority may for framing and executing a development scheme, engage any consultant on such terms and conditions as may be agreed upon between it and the consultant.

Publication of the development scheme and its approval.

80. (1) As soon as may be, after a development scheme has been formulated, the concerned metropolitan planning committee, the district planning committee or the the planning and development authority shall publish in at least one local newspaper a notice of the preparation of the development scheme and the place or the places where copies of the same may be inspected, inviting objections and suggestion in writing from the public to be filed within thirty days from the date of publication of such notice in the newspaper. The notice shall indicate the date, time and place where a public meeting shall be

arranged to present the highlights of the development scheme. The notice shall also state the name of the place or places where a copy of the development scheme shall be available for inspection by the public during the office hours.

Provided that no such notice under this sub-section shall be required where the development scheme is within the framework of the approved development plan of a local planning area.

- (2) After the expiry of the period allowed under sub-section (1) for filing objections and suggestions, the Metropolitan Planning Member or the District Planning Member or the Municipal Planner, as the case may be, shall consider all the objections and suggestions received and shall after allowing reasonable opportunity of being heard, to any person who has made a request of being so heard, make such modifications in the development scheme as he considers proper within a period of sixty days of the date of expiry of the notice period allowed under sub-section (1), and shall submit the said development scheme with or without modifications for approval of the standing planning committee of planning and development authority or the metropolitan planning committee or the district planning committee, as the case may be.
- (3) The standing planning committee, the metropolitan planning committee or the district planning committee as the case may be, within thirty days of the submission of the development scheme to it, either accord its approval to the scheme with or without modifications or refuse such approval.
- (4) Immediately after a development scheme has been approved by the standing planning committee or the Metropolitan planning committee, or the district planning committee, as the case may be, under sub-section (3) the Municipal Planner or the Metropolitan Planning Member or the District Planning Member as the case may be shall notify in official gazette and publish a notice, in atleast one local newspaper, of the approval of the development scheme mentioning the place or places

and the time at which the scheme shall be open to inspection by the public.

- (5) If a development scheme is not required to be published under the provision of sub-section (1), the Municipal Planner shall immediately after preparation of such scheme place the same before the Standing Planning Committee for approval.

Power of planning and development authority to setup functional agencies.

81. (1) A planning and development authority with the prior approval of the government, may set up functional agencies for performance of such specific functions, not inconsistent with the objects of this Act, in such cases where it considers appropriate that it would be in public interest and would effect economy and efficiency in the performance of the functions assigned to it.

- (2) The composition, management and the procedures of the aforesaid agencies to be set up under sub-section (1) shall be such as may be prescribed.

Auction of Floor Area Ratio.

82. (1) If the planning and development authority is satisfied that in a particular locality, augmentation of infrastructure, particularly relating to transportation, has occurred to such an extent that there is a scope for permitting additional built-up space by way of additional floor area ratio (FAR) or floor space index (FSI) over and above the permissible FAR or FSI in the area, it may prepare a scheme identifying the specific area where such additional built-up space can be permitted by way of auction and specifying the applicable development control norms.

- (2) The scheme prepared under sub-section (1) shall quantify the total additional built-up space to be permitted and the maximum spot FAR or FSI to be allowed by auction. Thereupon the planning and development authority, shall auction the aforesaid additional built-up space in the manner prescribed.

Provided that no auction shall take place unless the augmentation of infrastructure and services mentioned in sub-section (1) has become fully operational.

CHAPTER - IX

LAND POOLING SCHEMES

Power of planning and development authority to prepare Land Pooling Schemes.

83. Subject to the provisions of this Act or any other law for the time being in force, the planning and development authority shall, after the plan has come into operation, for the purpose of implementing the proposals contained in the plan, prepare one or more Land Pooling Schemes for any part of the area within its jurisdiction.

Contents of land pooling scheme.

84. The land pooling scheme shall contain the following particulars or details, so far as may be necessary, that is to say :-

- (a) the area, ownership and tenure of all original plots covered by the land pooling scheme;
- (b) reservation, acquisition or allotment of land with general indication of the uses as contained in the plan to which such land would be put and the terms and conditions, subject to which, such land is to be put to such uses;
- (c) the laying out or relaying out of the land either vacant or already built upon;
- (d) the filling up or reclamation of low lying swamp or unhealthy areas or levelling up of land;
- (e) the extent to which it is proposed to alter the boundaries of the original plots in accordance with the proposed land pooling scheme as the reconstituted final plots;
- (f) an estimate of the total cost of the land pooling scheme and the net cost to be borne by the planning and development authority;
- (g) proposals to allocate transferable development right to any final plot owner in lieu of loss of area from the original plot with the consent of the owner; and

- (h) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the percentage of building area for a plot, the number, height and character of buildings allowed in specified areas, the purposes for which buildings or specified areas may or may not be appropriated, the sub-division of plots, the discontinuance of objectionable uses of land in any area in reasonable periods, parking space and loading and unloading space for any building and the size of projections and advertisement signs;
- (i) any other particulars as may be considered necessary.
- Reconstitution of original plots into final plots. 85. (1) In a land pooling scheme, reconstituting the plots, the size and shape of every reconstituted plot shall be determined, so far as may be, to render it suitable for building purposes, and where a plot is already built upon to ensure that the buildings, as far as possible, comply with the provisions of the land pooling scheme as regards open spaces.
- (2) For the purpose of sub-section (1), the land pooling scheme may contain proposals:-
- (a) to form a final plot by reconstitution of an original plot by alteration of the boundaries of the original plot, if necessary;
- (b) to form a reconstituted final plot from an original plot by the transfer wholly or partly of the adjoining lands;
- (c) to allot a reconstituted final plot to any owner dispossessed of land in furtherance of the objectives of the land pooling scheme;
- (d) to transfer the ownership of an original plot from one person to another; and
- (e) to provide, with consent of the owners, that two or more original plots each of which is held in ownership severally or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot;

Declaration of
intention to prepare
land pooling scheme.

86. (3) The land pooling scheme shall be subject to the provisions of the Urban Land (Ceiling and Regulation) Act, 1976 if applicable to the area.
- (1) The planning and development authority may by a Resolution declare its intention to make land pooling scheme in respect of any part of the area within its jurisdiction for which a perspective plan or development plan has been approved.
- (2) The planning and development authority shall publish the declaration in the form of a notice in atleast one local newspaper.
- (3) The notice published under sub-section (2) shall contain:-
- (a) the Resolution of the planning and development authority declaring its intention to prepare a landpooling scheme;
 - (b) the name of the place or places where a copy of the showing the boundary of the area to be included in the land pooling scheme together with the proposals of the approved perspective plan or development plan, as the case may be, for that area shall be open to the inspection of the public at all reasonable hours; and
 - (c) an invitation to furnish information in the form prescribed (to be appended with the notice) within thirty days from the date of publication of such notice in respect of any title or interest which any person may have, in the land or building covered by the intended land pooling scheme.
- (4) The planning and development authority shall forward a copy of the Resolution together with the notice and the drawing as indicated in sub-section (3) to the government and the State Chief Planner.
- (5) The publication of the declaration as provided under sub-section (2) shall, notwithstanding any thing containing in the Land Acquisition Act, 1894, be deemed

- to be a declaration duly made under section 4 of the said Act.
- Engagement of Project Planner. 87. Immediately before the declaration of the intention to prepare the land pooling scheme, the planning and development authority shall, with the prior approval of the State Chief Planner, engage a Project Planner, for preparation of the land pooling scheme.
- Preparation of land pooling scheme. 88. (1) Immediately after his engagement, the Project Planner shall, in accordance with the prescribed procedure, proceed to formulate within one year from the date of his engagement under section 87 a draft land pooling scheme in accordance with the provisions of sections 84, and 85.
- (2) Immediately after the draft land pooling scheme has been prepared, the Project Planner shall convene a meeting of the owners of original plots through a public notice and explain the salient features of the draft land pooling scheme. A brief record of the aforesaid meeting shall be maintained.
- (3) The Project Planner shall immediately thereafter proceed to prepare the final draft land pooling scheme taking into account the record of the meeting under sub-section (2) and also proceed to determine any or all matters as given below:
- (a) define, demarcate and decide the areas allotted to, or reserved for a public purpose or purposes of the planning and development authority and also the reconstituted final plots;
- (b) decide the person or persons to whom a reconstituted plot is to be allotted; when such plot is to be allotted; and in case such plot is to be allotted to persons in ownership in common, decide the shares of such persons;
- (c) estimate the value of and fix the difference between the values of the original plots and the values of the reconstituted final plots included in the land pooling scheme in the manner as prescribed and the amount of compensation

payable for loss of the value and the area or in lieu thereof the extent of allowable transferable development right if the owner so agrees.

- (d) estimate the compensation payable for the loss of the area of the original plot in respect of any original plot which is wholly acquired under the land pooling scheme or in lieu thereof, estimate allowable transferable development right with the consent of the owner;
- (e) determine the amount of exemption, if any, from the payment of the contribution that may be granted in respect of plots or portions thereof exclusively used or occupied for institutional, religious or charitable purposes on the date on which public notice declaring the intention of preparation of the land pooling scheme is published under section 86;
- (f) calculate the contribution to be levied on each reconstituted plot included in the land pooling scheme, in order to partly meet the cost of the land pooling scheme which shall be levied on all final plots excluding those allotted to planning and development authority in proportion to the area of the final plots allotted to each owner on pro-rata basis.
- (g) where a plot is subject to a mortgage with possession or a lease, decide the proportion of compensation payable to or contribution payable by the mortgagee or lessee on the one hand and the mortgagor or lessor on the other;
- (h) estimate in reference to claims made before him, after the notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a land pooling scheme in accordance with the provisions contained in section 109;
- (i) determine the period in which the works provided in the land pooling scheme shall be completed

by the planning and development authority;

Provided that the Project Planner may make variations in the land pooling scheme subject to the condition that any variation estimated by him to involve an increase of ten per cent in the total cost of the land pooling scheme or rupees one lakh whichever is lower, shall require the sanction of the planning and development authority.

- (4) Immediately but not later than one month, after the draft final land pooling scheme has been prepared, the Project Planner shall convene the second and final meeting of the owners of original plots to whom final plots are to be allotted through a public notice and explain the draft final land pooling scheme. A brief record of the aforesaid meeting shall be maintained.
- (5) Immediately but not later than one month, after the meeting under sub-section (4) the Project Planner shall decide all matters referred to in sub-section (3) after taking into account the brief record of the aforesaid meeting and submit the final draft land pooling scheme to the planning and development authority.
- (6) On receipt of the final draft land pooling scheme under sub-section (5) the planning and development authority may make such modifications in such scheme as it may consider necessary with the assistance of the Project Planner.

89. Publication of the draft land pooling scheme.

The planning and development authority shall, within one month of the receipt of the final draft land pooling scheme publish a public notice of the preparation of the final draft land pooling scheme in atleast one local newspaper inviting objections and suggestions from the public within thirty days of the date of publication of the aforesaid notice in the newspaper. The notice shall state the name of the place or places where a copy thereof shall be available for inspection by the public and that copies thereof or extracts therefrom certified to be correct shall be available for sale to the public at a reasonable price.

Consideration of objections and submission of final land pooling scheme to government for approval.

90. (1) After the expiry of the period mentioned in section 89, the planning and development authority shall examine the final draft land pooling scheme in the light of the objections that may have been received and after giving reasonable opportunity of being heard to all such persons who have filed objections and who have made request for being so heard, may make such amendments as it considers proper and prepare the final land pooling scheme.
- (2) The final land pooling scheme prepared under sub-section (1) shall be forwarded to the government for approval within three months from the date of expiry of notice under section 89.

Approval of government and date of commencement of the land pooling scheme.

91. The government may, in consultation with the State Chief Planner within a period of sixty days from the date of receipt of land pooling scheme, approve the land pooling scheme with or without modifications by a notification in the Official Gazette and in at least one local newspaper and the land pooling scheme shall come into operation from the date of aforesaid notification.

Appeal.

92. (1) From every decision contained in the land pooling scheme in matters arising out of clauses (a), (b), (c), (g) and (h) of sub-section (3) of section 88, an appeal shall lie within one month of the notification of approval of the land pooling scheme to the authority to be prescribed.
- (a) Any person aggrieved by the decision in appeal of the prescribed authority in matters referred to in sub-section (i) above, may appeal within sixty days from the date of decision of the prescribed authority in appeal, to the District Judge within the local limits of whose jurisdiction the area included in the land pooling scheme is situated.
- (b) The District Judge may transfer the appeal filed before him to the Additional District Judge for disposal.
- (c) The District Judge or the Additional District Judge, as the case may be, after making such enquiry as he may think fit, may either direct the planning and development authority to reconsider

the decision or accept, modify, vary or reject the decision contained in the approved land pooling scheme and shall decide all matters arising out of clauses referred to in sub-section(1).

(d) The decision of the District Judge or the Additional District Judge, as the case may be, shall be final and conclusive and binding on all persons. A copy of the decision in appeal shall be sent to government and the planning and development authority.

(2) All other decisions pertaining to clauses (d) to (f) (both inclusive) and clause (i) of sub-section (3) of section 88 contained in the land pooling scheme shall forthwith be communicated to the party concerned and any party aggrieved by such decision may, within thirty days from the date of communication of the decision, appeal to the Tribunal for Land Pooling Scheme constituted under section 94, in the manner and accompanied by such fee as may be prescribed.

(3) Notwithstanding anything contained in section 92, the filing of an appeal in matters referred to in sub-section (3) of section 88 to the prescribed authority or to the Tribunal of Appeal for Land Pooling Scheme, as the case may be, shall not operate as a bar to the execution of the land pooling scheme.

(4) The provisions of sections 5, 12 and 14 of the Indian Limitation Act, 1963 shall apply to appeals submitted under this section.

Effect of land pooling scheme.

93. (1) On and after the day on which a land pooling scheme comes into force:
- (a) all lands required by the planning and development authority shall, unless it is otherwise determined in such scheme, vest absolutely in the planning and development authority free from all encumbrances;
 - (b) all rights in the original plots which have been reconstituted as final plots shall stand

determined, and the final plots shall become subject to the rights settled by the planning and development authority and the land records shall be changed accordingly by the concerned authority;

(c) the planning and development authority shall hand over possession of the final plots to the owners to whom they are allotted in the land pooling scheme.

Constitution of
Tribunal for Land
Pooling Scheme.

94. (1) The Tribunal for Land Pooling Scheme shall be a permanent Tribunal to be appointed by the government consisting of a Chairperson and two assessors for all land pooling schemes within the district.
- (2) The Chairperson of the Tribunal for Land Pooling Scheme shall be the District Judge. The Regional or Divisional head of the Public Works Department and a Town Planner not below the rank of Associate Town Planner shall be the two assessors. The assessors shall be appointed by the government.
- (3) The Project Planner shall be present at the proceedings before the Tribunal for Land Pooling Scheme. He shall not be required to give evidence but the Chairperson may require him to assist the Tribunal in an advisory capacity.
- (4) The Government may, if it thinks fit, remove for incompetence or misconduct or any other good and sufficient reason any assessor appointed under sub-section (2).

Place where
Tribunal for land
pooling scheme
may sit.

95. The Tribunal for land pooling scheme may sit either at the headquarters of the Chairperson or at any other place within the local limits of his jurisdiction which he may deem convenient for consideration and decision of any matter before such Tribunal for Land Pooling Scheme.

Decision on
questions of law
and other questions.

96. All questions of law and procedure shall be decided by the Chairperson. All other questions shall be decided by the Chairperson and the two assessors or by a majority.

- | | | | |
|---|-----|-----|---|
| Tribunal for land pooling scheme not to be court. | 97 | | Nothing contained in this Act shall be deemed to constitute the Tribunal for Land Pooling Scheme to be Court. |
| Remuneration of Assessors and payment of incidental expenses of Tribunal for land pooling scheme. | 98. | (1) | In exceptional cases where the Land Pooling Scheme is a large one or the work involved is complicated, the government may authorise the Chairperson and the assessors even to receive such special salary or remuneration, as the government may, by order, decide from time to time. |
| | | (2) | All expenses under sub-section (1) and all expenses incidental to the working of the Tribunal for Land Pooling Scheme shall be defrayed out of the funds of the planning and development authority and shall be added to the cost of the land pooling scheme. |
| Disputed ownership. | 99. | (1) | Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which declaration of intention to prepare a land pooling scheme has been made under sub-section (1) of section 86 and any entry in the records of rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held by the Collector on a submission being made by the planning and development authority at any time for the purpose of deciding who shall be deemed to be the owner for the purpose of this Act. |
| | | (2) | Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit. |
| | | (3) | Such decision shall, in the event of the civil court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as may be practicable after such decree has been brought to the notice of the planning and development authority either by the Civil Court or by any person affected by such decree. |
| | | (4) | Where such a decree of the court is passed after the scheme has been notified under section 91 such scheme shall be deemed to have been suitably varied by reason of such decree. |

Restrictions on use and development of land after declaration of intention to prepare a land pooling scheme.

100. (1) On or after the date on which the declaration of the intention to prepare land pooling scheme is published under sub-section (2) of section 86.
- (a) no person shall within the area included in the declaration erect or proceed with any building work remove, pull down, alter, make additions to or make any substantial repair to any building, part of a building, a compound wall or any drainage work or remove any earth, stone or material, or sub-divide any land or change the use of any land or building unless such person has applied for and obtained necessary permission from the planning and development authority in the form prescribed;
 - (b) The planning and development authority on receipt of such application shall at once furnish the applicant with a written acknowledgement of it receipt and may, after an enquiry, either grant or refuse such permission or grant it subject to such conditions as the planning and development authority may think fit to impose. If the planning and development authority communicates no decision to the applicant within thirty days from the date of such acknowledgement, the applicant shall be deemed to have been granted such permission;
 - (c) If any person contravenes the provisions contained in clause (a) or clause (b), the planning and development authority may direct such person by a notice in writing to stop any work in progress, and after making inquiry in the prescribed manner, remove pull down, or alter any building or other work or restore the land in respect of which such contravention is made to its original condition;
 - (d) Any expenses incurred by the planning and development authority under clause (c) shall be a sum due to such authority under this Act from the person in default or the owner of the plot.

- (2) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the planning and development authority under sub-section (1) except in respect of a building or work begun or a contract entered into before the date on which the planning and development authority has published the declaration to prepare the land pooling scheme under sub-section (2) of section 86 and only in so far as such building or work has proceeded at the time of the publication of the aforesaid declaration.

Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the planning and development authority.

- (3) Where under section 84:
- (a) the purpose to which any plot of land may not be used has been specified, such plot of land shall, within such period of not less than one year, as may be stipulated in the scheme, cease to be used for such purpose and shall be used only for the purpose specified in the land pooling scheme;
 - (b) the purpose to which any existing building may not be used has been specified, such building shall, within such period of not less than three years as may be specified in the scheme, cease to be used for the purpose other than the purposes specified in the land pooling scheme;
 - (c) the purpose to which any plot of land with existing buildings may not be used has been specified in the land pooling scheme and the existence of such buildings is inconsistent with the provisions of the land pooling scheme, such buildings shall, within a period of not less than ten years or a period as may be stipulated in the land pooling scheme cease to exist;

Provided that such a period shall not be less than the reasonable life of the building;

- (4) Any person aggrieved by the decision of the planning and development authority under this section may, within thirty days from the date of the decision, appeal to the authority as may be prescribed and the order of the said authority in appeal shall be final.
- (5) The provision of Chapter VII shall, mutatis mutandis apply in relation to the unauthorised development or use of land included in a land pooling scheme.
- (6) The restrictions imposed by this section shall cease to operate in the event of the land pooling scheme being withdrawn by the planning and development authority on its own or on the direction of the government under section 101.

Withdrawal of land pooling scheme by the planning and development authority.

101. (1) If at any time before the land pooling scheme is published under section 89, a representation is made to the planning and development authority by a majority of the owners in the area that the land pooling scheme should be withdrawn, the planning and development authority shall invite from all persons interested in the land pooling scheme, objections to such representation.
- (2) On receipt of the objection, and after making such inquiry as it may think fit, the planning and development authority by a notification in the Official Gazette, withdraw the land pooling scheme and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.
 - (3) Simultaneously with such withdrawal, the planning and development authority shall submit to the government the copy of the notice withdrawing the land pooling scheme and a report of its enquiry made in this behalf.
 - (4) At any time prior to the publication of the land pooling scheme under section 89, the government if it is satisfied that it is in the public interest, may direct the planning and development authority to withdraw a land pooling scheme. Thereupon the planning and development authority shall withdraw the land pooling scheme by a notification published in the Official

Gazette. Upon such withdrawal no further proceedings shall be taken in regard to such land pooling scheme.

Power of planning and development authority to evict summarily

102. (1) On and after the day on which a land pooling scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the land pooling scheme may, in accordance with the prescribed procedure, be summarily evicted by the planning and development authority or any of its officers authorised in that behalf.
- (2) If the planning and development authority is opposed or impeded in evicting such person or taking possession of the land from such person, the District Magistrate shall, at the request of the planning and development authority enforce the eviction of such person or secure delivery of possession of the land to the planning and development authority.

Power to enforce land pooling scheme.

103. (1) On and after the date on which the approval of a land pooling scheme has been notified, under section 91 the planning and development authority after giving the prescribed notice and in accordance with the provisions of the land pooling scheme:
- (a) remove, pull down, or alter any building or other work in the area included in the land pooling scheme which is such as it contravenes the land pooling scheme or in the erection of which or carrying out of which, any provision of the land pooling scheme has not been complied with;
- (b) execute any work which it is the duty of any person to execute under the land pooling scheme, in such case where it appears to the planning and development authority that delay in the execution of the work would prejudice the efficient operation of the land pooling scheme.
- (2) Any expenses incurred by the planning and development authority under this section may be recovered from the person in default or from the owner of the original plot in the manner provided for the recovery of sums due to the planning and development authority under the provisions of this Act.

- (3) If any action taken by the planning and development authority is questioned, the matter shall be referred to the government or any officer authorised by the government in this behalf; and the decision of the government or of the said officer, as the case may be, shall be final and conclusive and binding on all persons.
- Power to make minor variations in land pooling scheme on ground of error, irregularity or informality. 104. (1) If after the land pooling scheme has come into force, the planning and development authority considers that the land pooling scheme is defective on account of an error, irregularity or informality or that the land pooling scheme needs variation or modification of a minor nature, the planning and development authority shall, by a notice in the local newspaper publish a draft of such variation in the prescribed manner.
- (2) The draft variation published under sub-section (1) shall state every amendment proposed to be made in the land pooling scheme.
- (3) The draft variation shall be open to the inspection of the public at the office of the planning and development authority during office hours.
- (4) Not later than one month of the date of the publication of the draft variation, any person affected thereby may communicate in writing his objection to the planning and development authority.
- (5) After receiving the objections under sub-section(4) the planning and development authority shall after making such enquiry as it may think fit, notify the variation with or without modification by notification in the Official Gazette and in a local newspaper.
- (6) From the date of the notification of the variation in the Official Gazette, with or without modifications, such variation shall take effect as if it were incorporated in the land pooling scheme.
- Power to vary land pooling scheme. 105. A land pooling scheme may at any time be varied by a subsequent land pooling scheme prepared and published in accordance with this Act:

Provided that, when a land pooling scheme is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent land pooling scheme; and the date of publication of the varied scheme shall, for the purposes of section 100, 107, and 108 be deemed to be the date of publication of scheme referred to in these sections.

Apportionment of cost of land pooling scheme withdrawn.

106.

In the event of a land pooling scheme being withdrawn, the cost of the land pooling scheme shall be borne by the planning and development authority or be paid to the planning and development authority, as the case may be, by the owners concerned, in such proportion as the government may in each case determine.

Cost of land pooling scheme.

107. (1)

The cost of a land pooling scheme shall include:-

- (a) all sums payable by the planning and development authority under the provisions of this Act which are not specifically excluded from the cost of the scheme;
- (b) all sums spent or estimated to be spent by the planning and development authority :-
 - (i) in the making of the land pooling scheme;
 - (ii) in the execution of the land pooling scheme; and
 - (iii) in the execution of such part of the peripheral and bulk services as may be considered reasonable.
- (c) three fourth of all sums payable as compensation for land reserved or allotted for any public purpose;
- (d) all legal expenses incurred by the planning and development authority in the making and in the execution of the land pooling scheme;
- (e) the amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final land pooling

scheme, each of such plots being estimated at its market value on the date of publication of declaration of intention under section 86 with all the buildings and works thereon on that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

- (2) The estimated cost of works referred to in sub-clauses(ii) and (iii) of clause (b) of sub section (1) shall be as per the schedule of rates applicable on the date the land pooling scheme is published by a public notice under section 89 and shall include such escalation as may be considered reasonable.
- Contribution towards cost of land pooling scheme. 108. (1) The cost of the land pooling scheme shall be met wholly or in part by a contribution to be levied by the planning and development authority on each final plot included in the land pooling scheme calculated by the Project Planner in proportion to the ratio of the area of each final plot to the sum total of the area of final plots excluding areas of final plots allotted to the Planning and development authority on prorata basis.
- (2) The owner of each final plot included in a land pooling scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.
- Compensation in respect of property or right injuriously affected by land pooling scheme. 109. The owner of any property or right whose interest is injuriously affected by the making of a land pooling scheme shall, if he makes a claim before the planning and development authority within thirty days of the receipt of the notice from the planning and development authority be entitled to obtain compensation in respect thereof from the planning and development authority or from any person benefited or partly from the planning and development authority and partly from such person as the planning and development authority may in each case determine.
- Exclusion or limitation of compensation in certain cases. 110. (1) No compensation shall be payable in respect of any property or private right of any sort which is alleged to be injuriously affected by reason of any provisions contained in the land pooling scheme, if under any other law for the time being in force applicable to the

areas for which such scheme is made, no compensation is payable for such injurious affection.

- (2) The property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a land pooling scheme which with a view to securing the amenity of the area included in such scheme or any part thereof, imposes any conditions and restrictions in regard to any of the matters specified in clause (h) of section 84.
- Provision for cases in which the owner is not provided with a plot in the final land pooling scheme. 111. (1) If the owner of an original plot is not provided with a final plot in the land pooling scheme the net amount of his loss shall be payable to him by the planning & development authority.
- (2) Where the final land pooling scheme provides for award of Transferable Development Right to any owner of the final plot, the planning and development authority shall furnish to such owners a certificate of Transfer of Development Right in such form and in such manner as may be prescribed.
- Payment of net amount due to planning and development authority. 112. (1) The net amount payable under the provisions of this Act by the allottee of a final plot included in a land pooling scheme shall be payable to the planning and development authority within a period of thirty days from the date of notice to him for making payment of such amount.
- (2) If the allottee of the final plot fails to make payment within the period stipulated under sub-section (1) the planning and development authority shall take possession of part of the final plot equivalent to the value of amount payable and the owner shall be bound to execute sale deed of such part in favour of planning and development authority and on execution of the sale deed such land shall vest with the planning and development authority free from all encumbrances.
- (3) The planning and development authority shall be free to use, develop or sell by auction such land to generate funds for implementation of the development plan.
- (4) The area of the final plot to be transferred to the

planning and development authority shall be based on the rates of the final plot in their undeveloped state as determined by the Project Planner under section 88 of this Act.

- (5) If the allottee of final plot on receipt of notice under sub-section (1) opts for transfer of part of final plot in lieu of amount payable under sub-section (1) the provisions of sub-section (2), (3), and (4) shall be applicable.

Power of planning and development authority to make agreement in respect of land pooling scheme

113.

- (1) The planning and development authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in the land pooling scheme subject to the power of the government to modify or disallow such agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the land pooling scheme comes into force.

- (2) Such an agreement shall not in any way affect the determination of the matters as stated in sub-section (3) of Section 88 or the right of third parties, but it shall be binding on the parties to the agreement:

Provided that, if any agreement contains any provisions which are inconsistent with the land pooling scheme as published by the Project Planner under section 89, such an agreement shall be void:

Provided further that, if the agreement is modified by the government, either party shall have the option of avoiding it, if it so elects.

Recovery of arrears.

114.

Any sum due to the planning and development authority under the provisions of this Act or any rule or any regulation made thereunder, shall be a first charge on the plot on which it is due, subject to the prior payment of the land revenue, if any, due to the government thereon and if it is not paid on demand on the day on which it becomes due or on the day fixed by the planning and development authority, shall be recoverable by the planning and development authority, as arrears of land revenue.

Execution of works
in the land pooling
scheme by planning and
development authority.

115. (1) The planning and development authority shall complete all the works provided in a land pooling scheme within the period stipulated under clause (i) of sub-section (3) of section 88.

Provided that, in exceptional circumstances on application by the planning and development authority, the government may, by an order in writing specifying circumstances grant to the planning and development authority in this behalf further extension of time as it may deem fit.

- (2) If the planning and development authority fails to complete the work within the period stipulated or within the period extended under sub-section (1), the government may, notwithstanding anything contained in sub-section (1), require the planning and development authority to complete the works within a further period as it may consider reasonable or appoint an officer to complete such works at the cost of the planning and development authority.

CHAPTER - X
PRIVATE AND JOINT SECTOR PARTICIPATION IN DEVELOPMENT

- Development works by promoters. 116. Subject to the provisions of this Act and the rules and regulations made thereunder, a metropolitan planning committee, a district planning committee or a planning and development authority, for the purpose of implementing the proposals contained in an approved plan, permit a promotor, to undertake or carry out a development work within the area of their respective jurisdiction.
- Power to grant licence to promoters. 117. (1) The metropolitan planning committee, the district planning committee or the planning and development authority may grant a licence to a promoter - national or international, to undertake or carry out a development work in their respective areas of jurisdiction, on such terms and conditions as may be mutually agreed upon after following such procedure and on payment of such licence fee as may be prescribed.
- Provided that prior permission of the government shall be required for granting licence to an international promoter.
- (2) Before granting such licence under sub-section (1) the metropolitan planning committee, the district planning committee or as the case may be, the planning and development authority shall ensure that development charges as leviable under this Act have been paid or that no developmental charges are leviable under this Act.
- Application for grant of licence. 118. (1) Any promotor intending to undertake or carry out any development work shall make an application in writing for grant of a licence to undertake or carry out such work to the metropolitan planning committee, the district planning committee or as the case may be, the

planning and development authority in such form accompanied by such documents and fee and in such manner as may be prescribed.

- (2) The metropolitan planning committee, or the district planning committee or, as the case may be, the planning and development authority may, after making such enquiry as it considers necessary, by an order in writing:
 - (a) grant a licence in the prescribed form after the applicant has furnished to it a bank guarantee equivalent to ten per cent of the estimated cost of the development work and has entered into an agreement with it containing such details as may be considered necessary including provisions for ensuring:
 - (i) that the development work shall be within the framework of the approved plan and shall conform to the provisions of the development control rules and applicable building rules bye-laws; and
 - (ii) that the time schedule within which the development work is to be completed shall be adhered to;
 - (b) or refuse to grant a licence after affording the applicant an opportunity of being heard.
- (3) No licence shall be granted when the estimated cost of the development work exceeds:
 - (a) Rupees ten crores without the prior approval of the State Chief Planner;
 - (b) Rupees twentyfive crores, without the approval of the Government.
- (4) The licence so granted shall be valid for a period of three years. It may, however, be renewed for reasons to be recorded in writing from time to time for a period not exceeding one year on payment of prescribed fee.

Additional provisions 119.
where cost of development
work is to be realised in
advance.

Where a development work envisages realisation in advance of the cost of development from the prospective allottees, the promotor shall deposit an amount equivalent to twentyfive per cent of the sum collected, from time to time, by him from the prospective allottees, within a period of ten days of its realisation, in a seperate account to be maintained in a scheduled bank and pledged to the metropolitan planning committee, the district planning committee or as the case may be, the planning and development authority. This amount can only be withdrawn on completion of the development work.

Provisions for 120. (1)
economically weaker
sections.

Where a development work for which licence is granted envisages provision of developed plots or builtup space, such percentage of the plots or built-up space shall be reserved for economically weaker sections of the society, as may be mutually agreed, and the cost of development of such reserved developed plot or built-up space shall be fully or partly, as may be agreed, distributed over developed plots or the built spaces meant for allottees other than economically weaker sections.

(2) The developed plots or built space reserved for economically weaker sections of the society shall be allotted by the promoter to only those beneficiaries who are indentified by the metropolitan planning committee, or the district planning committee or as the case may be, the planning and development authority at such cost as may be mutually agreed.

Recovery of 121.
capital or maintenance
cost of amenities.

Where a licence has been granted for providing or maintaining or both providing and maintaining any amenity, utility, service or facility, the metropolitan planning committee, the district planning committee or, as the case may be, the planning and development authority may permit the promoter to recover the capital and maintenance cost by way of collection of users'charges as may be agreed upon in the manner prescribed under regulations.

Private sector land pooling scheme by Association of Original Plot Owners.

122.

A registered Association of Original Plot Owners (hereinafter called the Association) may frame a land pooling scheme within the framework of an approved plan of the local planning area containing such particulars and details as provided in sections 84, 85 and 88 by engaging a qualified town planner.

Provided that the lands covered by such land pooling scheme shall, as far as possible be compact and contiguous and must be approachable by an existing means of access.

Provided further that the total area of such land pooling scheme for residential development shall not be less than ten hectares and for commercial development not less than one hectere.

Submission of private sector land pooling scheme to the planning and development authority.

123. (1)

After the land pooling scheme has been prepared under section 122, the Association shall pay the developmental charges as applicable under Chapter XIII and may submit to the planning and development authority with such number of copies of the land pooling scheme along with an application in such form and accompanied by such fee and documents as may be prescribed.

(2)

On receipt of the land pooling scheme under sub-section (1) the planning and development authority may after making such enquiry as it may consider fit, approve it with or without modification and thereupon submit the scheme to the government under sub-section (2) of section 90 together with report of its enquiry for approval.

Provided that in the case of any modifications, the Association shall modify the land pooling scheme in accordance with instructions of the planning and development authority before its submission to the government for approval.

Approval of private sector land pooling scheme by government.

124. (1)

The government may approve the land pooling scheme received under sub-section (2) of section 123 with or without modifications. On receipt of the approval and after getting the modifications, if any, incorporated by the Association, the planning and

development authority, by notification in the Official Gazette shall publish the approval of the government.

Provided that the publication of the approval shall not be made unless the Association enters into agreement with the planning and development authority that all amenities, utilities, services and facilities as contained in the approved land pooling scheme shall be provided and maintained by the Association at its own cost, and the lands reserved therefor shall not be otherwise disposed of, or sub-divided. In case of default, provisions of section 68 shall be applicable.

- (2) The land pooling scheme shall come into force from the date of publication of notification in the Official Gazette under section (1). From this date all rights in the original plots which have been reconstituted as final plots shall stand determined and the final plots shall become subject to the rights settled in the approved land pooling scheme and the land records shall be changed accordingly by the concerned authority.
- (3) Immediately after the notification of the approval of the land pooling scheme under sub-section (i), the Association shall hand over the possession of the final plots to the owners to whom they are allotted in the approved land pooling scheme.
- (4) The provisions of chapter VII shall, mutatis mutandis, apply to the private sector land pooling scheme area in respect of control of development and use of land.

Development works
in joint-sector.

125.

A metropolitan planning committee, a district planning committee or, a planning and development authority may enter into collaboration with a promoter or a national or international agency to jointly undertake implementation of any development work within the framework of an approved plan on such terms and conditions as may be mutually agreed. Such collaboration may include provision for facilities including shelter for economically weaker sections or sharing of developed plots and built spaces or sharing of profits.

Provided that where the metropolitan planning committee or the district planning committee enters into such a

collaboration it shall not itself undertake execution of any development work. Its role shall be that of a facilitator only.

Provided further that where the collaboration is with an international agency, prior approval of the government shall be necessary.

- | | | |
|---|------|---|
| Rules for regulating development by private and joint sector. | 126. | The government shall frame rules for regulating development works by private-sector and under joint-sector and also private sector land pooling scheme. |
| Reference to Arbitrator in case of disputes. | 127. | If any dispute arises out of any agreement entered with the promoter by the metropolitan planning committee, the district planning committee or, as the case may be, by the planning and development authority shall be referred to the arbitrator appointed by the government under the Indian Arbitration Act 1940. |

CHAPTER - XI

ACQUISITION, ASSEMBLY AND DISPOSAL OF LAND

- Power to acquire land, under the Land Acquisition Act, 1894. 128. Any land required, reserved or designated in a perspective plan, a development plan, or an annual plan, or a land pooling scheme shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act 1 of 1894) and may be acquired by the government on request by the metropolitan planning committee, the district planning committee or the planning and development authority.
- Special provision for invocation of section 4 of Land Acquisition Act, 1894 in certain cases. 129. (1) The notification of approval of :
- (i) the metropolitan area development plan under sub-section (5) of section 20;
 - (ii) the district development plan under sub-section (5) of section 33; and
 - (iii) the development plan of the local planning area under sub-section (11) of section 48.
 - (iv) the development scheme under sub-section (4) of section 80.
- shall, notwithstanding any thing contained in the Land Acquisition Act, 1894, be deemed to be a declaration duly made under section 4 of the said Act.
- Acquisition of property by planning and development authority. 130. A planning and development authority may acquire any movable or immovable property by purchase, exchange, gift, lease, mortgage, or by any other means permissible under any law.
- Transfer of government land to the planning and development authority. 131. The government by order and on such terms and conditions as may be agreed upon between the government and the planning and development authority may place at the disposal of the planning and development authority any developed or undeveloped

- government land situated within the jurisdiction of such authority for the purpose of development in accordance with the provisions of this Act.
- Acquisition of land by way of Negotiated Settlement. 132. A planning and development authority may acquire land by agreement by paying such amount as may be arrived at through negotiated settlement in such manner as may be prescribed under regulations.
- Acquisition of land by way of according Transferable Development Right. 133. A planning and development authority may, with the consent of the owner, acquire land for public purposes by way of according transferable development right through issue of Development Right Certificate in lieu of payment towards cost of land in such manner as may be prescribed.
- Provided that the transferable development right expressed in terms of area of total permissible built space calculated on the basis of Floor Area Ratio or Floor Space Index permissible for the concerned land, is utilised as additional built space over and above the permissible built space by the owner who can use this himself or transfer it to any other person in full or in part for use in a lower density zone as indicated in the development plan.
- Acquisition of land and built space by way of Accommodation Reservation. 134. A planning and development authority may, with the consent of the owner, and in the manner prescribed, acquire land and built space for public purposes, indicated in an approved development plan, by permitting in the form of built space guided by permitted Floor Space Index or Floor Area Ratio in addition to built space required for the amenity, in lieu of the cost of land and the built-up space for the amenity transferred to the planning and development authority.
- Disposal of land and other property by the planning and development authority. 135. The disposal of any land acquired by the government and transferred to the planning and development authority under sections 128 or any land transferred it under section 130,131,132,133 or 134 or any other land with or without carrying out development thereon, or any other immovable property belonging to the planning and development authority, shall be done in accordance with the rules made for the purpose in this behalf.

CHAPTER - XII

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENTAL CHARGES

Levy of
Developmental Charges.

136. (1) Subject to the provisions of this Act, and the rules made thereunder and with the previous sanction of the government, every planning and development authority shall, by a notification published in the Official Gazette, levy charges (hereinafter called the Developmental Charges) on:
- (a) the carrying out of any development of land or building;
 - (b) the change of use of land or building;
 - (c) the increase in the value of land or building due to development plan, or economic phenomenon of rise in prices;
 - (d) any development necessitating provision or augmentation of city level infrastructure or amenity cost of which is recovered in full or in part from the promoter or as the case may be, from the owners of the plots of land affected by development, on a private basis (development impact exaction).
 - (e) vacant developed land (vacant developed land cess)
- (2) The rates of developmental charges, their manner of assessment and recovery shall be such as may be prescribed.
- (3) Notwithstanding anything contained in sub-section (1), no developmental charges shall be leviable on any land vested in or under the control or possession of the Central Government, the State Government or any planning and development authority.

- Assessment of developmental charges.
137. (4) The government may, by rules provide for the exemption from the levy of developmental charges on any land specified in the rules.
- (1) The planning and development authority shall, after serving a notice on the person or persons liable for payment of developmental charges determine, whether or not and if so what developmental charges are leviable.
- (2) The Municipal Planner of the planning and development authority shall, after giving a reasonable opportunity of being heard to the person or persons liable for payment of developmental charges, make a report to the planning and development authority.
- (3) After taking into consideration, the aforesaid report, the planning and development authority shall assess the amount of developmental charges by an order and shall deliver or serve a copy of such order on the person or persons liable for the developmental charges.
- (4) Such order of assessment, subject to the provisions of section 138, shall be final.
- Tribunal for Developmental Charges.
138. (1) The government may constitute as many Tribunals for Developmental Charges and for such areas as it may consider necessary for hearing appeals against the orders of a planning and development authority relating to the levy, assessment or recovery of developmental charges under this Chapter, and no civil court shall have jurisdiction to decide such disputes.
- (2) The Tribunal for Developmental Charges shall consist of one person who shall be a judicial officer not below the rank of Civil Judge (Junior Division)
- (3) The Tribunal for Developmental Charges shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of hearing of an appeal.
- (4) Any person aggrieved by an order passed by a planning and development authority in respect of assessment and recovery of developmental charges may within a period

of sixty days from the date on which the order was communicated to him in the manner prescribed, appeal against such order to the Tribunal for Developmental Charges;

Provided that the Tribunal for Developmental Charges may admit an appeal preferred to it after the expiration of the said period if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period specified under sub-section (4).

- (5) The appeal shall be made and verified in the prescribed manner and shall be accompanied by such fee as may be prescribed.
- (6) In disposing of an appeal, the Tribunal for Developmental Charges may, after giving the appellant an opportunity of making his representation and also hearing the planning and development authority whose order is appealed against:
 - (a) ~~in the case~~ of an order or decision on assessment of developmental charges:
 - (i) confirm, reduce, enhance, or annul such assessment;
 - (ii) set aside such assessment and direct the planning and development authority to make a fresh assessment after such further inquiry as it may be directed; or
 - (iii) pass such order as it may consider fit; or
 - (b) In the case of any other order or decision, confirm, cancel or vary such order or decision.
- (7) The decision of the Tribunal for Developmental Charges shall be final and binding on all the parties to such appeal.
- (8) Notwithstanding that an appeal has been preferred under sub-section (4) the payment of Developmental Charges in accordance with the order or decision of assessment against which the appeal has been

preferred shall not be stayed:

Provided that the Tribunal for Developmental Charges may, in its discretion, give such direction as it considers fit in regard to the payment of the developmental charges before the disposal of the appeal if the appellant furnishes sufficient security to its satisfaction for such payment, in such form and in such manner as may be prescribed.

- (9) Any order passed by the Tribunal for Developmental Charges under the provisions of this Chapter shall be enforced by such authority and in such manner as may be prescribed.
- (10) The developmental charges shall be recoverable as arrears of land revenues.

CHAPTER - XIII

FINANCE, ACCOUNTS AND AUDIT

Fund of the
planning and
development authority
and its application.

139. (1) Every planning and development authority shall have and maintain a separate fund called, "Planning and Development Fund", to which shall be credited:
- (a) sum of money received from the government or any other state, national or international agency by way of grants, loans, advances, or otherwise for the performance of functions under this Act and for any other function which the government may assign;
 - (b) all developmental charges or other charges or fees received under this Act or rules or regulations made thereunder;
 - (c) contribution from municipalities under section 147;
 - (d) sum of money borrowed under section 171 from the market, with the approval of government by way of debentures, bonds and other means in accordance with the prescribed rules;
 - (e) sum of money earned from remunerative projects by way of rent or otherwise, and disposal of its assets;
 - (f) sum of money earned from projects implemented under section 125;
 - (g) increased stamp duty received under section 143;
 - (h) charges for using agricultural land for building purposes under section 144;
 - (i) users' charges received under section 146; and

- (j) any other sum of money received by the planning and development authority from any other source for performing its functions.
- (2) The planning and development fund shall be applied towards meeting:
- (a) the expenditure incurred in the administration of this Act;
 - (b) the cost of acquisition of land in the local planning area for purposes of planned development;
 - (c) the expenditure for development of land in the local planning area;
 - (d) any expenses incurred by a planning and development authority under this Act in connection with preparation of perspective plan, development plan and annual plan and planning and execution of projects and schemes unless expressly provided otherwise in this Act; and
 - (e) the expenditure for such other purposes not inconsistent with this Act.
- (3) The planning and development fund account of every planning and development authority, shall be opened and maintained in the current or savings account of the State Bank of India or any other nationalised bank. Such surplus sum of money out of the aforesaid fund, as may be determined by the planning and development authority in this behalf, shall be invested in such manner as may be approved by the planning and development authority, but such investment shall be only in government approved securities.

Fund of the Board, the metropolitan planning committee and the district planning committee. 140.

The Board and every metropolitan planning committee and district planning committee shall have and maintain a fund to which shall be credited all the money received by it and shall be applied towards meeting expenses for discharging their functions under this Act. The provisions of sub-section (3) of section 139 shall apply, mutatis mutandis, in respect of opening and

maintenance of their accounts and investments.

Budget.

141.

The Board, and every metropolitan planning committee, district planning committee and planning and development authority, shall prepare in such form and at such time every year, as may be prescribed, a budget in respect of the financial year next ensuing, showing their estimated receipts and expenditure. Such number of copies of the budget as may be prescribed shall be forwarded to the government:

- (a) directly in the case of the Board;
- (b) through the Board in the case of the metropolitan planning committee or the district planning committee; and
- (c) through the Board and the metropolitan planning committee or the district planning committee, as the case may be, in the case of a planning and development authority.

Accounts and Audit.

142.

- (1) The Board and every metropolitan planning committee, district planning committee and the planning and development authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as may be prescribed.
- (2) The accounts maintained under sub-section (1) shall be subject to audit annually by the Accountant General of the State and any expenditure incurred by him in connection with such audit shall be payable by the concerned metropolitan planning committee or the district planning committee or the planning and development authority to the Accountant General.
- (3) The Accountant General or any person appointed by him in connection with the audit of accounts under sub-section (2), shall have the same right, privilege and authority in connection with such audit as the Accountant General has in connection with the government accounts and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers.

and to inspect the office of the concerned metropolitan planning committee or the district planning committee or the planning and development authority.

(4) The accounts as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the government :

- a) directly in the case of the Board;
- b) through the Board in the case of the metropolitan planning committee or the district planning committee; and
- c) through the Board and the concerned metropolitan planning committee or the district

planning committee, as the case may be in the case of the planning and development authority.

Increase in duty on 143.
certain transfer of
immovable property.

(1) The duty imposed under the Indian Stamp Act (No.2) of 1899, in respect of any deed of transfer of immovable property shall, in the case of immovable property situated within the area under the jurisdiction of the planning and development authority be increased by three per centum on the value of the property transferred or in the case of a usufructuary mortgage on the amount secured by the instrument.

(2) For the purposes of this section, section 27 of the Indian Stamp Act (No. 2) of 1899, amended, from time to time, shall be construed as if it specifically required the particulars referred to therein to be set forth separately in respect of:-

- (a) property situated in municipal areas; and
- (b) property situated outside the municipal areas.

(3) For the purpose of this section, section 64 of that Act as modified from time to time, shall be construed as if it referred to the planning and development authority as well as the government.

- (4) All collections resulting from the said increase shall, after deducting incidental expenses, if any, be paid to the concerned planning and development authority at such time and in such manner as may be prescribed.
- Charges for using agricultural land for building purposes. 144. (1) If any land located within the jurisdiction of a planning and development authority the present use of which is recorded as 'agriculture' in the records of rights maintained by the government and the owner of such land intends to construct a building or structure thereon for use as permissible in the development plan, the owner thereof shall, before applying for permission to construct such building under section 63 first apply to the concerned planning and development authority for permission to use the land for the intended purpose.
- (2) The application under sub-section (1) shall be accompanied with a charge, which shall be equivalent to fifty per cent of the difference in market value of the land assessed with its agricultural use and its market value with intended use, and such other documents, and details as may be prescribed.
- Contribution by the planning and development authority to the Board, the metropolitan planning committee and the district planning committee 145. Every planning and development authority at the beginning of the financial year shall contribute a sum equivalent to half per cent of the total sum of money credited during the last preceding year to its planning and development fund constituted under sub-section (1) of section 139, to the Board and another one and a half per cent to the metropolitan planning committee or the district planning committee, as the case may be.
- Levy of users' charges. 146. (1) In order to recover fully or partly the capital expenditure and the cost of maintenance of utilities, amenities, services or facilities provided by the planning and development authority, it may levy and collect a charge from the users, hereinafter called the users' charge.
- (2) The amount of users' charge to be levied and its manner of assessment and collection shall be such as may be prescribed under regulations.
- (3) The planning and development authority may assign, on such terms and conditions, as may be agreed, the task

of providing and maintaining any utility, amenity, service or facility, within the area of its jurisdiction, to any person or agency including an association or body of individuals whether corporate or not and permit them to collect such users' charges from such beneficiaries and subject to such terms and conditions as may be prescribed under regulations.

Contribution by municipal bodies to the planning and development fund.

147.

Every municipal body functioning as planning and development authority shall, at the beginning of the financial year, contribute from the municipal fund, a sum not less than ten per cent of its total receipts from all sources during the last preceding year to the planning and development fund of the planning and development authority as the government may specify, from time to time.

Annual Reports.

148: (1)

The Board shall prepare every year a report on its activities, during that year and also that of the metropolitan planning committees and the district planning committees in the state and submit the report to the government in such form and on or before such date as may be prescribed and the government shall cause a copy of the report to be laid before the State Legislature.

(2)

The planning and development authority, the metropolitan planning committee and the district planning committee, shall prepare every year a report on its activities during that year clearly specifying sector wise physical targets achieved along with relevant financial statements and submit the report to the government and the Board in such form on or before such date as may be prescribed.

Pension and Provident Fund.

149. (1)

The Board and the metropolitan planning committee, the district planning committee and the planning and development authority shall constitute for the benefit of their whole time paid members, officers and other employees, in such manner and subject to such conditions, as may be prescribed, such pension and provident funds as it may deem fit.

- (2) Where any such pension or provident fund has been constituted, the government may declare that the provisions of the Government Provident Fund Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER - XIV

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS.

Before bringing into force the provisions of this Act in any area by notification under sub-section (3) of section 1 with effect from such date as may be specified therein, the government shall frame a scheme determining;

- (a) the government authorities or the planning authorities or by whatever name called, constituted under any law in force in the area and having jurisdiction over the concerned area, which shall cease to exist from the said date;
- (b) the transfer of all the officers and employees of the authorities as mentioned in clause (a) above to the concerned metropolitan planning committee, the district planning committee or the planning and development authority, as the case may be, from the said date;
- (c) proportion of all properties, funds and dues which are vested in or realisable by the authorities mentioned in clause (a) above which shall vest in or be realisable by the metropolitan planning committee, the district planning committee or the planning and development authority or authorities, as the case may be;
- (d) proportion of all liabilities which are enforceable against the authorities mentioned in clause (a) above which shall be enforceable by the metropolitan planning committee, the district planning committee or the planning and development authorities, as the case may be;
- (e) for the purpose of realising properties, funds and dues referred to in clause (c) above, the functions of the authorities mentioned in clause (a) above shall be discharged by the concerned metropolitan planning committee, the district planning committee or the planning and development authority, as the case may be.

Power of entry.

151. (1) The State Chief Planner or an officer authorised by him or any officer authorised in this behalf by the Board or the metropolitan planning committee or the district planning committee or the planning and development authority, as the case may be, may enter into or upon any land or building with or without assistants or workmen within the area under their respective jurisdiction under this Act for the purpose of:-

- (a) making any enquiry, inspection, measurement or survey or taking levels or photographs of such land or building;
- (b) setting out boundaries and intended lines of works;
- (c) marking such levels, boundaries and lines by placing marks and cutting trenches;
- (d) examining works under construction and ascertaining the course of sewers and drains;
- (e) digging or boring into the sub-soil;
- (f) ascertaining whether any land is being or has been developed in contravention of any provision of this Act or rules or regulations made thereunder; and
- (g) doing any other thing necessary for the efficient administration of this Act;

Provided that-

- (i) in the case of any building used as a dwelling house or upon any enclosed part of garden attached to such a building, no such entry shall be made without the consent of the occupier thereof. If no consent is given, entry can be made by giving such occupier at least twentyfour hours notice in writing of the intention to enter;
- (ii) sufficient opportunity shall in every

instance be given to enable women, if any, to withdraw from the land or the 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 usages of the occupants of the land or building entered.

(2) Any person who obstructs the entry of a person empowered or authorised under this section to enter into or upon any land or building or molests such person, after such entry, shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to three thousand rupees, or with both.

Service of notices,
etc.

152. (1) All documents including notices and orders required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or regulation made thereunder, be deemed to be duly served;

(a) where the document is to be served on a government department, railway, local authority, statutory authority, company, corporation, society or other body, if the document is addressed to the head of the Government Department, General Manager of the Railway, Secretary or principal officer of the local authority, statutory authority, company, corporation, society or any other body at its principal branch, local or registered office, as the case may be, and is either:-

(i) sent by registered post to such office; or

(ii) delivered at such office;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either:-

- (i) sent by registered post, or
 - (ii) delivered at the said place of business,
- (c) in any other case, if the document is addressed to the person to be served and:-
 - (i) is given or tendered to him, or
 - (ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or business or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or the building to which it relates, or
 - (iii) is sent by registered post to that person.
- (2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming or describing that land or building) without further name or description, and shall be deemed to be duly served:-
 - (a) if the document so addressed is sent or delivered in accordance with clause (c) of sub-section (1); or
 - (b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.
- (3) Where a document is served on a partership in accordance with this section, the document shall be deemed to be served on each partner.
- (4) For the purpose of enabling any document to be served on the owner of any property, the officer authorised in this behalf by the Board, the metropolitan planning committee, the district planning committee or the planning and development authority, as the case may be, by notice in writing require the occupier, if any, of

the property to state the name and address of the owner thereof.

- (5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.
- (6) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known and the notices, etc. to fix reasonable time.

153. (1) Every public notice given under this Act or rules or regulations thereunder shall be in writing under the signature of such officer as may be authorised in this behalf by the Board, the metropolitan planning committee, the district planning committee or the planning and development authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in a local newspaper and by such other means which such authorised officer may consider fit.
- (2). Where any notice, order or other document issued or made under the Act or any rule or regulation made thereunder, requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations made thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of orders and documents.

154. All permissions, orders, decisions, notices and other documents of the State Chief Planner; the Board, the metropolitan planning committee, the district planning committee or the planning and development authority shall be authenticated by the signature of such officer as may be authorised by the state Chief Planner or the Board or the metropolitan planning committee or the district planning committee or the planning and development authority, as the case may be, in this behalf.

Mode of proof or records.

155. A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession

of the Board, the metropolitan planning committee, the district planning committee, or the planning and development authority, if duly certified by the legal keeper thereof or other person authorised by the Board, the metropolitan planning committee, the district planning committee or the planning and development authority shall be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

Restriction on the
summoning of officers
and servants of the Board, the
metropolitan planning committee,
the district planning committee,
and the planning and development
authority.

156.

No Chairperson, Vice-Chairperson, member or officer or servant of the Board or the metropolitan planning committee, the district planning committee, the planning and development authority shall in any legal proceedings to which the Board, the metropolitan planning committee, the district planning committee, or the planning and development authority is not a party, be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.

Offences by
companies.

157. (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 was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and be 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 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.

Penalty for obstructing contractor or removing mark.

158. If any person-

- (a) obstructs, or molests any person engaged or employed by the Board or the metropolitan planning committee or the district planning committee or the planning and development authority or any person with whom the Board or the metropolitan planning committee or the district planning committee or the planning and development authority has entered into a contract, in the performance or execution by such person of his duty or of any thing which he is empowered or required to do under this Act, or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act, he shall :-

be punishable with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to two months or both.

Sanction of prosecution.

159.

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board, the metropolitan planning committee, or the district planning committee or the planning and development authority concerned or any officer authorised by the Board, the metropolitan planning committee, or the district planning committee or the planning and development authority, as the case may be, in this behalf.

- Compounding of offences. 160. (1) The Board or the metropolitan planning committee or the district planning Committee or the planning and development authority concerned or any person authorised in this behalf by general or special order by the Board or the metropolitan planning committee, or the district planning committee or the planning and development authority concerned may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.
- (2) When an offence has been compounded, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.
- Magistrate's power to impose enhanced penalties. 161. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1973, it shall be lawful for any court of a magistrate of the first class to pass any sentence authorised by this Act in excess of its power under the said section.
- Right to appear by recognised agent. 162. Every party to any proceeding before any Tribunal constituted under this Act, shall be entitled to appear either in person or by his agent authorised in writing in that behalf.
- Jurisdiction of Courts. 163. No Court inferior to that of a magistrate of the first class or a magistrate of the second class especially empowered in this behalf by the government in cases where no magistrate of first class is available shall try an offence punishable under this Act.
- Fine when realised to be paid to the concerned authority. 164. All fines realised in connection with prosecution under this Act shall be paid to the concerned metropolitan planning Committee or the district planning Committee or the planning and development authority in the prescribed manner.
- Members and officers to be public servants. 165. Every member and every officer and other employees of the Board, the metropolitan planning committee, the district planning committee and the planning and development authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

- Protection of action taken in good faith. 166. No suit, prosecution or other legal proceedings shall lie against any person deemed to be a public servant under section 165 for anything which is done or intended to be done in good faith under this Act or any rule or regulation made thereunder.
- Finality of orders. 167. Save as otherwise expressly provided in this Act, every order passed or direction or notice issued by the government or the Board, the State Chief Planner the metropolitan planning committee, the district planning committee or the planning and development authority, as the case may be, under this Act shall be final and shall not be questioned in any suit or other legal proceeding.
- Validation of acts and proceedings. 168. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of:-
- (a) the existence of any vacancy in, or any defect in the constitution of the Board, a metropolitan planning committee or a district planning committee, or a planning and development authority;
 - (b) any person having ceased to be a member of the Board, the metropolitan planning committee, the district planning committee or the planning and development authority;
 - (c) any person associated with the Board, a metropolitan planning committee, a district planning committee, or a planning and development authority under the provisions of section 169 having voted in contravention of the said section; or
 - (d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or
 - (e) any omission, defect or irregularity not affecting the merits of the case.
- (2) Every meeting of the Board, or the metropolitan planning committee or the district planning committee or the planning and development authority, minutes of the

proceedings of which have been duly signed as prescribed, shall be taken to have been duly convened and to be free from all defects and irregularities.

Temporary
association of
persons.

169. (1) The Board, the metropolitan planning committee, the district planning committee, the planning and development authority and their respective development integration committees and the standing planning committee of the planning and development authority may associate with themselves in such manner and for such purposes, as may be prescribed, any person whose assistance or advice they may consider necessary in performing any of their functions assigned to them under this Act.

(2) Any person associated under sub-section (1) shall have the right to take part in the discussions in the meeting of the Board, the respective committees and the planning and development authorities relevant to the purpose but shall not have the right to vote and shall not be construed as a member for any other purpose.

Power to delegate.

170. (1) The Board or the metropolitan planning committee or the district planning committee may, by a resolution, direct that any power exercisable by it under this Act or rules or regulations made thereunder may also be exercised by any planning and development authority, or a panchayat, as the case may be, or by any officer of the Board or the metropolitan planning committee or the district planning committee or the government or the planning and development authority, or a panchayat at as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

Provided that the delegation to an officer of the government shall require prior government sanction.

(2) The State Chief Planner may, by an order in writing, delegate any power exercisable by him under this Act or rules or regulation made thereunder to any officer of the Board or the metropolitan planning committee, or the district planning committee or the government or any planning and development authority or a panchayat in such cases and subject to such conditions, if any, as may be specified therein.

- (3) A planning and development authority by a resolution direct that any power exercisable by it under this Act or rules or regulations made thereunder, except the power to prepare perspective plan, development plan, annual plans or development schemes or land pooling scheme or to make regulations may also be exercised by any other local authority or any officer of the government or the planning and development authority or a panchayat in such cases and subject to such conditions, if any, as may be specified therein.

Provided that the delegation to an officer of the government shall require prior government sanction.

- (4) A Metropolitan Planning Member or a District Planning Member or Municipal Planner may, by an order in writing, delegate any power exercisable by him under this Act or rules or regulations made thereunder to any officer subordinate to him in such cases and subject to such conditions, if any, as may be specified therein.

Power of the planning and development authority to borrow money. 171.

The planning and development authority may from time to time, borrow at such rate of interest and for such period and upon such terms, as the government may approve, any sum of money required for efficient performance of the functions assigned to it under this Act and rules made thereunder.

Control by the Government and the Board. 172. (1)

The Board and the metropolitan planning committee, the district planning committee and the planning and development authority shall carry out such directions as may be issued to them, from time to time, by the government for the efficient administration of this Act and the metropolitan planning committee, the district planning committee and the planning and development authority shall also carry out such directions as may be issued, from time to time, by the Board for the purpose.

- (2) In case of any dispute in connection with the exercise of its powers and discharge of its functions by the Board or any metropolitan planning committee, district planning committee or planning and development authority under this Act, the decision of the government on such disputes shall be final.

- | | | |
|---|------|--|
| Returns and information. | 173. | <p>(1) The Board, the metropolitan planning committee, the district planning committee and the planning and development authority shall furnish to the government such plans, reports, returns and other information, as the government may, from time to time, require.</p> <p>(2) The planning and development authority and the panchayats shall furnish to the Board, the metropolitan planning committee, the district planning committee such plans, reports, returns and other informations as the Board, the metropolitan planning committee, the district planning committee may, from time to time, require.</p> |
| Qualifications of Metropolitan Planning Member, District Planning Member, Municipal Planner, and Project Planner. | 174. | <p>The Metropolitan Planning Member, the District Planning Member, the Municipal Planner and the Project Planner appointed under sections 12, 25, 40 and 87 respectively shall possess such educational qualifications from any institution recognised by the Institute of Town Planners, India.</p> |
| Effect of laws. | 175. | <p>(1) Save as provided hereinbefore, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.</p> <p>(2) Notwithstanding anything contained in any such other law, when permission for development has not been obtained under this Act, such development shall not be deemed to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.</p> |
| Power to fix land values within the local planning area | 176. | <p>(1) Notwithstanding any thing contained in any law for the time being in force, every planning and development authority at an interval of every five years, after conducting such enquiry, as may be considered necessary, fix by notification in the Official Gazette and in the local newspaper the values of land in respect of each municipal ward or locality of the local planning area.</p> <p>(2) Different values may be fixed for different localities in a municipal ward after taking into consideration the use to which the land is put at the time of enquiry under sub-section (1).</p> |

- (3) The notification fixing the values of land under subsection (1) shall require prior government approval.
- Provisions of the perspective plan to stand modified in certain cases. 177. After the coming into operation of a development plan of an area, the approved perspective plan of the same area shall stand modified or altered to the extent the proposals in the development plan are at variance with the perspective plan.
- Power to make agreement. 178. The Board, the metropolitan planning committee, the district planning committee or the planning and development authority may enter into agreement with any person, body, agency, promoter, company, society or the government for discharging their duties and performing their functions assigned to them under this Act.
- Reference to High Court questioning the validity of the perspective plan and development plan. 179. (1) Within one month of the coming into operation of a perspective plan or a development plan prepared by the Board, the metropolitan planning committee, the district planning committee, or the planning and development authority, as the case may be, any person aggrieved by it may make an application to the High Court questioning the validity of the perspective plan or the development plan, as the case may be, or any provisions contained therein on the following grounds;
- (a) that it is not within the powers conferred by this Act; or
- (b) that any requirement of this Act, or any rules made thereunder have not been complied with in relation to the making of the perspective plan or the development plan.
- (2) The High Court, after giving an opportunity to the Board or the metropolitan planning committee or the district planning committee or the planning and development authority, as the case may be, and the government to be heard;
- (a) may stay, until the final determination of the proceedings, the operation of any provisions contained therein so far as it affects any property of the applicant; and

(b) may quash the plan or any provision contained therein generally or in so far as it affects any property of the applicant, if satisfied that the concerned perspective plan or development plan or any provision contained therein is not within the powers conferred by this Act, or that the interest of the applicant has been substantially prejudiced by a failure to comply with any requirement of the Act or rules.

(3) Subject to the above provisions, a perspective plan shall not, either before or after it has come into operation, be questioned in any manner in any legal proceedings whatsoever.

Power to make rules.

180. (1) The Government may, make rules by notification in the Official Gazette, to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

(a) the functions and powers of the Board, the metropolitan planning committee, the district planning committee, the planning and development authority and the special area planning and development authority;

(b) the term of office and conditions of service of the members of the Board, the metropolitan planning committee, the district planning committee, the planning and development authority and the special area planning and development authority;

(c) the qualification or disqualification for being chosen as members of the Board, the metropolitan planning committee, the district planning committee and the planning and development authorities and special area planning and development authority;

(d) the time and place for holding of and the procedure to be followed in the meetings

including quorum of the Board, the metropolitan planning committee, the district planning committee, the planning and development authority and the special area planning and development authority;

- (e) the qualifications, functions, powers and duties of the State Chief Planner, the Metropolitan Planning Member, the District Planning Member and the Municipal Planner including their conditions of service;
- (f) the manner in which the election of members of the metropolitan planning committee, under clause (c) of sub-section (3) of section 12, and district planning committee under clause (b) of sub-section (3) of section 25, shall take place;
- (g) the manner in which and the purpose for which any planning and development authority may associate with itself any person under the provisions of this Act;
- (h) the control and restriction in relation to the appointment of officers and employees of the Board, the metropolitan planning committee, the district planning committee and planning and development authority including conditions of service of such officers and employees;
- (i) the form and content of the perspective plan, the development plan, the annual plan and the development schemes and the land pooling schemes and the procedure to be followed in connection with their preparation, submission and approval and the form and the manner of their publication;
- (j) the manner of appeal to the authority under clause (b) of sub-section (3) of section 69;
- (k) the composition, management and conduct of functional agencies under sub-section (2) of section 81;

- (l) the manner of auction of additional built-up space under sub-section (2) of section 82;
- (m) the qualifications of project planner to be engaged under section 87; the manner of appeal to the Tribunal for Land Pooling Scheme and the fee to be accompanied under sub-section (2) of section 92; the procedure to evict summarily under sub-section (1) of section 102; the manner in which variation to land pooling scheme shall be published under sub-section (1) of section 104.
- (n) the procedure to be followed in granting licence and the licence fee to be paid by promoters under sub-section (1) of section 117; the form of application and documents to accompany, the amount of application fee, the form of the licence form and the fee to be charged for revalidation of the licence under section 118;
- (o) the form of applications, the number of copies of the land pooling schemes, the amount of fee and the documents to accompany the application under sub-section (1) of section 123;
- (p) Manner in which development work by private sector and joint sector shall be regulated under section 126;
- (q) the manner in which an acquisition notice is to be served, and claim for compensation is to be made, the time within which such claim is to be made and the procedure to be followed for assessment of compensation;
- (r) the manner and procedure in which land shall be acquired through negotiated settlement under section 132, by way of issue of transferable development right certificate under section 133, and by way of accommodation reservation under section 134;
- (s) the manner of disposal of land by a planning and development authority under section 135.

- (t) the rates, manner of assessment and recovery of developmental charges under sub-section (2) and exemption from its levy under sub-section (4) of section 136; the manner of appeal under sub-section (6), the form and the manner of furnishing security under sub-section (8) and the manner of enforcement of the order of the Tribunal under sub-section (9) of section 138;
- (u) the form of the budget of the Board, the metropolitan planning committee, the district planning committee, the planning and development authority and the special area planning and development authority, the date on or before which it shall be prepared, the manner of preparing it and the number of copies that have to be sent to the government under section 141;
- (v) the time by which and the manner in which the increase in stamp duty under section 143 shall be credited to the planning and development fund of the planning and development authority;
- (w) the details and documents to accompany the application for change of use of agriculture land under section 144;
- (x) the form of and the date before which the annual reports are to be submitted under section 148;
- (y) the manner of and conditions subject to which pension and provident fund shall be constituted under section 149; and
- (z) any other matter which has to be or may be prescribed by rules or any matter for efficient administration of the objectives of this Act.

Power to make regulations .

181.

The Board may, with the previous approval of the government make regulations not inconsistent with this Act and the rules made thereunder to carry out the purposes of this Act; and without prejudice to the generality of this power such regulations may provide for:-

- (a) the powers and duties of the officers and employees of the Board, the metropolitan planning committee, the district planning committee and the planning and development authorities; the salaries, allowances and conditions of service of their officers and employees;
- (b) the terms and conditions for the continuance of use of any land used otherwise than in conformity with a perspective plan or development plan or an annual plan;
- (c) The form of application, details of particulars, documents and plans and amount of fee to accompany the application under sub-section (2) of section 75;
- (d) the amount of leviable users' charges and its manner of collection under sub-section (2), and terms and conditions including beneficiaries from which users' charges may be collected under sub-section (3) of section 146;
- (e) the principles, guidelines, planning norms and standards, building regulations, conditions and restrictions in accordance with which developments may be undertaken or regulated; and
- (f) any other matter which has to be or may be prescribed by regulations and or any matter for efficient administration of the objectives of this Act.

Laying of rules
before State
Legislature.

182.

All rules made under this Act shall be laid for not less than thirty days, before the State Legislature, as soon as may be, after they are made and shall be subject to such modifications as the Legislature may make during the session in which they are so laid or the session immediately following.

Dissolution of
special area planning
and development
authority.

183. (1)

Where the government is satisfied that the purpose for which any special area planning and development authority was constituted under this Act has been substantially achieved so as to render the continued existence of such authority unnecessary, the government may, by notification in the Official Gazette, declare that special area planning and development authority shall be dissolved and cease to exist with effect from such date as may be specified in the notification and the special area planning and development authority shall be deemed to be dissolved and cease to exist accordingly.

(2)

From the said date :-

- (a) all properties, funds and dues which are vested in, or realisable by the special area planning and development authority shall vest in or be realisable by the government or any agency or agencies, as may be specified by the government in this behalf;
- (b) all liabilities which are enforceable against the special area planning and development authority shall be enforceable by the government; or such agency or agencies as may have been specified under clause (a);
- (c) for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the special area planning and development authority shall be discharged by such agency or agencies as may have been specified under clause (a).

Repeal and Saving.

184.

(To be drafted at the final stage to remove difficulties in regard to measures instituted under other Acts of the State).

