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NATIONAL DISASTER MANAGEMENT DIVISION

ANNEX 1

MODEL TOWN AND COUNTRY PLANNING ACT IN THE YEAR 1960

L REGIONAL AND URBAN PLANNING ORGANISATION

MODEL TOWN AND COUNTRY PLANNING ACT

Explanatory Note

History :

need for comprehensive planning legislation at the State
s been evident for a long time, and has been taken cogni-
by official as well as non-official bodies in India. The United
Tropical Housing Mission which visited India in 1950 em-
the urgency of providing adequate legal tools for effective
ntation of planning and housing schemes. The conference
ng Ministers held in June 1955 in Simla again emphasised
l for a planning act at the State level and taking note of
that the Institute of Town Planners (India), a professional
d already prepared a model legislation, commended that
r consideration by the State Governments. Following the
n the Model Act was circulated among the State Govern-
viting their comments. A large number of comments were
from the State Governments and these comments were
to the Central Regional & Urban Planning Organisation,
re asked to study these comments, and prepare a revised
eeping in view the developments that had taken place since
RUPO after examining in detail the comments made by
overnments and other experts revised the Model Act incor-
a number of changes to meet the various suggestions. The
Model Act was considered by the First Conference of State
s for Town and Country Planning held in Bangalore in
er 1960. The Conference took note of the views expressed
ministers and set up a Committee of ministers to study the
Act in detail and finalise it. The Committee of Ministers
d the revised model Act in the light of the views expressed
onference. The Act as finalised by the Committee is found
th this explanatory note.

model as finally evolved takes note of the conditions ob-
n India and avoids the many pitfalls of similar legislation
in U.S.A., U.K. and the Continent, whose complexity some-
d defeated the basic purpose of such legislation. The model
es into account the various planning acts existing in the
tates, their shortcomings and the experience gained in work-
hem. Experience of certain new legislation introduced in
ecially The Delhi Development Authority Act, and the
of its working has provided useful information.

comments received from the States indicated that there was
acceptance of the structure of the legislation, the planning
s and the process by which these objectives were to be
. The States had however pointed out certain deficiencies
egard to the legal wording of the draft as well as omissions

h/62 (M) (off print)

of provisions relating to land acquisition, implementation of schemes, and certain procedural and legal requirements of a statute. The idea of the development charge had received general acceptance and welcomed as a justifiable levy which would go a long way not only towards controlling development but also providing funds for effecting the removal of non-conforming use and promoting development in a positive manner. The time element had been found to be somewhat difficult to conform to and suggestions had been made for making it flexible.

2. Basic Structure of the Model Act:

The Model Town and Country Planning Act provides for the constitution by the State Government of a State Town and Country Planning Board for the purpose of co-ordinating and advising the local planning authorities, and the setting up of a number of local planning authorities for different urban and rural areas within the State to undertake preparation of master plans and to enforce them. A local planning authority may be a local authority or an authority set up separately for the purpose of undertaking plan preparation and plan enforcement. In the latter case the implementation of the plan is left to the local bodies and such other new bodies that may be set up by the State Government for execution of town planning schemes.

The Model provides for three steps in the administration of the Act; Firstly, there will be the preparation of the existing land use map or Present Land Use Map thereafter the preparation of the Interim Development Plan and its enforcement and lastly, the preparation of the Comprehensive Development Plan and its enforcement. Since the definition of 'development plan' is all inclusive no differentiation has been made between schemes and detailed plans for any area which the planning authority may propose to prepare as a part of its Comprehensive Development Plan.

3. Application Stage by Stage:

The U. K. Town & Country Planning Act 1947 and the Bombay Town Planning Act envisage the application of the Act to the entire State immediately the act comes into force; this necessitates planning control to be exercised all over the State by the respective planning authorities. Considering the administrative difficulties which such a provision will involve, it is thought better to empower the State Government to define the areas to which the Act will apply stage by stage and to extend the application of the Act to other areas as and when the necessary machinery is set up to shoulder the responsibilities. This provision will enable priority areas to be brought under planning control immediately the Act comes into force in a State, and other areas to be brought gradually under planning control, thus providing for a stage by stage development of planning administration within the State.

4. State Town and Country Planning Board:

The functions of the State Town and Country Planning Board as defined in Model Act are to advise the State Government to coordinate developmental activities at the State and local levels and

to direct programmes in matters relating to urban and regional planning in the State. The Board acts also as an appellate authority in so far as local planning authority decisions are concerned. The Board is advisory in character and all the powers vest in the State Government. In exercising its functions the Board will be required to advise, coordinate and direct not only the work of local planning authorities but also the several departments of the State Government who will be promoting and pursuing developments in their respective fields. Effective co-ordination of the developments in different fields is absolutely essential if maximum benefits for the area and the State are to accrue. To achieve effective co-ordination, the Board will need to have sufficient authority and has to be so constituted as to be above an individual department but at the same time all departments should have their fullest say before any decision is taken by the Board. Since the decisions of the Board are taken collectively, its directions should convey inherently the necessary authority for being complied with. In order that these objectives are realised in actual practice, the Board should have as its Chairman a cabinet minister, preferably the State Minister in charge of town and country planning.

The members of the Board are envisaged to be composed in three groups; firstly heads of departments, mostly people with specialised or technical knowledge such as the Director of Agriculture and Fisheries, Industries, Education, Health Services, Chief Engineer of State P.W.D., Chief Conservator of Forests and Wild Life, Director of Community Development and other heads of departments who are concerned in one way or other with urban and regional developments; secondly, representatives of certain important Central Government departments such as the Railways, Civil Aviation, and Transport and Communications; and thirdly, prominent non-officials in the State including members of the State legislature, these non-officials being known for their proved interest and contributions to civic activities, social welfare, etc., in the State. A typical composition of the Board is given below.

Chairman: Minister in charge of Town and Country Planning.

Members:

(i) Director of Industries.
(ii) Director of Agriculture and Fisheries.
(iii) Director of Education.
(iv) Director of Health.
(v) Chief Engineer, State P.W.D.
(vi) Chief Conservator of Forests and Wild Life.
(vii) Director of Community Development
(viii) A representative of Indian Railways.
(ix) A representative of Civil Aviation.
(x) A representative of Central Ministry of Transport and Communications.
(xi)/(xii)/(xiii) Three non-officials, one of them being a member of the legislature.
(xiv) Chief Town Planner to the State Government.

If the Act should provide for the Minister as Chairman of the Board as suggested above, then Section 3(2) of the Act will have to mention specifically the Chairman as Minister for Town and Country Planning of that State and consequently in Sections 5(1), 5(2) and 5(3) the mention of the Chairman would be deleted as the Minister as Chairman will not be subject to the provisions of 5(1), 5(2) and 5(3).

5. **Chief Town Planner :**

The role of the chief town planner is dual : Firstly as the secretary to the State Planning Board, he assists the planning Board in preparing and promulgating planning policies through the various channels of state machinery, supervises local planning programmes on behalf of the Board and reports to the Board on progress of programmes. In effect he acts as the Board's executive officer. Secondly, as the technical head of a department of the State, he is responsible to the State Government in carrying out its orders, enforcing rules and regulations and discharging various responsibilities under the Act, such as assisting the local planning authorities in preparing development plans etc. Thus he plays a key role in both helping the planning policy to be framed and promulgated as well as supervising the implementation of such policy at the local level through the planning authorities and where required directly with the help of his own staff.

6. **Local Planning Authorities :**

While the appointment of local authorities as the planning authorities for the areas under them, is the ideal condition, and should be desired, the present difficulties of local bodies in the country in regard to finding adequate technical personnel and lack of financial resources have made it impossible for them to discharge their present responsibilities to any degree of satisfaction ; to burden them with a further responsibility which requires prompt action and systematic and consistent follow-up is not considered practicable. There are, of course, certain local bodies who have the necessary resources and who are in a position to take up such additional responsibilities. Having regard to these considerations, the model Act empowers the State Governments to designate as planning authority either a local authority, where it has the resources and technical men, or a separate planning authority constituted specially for this purpose. Such a provision makes it possible for the State to set up a single planning authority to cover areas coming under more than one local authority and also to set up regional planning authorities to deal with extensive developmental areas where required.

Another equally important reason for envisaging a planning authority separately from that of a local authority is that the planning function should not be too closely influenced by day-to-day working and decision-making which a local authority is bound to experience ; the planning authority should be able to make a more detached and long term view of the projected development of the area concerned, free from any kind of political bias. Such detachment and foresight can be achieved more effectively by planning

agencies set up somewhat independently of the local authority, nevertheless assuring vigorous participation of the local authorities concerned in the work of the planning authority.

7. **Functions of local Planning Authorities :**

Some of the Acts at present in force in India and elsewhere empower planning authorities with land acquisition powers. Tradition in India also supports empowerment of a planning authority to acquire land for development. This question has been very thoroughly examined in relation to certain basic issues such as the responsibilities of the local bodies under their respective acts, the detailed activities which the implementation of a scheme will involve, and the necessity for the planning authority to be free from group influences and pressures. While planning authorities are envisaged separate from local authorities, it has been considered desirable and apt to entrust the implementation of a development plan to the local authorities as far as possible and where the local authorities should prove unable to carry out these functions, it is considered desirable to create separate development agencies for the purpose of implementing the whole or parts of the plan. This does not, however, mean that a planning authority should not be entrusted with the power of implementing the plan but where such responsibility devolves upon a planning authority, then it assumes the functions of a development agency under a separate Act and not under this Act.

Keeping this objective in view, in the model Act, all provisions relating to land acquisition, have been altogether omitted and it is proposed that the Model Act is proposed to be supplemented by two further Acts namely,

(a) a legislation at the State level dealing with the powers and procedures for land acquisition for town planning, slum clearance, housing and other general developmental purposes, and

(b) a legislation at the State level providing for the setting up of Development Agencies to be called Development Corporations, with the necessary authority and the resources to implement the whole or parts of a development plan prepared by a planning authority.

Thus plan making and plan enforcement is proposed to be kept distinct from plan implementation which may be carried out by several state and local agencies responsible for and operating in the planning area. The establishment of development corporations for undertaking the implementation of development plan will enable the planning authority to provide general supervision and co-ordination and see that the developments conform to the standards and objectives laid down in the plan in an impartial and rational manner. Thus the planning authority will retain in it an overall supervisory and directing function which is its right role to play.

8. **Time Element :**

The time element provided in the model Act is adequate and flexible ; yet it is not too long, delaying or obstructing development. A period of six months has been provided for the preparation of the

existing land use map and twelve months for the preparation of the interim development plan and 3 years for the preparation of the comprehensive development plan; at all the three stages, provision for extension of time by the State Government has been made. It may be however, emphasized that the preparation of the existing land use map must be completed as quickly as possible so that the basis for the control and promotion of further development is firmly established.

The first two steps provided in the legislation, namely, the preparation of the existing land use map and the preparation of the Interim Development Plan may be said to be the basic tools for controlling and guiding the development of the area according to sound planning principles, while the Comprehensive Development Plan is being prepared. The preparation of the comprehensive development plan is bound to take more time. It is important, therefore, to keep as far as possible, to the time schedule so far as the existing land use map and interim development plan are concerned.

9. **Development Charge:**

The development charge is a unique feature of the model act and its jurisdiction comes from the fact that the appreciation of land value and use value of any property in an urban area is caused not only by the efforts of the owner of such property but also by the efforts of the entire community, and therefore the benefit of this appreciation should be shared by the owner with the entire community and such sharing is only possible when the owner intends to take advantage of that appreciation in land value and use value by changing the land use and developing the property.

The present experience in regard to levy of betterment charges and compensation has indicated that these charges are most difficult to determine, are generally disputed and when collected do not always provide adequate funds for undertaking the schemes. It was necessary to provide an essentially simple system for levy and collection of a charge to provide the necessary funds, not only for compensating those whom a development plan affects adversely, but also to provide sufficient funds for the implementation of parts of the plan. The method suggested in the revised draft is simple and direct and the levy is collected at the point where it is most conveniently assessable with minimum amount of procedural machinery. It also incidentally acts as a further point of control over development.

The Act will only define the maximum rates chargeable for the institution or change of use and for carrying out development and the actual rates chargeable in any planning area will have to be approved by the State Government after receiving appropriate proposals from each planning authority. In making the proposals for development charge the planning authority may propose different scales of charges for different areas within its jurisdiction, thus recognising in principle that the appreciation in land value and use value of property would not be uniform all over.

An important aspect of Development Charge is that it will apply equally both to unbuilt areas and built up areas. This intensifica-

tion of building activity in the heart of the city will produce equally good income to the community as development of open peripheral land.

10. **Legal Provisions :**

The Model Act includes legal provisions such as the right to appeal, appellate authorities, jurisdiction of courts, etc. An appellate authority has been provided at every stage and the jurisdiction of courts has been defined and delimited. Thus, while there is sufficient legal redress for any *bonafide* grievance suffered on account of the administration of the Act, such action on the part of the aggrieved party will not come in the way of the effective implementation of the plan.

The model act provides appropriate punitive clauses relating to the enforcement of the several provisions of the Act in sufficient detail and for different situations. These provisions which have been framed on the basis of the experience gained in Delhi and elsewhere in the working of planning legislation should prove valuable to the State Governments in effectively administering this Act.

11. **Rules and Regulations :**

The Model Act confines itself to the important provisions and leaves details to be covered by the rules and regulations to be framed under this Act. This flexibility is essential for any planning legislation which is very wide in its scope and where it is not possible to foresee all the situations that may arise. Until sufficient experience has been gained, it is desirable to leave all detailed matters to be covered by the rules and regulations over which the state legislature has sufficient control as also the right to amend, if considered necessary or unjust.

12. **Enactment at the State Level :**

In preparing this revised model of State Town and Country Planning Act, legality of provisions have been carefully studied and the language has been made, as far as possible, unambiguous and specific. Before using the model as a bill in its totality, it is advisable for the State Governments to have the model examined both in regard to the legal drafting as well as the special needs which each State may find it necessary to incorporate.

It appears necessary to reiterate that planning laws all over the world are still in a trial stage and have to be amended, revised and changed as experience is gained. The western models do provide good guide posts but local conditions and systems vary considerably. Indian experience still does not extend over any length of time. One cannot therefore dogmatise over any particular set of laws. One feature must, however, be common to all of them—the law must serve the long term interests of the community and region as a whole within the general frame-work of national goals and objectives.

THE.....TOWN AND COUNTRY PLANNING ACT, 19——.

No.....of 19——.

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THE*.....TOWN AND COUNTRY PLANNING ACT, 19...

No———OF 19———

AN ACT to provide for planning the development and use of rural and urban land in the state of*..... and for purposes connected therewith.

BE it enacted by the Legislature of the State of*..... in the †..... year of Republic of India as follows :—

CHAPTER I

Preliminary

1. **Short title, Extent, and Commencement.**—(1) This Act may be called*.....Town and Country Planning Act, 19.....

(2) It extends to the whole of the State of*.....

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

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context :—

(1) "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 ; the use of land which is ancillary to the farming of land or any other agriculture purposes, but shall not include the use of any land attached to a building for the purposes of a garden to be used along with such building ; and "agricultural" shall be construed accordingly ;

(2) "Amenities" include roads and streets, open spaces, parks, recreational grounds, play-grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences ;

(3) "Area of bad lay-out or obsolete development" means an area consisting of land which is badly laid out or of obsolete development, together with other land contiguous or adjacent thereto, which is defined by a development plan as an area of bad layout or obsolete development ;

(4) "Board" means State Town and Country Planning Board constituted under this Act ;

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*Name of the concerned State to be introduced.

†The year of the Republic to be introduced.

(5) "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 material change in the use of a building, including the use of its one part or more parts used for human habitation into a greater number of such parts ;

(e) any such alteration of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affect its security ;

(f) the construction of a door opening on any street or land not belonging to the owner ;

(6) "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 make 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 ;

(7) "Commercial use" includes the use of any land or building or part thereof for purposes of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise ;

(8) "Court" means a principal civil court of original jurisdiction, and includes any other civil court empowered by the State Government to perform the functions of the court under this Act within the pecuniary and local limits of its jurisdiction ;

(9) "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 sub-division of any land ;

(10) "Development Plan" means interim development plan or comprehensive development plan prepared under this Act ;

(11) "Engineering Operations" include the formation of laying out of means of access to a road or the laying out of means of water supply ;

(12) "Industry" includes the carrying of any manufacturing process as defined in Factories Act, 1948 ; and "industrial" shall be construed accordingly ;

(13) "Industrial use" includes the use of any land or building or part thereof for purposes of industry as defined ;

(14) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth ;

(15) "Local Authority" means a municipal Corporation or committee, or board or district board or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local authority, and includes a town improvement trust; and a Local Authority is a "Local Authority concerned" if any land within its local limits falls in the area of a plan prepared or to be prepared under this Act;

(16) "Local Newspaper" means any newspaper published or circulated within the local planning area;

(17) "Planning Area" means any area declared to be a local planning area under this Act;

(18) "Planning Authority" means any local planning authority constituted under this Act;

(19) "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 damages for the use and occupation of any land;

(20) "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 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 company, in respect of properties under their respective control;

(21) "Prescribed" means prescribed by rules or regulations made under this Act;

(22) "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;

(23) "Relocation of population" means, in relation to an area of bad lay-out or obsolete development or a slum area, the making available, in that area or elsewhere, of 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;

(24) "Regulation" means a regulation made under this Act by the Planning Authority and includes zoning and other regulations made as a part of a Development Plan ;

(25) "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, appertaining to such building ; and "residential" shall be construed accordingly ;

(26) "Rule" means a rule made under this Act by the State Government ; and

(27) "Slum area" means any predominantly residential area, where the dwellings which by reason of dilapidation, over-crowding, faulty arrangement of design, lack of ventilation, light or sanitary facilities or any combination of these factors, are detrimental to safety, health or morals and which is defined by a development plan as a slum area ;

(28) Words and expressions not defined in this Act have the same meaning as in the *..... Municipal Act, 19.....

CHAPTER II

State Town and Country Planning Board

3. **State Town and Country Planning Board.**—(1) As soon as may be, after the commencement of this Act, the State Government, shall, by notification in the Official Gazette constitute and appoint for the purpose of carrying out the functions assigned to it under this Act, a Board to be called the State Town and Country Planning Board.

(2) The Board† shall consist of a Chairman and not less than four, and not more than fourteen other members appointed by the State Government : the State Government may if it thinks fit, appoint one of the members as Vice-Chairman of the Board.

(3) As soon as may be, after the commencement of this Act, the State Government, shall, by notification in the Official Gazette appoint, for the purpose of carrying out functions assigned to him under this Act, a town and country planner, to be called the Chief Town Planner, to the State Government.

(4) The Chief Town Planner to the State Government shall be ex-officio Member-Secretary to the Board.

4. **Functions and Powers of the Board.**—(1) Subject to the provisions of this Act, and the rules framed thereunder, the functions of the Board shall be to guide, direct, and assist the Local Planning Authorities, to advise the State Government in matters relating to

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*Relevant Municipal or other Acts to be quoted

†A suggested composition of the Board may be seen in the explanatory note to the Model Act.

planning, the development and use of rural and urban land in the State, and to perform such other functions as the State Government may, from time to time, assign to the Board.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Board may, and shall, if required by the State Government—

(a) direct the preparation of Development Plans by Local Planning Authorities ;

(b) undertake, assist and encourage the collection, maintenance, and publication of statistics, bulletins and monographs on planning and its methodology ;

(c) prepare and furnish reports relating to the working of this Act ;

(d) perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

(3) The Board may exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act.

5. **Term of Office and Conditions of service of Chairman and Members of State Planning Board.**—(1) The term of office and conditions of service of the Chairman and other members of the Board shall be such as may be prescribed ; and they shall be entitled to receive such salaries or allowances or both as may be fixed by the State Government.

(2) The State Government may, if it thinks fit, terminate the appointment of Chairman or any members of the Board at any time.

(3) The Chairman or any member may resign his membership of the Board by giving notice in writing to the State Government and on such resignation being accepted by the State Government, he shall cease to be a member of the Board.

(4) Any vacancy so created shall be filled by fresh appointment by the State Government.

6. **Meetings of the State Planning Board.**—(1) The Board shall meet at such times and places and shall, subject to provisions of sub-section (2) and (3) observe the procedure as may be prescribed in regard to the transaction of its business at such meeting.

(2) The Chairman or in his absence the Vice-Chairman if any, or in the absence of the Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Board.

(3) All questions, at a meeting of the Board, shall be decided by a majority of the votes of the members present and voting and in the case of equality of votes, the person presiding shall have a second or casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose, which shall be signed at the next ensuing meeting by the person presiding at such meeting, and shall be open to inspection by any member during office hours.

CHAPTER III

Local Planning Areas & Local Planning Authorities

7. **Declaration of Local Planning Areas, their amalgamation, sub-division, inclusion of any area from Local Planning Area.**—(1) The State Government may, by notification declare any area in the State to be a Local Planning Area for the purposes of this Act, and on such declaration this Act shall apply to such area.

Provided that no military cantonment or part of a military cantonment shall be included in any such area.

(2) Every such notification shall define the limits of the area to which it relates.

(3) The State Government may, after consultation with the Board, amalgamate two or more planning areas into one local planning area, sub-divide a local planning area into different local planning areas, and include such divided areas in any other local planning area.

(4) The State Government may by notification direct that all or any of the rules, regulations, orders, directions and powers made, issued, conferred and in force in any other local planning area at the time, with such exceptions and adaptations and modifications as may be considered necessary by the State 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.

(5) When local planning areas are amalgamated or sub-divided, or such sub-divided areas are included in other local planning areas, the State Government shall, after consulting the Board, the local planning authority or authorities concerned, frame a scheme determining what portion of the balance of the fund of the local planning authority shall vest in the planning authority or authorities concerned and in what manner the properties and liabilities of the planning authority or authorities shall be apportioned amongst them and on the scheme being notified the fund, property and liabilities shall vest and be apportioned accordingly.

8. **Power to withdraw Local Planning Area from operation of this Act.**—(1) The State Government may, by notification withdraw from the operation of this Act the whole or a part of any local planning area declared thereunder.

9(2) The State Government may, in consultation with the Board, appoint a local authority as the planning authority for the area of that local authority and for such other contiguous or adjacent area or areas as the State Government may declare as the local planning area under Section 7.

In case where a local authority is appointed as a planning authority the provisions of sections 10, 12 & 14 shall not apply but the provisions of the Act under which that local authority is constituted shall continue to apply to it in all these matters.

(b) When a notification is issued under this section in respect of any local planning area :

(i) this Act and all notifications, rules, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the said area ;

(ii) The State Government shall, after consulting the Board and the local authority or authorities concerned, frame a scheme determining what portion of the balance of the fund of the local planning authority shall vest in the State Government, and the local authority or authorities concerned and in what manner the properties and liabilities of the local planning authority shall be apportioned between the State Government, and the local authority or authorities and on the scheme being notified the fund, property and liabilities of the planning authority shall vest and be apportioned accordingly.

9. **Local Planning Authority.**—(a) As soon as may be, after declaration of a local planning area, the State Government in consultation with the Board, shall, by notification in the Official Gazette, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the 'Local Planning Authority" of that area, having jurisdiction over that area.

(b) Every planning 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 moveable and immoveable and to contract and shall by the said name sue and be

(c) Every Planning Authority shall consist of the following persons :

(i) A Chairman.

(ii) A Town Planning Officer, who shall be Member-Secretary to the Planning Authority.

(iii) Representatives of local bodies composed as below :

(a) in the case of a planning area having only one local body within its jurisdiction, a representative nominated by that local body and the Chief Executive Officer of that local body ;

(b) in the case of a planning area having two or more local bodies within jurisdiction, one representative each of such local bodies as the State Government may consider necessary to be represented, nominated by the respective local bodies.

Provided, the total number of such representatives does not exceed FIVE.

(iv) Three other members, to be appointed by the Government.

(d) The State Government may, if it thinks fit, appoint one of members as Vice-Chairman of the Planning Authority.

10. **Term of Office and Conditions of Service of the Chairman and members of Planning Authorities.**—(1) The term of office and conditions of service of the Chairman and members of the planning authorities shall be such as will be prescribed and they shall be entitled to receive such salaries or allowances as may be fixed by the State Government.

(2) Members of Planning Authorities, except those nominated by local bodies as provided for under 9(1)c(iii), shall hold office at the pleasure of the Government.

(3) The Chairman or any member except those nominated by the local bodies as provided for under 9(1)c (iii) may resign his membership of the planning authority by giving notice in writing to the State Government and on such resignation being accepted, he shall cease to be a member of that planning authority.

(4) Any vacancies created in respect of (i), (ii), & (iv) of 9(1)(c) shall be filled by fresh appointment by State Government.

(5) Representatives of local bodies shall, subject to the provisions of 9(1)(c) shall be filled by fresh appointment by State Government.

11. **Functions and powers of the Local Planning Authorities.**—Subject to the provisions of this Act, the rules framed thereunder and any directions which the State Government may give, the functions of every planning authority shall be, and it shall have power, to prepare—

(a) an Existing Land Use Map ;—

(b) an Interim Development Plan ; —

(c) a Comprehensive Development Plan ; —

(d) to prescribe uses of land within its area. —

and for these purposes it may carry out or cause to be carried out surveys of its planning area and to prepare report or reports of such surveys ;

and to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

12. **Meetings of Planning Authorities.**—(1) Each Planning Authority shall meet at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

(2) The Chairman, or in his absence, the Vice-Chairman if any, or in the absence of the Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Planning Authority.

(3) All questions at a meeting of the Planning Authority shall be decided by a majority of the votes of the members present and

voting, and in the case of an equality of votes, the person presiding shall have a second or casting vote.

(4) Minutes shall be kept of the names of the members present and of the proceedings at each meeting in a book to be kept for this purpose, which shall be signed at the next ensuing meeting by the person presiding at such meeting, and shall be open to inspection by any member during office hours.

13. **Temporary association of persons with the Planning Authority for particular purposes.**—(1) The planning authority may associate with itself in such manner and for such purposes as may be prescribed by rules any person whose assistance or advice it may desire in performing any of its functions under this Act.

(2) Any person associated with it by the planning authority under sub-section (1) for any purpose shall have a right to take part in the discussions of the planning authority relevant to that purpose but shall not have a right to vote at a meeting and shall not be a member for any other purpose.

14. **Staff of the Planning Authority.**—(1) Subject to such control and restrictions as may be prescribed by rules, a planning authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(2) The officers and employees of the planning authority shall be entitled to receive such salaries and allowances, if any, as may be fixed by the planning authority and shall be governed by such terms and conditions of service as may be determined by rules and regulations made in this behalf.

CHAPTER IV

Present Land Use Map

15. **Preparation of Present Land Use Map and Register.**—As soon as may be, after its constitution every planning authority shall, not later than six months after its constitution or within such time as the State Government may, from time to time extend, prepare a Present Land Use Map (hereinafter called the Map) and a Land Use Register in the form to be prescribed indicating the present use of every piece of land in the local planning area.

16. **Notice of the preparation of the Map and Register.**—(1) After the preparation of the map, the planning authority shall publish a public notice of the preparation of the Map and the Register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Map and Register within 15 days of the publication of such notice.

Provided that, if a local authority has been declared as a planning authority for any area and it has prepared a Map or a Register

or both of the area before the application of this Act to that area, the map or the Register already prepared shall be deemed to be a Map and a Register under section 15.

(2) After the expiry of the period mentioned in sub-section (1) the Town Planning Officer of the planning authority shall, after allowing a reasonable opportunity of being heard to all the persons who have filed the objections make a report to the planning authority.

(3) The planning authority shall consider the report of its Town Planning Officer and may make such modifications in the Map or Register or both as it considers proper and adopt the Map and the Register by a resolution.

(4) As soon as may be, after the adoption of the Map and the Register, the planning authority shall publish a public notice of the adoption of the map and the Register and the place or places where the copies of the same may be inspected and shall submit copies of the map and the Register to the Board and the State Government.

(5) A copy of such public notice shall also be published in the Official Gazette. The publication of the copy of the public notice in the Official Gazette in respect of the map and the Register shall be conclusive evidence that the Map and Register has been duly prepared and adopted.

17. **The power of the State Government in case of default of the Planning Authority to prepare the Map and Register.**—(1) Where by virtue of the foregoing provisions of this chapter a Map and a Register is to be prepared, then—

(a) if within the period prescribed or within such period which the State Government has extended, no map or Register has been prepared, or

(b) if at any time the State Government is satisfied that the planning authority is not taking steps necessary to prepare such a Map and a Register within that period.

the State Government may direct the Chief Town Planner to prepare the Map and the Register.

(2) After preparation of the Map and the Register the Chief Town Planner shall submit the same to the Board, and the Board shall follow the procedure and exercise the powers of the planning authority under section 16.

(3) Any expenses incurred under this section in connection with the making of the Map and the Register with respect to the area of a planning authority shall be paid by the planning authority.

CHAPTER V

Development Plans

18. **Interim Development plans.**—(1) As soon as may be, after the declaration of a local planning area, the planning authority shall, not later than one year after such declaration or within such time as

the State Government may, from time to time extend, prepare, after consultation with the local authorities concerned, if any and submit to the Board and the State Government, a plan (hereinafter called the "Interim Development Plan") for the planning area or any of its parts and such other area or areas contiguous or adjacent to the planning area as the State Government may direct to be included in the Interim Development Plan.

(2) The Interim Development Plan shall—

(a) indicate broadly the manner in which the planning authority proposes that land in such area should be used;

(b) allocate areas or zones of land for use—

(i) for residential, commercial, industrial and agricultural purposes;

(ii) for public and semi-public open spaces, parks and playgrounds;

(iii) for such other purposes as the planning authority may think fit

(c) indicate, define and provide—

(i) for existing and proposed national highways, arterial roads, ring roads, and major streets;

(ii) the existing and proposed other lines of communication, including railways, tramways, airports, canals;

(d) include regulations (hereinafter called zoning regulations) to regulate within each zone the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures, and land.

(3) The Interim Development Plan may indicate, define and provide for—

(i) the existing and proposed public and semi-public buildings: and

(ii) all or any of the purposes and matters as may be indicated, defined and provided for in the comprehensive development plan under Section 19.

(4) Subject to provisions of the rules made under this Act for regulating the form and contents of the Interim Development Plan any such plan shall include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals in the Interim Development Plan.

19. **Comprehensive Development Plan.**—(1) As soon as may be, after the declaration of a local planning area, the planning authority shall, but not later than 3 years after such declaration or within such time as the State Government may, from time to time, extend, prepare after consultation with the local authorities concerned, if

any, and submit to the Board and the State Government a plan (hereinafter called "Comprehensive Development Plan") for the planning area or any of its parts and such other area or areas contiguous or adjacent to the planning area as the State Government may direct to be included in the Comprehensive Development Plan.

(2) The Comprehensive Development Plan shall—

(a) indicate, define and provide for all the matters that have to be or may be indicated, defined and provided for in the Interim Development Plan with such modifications as the planning authority deems fit;

(b) indicate, define and provide for—

(i) areas reserved for agriculture, public and semi-public open spaces, parks, playgrounds, gardens and other recreational uses, green belts and nature reserves;

(ii) comprehensive land allocation of areas or zones for residential, commercial, industrial, agricultural, and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

(iv) major road and street improvements;

(v) area reserved for public buildings and institutions and for new civic development;

(vi) areas for future development and expansion, and areas for new housing;

(vii) amenities, services and utilities;

(viii) all such matters as may be prescribed by the rules or may be directed by the State Government or the Board to be indicated, defined, and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size of buildings and other structures, the size of yards, courts, and other open spaces and the use of buildings, structures and land;

(d) indicate the stages by which the plan is proposed to be carried out.

(3) The Comprehensive Development Plan may—

(a) indicate, define and provide for—

(i) all such matters as the planning authority may consider expedient to be indicated, defined and provided for in the development plan;

(ii) detailed development of specific areas for housing, shopping centres, industrial areas and civic centres, educational and cultural institutions;

(iii) control of architectural features, elevation and frontage of buildings and structures;

(b) designate, as land subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purpose of—

(i) The Union of India, the State, local authorities or any other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad layout or obsolete development and slum areas and provision for relocation of population;

(iii) the provision of open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan;

(v) any of the matters as are referred to in sub-section (2).

(4) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the development plan.

20. Development Plan prepared prior to the application of this Act to be deemed Development Plan under this Act.—If any local authority has been declared as a planning authority for a planning area and the local authority has prepared a development plan for the planning area before the application of this Act to that area, the development plan already prepared may be deemed to be a development plan under Section 18 or Section 19 of this Act.

21. Power of State Government in case of Default of Planning Authority to prepare Development Plan.—(1) Where, by virtue of the foregoing provisions of this Act, a development plan is to be prepared—

(a) if within the period prescribed or within such period which the State Government has extended, no development plan has been prepared, or,

(b) if at any time the State Government is satisfied that the planning authority is not taking steps necessary to prepare such a development plan within that period,

the State Government may direct the Chief Town Planner to prepare the development plan.

(2) After preparation of the development plan, the Chief Town Planner shall submit the development plan to the Board and the Board shall follow the procedure and exercise the powers of the planning authority under Section 22, 23, 24 and 25.

(3) Any expenses incurred under this section in connection with the preparation of the development plan for the planning area of a planning authority, shall be paid by the planning authority.

CHAPTER VI

Procedure for Approval and Preparation of Development Plan

22. **Consent of the Government to the Publication of Notice of Preparation of Development Plan.**—(1) As soon as may be, after the development plan has been submitted to the Board and the State Government, but not later than the time prescribed by the rules, the State Government may direct the planning authority to make such modifications in the development plan as the State Government thinks fit and thereupon the planning authority shall make these modifications.

(2) The State Government shall, after the modifications, if any, directed by it, have been made, give its consent to the publication of a public notice under section 23(1), of the preparation of the Development Plan to the planning authority.

23. **Public Notice of the Preparation of the Development Plan.**—(1) As soon as may be, after the local planning authority had received the consent of the State Government to the publication of the notice under section 22(2), the planning authority shall publish the public notice in the Official Gazette and in a local newspaper, of the preparation of the development plan and the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the development plan within such period as may be specified in the notice :

Provided that such period shall not be less than 2 months from the date the notice is published in the Official Gazette.

(2) After the expiry of the period mentioned in sub-section (1) the planning authority shall appoint a Committee consisting of the Town Planning Officer and not more than two of its other members, to consider the objections filed under sub-section (1) and report on them within such time as the planning authority may fix in this behalf.

(3) The Committee so appointed shall have power to co-opt any other person, such co-option being subject to the provision of Section 13.

(4) Such Committee shall allow a reasonable opportunity of being heard, to any person, including representatives of government departments or local authorities, who has filed any objection, and who has made a request for being so heard.

(5) As soon as may be, after the receipt of the Report from the Committee, but not later than the time prescribed by the rules, the planning authority shall consider the report of the Committee and may make such amendments in the Development Plan as it considers proper, and shall submit the Development Plan with or without modifications together with the report of the Committee to the Board and to the State Government.

24. **Approval by the State Government.**—As soon as may be, after the submission of the development plan, but not later than

the time prescribed by the rules, the State Government after consulting the Board, may, either approve the development plan or may approve it, with such modifications, as it may consider necessary, or may return the development plan to the planning authority to modify the plan or to prepare a fresh plan in accordance with such directions as the State Government may issue in this behalf.

25. **Coming into Operation of the Development Plan.**—(1) Immediately after the development plan has been approved by the State Government, the planning authority shall publish a public notice in the Official Gazette and in a local newspaper, of the approval of the development plan and the place or places where copies of the development plan may be inspected.

(2) From the date of publication of the aforesaid notice in the Official Gazette the development plan shall come into operation.

(3) After the coming into operation of the Comprehensive Development Plan, the Interim Development Plan shall stand modified or altered to the extent the proposals in the Comprehensive Development Plan are at variance with the Interim Development Plan.

(4) (a) Within one month of the coming into operation of any development plan, any person aggrieved by it, may make an application to the High Court questioning the validity of the development plan or any provisions contained therein on the following grounds—

(i) that it is not within the powers conferred by this Act, or

(ii) that any requirement of this Act or any rules made thereunder have not been complied with in relation to the making of the development plan.

(b) The High Court, after giving an opportunity to the planning authority concerned, the Board and the State Government to be heard,

(i) 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

(ii) if satisfied that the 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, may quash the plan or any provision contained therein generally or in so far as it affects any property of the applicant.

(5) Subject to the provisions of sub-section (4), a development plan shall not, either before or after it has been approved, be questioned in any manner, in any legal proceedings whatsoever.

26. **Amendment of Development Plans.**—(1) At any time after the date on which the Development Plan for an area comes into operation, and at least once in every 10 years after that date, the planning authority shall, after carrying out such fresh surveys as

may be considered necessary or directed by the Board and the State Government, prepare after consultation with the local authorities concerned, if any, and submit to the Board and the State Government, a development plan for any alteration or additions considered necessary by the planning authority to the Development Plan in operation.

(2) The provisions of Sections 23, 24 and 25 with such modifications as may be necessary shall apply to such a development plan.

27. **Suspension of Plan in Emergency by the Government.**—If the State Government is satisfied that a grave emergency exists which necessitates the suspension of any development plan or part of any development plan, it may, by a notification in the Official Gazette, suspend any development plan or any part of it.

CHAPTER VII

Control of Development and Use of Land

28. **Use and Development of Land to be in Conformity with Development Plan.**—After the coming into operation of any development plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such development plan.

Provided that the planning authority, may allow the continuance, for a period not exceeding 10 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 development plan came into operation.

29. **Prohibition of Development without payment of Development Charges and without Permission.**—(1) After the application of this Act to any area and subject to the provisions relating to the development charge and other provisions of this Act, no development, 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 authority certifying that the development charge as leviable under this Act has been paid or that no such development charge is 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 affect 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 excavations (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, of any other building or land attached to such building.

(2) Any person or body (excluding a department of Central or State Government or local authority) intending to carry out any development on any land shall make an application in writing to the planning authority for permission in such form and containing such particulars and accompanied by such documents and plans as may be prescribed by the rules or the regulations,

Provided that in the case of a department of Central or State Government or local authority (where the local authority is not also the planning authority) intending to carry out any development on any land, the concerned department or authority, as the case may be, shall notify in writing to the planning authority of its intention to do so, giving full particulars thereof and accompanied by such documents and plans as may be prescribed by State Government from time to time, at least, one month prior to the undertaking of such development; where a planning authority has raised any objection in respect of the conformity of the proposed development either to any development plan under preparation, or to any of the building bye-laws in force at the time, or due to any other material consideration, under sub-section (4), the department of the authority, as the case may be, shall—

(i) either make necessary modifications in the proposals for development to meet the objections raised by the planning authority, or

(ii) submit the proposals for development together with the objections raised by the planning authority to the State Government for decision.

The State Government on receipt of the proposals for development together with the objections of the planning authority, shall in consultation with the Chief Town 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 provisions of sub-section (3) shall not apply in this case.

(3) On such application having been duly made, and on payment of the development charge as may be assessed under Chapter VIII,

(a) the planning authority may pass an order—

(i) granting permission unconditionally ; or

(ii) granting permission subject to such conditions as it may think fit ; or

(iii) refusing permission ;

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

(i) to the effect that the permission granted is only for a limited period and 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 of 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 planning authority expedient for the purpose of the permitted development.

(4) The planning authority in dealing with the applications for permission shall have regard to—

(i) the provisions of the development plan, if it has come into operation ;

(ii) the proposals or provisions which it thinks are likely to be made in any development plan under preparation ; or to be prepared ; and

(iii) any other material consideration.

(5) When permission is granted subject to conditions or is refused, the grounds of imposing such conditions or such refusal be recorded in the order.

(6) Any such order shall be communicated to the applicant in the manner prescribed by regulations.

(7) The planning authority may, by a resolution, delegate any of its functions and powers under this section to—

(a) any local authority,

(b) any officer of the State Government with previous approval of the Government for such delegation. or

(c) any officer of the planning authority or local authority as may be mentioned therein,

in such cases and subject to such conditions, if any, as may be specified therein.

30. **Appeal against grant of permission subject to conditions or refusal of Permission.**—(1) Any applicant aggrieved by an order passed under the last foregoing section, or if no order is passed under sub-section (2) of the last foregoing section, may appeal within one month of the communication of that order to him, on after the expiry of the aforesaid period of three months, in the manner and accompanied by such fees as may be prescribed by the rules, to the Board.

(2) The Board, after receiving the appeal, may give a reasonable opportunity to the appellant and the planning authority to be heard or the Board may cause the Chief Town Planner, or any other person appointed by him in this behalf, to give a reasonable opportunity to the appellant and the planning authority concerned to be heard and to submit thereafter his report on the appeal to the Board.

(3) After hearing the appellant and the planning authority concerned or after considering the aforesaid report the Board may pass an order dismissing the appeal or accepting the appeal by--

(i) granting permission unconditionally ; or

(ii) granting permission subject to such condition as it may think fit ; and

(iii) removing the conditions subject to which permission has been granted and imposing other conditions, if any, as it may think fit.

(4) The Board may, by a resolution, delegate any of its functions and powers under this section to the Chief Town Planner, in such cases and subject to such conditions, if any, as may be specified therein.

31. **Lapse of Permission.**—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 authority may, on application made in this behalf before the expiry of the aforesaid period, extend such period, for such time as it may think proper ; but such extended period shall in no case exceed three years :

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

32. **Obligation to acquire on Refusal of Permission, or on Grant of Permission in certain cases.**—(1) Where any person, interested in the land aggrieved by an order in appeal under section 30 refusing to grant permission to develop the land, or granting permission subject to conditions, claims—

(a) that the land has become incapable of reasonably beneficial use in the existing state, or

(b) in a case where permission to develop the land was granted subject to conditions, that the land cannot be rendered capable of reasonably beneficial use by carrying out the permitted development in accordance with these conditions,

he may within three months and in the manner prescribed by the rules serve on the State Government a notice (hereinafter referred to as an acquisition notice) requiring the State Government to acquire his interest in the land.

(2) A copy of such notice shall at the same time be served on the Board and the planning authority concerned.

(3) After receiving notice under sub-section (1), the State Government shall appoint a person who shall give reasonable opportunity to the person interested serving the acquisition notice, the planning authority concerned, and the Board, to be heard and shall submit a report thereon to the State Government; after receiving such report, the State Government,

(a) (i) if satisfied that the conditions specified in clause (a) or (b) of sub-section (1), are not fulfilled,

or

(ii) if the order appealed against was passed on the ground of not complying with any provisions of this Act, rules or regulations that may be applicable,

shall pass an order refusing to confirm the notice;

(b) if satisfied that the conditions specified in clauses (a) or (b) of sub-section (i) are fulfilled regarding the land or any part of the land,

shall pass an order;

(i) confirming the notice;

or

(ii) directing the planning authority to grant such permission to develop the land or grant the permission subject to such conditions as will keep the land capable of reasonably beneficial use.

(4) If within the period of one year from the date on which an acquisition notice is served under sub-section (1), the State Government has not passed any order under the last foregoing sub-section, the notice shall be deemed to have been confirmed at the expiration of that period.

(5) Upon confirmation of the notice under either of the two last foregoing sub-sections, the State Government shall proceed to acquire the land or that part of any land regarding which the notice has been confirmed within one year of the confirmation of the acquisition notice.

33. **Compensation for Refusal of Permission or Grant of Permission subject to conditions in certain cases.**—(1) Where an order

in appeal under section 30 refusing to grant permission, or granting permission subject to conditions, relates to any of the following developments—

(a) the re-erection of a building which has been destroyed or demolished so long as the cubic content of the original building is not exceeded by more than one-tenth ;

(b) the enlargement, improvement or other alteration of any building which was in existence on the date, a development plan relating to the area comes into operation for the first itme, so long as the cubic content of the original building is not exceeded by more than one-tenth ;

(c) the carrying out, on land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement, improvement or alteration of a building for human habitation or of building used for the purpose of marketing of the produce of land ;

(d) where any part of any building or other land which on the date of coming into operation for the first time of a development plan relating to the area is used for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on that day, or as the case may be, one-tenth of the area of the land so used on that date,

the owner may, within the time and in the manner prescribed by rules under this Act, claim upon the planning authority, if he has not been served an acquisition notice, or if the acquisition is not confirmed by the State Government under Section 30, compensation for such refusal or for grant of permission subject to conditions :

Provided that no compensation shall be claimable if such refusal or grant of permission subject to condition was based on any provision of any development plan.

(2) The compensation shall be equal to—

(a) where permission is refused, the difference between the value of the land as if the permission had been granted and the value of the land in its existing state ;

(b) where permission is granted subject to conditions, the difference between the value of the land as if the permission had been granted unconditionally and the value of the land with the permission granted subject to conditions.

(3) When a claim is received by the planning authority, the Town Planning Officer shall, after giving an opportunity of being heard to the applicant, make a report to the planning authority.

(4) The planning authority shall, after consideration of the aforesaid report, assess the compensation and offer it to the owner.

(5) 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 authority shall refer the matter for the ad dication of the court and the decision of the court shall be fi and be binding on the owner and the planning authority.

34. **Power of Revocation and Modification of Permission to l velop.**—(1) If it appears to a planning authority that it is expedie having regard to the development plan, prepared, under preparat or to be prepared and to any other material considerations, that i permission to develop land granted under this Act or any other la should be revoked or modified, the planning authority may, by order, revoke or modify the permission to such extent as appears it to be necessary :

Provided that—

(a) where the permission relates to the carrying out of bu ing or other operations, no such order,

(i) shall affect such of the operations as have been previou carried out ;

(ii) shall be passed after these operations have been co pleted ;

(b) where permission relates to a change of use of land, such order shall be passed at any time after the chan has taken place.

(2) When permission is revoked or modified by an order ma under the last foregoing section, if the owner claims from the pl ning authority, within the time and in the manner prescribed, c pensation for the expenditure incurred in carrying out the wo after the grant of permission and in accordance with such perm sion, which has been rendered abortive by the revocation or m fication, the planning authority shall, after giving the ow reasonable opportunity of being heard by the Town Planning Offic and after considering the Town Planning Officer's report, ass and offer such compensation to the owner as it thinks fit.

(3) If the owner does not accept the compensation and gi notice, within such time as may be prescribed, of his refusal accept, the planning authority shall refer the matter for the ac dication of the court and the decision of the court shall be fi and be binding on the owner and the planning authority.

35. **Penalty for Unauthorised Development or for Use otherw than in Conformity with the Development Plan.**—(1) Any pers who, whether at his own instance or at the instance of any ot person or anybody commences, undertakes or carries out deve ment, institutes, or changes any use of any land—

(a) in contravention of any development plan ;

(b) without obtaining a certificate regarding development ch ges under section 29 (1) (a) ;

(c) without permission as required under this Act ;

(d) in contravention of any condition subject to which s permission has been granted ;

(e) after the permission for development has been revoked under section 34; or

(f) in contravention of the permission which has been modified under section 34,

shall be punishable with a fine which may extend to ten thousand rupees, 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 a development plan without having been allowed under section 28, 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 fine which may extend to five thousand rupees and in the case of a continuing offence with a further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence.

36. Power to Require Removal of Unauthorised Development.— (1) Where any development of land has been carried out as described in Section 35, the planning authority may, within four years of such development, serve on the owner a notice requiring him, within such period, being not less than one month, as may be specified therein, after the service of the notice, to take such steps as may be specified in the notice,

(i) in cases specified in clauses (a), (c), or (e) thereof to restore the land to its condition before the said development took place;

(ii) in cases specified in clause (d) or (f) thereof to secure compliance with the conditions or with the permission as modified;

(iii) in case specified in clause (b) to pay the development charge and such penalty, if any, as may be prescribed by the Rules,

and, in particular, any such notice may, for the purpose aforesaid require—

(i) the demolition or alteration of any buildings or works;

(ii) the carrying out on land, of any building or other operations; or

(iii) the discontinuance of any use of land :

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

(2) Any person aggrieved by such notice may, within the said period and in the manner prescribed—

(a) apply for permission under section 29 of this Act for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates ; or

(b) appeal to the Board.

(3) (a) The notice shall be of no effect pending the final determining or withdrawal of the application or the appeal.

(b) (i) The provisions of the foregoing sections 29 and 30 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.

(4) On an appeal made to the Board under sub-section (2), the Chief Town Planner or any other person appointed by him in this behalf shall, after allowing a reasonable opportunity of being heard to the appellant and the planning authority concerned, submit his report to the Board.

(5) After considering the aforesaid report, the Board may dismiss the appeal or accept the appeal by quashing or varying the notice as it may think 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 the sub-section (2) 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 authority may—

(a) prosecute the owner for not complying with the notice and in the 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 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 authority may recover the cost of any expenses incurred by it in this behalf from the owner as arrears of land revenue.

(7) Any person prosecuted under sub-section 6(a) shall be punishable with a fine which may extend to ten thousand rupees, 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.

37. **Power to Stop Unauthorised Development.**—(1) Where any development of land as described in Section 35 is being carried out but has not been completed, the planning 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 sub-sections (4) and (5) of Section 36 shall apply with such modification as may be necessary :

Provided that provisions of clause (a) of sub-section (3) of Section 36 shall not apply and in spite of the filing of an application for permission for development or an appeal as provided in sub-section (2) of Section 36, 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 a fine which may extend to ten thousand rupees, 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 the non-compliance has continued or continues.

(4) If such notice is not complied with forthwith the planning authority or such officer of the planning authority, who may be authorised in the 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 authority or such officer of the planning authority who may be authorised in his behalf, may, if he thinks fit, depute by a written order, a police officer or any officer or employee of the planning authority to watch the land in order to ensure that the development is not continued.

(6) Where a police officer or an officer or employee of the planning 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.

38. **Power to require Removal of Authorised Development** or use.—(1) If it appears to a planning authority that it is expedient

in the interest of the proper planning of its areas (including the interests of amenities), having regard to the 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 buildings or works should be altered or removed :

the planning 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 aggreived by such notice, may, within the said period and in the manner prescribed, appeal to the Board.

(3) If an appeal is filed under the last foregoing sub-section the provisions of clause (a) of sub-section (3) and sub-section (4) and (5) of Section 36 shall apply, with such modifications as may be necessary.

(4) If any person—

(i) who 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

(ii) who has carried out any works in compliance with the notice,

claims, from the planning 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 (3) to (5) of section 33 shall apply with such modifications as may be necessary.

(5) (a) If any person interested in the land in respect of which a notice is issued under this section claims that by the 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 State Government, an acquisition notice requiring his interest in the land to be acquired.

(b) When a notice is served under the last foregoing sub-section, the provisions of sub-sections (2) to (5) of section 32 shall apply with such modifications as may be necessary.

39. **Interim Provision pending preparation of Development Plan.**—Where a planning authority, in the exercise of its functions and powers with respect to any area under it is required to have regard to the provisions of a development plan before such development plan has become operative, the planning 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.

CHAPTER VIII

Levy, Assessment and Recovery of Development Charge.

40. **Levy of Development Charge.**—(1) Subject to the provisions of this Act, and the rules under it and with previous sanction of the State Government, every planning authority shall, by a notification published in the Official Gazette, levy a charge (hereinafter called the Development Charge) on the carrying out of any development or the institution or change of use of land, for which permission is required under Chapter VI of this Act, in the whole or any part of the planning area, at rates specified in Section 41:

Provided that the rates may be different for different parts of the planning area.

(2) The charge shall be leviable on any person who undertakes or carries out such development and institutes or changes any such use.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no development charge shall be levied on development, or institution of, or change of use of any land vested in or under the control or possession of the Central Government, the State Government or any local authority.

(4) The State Government, may, by rules provide for the exemption from the levy of development charge any development, or institution, or change of any use of any land specified in the rules.

41. **Rates of the Development Charge.**—The Development Charge shall not exceed ;

(1) (a) for the institution of use :—

(i) for residence	Rs.	p/- per sq. metre
(ii) for industry	Rs.	q/- per sq. metre
(iii) for commerce	Rs.	r/- per sq. metre

(b) for change of use :

(i) from agriculture to residence . .	Rs.	s/- per sq. metre
(ii) from agriculture to industry . .	Rs.	t/- per sq. metre
(iii) from agriculture to commerce . .	Rs.	u/- per sq. metre
(iv) from residence to industry . . .	Rs.	v/- per sq. metre

(v) from residence to commerce	. .	Rs.	w/- per sq. metre
(vi) from industry to residence	. . .	Rs.	x/- per sq. metre
(vii) from industry to commerce	. . .	Rs.	y/- per sq. metre and
(2) for carrying on of development by erection or re-erection of any building or works.		Rs.	z/- per cubic metre of the content of such building or works.

42. **Assessment of Development Charge.**—(1) Any person who intends to carry out any development or to institute or change any use of any land for which permission under Chapter VI is necessary, whether he has applied for such permission or not, or who has commenced the carrying out of any such development or has carried out such development or instituted or changed any such use, shall apply to the planning authority in the manner prescribed for the assessment of development charge payable in respect thereof.

(2) The planning authority shall, on such application being made, or if no such application is made, after serving a notice on the person liable for development charge, determine whether or not, and if so, what development charge is leviable in respect of that development or use.

(3) The Town Planning Officer shall, after giving a reasonable opportunity of being heard to the person who has made an application under sub-section (1) or who has been served with a notice under sub-section (2) make a report to the planning authority.

(4) After taking into consideration the aforesaid report the planning authority shall assess the amount of development charge by an order.

Provided that—

(a) where permission under Chapter VI has not been granted for carrying out the said development the planning authority may postpone the assessment of the development charge ;

(b) where the application relates to the carrying out of any development, the planning authority may refuse to assess the development charge payable in respect thereof, unless it is satisfied that the applicant has an interest in the land sufficient to enable him to carry out such development, or that the applicant is able to obtain such interest and that the applicant will carry out the development within such period as the planning authority considers appropriate ;

(c) where the application relates to the institution or change of any use, the planning authority may refuse to assess the amount of development charge in respect thereof unless it is satisfied that the use will be instituted within such period as the planning authority considers appropriate.

(5) The planning authority shall deliver or serve a copy of such order on the applicant or the person liable for the development charge.

(6) Such order of assessment, subject to provisions of section 43 shall be final and shall not be questioned in any court.

43. **Appeals against Assessment.**—(1) If any person, liable for such development charge is dissatisfied with the order of assessment, he may, within such time and in such manner as may be prescribed appeal to the Board.

(2) On an appeal made to the Board under sub-section (1) the Chief Town Planner shall, after giving reasonable opportunity of being heard to such person and the planning authority concerned, make a report to the Board.

(3) The Board, may, after taking into consideration the aforesaid report, and if it deems necessary, giving a reasonable opportunity of being heard to such person and the planning authority concerned, pass such order as it deems fit.

44. **Development charge to be a charge on land and to be recoverable as Arrears of Land Revenues.**—(1) If any development of land is commenced or carried out or any use is instituted or changed without payment of the amount of the development charge assessed under the provision of this chapter, the amount of the development charge, shall, subject to prior payment of the land revenue, if any, be a first charge upon the interest of the person so liable in the land on which development has been commenced or carried out or the use has been instituted or changed, and also in any other land in which such person has any interest.

(2) The development charge shall be recoverable as arrears of land revenue.

CHAPTER IX

Finance, Accounts, and Audit

45. **Funds of the Planning Authority.**—(1) Every planning authority shall have and maintain its own fund to which shall be credited—

(a) all moneys received by the planning authority from the State Government by way of grants, loans, advances, or otherwise ;

(b) all development charges or other charges or fees received by the planning authority under this Act or rules or regulations thereunder ;

(c) all moneys received by the planning authority from any other source.

(2) The 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 planning area for purposes of development ;

(c) the expenditure for any development of land in the planning area, and

(d) the expenditure for such other purposes as the State Government may direct.

(3) Every planning authority may keep in current account of the State Bank of India or any other bank approved by the State Government in this behalf such sum of money out of its funds as may be prescribed by the rules and any money in excess of the said sum shall be invested in such manner as may be approved by the State Government.

(4) The State Government may, make such grants, advances and loans to any planning authority as it may deem necessary for the performance of the functions under this Act : and all grants, loans and advances made shall be on such terms and conditions as the State Government may determine.

46. **Budget of the Planning Authority.**—Every planning authority shall prepare in such form and at such time every year as may be prescribed by the rules, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the planning authority and shall forward to the State Government and the Board such number of copies thereof as may be prescribed by rules.

47. **Accounts and Audit.**—(1) Every planning authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance sheet in such form as the State Government may by rules prescribe.

(2) The accounts of every planning authority 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 planning authority to the Accountant General.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts of the planning authority 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 planning authority.

(4) The accounts of every planning authority 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 State Government and the Board.

48. **Annual Reports.**—(1) The Board shall prepare for every year a report of its activities during that year and submit the report

to the State Government in such form and on or before such date as may be prescribed by rules, and the Government shall cause a copy of the report to be laid before the State Legislature.

(2) Every planning authority shall prepare for every year a report of its activities during that year and submit the report to the State Government and the Board in such form on or before such date as may be prescribed by rules.

49. **Pension and Provident Funds.**—(1) Every planning authority shall constitute for the benefit of its whole time paid members and of its officers and other employees, in such manner and subject to such conditions as may be prescribed by rules, such pension and provident funds as it may deem fit.

(2) Where any such pension or provident fund has been constituted, the State 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 X

Supplemental and Miscellaneous Provisions

50. **Power of Entry.**—(1) The Chief Town Planner or Town Planning Officer of any planning authority or any person authorised by the Board or any planning authority in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(a) making any enquiry, inspection, measurement or survey or taking levels 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 thereunder ;

(g) doing any other acts 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 or garden attached to such a building, no such entry shall be made (unless with the consent of the occupier thereof) without giving such occupier at least 24 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 such land or building ;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(2) The power of the Chief Town Planner or the Board under sub-section (1) shall extend to the whole of the State and the power of any Town Planning Officer of any planning authority under sub-section (1) shall extend only to its planning area and such other area which the State Government may have directed to be included in a development plan.

(3) 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 with fine which may extend to one thousand rupees, or with both.

51. **Service of Notices, etc.**—(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 rule or regulation, 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 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 partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any documents to be served on the owner of any property, the secretary to the Board or the planning authority or any other officer authorised by the Board or any planning authority, in this behalf, may 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.

52. **Public Notice How to be Made Known.**—Every public notice given under this Act or rules or regulations thereunder shall be in writing over the signature of the secretary to the Board or any planning authority or such other officer who may be authorised in this behalf by the Board or any planning 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 the secretary to the Board or the planning authority thinks fit.

53. **Notices etc. to fix Reasonable Time.**—Where any notice, order or other document issued or made under this 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 thereunder the notice, order or other document shall specify a reasonable time for doing the same.

54. **Authentication of Orders and Documents of the Board and the Planning Authority.**—All permissions, orders, decisions, notices and other documents of the Board and any planning authority shall be authenticated by the signature of the secretary to the Board or the planning authority or such other officer as may be authorised by the Board, or the planning authority in this behalf.

55. **Mode of Proof of Records of the Board and the Planning Authority.**—A copy of any receipt, application, plan, notice, order,

entry in a register, or other document in the possession of the Board or any planning authority, if duly certified by the legal keeper thereof, or other person authorised by the Board or the planning authority in this behalf, 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.

56. **Restriction on the Summoning of Officers and Servants of the Board and Planning Authority.**—No chairman, member or officer or servant of the Board or any planning authority shall in any legal proceeding to which the Board or planning 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.

57. **Offences by Companies.**—(1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in charge of, and 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 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 convenience 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 officers 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.

58. **Penalty for Obstructing Contractor or Removing Mark.**—If any person—

(a) obstructs, or molests any person engaged or employed by the Board or any planning authority, or any person with whom the Board or the planning authority has entered into a contract, in the performance or execution by such person of his duty, or of anything 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 two hundred rupees or with imprisonment for a term which may extend to two months.

59. **Sanction of Prosecution.**—No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board or the planning authority concerned or any officer authorised by the Board or the planning authority in this behalf.

60. **Composition of Offences.**—(1) The Board or the planning authority concerned or any person authorised in this behalf by general or special order 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.

61. **Jurisdiction of Courts.**—No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act.

62. **Magistrate's Power to Impose Enhanced Penalties.**—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, 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.

63. **Fine when realised to be paid to Planning Authority.**—All fines realised in connection with prosecution under this Act shall be paid to the planning authority concerned.

64. **Members and Officers to be Public Servants.**—Every member and every officer and other employee of the Board and every planning authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

65. **Protection of Action taken in Good Faith.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulations made thereunder.

66. **Finality of Orders.**—Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Government or the Board or order passed or notice issued by any planning authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

67. **Validation of Acts and Proceedings.**—(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 or any planning authority;

(b) any person having ceased to be a member;

(c) any person associated with the Board or any planning authority under section 13 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 and any planning authority, the minutes of the proceedings of which have been duly signed as prescribed in sub-section (4) of section 6 and section (4) of section 12 shall be taken to have been duly convened and to be free from all defects and irregularity.

68. **Power to Delegate.**—(1) The Board may, by a resolution, direct that any power exercisable by it under this Act, rules or regulations thereunder may also be exercised by any planning authority, local authority, or any officer of the Board or the State Government with previous consent of State Government any planning authority or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(2) The Chief Town Planner may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations to any officer of the Board or the State Government or any planning authority or local authority, in such case and subject to such conditions, if any, as may be specified therein.

(3) Any planning authority may, by a resolution, direct that any power exercisable by it under this Act, rules, or regulations thereunder except the power to prepare any development plan or to make regulations, may also be exercised by a local authority or any officer of the State Government with previous consent of State Government, the planning authority or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(4) The Town Planning Officer of any planning authority may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations to any officer of the planning authority or local authority concerned, in such cases and subject to such conditions, if any, as may be specified therein.

69. **Control by the State Government and the Board.**—(1) The Board and every planning authority shall carry out such directions

as may be issued from time to time by the State Government for the efficient administration of this Act and every planning authority shall carry out also such directions as may be issued from time to time by the Board for the purpose.

(2) If in, or in connection with, the exercise of its powers and discharge of its functions by any planning authority under this Act, any dispute arises between the planning authority, the local authority, the Board and the State Government, the decision of the State Government on such disputes shall be final.

70. **Returns and Information.**—(1) The Board and every planning authority shall furnish to the State Government such reports, returns and other information as the State Government may from time to time require.

(2) Every planning authority shall furnish to the Board such reports, returns and other information as the Board may from time to time require.

71. **Effect of the Laws.**—(1) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(2) Notwithstanding anything contained in any such other law—

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained ;

(b) when permission for such 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.

72. **Power to make Rules.**—(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes 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 and planning authorities ;

(b) the term of office and conditions of service of the Chairman and members of the Board and planning authorities ;

(c) the qualification and disqualification for being chosen as, and for being members of the Board or planning authorities;

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

(e) the functions and powers, duties of the Chief Town Planner, the term of his office and conditions of his service ;

(f) the manner of nomination of representatives of local authorities under section 9(1)(c)(iii) ;

(g) the manner in which and the purposes for which any planning authority may associate with itself any persons under section 13 ;

(h) the control and restriction in relation to the appointment of officers and other employees of the Board and of planning authorities ;

(i) the time within which the State Government is to direct modifications in, or to give its consent for publication of notice of preparation of and approval to, any development plan ;

(j) the form and content of the interim development plan and the comprehensive development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form and the manner of publication of, the notice relating to such plan ;

(k) the periodical amendment of development plans, the period on the expiration of which such an amendment may be taken up, procedure to be followed in making such amendment ;

(l) the form in which any application for permission for development shall be made, the particulars to be furnished in such application and documents and plans which shall accompany such application ;

(m) the form of registration of application and the particulars to be contained in such register ;

(n) the manner of filing, and the fees to be paid for, and the procedure to be followed in, appeals ;

(o) 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 ;

(p) procedure for the levy of development charges and exemption from it on any development or institution or change of any use of any land ;

(q) the manner in which application of the assessment of development charge is to be made ;

(r) the sum of money that may be kept in current account ;

(s) the form of the budget of planning authorities, the date on or before which it shall be prepared, the manner of preparing it, the number of copies that have to be sent to the Board and the State Government ;

(t) the form of the annual statement of accounts and balance sheet;

(u) the form of the annual report of the Board and the date on or before which it shall be submitted to the State Government;

(v) the form of the annual report of planning authorities and date on or before which it shall be submitted to the Board and to the State Government;

(w) the manner and the constitution of provident funds for the wholetime paid members and officers and other employees of planning authorities and the conditions subject to which such funds may be constituted;

(x) the documents of which copies may be granted, the fees for such copies;

(y) any other matter which has to be or may be prescribed by rules.

73. **Power to make Regulations.**—Any planning authority may with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purpose of this Act, and without prejudice to the generality of this power such regulations may provide for—

(a) the time and place of holding and procedure to be followed in meetings of the planning authority, the number of members necessary to form a quorum therein;

(b) the powers and duties of the officers and employees of the planning authority;

(c) the salaries, allowances and conditions of service of its officers and employees;

(d) the terms and conditions for the continuance of use of any land used otherwise than in conformity with a development plan;

(e) any other matter which has to be or may be prescribed by rules.

74. **Laying of Rules before State Legislature.**—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 State Legislature may make during the session in which they are so laid or the session immediately following.

75. **Dissolution of Planning Authorities.**—(1) Where the State Government is satisfied that the purposes for which any planning authority was established under this Act have been substantially achieved so as to render the continued existence of the planning authority in the opinion of the State Government unnecessary, the State Government, may, by notification in the Official Gazette, declare that the planning authority shall be dissolved with effect from such date as may be specified in the notification: and the planning authority shall be deemed to be dissolved accordingly.

(2) From the said date--

(a) all properties, funds and dues which are vested in, or realisable by, the planning authority shall vest in, or be realisable by the State Government;

(b) all liabilities which are enforceable against the planning authority shall be enforceable against the State Government; and

(c) for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the planning authority shall be discharged by the State Government.

76. **Repeals and Savings.**— * * *

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ANNEX 2

REVISED MODEL REGIONAL AND TOWN PLANNING AND DEVELOPMENT LAW

29

MODEL REGIONAL AND TOWN PLANNING AND DEVELOPMENT LAW

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TOWN AND COUNTRY PLANNING ORGANISATION
MINISTRY OF URBAN DEVELOPMENT, GOVERNMENT OF INDIA
AUGUST 1985

FOREWORD

The revised model regional and town planning and development law prepared by the Central Town and Country Planning Organisation (TCPO) has largely been the basis for the enactment of comprehensive urban and regional planning legislation in the States and UTs. This model is in the nature of a guideline and is the outcome of several reviews and revisions undertaken on the recommendations of the State Ministers Conference held from time to time. The legality of this model had been confirmed by the Ministry of law.

2. It is kept up-to-date keeping in view the working of the State Town Planning Acts, constitutional amendments, case law on the subject and developments in the field in India and abroad. Initially, the model dealt with the planning aspects only but with a view to ensuring better overseeing and coordination of planning with plan implementation, a combined planning and development law has been formulated in consultation with the concerned central Government Ministries. A single agency under this law can undertake both planning and plan implementation and it is sufficiently equipped to discharge this task.

3. The last Conference of State Ministers of Housing and Urban Development held on 18th and 19th July, 1984 at New Delhi, while reviewing the progress made with regard to the enactment of comprehensive urban and regional planning legislation in the States and UTs recognised the need for undertaking suitable legislation on urban and regional planning by all the State Governments and urged upon the State Governments which had not undertaken such legislation, to do so at an early date. As a follow-up action of this recommendation, the TCPO has been pursuing the enactment of such comprehensive legislation on the lines of the model law and has been rendering all possible assistance in this regard. The printing of this model guidelines intends to afford wider readership to ensure systematic planning and development of urban areas on sound town planning principles in the country. The availability of satisfactory legal tools for undertaking urban development programmes, which are likely to be taken up in the Seventh Plan both under the 20-Point Programme as well as under the central and state programmes, needs hardly to be emphasized. It is hoped that the revised model law would be found useful and a handy guide to enable effectively implement urban development programmes within the long term framework of a statutory plan.

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August 1985
NEW DELHI

PREFACE

Recent years have witnessed increasing interest and a growing national consciousness of the importance of urbanisation, urban development and regional planning in the country's national development effort. The need and urgency for providing effective legal tools at the State level to control and regulate the development of towns and cities on sound town planning principles within an overall comprehensive regional plan frame has been underscored again and again and the State Governments are making efforts to meet this need in a number of ways. One such important legal tool is a town and country planning law.

Town planning law is not a new legal tool in India. Looking back, we find that, in the early part of the 20th century, town planning was considered a part of the municipal administration and dealt with as such but as problems gradually assumed greater proportions both with regard to the scope and complexity, Improvement Trusts were set up (Bombay : 1898, Mysore : 1903, Calcutta : 1911, Uttar Pradesh : 1919, Punjab : 1937, Nagpur :1937, Delhi : 1937) to formulate and implement town improvement schemes. In the meanwhile town improvement schemes were also undertaken under the Town Planning Acts which were introduced in some of the States. The earliest town planning legislation in India was enacted by the Government of Bombay in the year 1915 which was followed by other provinces that is, Madras (1920), United Provinces 1919) and Punjab (1922). Town planning and town improvement activities have been carried out within the framework of such legislation during the last five decades. It would be seen that these Acts did not intend nor did they provide for comprehensive planning which has now come to be accepted as most necessary for directing and regulating urban and regional development. The earlier enactments only provided for undertaking town improvement schemes by the local bodies from the point of view of public health, sanitation, etc. With the industrial growth coupled with urbanisation registered during these decades, there has been growing recognition of the need for viewing urban development not merely as construction of houses or provision of water supply and other community facilities in an unrelated manner but as one whole integrated development in which each sector has a definite functional role to play. Contemporary development planning has brought about realisation of the need for comprehensive town planning legislation at the State and local levels. A Committee on Health Survey and Development constituted under the Chairmanship of Sir Joseph Bhore after taking note of the existing planning legislation in the country recommended the enactment of a uniform planning law to deal with urban and rural areas. The Committee further recommended that the Central Government should draw up a model Town and Country Planning Law which could be adopted by the States.

Following this recommendation, the first Model Town and Country Planning Law was prepared by the erstwhile Central Regional and Urban Planning Organisation in 1960 on the basis of an earlier draft drawn up by the Institute of Town Planners, India. The Model was considered by the first Conference of State Ministers for Town and Country Planning held in 1961, which set up a Committee of Ministers from several States to examine the Model Law and make suitable recommendations. The Committee after carefully considering a large number of comments received from the State Governments, examined the Model Law in great detail, revised it and commended the same for consideration by the Second Conference of State Town and Country Planning Ministers held in 1962. The Conference considered the Report of the Committee on the Model Law and recommended the revised version of the Model Law to the State Governments for their consideration and adoption. In pursuance of this recommendation, most of the State Governments have been taking steps to revise their existing planning laws. Some of them have enacted laws on the basis of the Model while others are revising the existing legislation to meet their individual requirements. In the meanwhile, the

Government of West Bengal set up a Legislation Commission to study the Model Law and to advise the Government on a suitable form of planning law in 1962. The Commission examined the Model Law in great detail and expressed certain views and comments in its final report. The Fourth Conference of State Ministers for Town and Country Planning took note of these and considered it desirable that the recommendations of the Commission on the Model Law should be further examined by a Committee which might suggest any changes or improvements in the Model Act. The Conference also felt that the past experience in adopting this Model Law to the conditions obtaining in different States might also be taken note of by this Committee in suggesting changes or improvements in it. The Committee examined the West Bengal Legislation Commission's Report as well as the various comments and suggestions made by the State Governments and others and suggested a small number of minor modifications in the Model Law which had since been incorporated. The Model Law has been constantly under review since then by taking note of the working of the State Planning Acts in various States and the alternate viewpoints that have emerged from our experience and developments in the field of planning legislation abroad.

With a view to ensuring better overseeing and coordination of planning with plan implementation, the Model Law which dealt with the planning aspect only has been reviewed and revised and now a combined planning and development law has been formulated in consultation with the concerned Central Government Ministries. Under this law, planning and plan implementation have been combined together so that a single agency could undertake both these functions. To do this, the planning and development authority to be constituted under the Law has been equipped with full planning and development powers to discharge this task.

The Explanatory Note to the Model Law elaborates the intent and scope of the Model Law, its structure and the planning process and the concept of development charge, etc. Some of the major planning issues dealt with by the Model Law have also been explained.

This revised Model Law is circulated among the State Governments as a useful guide to their efforts in revising their planning laws and enacting new Laws. The Model Law has necessarily to be adopted to the specific conditions and situations found in each State. As this takes note of experiences in the various States, the work of revision of existing Laws will become simplified and uniform and it is hoped that it would lead to a more uniform town and country planning law in the whole country.

This Model Law will continue to be under review and as and when legal pronouncements become available and new experience is gained, they will be taken note of, and the Model will be kept up-to-date.

EXPLANATORY NOTE

Town and Country Planning Act to be a State Law

To begin with, it is necessary to take note of the constitutional limitations in the enactment of any legislation concerning land and its development in India. According to the Indian Constitution, it is only the State Governments which can enact laws relating to land and local government which appear as entries Nos. 5 and 18 in List-II of the Seventh Schedule. The Central Government can enact legislation relating to the control and regulation of development with respect to limited areas such as cantonments, railways, national highways, major ports, posts and telegraphs and other communications, and regulation and development of inter-state rivers and river valleys, which appear in List-I of the Seventh Schedule. This does not, however, enable the Central Government to enact legislation in regard to comprehensive planning and development of any particular area and its surroundings. Again Entries 20 and 42 in the Concurrent List provide for economic and social planning as well as acquisition and requisition of properties. While by extending the sense of 'economic and social planning' it can be argued to mean land planning as well as control, in practice, so far regulation of land use and its development have been confined only to the State legislations. Therefore, the enactment of legislation relating to town and country planning which basically leads to the prescription of the use of land and its development has been taken to be at the State level. Any law in this regard passed by the Central Parliament can have effect only in the territories directly governed by the Union Government. It is conceivable, however, that a Central Law enacted for certain territories under the direct administration of the Government of India, can be extended to an area in a State by the concerned State Government.

Scope of Model Planning and Development Law

The scope of a Model Town and Country Planning Law may be stated to cover comprehensive regional, local and metropolitan planning, the enforcement of the plans and their implementation, and other ancillary legislation such as the Land Acquisition Act, etc. Planning will include plan preparation, plan approval plan enforcement, plan review and plan revision aspects; plan enforcement and implementation will include promotion and control of development according to plan, removal of non-conforming uses, preparation of detailed development schemes and their execution. The execution of schemes will inter-alia include land acquisition. This model law incorporates all the aspects except land acquisition. A law for the acquisition of land for town planning purposes cannot be isolated from the general law for land acquisition in the country and therefore, it has been considered desirable to deal with land acquisition provisions separately in a law and only give appropriate references to it in the Model Law.

Operation of Planning and Development Function

While the planning function is an obligatory function of the planning and development authority constituted under this Act, the object of the inclusion of developmental functions in the Act is not to replace the existing developmental agencies already operating in the planning area or agencies which may be subsequently set up to undertake large scale development works. The implementation of a plan involves a large number of different types of schemes starting from land acquisition, provision of services like water supply and drainage, construction of houses, civic centres, public buildings, etc. and will involve invariably a number of state and local agencies drawing funds from different sources. It is not conceivable for one agency to undertake all types of development. The developmental functions entrusted to the planning and development authority under this law are meant to enable the authority to undertake

development when there no development agency in the planning area or the existing agencies are unable to undertake development of the type envisaged by the planning and development authority. It is recognised that planning function should not be too closely influenced by the development function in order to avoid needless compromises that are made in developmental work thereby adversely affecting the long-term plan perspective. However, there may be many situations where developmental agencies do not exist or areas where it might be uneconomical for separate development agencies to be set up and the planning and development authority may have to step in to assume the functions of planning as well as development.

Basic Structure of the Model Law

The Model Regional and Town Planning and Development Law provides for the constitution by the State Government of a State Regional and Town Planning Board for the purpose of advising on the delineation of regions for planned development and directing the preparation of metropolitan, regional and areas plans by the metropolitan, regional and area planning and development authorities, co-ordinating the planning and implementation of physical development programmes and the setting up of metropolitan, regional and area planning and development authorities for different urban and rural areas within the State to undertake preparation of development plans and to enforce and implement them. An area planning and development authority may be a local authority or an authority set up separately for the purpose of undertaking plan preparation, plan enforcement and plan implementation. The Model Law provides for three steps in the administration of this Act. Firstly, there will be the preparation of the existing land-use map, thereafter the preparation of an outline development plan and comprehensive development plan and their enforcement and lastly preparation of detailed schemes of development or redevelopment as envisaged in the plans and their implementation.

Machinery for Plan Preparation, Enforcement and Implementation

The machinery conceived for plan preparation, enforcement and implementation consists at the State level of a State Regional and Town Planning Board, a Chief Town Planner to the State who is also the Secretary to the State Regional and Town Planning Board and constitution of metropolitan, regional and area planning and development authorities for each planning area designated under the Law. The Model also provides for constitution of Consultative and Co-ordination Committees at the metropolitan and regional levels to advise the metropolitan and regional planning and development authorities on the preparation of metropolitan and regional plans and co-ordinate the annual plans and programmes and overall functioning of various development agencies and Government Departments functioning within the concerned planning areas. The State Regional and Town Planning Board and the Chief Planner supervise the work of the planning and development authorities and advise the State Government on all matters concerning urban and regional planning and development within the State.

The planning area may comprise a town and its adjacent area, a group of towns and their adjacent areas, a metropolitan city and its metropolitan area, a rural tract or a resource region as declared by the State Government on the advice of the State Regional and Town Planning Board. While the Law applies to the whole of the State from the date it is enacted, it comes into force only in those areas which the State Government has declared to form a planning area for the purpose of this Act. The law thereby enables the State Government to extend the operation of the Act to various areas in the State gradually depending upon the technical and administrative machinery it is able to evoke to handle the tasks. This provision will enable the area where planning is most needed to be tackled first while others not so urgent can be taken up at a later stage as and when the planning machinery gets built up and is in position. Another advantage of such a step by step approach is that people will get used to the idea of physical planning gradually, by being first tried out in worst affected area where there is usually very little opposition and subsequently, as the bene-

fits spread being extended to the other areas. The State Government by the enactment of this Law does not get burdened with undertaking planning and plan enforcement and implementation in the entire State in one step.

State Regional and Town Planning Board

The State Regional and Town Planning Board is an advisory body established by statute to coordinate the developmental activities at the State and local levels and direct programmes in matters relating to urban and regional planning and development in the State. Its functions are to :—

(a) advise on the delineation of regions for purposes of planned development and direct the preparation of regional plans by the regional planning and development authorities;

(b) direct the preparation of development plans by the metropolitan and area planning and development authorities and provide necessary guidance, assistance and supervision in their work;

(c) undertake, assist and advise on the co-ordination in the planning and implementation of physical development programmes;

(d) undertake, assist and encourage the collection, maintenance and publication of statistics, bulletins and monographs on regional and town planning; and

(e) perform any other function which is incidental, supplemental or consequential to any of the functions aforesaid or which may be prescribed.

It is headed by a Chairman who is the Minister-in-Charge of Town and Country Planning, a Vice-Chairman who is the Deputy Chairman of the State Planning Board/Commission and comprises Secretaries to the Government or heads of those departments or organisations which are concerned with physical development programmes such as agriculture, forestry, mining, industry, transport and communications, P.W.D., Education, Health, etc. It is assisted by the Chief Town Planner who is its statutory Secretary and who provides the necessary technical and secretarial assistance. The Chief Town Planner acts under the direction and on the advice of the Board and builds up an effective liaison between the Board and the Government on the one side and between the Board and the planning and development authorities on the other side. The representatives of Central Government Ministries dealing with railways, civil aviation, transport and communications have also been associated so that their plans could also be brought to conform to the development plans. There is a definite advantage in involving the concerned Government departments in the planning process since in this way the ready cooperation of these departments in the implementation of the various provisions of the development plans could be ensured.

The Board has also associated the State Planning Commission in its work by bringing its Deputy Chairman as the Vice-Chairman on the Board so that the spatial dimensions of economic development plans such as the location of important economic activities could be better visualised and co-ordinated within the overall framework of economic development, priorities and the resources obtaining in the State.

In addition to the Secretaries or heads of the different departments, the Board also has three non-official members who are professional experts possessing special knowledge or practical experience of matters relating to town and country planning, engineering, transport, industry, commerce, agriculture or economics, who would advise the Board on the technical and general aspects of the proposals before them. The Board, therefore, need not be confined to the views brought out by the State departments but also take into consideration the views of experts in the field.

The law has suggested a model composition of the Board for guidance of the States. The individual States may, however, make suitable adjustments in the composition keeping in view the individual requirements of the State as for

small States and Union Territories, the number of members (Model Law has provided twenty-one members in addition to the Chairman and the Vice-Chairman as the maximum number) may well be reduced. Similarly if a State does not have a State Planning Commission, the Vice-Chairman may be appointed from amongst members of the Board.

Regional Planning

A distinguishing feature of the Model Law are the provisions for the preparation of regional development plans giving complete legislative backing by constituting a statutory regional planning and development authority for the preparation, processing, approval, enforcement, execution and implementation of regional development plans. The law envisages that after the declaration of the regional planning area by the Government on the advice of the Board, a regional planning and development authority may be constituted to prepare a regional development plan and process it for statutory enforcement and subsequent implementation. The essential functions of the authority are—

(a) to carry out a survey of the regional planning area;

(b) to prepare an existing land use map;

(c) to prepare a regional development plan;

(d) to carry out or cause to be carried out such works as are contemplated in the plan; and

(e) to coordinate the plans and programmes of development agencies operating in the planning area.

The Regional Planning and Development Authority is envisaged to be headed by a Chairman who should not be less than the rank of a Divisional Commissioner. The other members of the Authority include three officers of the Government at the regional level such as the Superintending Engineer/P.W.D./Collector of the Disrtict falling in the region, etc. three representatives of local authorities/planning and development authorities operating in the area, two prominent non-officials and not more than three professional experts. There would be a Regional Planner who shall be the Member-Secretary and the Chief Executive Officer of the Authority. There is a definite advantage in making the Divisional Commissioner as its Chairman and involving the regional level officers so that the ready cooperation of all Government departments is ensured.

The Model Law has entrusted the task of enforcing and implementing the regional plan to the regional planning and development authority and the authority continues to function. There is another provision in the Model Law which requires a regional plan to include "recommendations to the Government regarding the directions to be issued to the concerned local authorities and the planning and development authorities in the region and the different departments of the Government, if any, in respect of enforcement and implementation of proposals in the plan" and also a 'report indicating the priorities assigned to works included in the regional plan and the phasing of the programme of development'. These provisions would enable the State Government to issue such directions to all the development agencies—public and private which would ensure co-ordinated development of the region. The Law also envisages the setting up of a consultative and coordinating Committee to advise the regional planning and development authority on the preparation of the regional plan and coordinate the annual plans and programmes of various development agencies operating within the regional planning area. The Committee is headed by the Chairman of the Authority and includes all its other members, heads of various Government departments and the representatives of concerned Central Government Ministries. The Committee is expected to serve as a guide in the deliberations of the Authority and help in promoting coordinated planned development of the region.

Planning and Development Authority

The process of plan preparation, plan approval, plan enforcement and plan implementation would basically require a definition of planning area and the

setting up of a planning and development authority to discharge these functions. It would also require a legally well defined physical base on the basis of which future development programmes could be prepared and enforced. Keeping this in view, the Model Law provides for the definition of 'planning area' which can be a city including its surrounding urban areas extending beyond municipal limits, it necessary, an area consisting of several cities and towns in the case of a metropolitan city and in the case of a rural area, a region which may extend several hundred square miles. The planning area could also be a metropolitan region or a large resource region. The Model also provides for amalgamation or sub-division of the planning areas depending on the requirements of development. It would, therefore, be seen that the Model Law anticipates and provides not only for area planning but also metropolitan and regional planning, rural planning, district planning, city planning, etc. and has laid down the organisation, machinery and the procedure for different levels of planning.

As regards the agencies for plan preparation, plan approval, plan enforcement and plan implementation, the Model envisages that either an existing agency be it a municipal body or a notified area committee or a District Board be appointed as a planning and development authority under the Act. Should the existing agencies prove unable to take up this task on account of organisational inadequacies, limited jurisdiction, resources, etc., separate planning and development authorities may be constituted under the Act which may have jurisdiction extending beyond the municipal limits, if necessary. The planning and development authority, is a generic expression which could be taken to mean a regional planning and development authority, a metropolitan planning and development authority or an area planning and development authority constituted under this Act.

Present Land Use Map

Having defined the planning and development authority and the planning areas, the Model proceeds to lay down the legal base for the planning area by making provisions for the preparation of the Present Land Use Map. The details of this Map are required to be notified by the rules and regulations framed under this Act. The Map, in this way, undergoes 'due process of law' and becomes a legally accepted base on the basis of which all future developments accruing thereafter can be controlled and properly regulated.

With these basic provisions, the Model proceeds to lay down the procedure for the preparation of the development plans. Taking note of the need that, soon after the declaration of the planning area, there should be made available a broad framework legally enforceable so that all future development activity can be properly controlled, the Model provides for the plan to be prepared in two stages, namely, the Outline Development Plan and subsequently the Comprehensive Development Plan. The Outline Development Plan is brought into force immediately and thereby the planning control is immediately brought into effect. The Comprehensive Development Plan which is subsequently prepared is in conformity with the Outline Development Plan providing for necessary details for undertaking development in each area.

Metropolitan Systems Planning

The Model Law also provides for metropolitan systems planning and envisages the establishment of metropolitan planning and development authorities for metropolitan areas which may be any urban area or group of urban areas as declared by the State Government on the advice of the Board. The Metropolitan Authority to be constituted under this Act would be headed by a Chairman and includes a Vice-Chairman, a technical member, a planning member, Chief Town Planner of the State, a member of the Legislature elected from the metropolitan area, representatives of local bodies and professional experts. The Vice-Chairman would be a whole-time officer and the Chief Executive Officer of the Authority. The essential functions of the Metropolitan Authority are :

(a) to prepare a present land use map of the metropolitan area;

(b) to prepare and enforce the Outline Development Plan, the Comprehensive Development Plan and development schemes;

(c) to guide, assist, advise, direct and co-ordinate development activities of development agencies operating in the metropolitan planning area;

(d) to suggest priorities to Government Departments and other concerned development agencies with regard to development schemes to be undertaken by them; and

(e) to undertake or cause to be undertaken execution of projects and schemes in the metropolitan area and supervise and coordinate the execution of projects and schemes by other agencies.

An advisory committee comprising the Secretaries to the Government and the heads of various departments concerned with planning and the representatives of concerned Central Government Ministries has also been envisaged to advise the metropolitan planning and development authority on the preparation of the plan for the metropolitan area and to co-ordinate the annual plans and programmes of the departments of the Government and various other development agencies operating in the metropolitan area.

Land Acquisition

With regard to acquisition of land, the law envisages that any land required, reserved or designated in the development plan or a development scheme would be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 and may be acquired under the Said Act. Moreover, section 4 and section 6 notifications under the aforesaid Act have been linked up with the publication of the development plan/development scheme at the draft and approval stages respectively so that speculation in land values could be minimised.

The Land Acquisition Act, 1894 is a Central Act and action to amend it in accordance with the 25th Constitutional Amendment which has also been upheld by the Supreme Court in a recent case, according to which market value need not be the basis for the determination of compensation for compulsory acquisition of land, is awaited. Pending this, it has been provided that in case any State has amended its land acquisition law in accordance with the 25th Constitutional Amendment, the word 'compensation' wherever occurring in the law, may be substituted by the word 'amount'.

Development Control

The Model Law provides for control of development and use of land in conformity with the development plans prepared under this Act. The Law envisages remedies where hardships are caused by the enforcement of the development plans and development schemes, penalties including imprisonment for the infringement of the provisions and the other normal legal safeguards. Any person intending to carry out any development on any land in the planning area is required to seek planning permission from the planning and development authority under the Act. In the case of departments of Central and State Governments or local authorities, a more expeditious procedure has been laid down. These agencies are only required to notify in writing to the planning and development authority of their intention to carry out such development on the land in the planning area 30 days before undertaking any such development. In case the planning and development authority raises any objection in respect of conformity of the proposed development either to any development plan under preparation or to any of the building bye-laws currently in force or due to any other material consideration, the public agencies, as the case may be, would either make necessary modifications in their proposals to meet the objections or submit the proposals for development together with the objections raised by the planning and development authority to the State Government for decision. The State Government after giving due consideration to the proposal and the objections raised by the planning and development authority would finally decide the matter.

Operational Construtions

With regard to operational works of Central and State Governments and local authorities which are concerned with the maintenance of essential services, it has been specifically provided that operational constructions as may be notified by the Government from time to time, would be outside the purview of the planning and development authorities constituted under this Act. These provisions have been incorporated in the Law with the concurrence of the concerned. Central Government Departments namely Railways, Defence, Shipping and Transport, Communications, Civil Aviation, etc. The term 'operational constructions' has also been defined in the Law.

Another aspect in the process of plan preparation, approval, enforcement and implementation is that the Chief Town Planner of the State is made responsible for co-ordinating the plan proposals of the planning areas so that over a period of time a well-coordinated planned development picture emerges for the whole State. The Chief Town Planner who is the Secretary to the State Regional and Town Planning Board collates the views of the various State Departments which are represented in the Board and submits the proposals before the Board for final decision. The planning and development authority has an important position in the enforcement machinery envisaged under the Act. Any one aggrieved by the decision of the planning and development authority has a right to appeal to the prescribed authority.

Chief Town Planner

The Chief Town Planner's role is twofold under the Model Law. Firstly, he is the Head of the State Town and Country Planning Department by virtue of which he is rsponsible for advising the State Government on all matters relating to regional and town planning and development within the State. Secondly, as the Secretary to the State Regional and Town Planning Board, he advises the Board in the task relating to physical planning and development, economic and social developmental programmes undertaken by the State, policy guidance and sectoral planning. In this capacity he also assists the Board in scrutinising the development plans/schemes and is instrumental in seeing as to what extent the regional dimensions of the plans have been conceived and satisfied. In this way he has jurisdiction over the entire State and is in a position to guide and direct the work of the planning and development authorities.

Development Schemes

The Law also provides for the preparation of development schemes and lays down the procedure for their statutory approval. It also envisages distribution of the cost of development over the whole area of operation and has provided the necessary machinery for the levy, assessment and recovery of the development cost and various other matters arising in or out of the execution of the development schemes.

DEVELOPMENT CHARGE

The Model has a unique feature in the levy and collection of a tax known as Development Charge. Its jurisdiction derives from the fact that land values and use values of any property appreciate in an urban area not only by the efforts of an individual owner of such property but by the cumulative efforts of the entire community and therefore, this appreciation in value should rightly be shared with the community as a whole. This charge is levied on any 'development or the institution or change of use of land for which permission is required under the Act'. Moreover, it is also a source of revenue which would help the planning and development authority to finance programmes for augmentation of basic services like water supply, drainage, electricity, roads, parks, playgrounds. hospitals, schools, etc. With this twofold motive, the Model devised this scheme of development charge and the procedure has been greatly simplified. It is collected in advance for permitting development and is available to the authority to meet the liabilities arising from adverse zoning and acquisition of

land for facilitating enforcement and implementation of plans. The actual rates for the levy of development charge will have to be approved by the State Government which may be prescribed under the rules to be framed under this Act.

The idea of such levy is not completely a new one and is a well-tried method of raising funds for undertaking large scale developments. For instance, the Delhi Improvement Trust and later Delhi Development Authority has been charging fees for permitting residential use to be converted into commercial use. Similarly, the Bangalore City Improvement Trust has been levying conversion fee for allowing residential and agricultural land to be used for non-agricultural purposes. This matter was examined by the West Bengal Legislation Commission on Town and Country Planning and the Commission after considering all aspects of the development charge concurred with the Model Law that this levy is justified in order to even out the beneficial/adverse effects of a Development Plan so that the whole community is benefited from the social and economic gain which a city or town registers. The charge is a tax and is within the competence of State Legislature. It is payable, as provided in the Model Law, at the time when the owner wishes to take advantage of the increase in the income from the property which he owns and applies for planning permission under this Act. It is leviable in respect of both built up and unbuilt areas and is recoverable as arrears of land revenue.

The Law also provides for the finance, accounts and audit of the planning and development authorities. Necessary supplemental and miscellaneous provisions such as power of entry, public notices, restrictions on the summoning of officers and employees of the Board and the planning and development authorities, offences by companies, jurisdiction of courts, power to summon and enforce the attendance of witnesses and production of documents, effect of the laws, power to delegate, power to borrow money and power to frame rules and regulations, etc. which are generally to be found in such legislation, have been incorporated.

Conclusion

While formulating the Model Law, the provisions of the various existing town planning Acts such as the Maharashtra Regional and Town Planning Act, 1966, Tamil Nadu Town and Country Planning Act, 1970, Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973, Delhi Development Act, etc. have been carefully examined. The limited experience that was available of their working and the alternate viewpoints that have emerged have been taken note of. Necessary consultations have also been held with the concerned Central Government representatives and State planning departments, developmental officials and professional experts and the legal people in regard to the essentialities of certain provisions in the Model Law. The developments in the field of planning legislation abroad have also been studied in the preparation of the Law. The language and the terms used are as far as possible unambiguous and precise. In any case, the Model Law attempts at best to provide broad legal framework for undertaking comprehensive planning legislation in the State and it may be considered for adoption with such modifications as may be necessary depending on the particular requirements of the State thereby serving the long-term interests of the community and the region as a whole within the broad framework of accepted national goals and objectives.

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MODEL

REGIONAL AND TOWN PLANNING AND DEVELOPMENT BILL

No. ..... of 19.....

PREAMBLE

An Act to make provision for the promotion of planned growth and development of regions and of urban and rural areas and regulation thereof in the State of ..... 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. (i) This Act may be called the Regional and Town Planning and Development Act, 19.....

(ii) It extends to the whole of the State of.....

(iii) 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 :—

(i) "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 purposes of a garden to be used alongwith such building; and "agricultural" shall be construed accordingly;

(ii) "Amenities" include roads and streets, open spaces, parks, recreational grounds, playgounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences;

(iii) "Area of bad layout or obsolete development" means an area consisting of land which is badly laid out or of obsolete development, together with other land contiguous or adjacent thereto, which is defined by a development plan as an area of bad layout or obsolete development ;

(iv) "Planning and Development Authority" means a Regional planning and development authority, a metropolitan planning and development authority, or an area planning and development authority constituted under this Act.

(v) "Board" means the State Regional and Town Planning Board constituted under this Act;

(vi) "Tribunal" means the Tribunal of Appeal constituted under this Act.

(vii) "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 alteratiron of a building as is likely to affect an alteration of its drainage or sanitary arrangements, or materially affe its security;

(e) the construction of a door opening on any street or land not belonging to the owner;

(viii) "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;

(ix) "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;

(x) "Commercial use" includes the use of any land or building or part thereof for purposes of commerce as defined or for storage of goods, or as an office, whether attached to industry or otherwise;

(xi) "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;

(xii) "Development Plan" means a regional development plan, outline development plan or a comprehensive development plan prepared under this Act;

(xiii) "Engineering Operations" includes the formation or laying out of means of access to a road or the laying out of means of water supply, drainage, sewage or of electricity cables or lines or of telephone and other communication lines.

(xiv) "Government" means the State Government.

(xv) "Industry" includes the carrying on of any manufacturing process as defined in the Factories Act, 1948; and "industrial" shall be construed accordingly;

(xvi) "Industrial use" includes the use of any land or building or part thereof for purposes of industry as defined.

(xvii) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;

(xviii) "Local Authority" means a municipal corporation or committee or board or district board or other authority legally entitled to, or entrusted by the Government with the control or management of a municipal or local fund or which is permitted by the Government to exercise the powers of a local authority, and includes a town improvement trust; and a Local Authority is a "Local Authority concerned" if any land within its local limits falls in the area of a plan prepared or to be prepared under this Act;

(xix) "Local Newspaper" means any newspaper published or circulated within the planning area;

(xx) "Planning Area" means a regional planning area, a metropolitan area or an area declared to be planning area under this Act;

(xxi) "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 licence in occupation of any land; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land;

(xxii) "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;

(viii) any other service which the Government may, if it is of 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 :—

(i) new residential buildings except those connected with operations like gate lodges, hospitals, clubs, institutions, schools, railway colony roads, drains, etc. in the case of railways; and

(ii) a new building, new structure or new installation or any extension thereof, in the case of any other service;

shall not be deemed to be construction within the meaning of this clause.

(xxiii) "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 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 company, in respect of properties under their respective control;

(xxiv) "Prescribed" means prescribed by rules or regulations made under this Act;

(xxv) "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;

(xxvi) "Reconstituted Plot" means a plot which is altered in ownership or in any other way by the making of a development scheme.

(xxvii) "Regulation" means a regulation made under this Act by a Planning and Development Authority and includes zoning and other regulations made as a part of a Development Plan;

(xxviii) "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, of 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;

(xxix) "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, appurtaining to such building; and "residential" shall be construed accordingly.

(xxx) "Rule" means a rule made under this Act by the Government;

(xxxi) "Scheme" means a development scheme and includes a plan or plans together with the descriptive matter, if any, relating to such a scheme; and

(xxxii) Words and expressions not defined in this Act have the same meaning as in the*..... Municipal Act, 19.....

*Relevant Municipal or other Acts to be quoted.

CHAPTER II

STATE REGIONAL AND TOWN PLANNING BOARD

State Regional & Town Planning Board.

3. (i) As soon as may be. after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute and appoint for the purpose of carrying out the functions assigned to it under this Act, a State Regional and Town Planning Board hereinafter to be called the Board.

(ii) The Board shall consist of a Chairman, a Vice-Chairman and not more than twenty one other members*1 appointed by the Government.

(iii) The Chairman of the Board shall be the Minister-in-charge of Town and Country Planning in the State.

(iv) The Vice-Chairman of the Board shall be the Deputy Chairman*2 of the State Planning Commission/Board.

(v) The other members shall consist of the following :

(a) Secretaries to the Government in the departments dealing with the following subjects, namely, Town & Country Planning, Local Administration, Planning, Health, Industries, Housing, Finance, Agriculture, Community Development, Education and Sports.

(b) Chairman. State Housing Board.

(c) Chief Engineer. State P.W.D.

(d) Chief Conservator of Forests and Wild Life.

(e) Director of Tourism.

(f) A representative of the State Electricity Board.

(g) Representatives of Ministries of the Central Government dealing with Railways. Civil Aviation, and Transport and Communications, Education and Sports.

(h) 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.

(i) Chief Town Planner to the Government, who shall be the Member-Secretary to the Board.

Functions and powers of the Board.

4. (i) 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 planning and development and use of rural and urban land in the State, to guide, direct and assist the Regional, Metropolitan, and Area Planning and Development Authorities and to perform such other functions as the Government may, from time to time, assign to the Board.

(ii) In particular and without prejudice to the generality of the foregoing provisions, the Board may, and shall, if required by the Government :—

(a) advise on the delineation of the regions for purposes of planned development and direct the preparation of regional plans by Regional Planning and Development Authorities;

*1 This number can be reduced in the case of smaller states and Union territories.

2* Where a State does not have a State Planning Commission or Board the Vice—Chairman may be appointed from amongst members of the Board.

(b) direct the preparation of development plans by Metropolitan and Area Planning and Development Authorities and provide necessary guidance, assistance and supervision in their work;

(c) undertake, assist and advise on the coordination in the planning and implementation of physical development programmes;

(d) undertake, assist and encourage the collection, maintenance, and publication of statistics, bulletins, and monographs on regional and town planning; and

(e) perform any other functions which is incidental, supplemental or consequential to any of the functions aforesaid or which may be prescribed.

(iii) The Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

Term of Office and Conditions of service of Members of the State Regional and Town Planning Board.

5. (i) The term of office and conditions of service of the members of the Board shall be such as may be prescribed by rules, and they shall be entitled to receive such salaries or allowances or both as may be fixed by the Government.

(ii) The Government, may, if it thinks fit, terminate the appointment of any member of the Board at any time.

(iii) A member of the Board appointed according to Section 3(v)(h) 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.

(iv) any vacancy so created shall be filled by fresh appointment by the Government.

Meetings of the State Regional and Town Planning Board.

6 (i) 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.

(ii) The Chairman or in his absence the Vice-Chairman or in the absence of the Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Board.

CHAPTER III

REGIONAL DEVELOPMENT PLANS

Declaration of Regional Planning areas.

7. (i) The Government may, after consultation with the Board, by notification in the Gazette from time to time, declare any area in the State to be a Regional Planning Area for the purposes of this Act.

(ii) Every such notification published under sub-section (i) shall define the limits of the area to which it relates.

(iii) The Government may, after consultation with the Board and the concerned regional planning and development authorities, amalgamate two or more regional planning areas into one such area, or sub-divide a regional planning area into different such areas and constitute them as separate regional planning areas or include any such sub-divided areas in any other regional planning area as the case may be and notify the same in the Gazette.

(iv) The Government may, by notification in the Gazette, direct that any of the rules and orders made, regulations and directions issued and powers conferred under this Act and in force in any regional planning area with which or in which any other area is amalgamated or included, shall apply to the area so amalgamated or included under this section to such extent and subject to such modifications, additions and restrictions, as may be specified in such notification.

(v) When two or more regional planning areas are amalgamated or a regional planning area is subdivided into different areas and constituted as separate regional planning areas or any such subdivided area is included in any other regional planning area, the Government shall after consulting the Board, regional planning and development authority or other authorities concerned, frame a scheme :—

(a) declaring that the assets and the liabilities of the concerned regional planning and development authorities shall vest in the amalgamated regional planning and development authorities;

(b) determining what portion of the assets and liabilities of the regional planning and development authorities whose areas are sub-divided shall vest in the regional planning and development authorities in whose area the sub-divided areas are included.

(vi) The scheme framed under sub-section (v) (a) shall be published in the Gazette, and upon such publication, the assets and liabilities to which such scheme relates shall vest in accordance with such scheme.

Constitution of Regional Planning and Development Authorities.

(8) (i) As soon as may be, after declaration of the regional plannings area under section 7, the Government may, in consultation with the Board constitute for the purpose of the performance of the functions assigned to it, an authority called the Regional Planning and Development Authority, for that area having jurisdiction over it.

(ii) Every regional planning and development authority shall be a body corporate and shall have perpetual succession and a common seal and, subject to such restriction or qualification imposed by or under this Act or any other law may sue or be sued in its corporate name, or acquire, hold or dispose of property, movable or immovable, or enter into contracts and do all things necessary, proper or expedient for the purpose of its constitution.

(iii) The regional planning and development authority constituted under sub-section (i) shall consist of the following members :—

(a) a Chairman* to be appointed by the Government;

*It is envisaged that the Chairman shall not be less than the rank of a Divisional Commissioner.

(b) Three officers of the Government at the regional level to be appointed by the Government;

(c) such persons not exceeding three in number who shall be members of the local authorities or Planning and Development Authorities functioning in the whole or any part of the region nominated by the Government.

(d) two non-officials to be appointed by the Government of whom one shall be a member of the State Legislature representing a constituency which consists of, or comprises or relates to the regional planning area;

(e) such number of persons not exceeding three appointed by the Government who in the opinion of that Government have special knowledge or practical experience of matters relating to town and country planning, engineering, transport, industry, commerce or agriculture, and

(f) a Regional Planner appointed by the Government who shall be the member Secretary to the Authority.

(iv) The Regional Planner shall be the Chief Executive Officer of the Regional Planning and Development Authority.

Functions and Powers of the Regional Planning and Development Authorities.

9. (i) Subject to the provisions of this Act and the rules made thereunder, the functions of every regional planning and development authority shall be :—

(a) to carry out a survey of the regional planning area and prepare reports on the surveys so carried out;

(b) to prepare an existing land use map and such other maps as may be necessary for the purpose of preparing a regional development plan;

(c) to prepare a regional development plan and to enforce it;

(d) to carry out or cause to be carried out such works as are contemplated in the regional development plan;

(e) to coordinate the plans and programmes of the Planning and Development Authorities operating within the regional planning area; and

(f) to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

(ii) The Regional Planning and Development Authorities may exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act.

Constitution of Regional Consultative and Coordination Committee.

10. (i) The Government may, constitute a Regional Consultative and Coordination Committee for the purpose of advising the Regional Planning and Development Authority on the preparation of the regional plan, coordinating the annual plans and programmes of various development agencies and Government departments functioning within the regional planning area and to generally coordinate the overall functioning of such development agencies in the implementation of the Regional Development Plan.

(ii) The Consultative and Coordination Committee shall consist of the following members :

(a) The Chairman of the Regional Planning and Development Authority shall be the Chairman Ex-Officio.

(b) All other members of Regional Planning and Development Authority.

(c) Chief Engineer, State P.W.D.

(d) Chief Engineer, Public Health Department.

(e) Chief Engineer, L.S.G.E.D.

(f) Director of Industries.

(g) Director of Agriculture.

(h) Chief Conservator of Forests.

(i) Director of Education and Sports.

(j) Chairman, State Housing Board.

(k) Representatives of the following Ministries/department of the Central Government dealing with :

(i) Railways,

(ii) Tourism and Civil Aviation,

(iii) Transport and Communications,

(iv) Sports and Education,

(v) Regional Planning, Housing & Urban Development.

(iii) The Consultative and Coordination Committee may meet as often as necessary and at least thrice in a year at such times and places as the Chairman 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.

Temporary association of persons with the Regional Planning and Development Authority and the Regional Consultative and Coordination Committee for particular purposes

11. (i) The regional planning and development authority and the Regional Consultative and Coordination Committee 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 defined under this Act.

(ii) Any person associated with the regional planning and development authority and the Regional Consultative and Coordination Committee under subsection (i) for any purpose shall have the right to take part in the discussions of the authority or the Committee respectively relevant to the purpose but shall not have the right to vote and shall not be construed as a member for any other purpose.

Regional Development Plans.

12. (i) As soon as may be, after the declaration of the Regional Planning Area under section 7 and after the constitution of the regional planning and development authority under section 8, the regional planning and development authority shall, subject to such directions as may be issued by the Board, and within such time as may be prescribed, prepare and submit to the Board a draft regional development plan for the regional planning area or any part of it.

(ii) The regional development plan may propose or provide for all or any of the following matters, namely :—

(a) Broad demarcation of areas for agriculture, forestry, industry, mineral development, urban and rural settlements and other activities;

(b) Reservation of land for recreation, botanical and zoological gardens, natural reserves, animal sanctuaries, dairies and health resorts and for preservation, conservation and development of areas of natural scenery, forest, wild life, natural resources and landscaping;

(c) Preservation of objects, features, structures or places of historical, natural, archaeological or scientific interest and educational value;

(d) Prevention of erosion, provision for afforestation or reforestation, improvement and redevelopment of water front areas, rivers and lakes;

(c) Transport and communications network such as roads, highways, railways, waterways, canals and airports including their future development;

(f) Proposals for irrigation, water supply, hydro-electric works, flood control and prevention of river pollution;

(g) Rural and urban centres, both existing and new, indicating the extent of their anticipated growth;

(h) Regulations for regulating the use of land in accordance with the goals and objectives of the Regional Development Plan, for preserving, protecting and enhancing the natural amenities within the regional planning area and for related purposes; and

(i) such other matters as are incidental to or emerging from the above.

(iii) The draft regional plan as submitted to the Board shall, in particular, include :—

(a) recommendations to the Government regarding the directions to be issued to the concerned local authorities and the Planning and Development Authorities in the region and the different departments of the Government, if any, in respect of enforcement and implementation of the proposals contained in the draft regional development plan;

(b) a report indicating the priorities assigned to works included in the draft regional development plan and the phasing of the programme of development as such.

Power of Government to require a Regional Planning and Development Authority to prepare a regional development plan in respect of any area.

13. Notwithstanding anything contained in section 12, the Government may, by notification, require a Regional Planning and Development Authority to prepare and submit to the Government before a fixed date, a regional development plan in respect of any area.

Publication of the draft Regional Development Plan.

14. As soon as may be, after the draft Regional Development Plan has been submitted to the Board, but not later than such time as may be prescribed, the Board may approve the draft plan for publication with such modifications in the plan as it thinks fit.

Notice of the preparation of the Regional Development Plan.

15. (i) As soon may be, after the approval of the draft plan by the Board, with or without modification but not later than such time as may be prescribed, the regional planning and development authority shall publish the notice in the Gazette, and in leading daily newspapers of the region, of the preparation of the regional development plan as approved by the Board and the place or places where copies of the same may be inspected inviting objections and suggestions in writing from any person in respect of the said plan within such period as may be specified in the notice :—

Provided that such period shall not be less than three months from the date of the publication of the notice in the Gazette.

(ii) After the expiry of the period mentioned in sub-section (i) the regional planning and development authority shall allow a reasonable opportunity of being heard to any person including representatives of Government departments and authorities, who have made a request for being so heard and make such amendments to the regional plan as it considers proper and shall submit the final regional development plan together with the list of objections received to the Government for approval.

Approval by Government.

16. As soon as may be, after the submission of the final regional development plan but not later than such time as may be prescribed, the Government in consultation with the Board may, either approve the said plan or may approve it with such modifications, as it may consider necessary, or may return the said plan to the Regional Planning and Development

Authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval.

Coming into operation of Regional Development Plan.

17. (1) The approval of the Government to the regional development plan under section 16 shall be published by the Government by a notification in the Gazette and in leading daily newspapers of the region and such notification shall state the place and time at which the said plan shall be open to the inspection of the public.

(ii) A notification published under sub-section (i) shall be conclusive evidence that the regional development plan has been duly prepared and approved. The said plan shall come into operation from the date of the publication of such notification in the Gazette.

Variation, Modification and Review of Regional Development Plan.

18. (i) A regional development plan approved under section 16 may at any time be varied or modified by a subsequent Regional Development Plan prepared and approved under this Act.

(ii) Once in every ten years after the date on which the Regional Development Plan for an area comes into operation or at any time considered necessary, the Regional Planning and Development Authority may, and if so directed by the Government shall, after carrying out such fresh surveys as may be considered necessary and in consultation with the Board, review the Regional development plan and make such modifications in such plan wherever necessary and submit the modified Regional Development Plan for the approval of the Board.

(iii) The provisions of sections 15, 16 and 17 shall so far as they can be made applicable, apply to such modified Regional Development Plan under sub-section (i) and (ii) as these provisions apply to the preparation, publication and approval of a Regional Development Plan.

CHAPTER IV

DECLARATION OF PLANNING AREAS AND CONSTITUTION OF AREA PLANNING AND DEVELOPMENT AUTHORITIES

Declaration of Planning Areas.

19. (i) The Government may, by notification declare any area in the State to be a planning area for the purpose of this Act.

(ii) Every such notification shall define the limits of the area to which it relates.

Amalgamation or sub-division of planning area.

(iii) The Government may, after consultation with the Board, amalgamate, two or more planning areas into one planning area, sub-divide planning area into different planning areas and to include such divided areas in any other planning area.

(iv) The Government may, by notification, direct that all or any of the rules, regulations, orders, directions and powers made, issued, conferred and in force in any other 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 planning area under this Section and such rules, regulations, bye-laws, orders, directions and powers shall forthwith apply to such planning area without further publication.

(v) When planning areas are amalgamated or sub-divided or such sub-divided areas are included in other planning areas, the Government shall, after consultation with the Board, the Area Planning and Development Authority or authorities concerned, frame a scheme determining what portion of the balance of the fund of the area planning and development authority shall vest in the area planning and development authority or authorities concerned and in what manner the properties and liabilities of the area planning and development authority or authorities shall be apportioned amongst them and on the scheme being notified the fund, property and liabilities shall vest and be apportioned accordingly.

Power to Withdraw Planning Area from operation of this Act.

20. (i) The government may, by notification, withdraw from the operation of the relevant provisions of this Act, the whole or a part of any planning area declared thereunder.

(ii) When a notification is issued under this section in respect of any planning area :

(a) The relevant provisions of this Act and all notifications, rules and regulations, orders, directions and powers issued, made or conferred thereunder shall, cease to apply to the said area.

(b) The Government shall, after consulting the Board and the local authority or authorities concerned frame a scheme determining what portion of the balance of the fund of the area planning and development authority shall vest in the Government, and the local authority or authorities concerned and in what manner the properties and liabilities of the area planning and development authority shall be apportioned between the Government and the local authority or authorities and on the scheme being notified the fund, property and liabilities of the area planning and development authority shall vest and be apportioned accordingly.

Constitution of Area Planning and Development Authority.

21. (i) (a) As soon as may be, after declaration of a planning area, the Government shall, by notification in the Official Gazette, constitute for the purposes of the performance of the functions assigned to it, an authority to be called the Area Planning and Development Authority of that area, having jurisdiction over that area.

(b) Every Area 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 contract and shall by the said name sue and be sued.

(c) Every area planning and development authority except those constituted under Section 21(ii)(a) shall consist of the following members :

(i) A Chairman to be appointed by the Government.

(ii) A Town Planning Officer to be appointed by the Government.

(iii) Representatives of local bodies composed as follows :

(a) In the case of a planning area having only one local body within its jurisdiction, a representative nominated by that local body and the Chief Executive Officer of that local body.

(b) In the case of a planning area having two or more local bodies within the jurisdiction, representatives of such local bodies as the Government may consider necessary to be represented, to be nominated by such local bodies.

Provided the total number of such representatives does not exceed four.

(iv) Two officials of the Government, ex-officio to be appointed by the Government.

(v) A non-official to be appointed by the Government.

(vi) A full-time secretary to be nominated by the Government who shall also be designated as the Chief Executive Officer of the Area Planning and Development Authority.

(d) The Government, may, if it thinks fit, appoint one of the members as the Vice-Chairman of the Area Planning and Development Authority.

(ii) (a) The Government may, in consultation with the Board, appoint a local authority as the Area Planning and Development Authority for the area of the local authority and for such other contiguous or adjacent area or areas as the Government may declare as the planning area under Section 19.

(b) In case where a local authority is appointed as an area planning and development authority, the provisions of Sections 21(i) (c), 22, 24 and 26 shall not apply but the provisions of the Act under which the local authority is constituted shall continue to apply to it in respect of matters covered by these sections.

(c) The local authority for the purposes of performing the functions of the Area planning and Development Authority specified under the Act shall set up a Planning Committee composed as under :—

(i) A Chairman.

(ii) A Town Planning Officer.

(iii) Five other members two of whom shall be appointed by the Government.

(d) Such a Committee appointed by the local authority shall have all the powers, responsibilities and status as are given to a Standing Committee appointed under the Act under which the local authority is set up.

Term of Office and Conditions of Service of the Chairman and Members of Area Planning and Development Authorities.

22. (i) The term of office and conditions of service of the Chairman and members of the Area Planning and Development Authorities shall be as prescribed by rules and they shall be entitled to receive such salaries or allowances or both as may be fixed by the Government.

(ii) The Members of the Area Planning and Development Authorities, except those nominated by local bodies as provided under section 21(i)(c) (iii) shall hold office at the pleasure of the Government.

(iii) The Chairman or any member except those nominated by the local bodies as provided under sec. 21(i) (c) (iii) may resign his membership of the Area Planning and Development Authority by giving notice in writing to the Government and on such resignation being accepted, he shall cease to be a member of that Area Planning and Development Authority.

(iv) Any vacancies created in respect of (i), (ii), and (iv), (v) and (vi) of Section 21(i) (c) shall be filled by fresh appointment by the Government.

(v) Representatives of local bodies shall subject to the provisions of Section 19(i) (c), be filled by fresh appointment by Government.

Functions and Powers of the Area Planning and Development Authorities.

23. (i) Subject to the provisions of this Act, the rules framed thereunder and any directions which the Government may give, the functions of every Area Planning and Development Authority shall be, and it shall have power to :—

(a) prepare an Existing Land Use Map;

(b) prepare and enforce an Outline Development Plan;

(c) prepare and enforce a Comprehensive Development Plan;

(d) prepare and enforce development schemes; and

(e) carry out or cause to be carried out execution of schemes and pfojects framed under the development plan;

and for these purposes it may carry out or cause to be carried out surveys of its planning area and to prepare report or reports of such surveys, and to perform any other function which is supplemental, incidental, or consequential to any of the functions aforesaid or which may be prescribed.

Meetings of Area Planning and Development Authorities.

24. (i) Each Area Planning and Development Authority shall meet at such times and places as the Chairman may determine in this behalf and shall observe such procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

(ii) The Chairman, or in his absence, the Vice-Chairman if any, or in the absence of the Chairman and of the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Area Planning and Development Authority.

Temporary Association of persons with the Area Planning and Development Authority for particular purposes.

25. (1) The Area Planning and Development Authority may associate with itself in such manner and for such purposes as may be prescribed by rules any person whose assistance or advice it may desire in performing any of its functions under this Act.

(ii) Any person associated with it by the Area Planning and Development Authority under sub-section (i) for any purpose shall have a right to take part in the discussions of the Area Planning and Development Authority relevant to that purpose but shall not have a right to vote at a meeting and shall not be a member for any other purpose.

Staff of the Area Planning and Development Authority.

26. (i) Subject to such control and restrictions as may be prescribed by rules, an Area Planning and Development Authority may appoint such number of officers and employees as may be necessary for the efficient performance of its functions and may determine their designations and grades.

(ii) The officers and employees of the Area Planning and Development Authority shall be entitled to receive such salaries and allowances, if any, as may be fixed by the Area Planning and Development Authority and shall be governed by such terms and conditions of service as may be determined by rules and regulations made in this behalf.

CHAPTER V

CONSTITUTION OF METROPOLITAN PLANNING AND DEVELOPMENT AUTHORITIES

Declaration of Metropolitan Area :

27. (i) As soon as may be, after the commencement of this Act, the Government may, in consultation with the Board, declare, by notification, any urban area or group of urban areas in the State together with such adjacent areas as may be considered necessary, to be a Metropolitan Area.

(ii) Every such notification shall define the limits of the area to which it relates.

Establishment of the Metropolitan Planning and Development Authority :

28. (i) As soon as may be, after the declaration of the Metropolitan Area, the Government shall, by notification in the Gazette, with effect from such date as the Government may appoint in this behalf, establish for each Metropolitan Area, a Metropolitan Planning and Development Authority.

(ii) Every such Metropolitan Planning and Development Authority shall be a body corporate and shall have perpetual succession and a common seal and subject to such restriction or qualification as may be imposed by or under this Act or any other law, may sue or be sued in its corporate name or acquire, hold or dispose of property, movable or immovable or enter into contracts and do all things necessary, proper or expedient for the purpose of its constitution.

(iii) The Metropolitan Planning and Development Authority so established under sub-section (i) shall consist of the following members :

(a) A Chairman to be appointed by the Government.

(b) A Vice-Chairman to be appointed by the Government.

(c) A Technical Member.

(d) A Planning Member.

(e) A Member of the Legislature elected from the Metropolitan Area to be nominated by the Government.

(f) Representatives of the local bodies within the Metropolitan Area not exceeding two, nominated by the Government.

(g) Chief Town Planner of the State or his nominee.

(h) A Member to be nominated by the Government who, in the opinion of that Government has special knowledge or practical experience of matters relating to town and country planning, engineering, transport, industry or commerce.

(iv) The Vice-Chairman shall be a wholetime officer and the Chief Executive Officer of the Metropolitan Planning and Development Authority.

Staff of the Metropolitan planning and Development Authority.

29. (i) The Government shall appoint a suitable person as the Secretary to each Metropolitan Planning and Development Authority who shall not be a Member of the Metropolitan Planning and Development Authority. The Secretary shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to him by the Metropolitan Planning and Development Authority.

(ii) Subject to such control and restrictions as may be prescribed by rules, the Metropolitan Planning and Development Authority 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.

(iii) The Secretary and other officers and employees of the Metropolitan Planning and Development Authority shall be entitled to receive from the funds of the Metropolitan Planning and Development Authority such salaries and such

allowances, if any, 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 and Development Authority.

30. (i) The term of office and conditions of service of the members of the Metropolitan Planning and Development Authority shall be such as may be prescribed by rules; and they shall be entitled to receive such salaries or allowances or both as may be fixed by the Government.

(ii) The Government may, if it thinks fit, terminate the appointment of any member of the Metropolitan Planning and Development Authority at any time.

(iii) Any vacancy so created shall be filled by fresh appointment by the Government.

(iv) The Chairman or any member may resign his membership of the Metropolitan Planning and Development Authority 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 and Development Authority.

Meetings of the Metropolitan Planning and Development Authority.

31. (i) The Metropolitan Planning and Development Authority shall meet as and when necessary and at least four times in a year at such times and places as the Chairman 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.

(ii) The Chairman or in his absence the Vice-Chairman, if any, or in the absence of the Chairman and the Vice-Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the Metropolitan planning development authority.

Functions and Powers of the Metropolitan Planning and Development Authority :

32. (i) Subject to the provisions of this Act and the rules made thereunder, the functions of the Metropolitan Planning and Development Authority shall be :—

(a) to prepare a present landuse map of the metropolitan area;

(b) to prepare and enforce an outline development plan, a comprehensive development plan and development schemes for the Metropolitan Area and for that purpose carry out such surveys of the Metropolitan Area as may be necessary;

(c) to guide, assist, advise, direct and coordinate development activities of all departments and agencies operating in the Metropolitan Area;

(d) to suggest priorities to Government Departments and other concerned development agencies with regard to development schemes undertaken by various agencies within the metropolitan area;

(e) to undertake or cause to be undertaken execution of projects and schemes in the Metropolitan Area and supervise and co-ordinate the execution of projects and schemes by other agencies operating in the Metropolitan Area; and

(f) to perform any other function which is supplemental, incidental or consequential to any of the functions aforesaid or which may be prescribed.

(ii) The Metropolitan Planning and Development Authority may exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act.

Constitution of Consultative and Coordination Committee.

33. (i) The Government may constitute a Metropolitan Consultative and Coordination Committee for the purpose of advising the Metropolitan Planning and Development Authority on the preparation of Development Plan for the Metropolitan Area; to coordinate the annual plans and programmes of the departments of the Government and various development agencies operating within the metropolitan area; to coordinate the overall functioning of development agencies in plan implementation, and on such other matter relating to the planning and

development or arising out of, or in connection with the administration of this Act.

(ii) The Consultative and Coordination Committee shall consist of the following members, namely :—

(a) The Chairman of the Metropolitan Planning and Development Authority shall be the ex-officio Chairman.

(b) All other members of the Metropolitan Planning and Development Authority.

(c) Secretaries to the Government in the Departments dealing with Industries, Transport, Housing, Power, Sports, Education and Town and Country Planning.

(d) Chief Engineer, State P.W.D.

(e) Chief Engineer, Public Health Department.

(f) Chief Engineer, L.S.G.E.D.

(g) President of the Chamber of Commerce and Industry.

(h) Chairman, State Housing Board or his representative.

(i) Chairman, State Slum Clearance Board or his representative.

(j) Chairman, State Electricity Board.

(k) Representatives of the following Ministries/Departments of the Central Government dealing with;

(i) Railways,

(ii) Tourism and Civil Aviation,

(iii) Transport and Communications,

(iv) Regional Planning, Housing and Urban Development.

(iii) The Consultative and Coordination Committee shall meet as and when necessary and at least thrice in a year at such times and places as the Chairman 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.

CHAPTER VI

PREPARATION OF PRESENT LAND USE MAP

Preparation of Present Land Use Map and Register.

34. As soon as may be, every planning and development authority shall, not later than six months after its constitution or within such time as the Government may, from time to time extend, prepare a Present Land Use Map (hereinafter called the Map) and a Land Use Register in the form to the prescribed indicating the present use of every piece of land in the planning area.

Notice of the preparation of the Map and Register.

35. (i) After the preparation of the Map and the Register, the planning and development authority shall publish a public notice of the preparation of the Map and Register and of the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the Map and Register within 30 days of the publication of such notice.

Provided that, if a local authority has been declared as area planning and development authority for any area and it has prepared a Map or a Register or both of the area before the application of this Act to that area, the Map or the Register already prepared shall be deemed to be a Map and a Register under Section 34.

(ii) After the expiry of the period mentioned in sub-section (i), an officer designated by the area planning and development authority or a Committee appointed by the planning and development authority for the purpose shall, after allowing a reasonable opportunity of being heard to all the persons who have filed the objections, make a report to the planning and development authority.

(iii) The planning and development authority shall consider the report as submitted under sub-section (ii) and may make such modifications in the Map or Register or both as it considers proper and adopt the Map and the Register by a resolution.

(iv) As soon as may be, after the adoption of the Map and the Register, the planning and development authority shall publish a public notice of the adoption of the Map and the Register and the place or places where copies of the same may be inspected and shall submit copies of the Map and the Register to the Government.

(v) A copy of such public notice shall also be published in the Official Gazette. The publication of the copy of the public notice in the Official Gazette in respect of the Map and Register shall be conclusive evidence that the Map and Register has been duly prepared and adopted.

Power of Government in case of default of the Planning and Development Authority to prepare the Map and Register.

36. (i) Whereby virtue of the foregoing provisions of the Act, a Map and a Register is to be prepared, then.

(a) If within the period prescribed or within such period which the Government has extended, no map or Register has been prepared, or

(b) If at any time the Government is satisfied that the planning and development authority is not taking steps necessary to prepare such a Map and a Register within that period, the Government may direct the Chief Town Planner to prepare the Map and the Register.

(ii) After preparation of the Map and the Register, the Chief Town Planner shall submit the same to the Board, and the Board shall follow the procedure and exercise the powers of the planning and development authority under section 35 of the Act.

(iii) Any expenses incurred under this section in connection with the making of the Map and the Register with respect to the planning area of a planning and development authority shall be paid by the planning and development authority.

CHAPTER VII

PREPARATION OF DEVELOPMENT PLANS AND PROCEDURE FOR THEIR STATUTORY APPROVAL

Outline Development Plans.

37. (i) As soon as may be after the declaration of the planning area the planning and development authority shall, not later than one year after such declaration or within such time as the Government may, from time to time extend, prepare and submit to the Board, a plan (hereinafter called the "Outline Development Plan") for the planning area or any of its parts.

(ii) The Outline Development Plan shall :

(a) indicate broadly the manner in which the planning and development authority proposes that land in such area should be used;

(b) allocate areas or zones of land for use;

(i) for residential, commercial, industrial and agricultural purposes;

(ii) for public and semi-public open spaces, parks and playgrounds; and

(iii) for such other purposes as the planning and development authority may think fit;

(c) indicate, define and provide :—

(i) for existing and proposed national highways, arterial roads, ring roads, and major streets; and

(ii) the existing and proposed other lines of communication, including railways, airports and canals;

(d) include regulations (hereinafter called zoning regulations) to regulate within each zone the location, height, number of storeys and size of buildings and other structures, the size of yards, courts and other open spaces, and the use of buildings, structures and land.

(iii) The Outline Development Plan may indicate, define and provide for—

(a) the existing and proposed public and semi-public buildings; and

(b) all or any of the purposes and matters as may be indicated, defined and provided for in the comprehensive development plan under section 38.

(iv) In the case of a metropolitan area, the Outline Development Plan may indicate define and provide, in addition to all matters as defined in sub-Section (ii) and (iii) above and section 38 of this Act, for all or any of the following matters, namely :—

(a) Metropolitan road and rail system, including terminals for road, rail, air, and water, traffic and a rapid transit system;

(b) Metropolitan systems for water supply, drainage and sewerage and waste disposal;

(c) Metropolitan system of electric power generation and distribution;

(d) Metropolitan systems of parks, playgrounds and other recreational facilities;

(e) Metropolitan system of gas generation and supply;

(f) Such other amenities and facilities as may be required by the metropolitan area; and

(g) Any other matter as may be prescribed.

(v) Subject to provisions of the rules made under this Act for regulating the form and contents of the Outline Development Plan, any such plan shall

include such maps and such descriptive matter as may be necessary to explain and illustrate the proposals in the Outline Development Plan.

Comprehensive Development Plan :

38. (i) As soon as may be, after the declaration of a planning area, the planning and development authority shall, but not later than three years after such declaration or within such time as the Government may from time to time extend, prepare and submit to the Board a plan (hereinafter called "Comprehensive Development Plan") for the planning area or any of its parts.

(ii) The Comprehensive Development Plan shall—

(a) indicate, define and provide for all the matters that have to be or may be indicated, defined and provided for in the outline Development Plan with such modifications as the planning and development authority deems fit;

(b) indicate, define and provide for—

(i) areas reserved for agriculture, public and semi-public, open spaces, parks, playgrounds gardens and other recreational uses, green belts and natural reserves;

(ii) comprehensive land allocation of areas or zones for residential, industrial, agricultural, and other purposes;

(iii) complete road and street pattern and traffic circulation pattern for present and future requirements;

(iv) major road and street improvement;

(v) areas reserved for public buildings and institutions and for new civic development;

(vi) areas for future development and expansion, and areas for new housing;

(vii) amenities, services and utilities; and

(viii) all such matters as may be prescribed by the rules or may be directed by the Government or the Board to be indicated, defined, and provided for;

(c) include zoning regulations to regulate within each zone, the location, height, number of storeys and size and number of buildings and other structures, the size of yards, courts and other open spaces and the use of buildings, structures and land;

(d) indicate the stages by which the plan proposals are proposed to be carried out, together with financial implication of each stage.

(iii) The Comprehensive Development Plan may :—

(a) indicate, define and provide for :—

(i) all such matters including planning standards, gross and net densities and guiding principles as the planning and development authority may consider expedient to be indicated, defined and provided for in the development plan;

(ii) detailed development of specific areas for housing, shopping centres, industrial areas and civic centres, educational and cultural institutions;

(iii) detailed redevelopment or renewal of specific areas for housing, shopping centres, industrial areas, civic centres, educational and cultural institutions and other related purposes.

(iv) control of architectural features, elevation and frontage of buildings and structures; and

(v) a five year development programme within the framework of the staging referred to in sub-section (ii) (d).

(b) designate land as subject to acquisition for any public purpose, and in particular, but without prejudice to the generality of this provision for the purposes of :—

(i) the Union of India, the State, and the Local authorities or any other authority established by law and public utility concerns;

(ii) dealing satisfactorily with the areas of bad layout or obsolete development and slum areas and provision for relocation of population;

(iii) the provision for open spaces, parks and playgrounds;

(iv) securing the use of the land in the manner specified in the development plan;

(v) any of the matters as are referred to in sub-section (ii).

(iv) Subject to the provisions of the rules made under this Act for regulating the form and contents of the Comprehensive Development Plan, any such plan shall include such maps and such descriptive matters as may be necessary to explain and illustrate the proposals in the development plan.

Development Plan prepared prior to the application of this Act to be deemed Development Plan under this Act.

39. If any local authority has been declared as a planning and development authority for a planning area and the local authority has prepared a development plan for the planning area before the application of this Act to that area, the development plan already prepared may be deemed to be a development plan under section 37 or section 38 of this Act.

Power of Government in case of default of Planning and Development Authority to prepare Development Plan.

40. (i) Where by virtue of the foregoing provisions of this Act, a development plan is to be prepared.

(a) if within the period prescribed or within such period which the Government has extended, no development plan has been prepared, or

(b) if at any time the Government is satisfied that the planning and development authority is not taking steps necessary to prepare such a development plan within that period, the Government may direct the Chief Town Planner to prepare the development plan.

(ii) After the preparation of the development plan, the Chief Town Planner shall submit the development plan to the Board and the Board shall follow the procedure and exercise the powers of the Planning and Development Authority under sections 41, 42, 43 and 44.

(iii) Any expenses incurred under this Section in connection with the preparation of the development plan for the planning area of planning and development authority, shall be paid by the planning and development authority.

Approval of the Board to the Publication of Notice of preparation of Development Plan.

41. As soon as may be, after the development Plan has been submitted to the Board but not later than the time prescribed by rules, the Board shall direct the Planning and Development Authority to make such modification in the Development Plan as the Board thinks fit and thereupon the Planning and Development Authority shall make these modifications.

Public Notice of the preparation of the Development Plan.

42. (i) After the modifications, if any, directed by the Board have been made, the planning and development authority shall publish the public notice in the Official Gazette and in one or more local newspapers, of the preparation of the development plan and the place or places where copies of the same may be inspected, inviting objections in writing from any person with respect to the development plan within a period of sixty days.

(ii) The notice of preparation of the Development Plan as provided under section 42(i) above shall, notwithstanding anything contained in the Land Acquisition Act, 1894, be deemed to be a declaration duly made under section 4 of the said Act.

(iii) After the expiry of the period mentioned in sub-section (i) above, the planning and development authority shall appoint a Committee consisting of the Planning Member in the case of a Metropolitan Planning and Development Authority or the Town Planning Officer in the case of an area planning and development authority and not more than two of its other members, to consider the objections filed under sub-section 42(i) and report on them within such time as the planning and development authority may fix in this behalf.

(iv) The Committee so appointed shall have power to co-opt any other person, and such co-opted person shall have a right to take part in the discussions of the Committee relevant to that purpose but shall not have a right to vote at the meeting and shall not be a member for any other purpose.

(v) The Committee so appointed shall afford a reasonable opportunity of being heard, to any person, including representatives of Government Departments, or local authorities who has filled any objection, and who has made a request for being so heard.

(vi) As soon as may be, after the receipt of the Report from the Committee, but not later than the time prescribed by the rules, the planning and development authority shall consider the report of the Committee and may make such modifications in the Development Plan as it considers proper, and shall submit the Development Plan with or without modifications together with the report of the Committee to the Government.

Approval by the Government.

43. As soon as may be, after the receipt of the development plan, together with the report of the Committee, but not later than the time prescribed by the rules, the Government after consulting the Board, may, either approve the development plan or may approve it, with such modifications as it may consider necessary, or may return the development plan to the planning and development authority to modify the plan or to prepare a fresh plan in accordance with such directions as the Government may issue in this behalf.

Coming into operation of the Development Plan.

44. (i) Immediately after the Development Plan has been approved by the Government, the planning and development authority shall publish a public notice in the Official Gazette and in a local newspaper, of the approval of the development plan and the place or places where copies of the development plan may be inspected.

(ii) The publication of the notice in the Official Gazette of the approval of the Development Plan shall, notwithstanding anything contained in the Land Acquisition Act, 1894 be deemed to be a declaration duly made under section 6 of the said Act.

(iii) The Development Plan shall come into operation from the date of publication of the aforesaid notice in the Official Gazette.

(iv) After the coming into operation of the Comprehensive Development Plan, the Outline Development Plan shall stand modified or altered to the extent the proposals in the Comprehensive Development Plan are at variance with the outline Development Plan.

Reference to High Court Questioning the validity of the Development Plan.

45. (i) Within one month of the coming into operation of the development plan, any person aggrieved by it, may make an application to the High Court questioning the validity of the development plan 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 thenmaking of the development plan.

(ii) The High Court, after giving an opportunity to the planning and development authority concerned, the Board 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) if satisfied that the 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, may quash the plan or any provision contained therein generally or in so far as it affects any property of the applicant.

(iii) Subject to the above provisions, a development plan shall not, either before or after it has been approved be questioned in any manner, in any legal proceedings whatsoever.

Amendment of Development Plan.

46. (i) At any time after the date on which the Development Plan for an area comes into operation, and at least once in every 10 years after that date, the planning and development authority shall, after carrying out such fresh surveys as may be considered necessary or directed by the Board prepare and submit to the Board and the Government, a development plan for any alteration or additions considered necessary.

(ii) The provisions of sections 42, 43 and 44 shall mutatis mutandis, apply to such a development plan.

Minor Changes n the Development Plan.

47. At any time after the date on which the development plan for an area comes into operation, the planning and development authority may, with the prior approval of the Board, make such minor changes in the development plan as may be necessitated by topographical and cartographical errors and commissions, details of proposals not fully indicated in the plan or changes arising out of the implementation of the proposals in the development plan.

Provided,

(i) that all such changes are in the public interest, and

(ii) that all such changes are notified to the public.

Power to acquire land, under the Land Acquisition Act, 1894.

48. Any land required, reserved or designated in a Development Plan or a development 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 under the said Act.

CHAPTER VIII

CONTROL OF DEVELOPMENT AND USE OF LAND

Use and Development of land to be in conformity with Development Plan.

49. After the coming into operation of any Development Plan in any area, no person shall use or permit to be used any land or carry out any development in that area otherwise than in conformity with such development plan.

Provided that the planning and development authority, may allow the continuance, for a period not exceeding 10 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 development plan came into operation.

Prohibition of Development without payment of Development Charges and without permission.

50. (i) After the application of this Act to any area and subject to the provisions relating to the development charge and other provisions of this Act, no development, 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 development charge as leviable under this Act has been paid or that no such development charge is 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 affect 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.

51. (i) Any person or body (excluding a department of Central or State Government of local authority) 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 and plans as may be prescribed by the rules or the regulations;

(ii) In the case of a department of Central or State Government or local authority (where the local authority is not also the planning and development authority) intending to carry out any development other than operational constructions on any land, the concerned department or 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, one month prior to the undertaking of such development; where the planning and development authority has raised any objection in respect of the conformity of the proposed development either to any development plan under preparation, or to any of the building bye-laws in force at the time, or due to any other material consideration, under sub-section (iv) the department or the 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 Chief Town 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 provisions of sub-section (iii) shall not apply in this case. Provided that 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.

(iii) On such application having been duly made, and on payment of the development charge as may be assessed under Chapter X.

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

(i) granting permission unconditionally; or

(ii) granting permission subject to such conditons as it may think 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.

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

(a) the provisions of the development plan, if it has come into operation;

(b) any other material consideration.

(v) 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.

(vi) Any such order shall be communicated to the applicant in the manner prescribed by regulations.

Appeal against grant of permission subject to conditions or refusal of permission.

52. (i) Any applicant aggrieved by an order passed under the last foregoing section, or if no order is passed, under the foregoing section 51(iii) may appeal, within one month of the communication of that order to him or after the expiry of the period of three months from the date of submitting the application in the manner and accompanied by such fees as may be prescribed by the rules, to the authority as may be prescribed.

(ii) The authority, after receiving the appeal may give a 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 think fit.

Lapse of Permission

53. Every permission for any development granted under this Act shall remain in force for one year 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 think proper; but such extended period shall in no case exceed three years.

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

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

54. (i) Where any person interested in the land, aggrieved by an order in appeal under section 52 refusing to grant permission to develop the land, or granting permission subject to conditions, claims—

(a) that the land has become incapable of reasonably beneficial use in the existing state, or

(b) in a case where permission to develop the land was granted subject to conditions that the land cannot be rendered capable of reasonably beneficial use by carrying out the permitted development in accordance with these conditions, he may within three months and in the manner prescribed by the rules, serve on the Government a notice (hereinafter referred to as an acquisition notice) requiring the Government to acquire his interest in the land.

(ii) A copy of such notice shall at the same time be served on the Board and the planning and development authority concerned.

(iii) After receiving notice under clause (i), the Government shall appoint a person who shall give reasonable opportunity to the person interested serving the acquisition notice, the planning and development authority concerned, and the Board, to be heard and shall submit a report thereon to the Government;

(a) (i) After receiving such report, the Government if satisfied that the conditions, specified in (a) or (b) of clause (i), are not fulfilled, or

(ii) if the order appealed against was passed on the ground of not complying with any provisions of this Act, rules or regulations that may be applicable, shall pass an order refusing to confirm the notice;

(b) If satisfied that the conditions specified in (a) or (b) of clause (i) are fulfilled regarding the land or any part of the land.

Shall pass an order;

(i) confirming the notice;

or

(ii) directing the planning and development authority to grant such permission to develop the land or grant the permission subject to such conditions as will keep the land capable of reasonably beneficial use.

(iv) If within the period of one year from the date on which an acquisition notice is served under clause (i), the Government has not passed any order under the last foregoing clause, the notice shall be deemed to have been confirmed at the expiration of that period.

(v) Upon confirmation of the notice under either of the two last foregoing clauses, the Government shall proceed to acquire the land or that part of any land regarding which the notice has been confirmed within one year of the confirmation of the acquisition notice.

Compensation for refusal of permission or grant of permission subject to conditions in certain cases.

55. (i) Where an order in appeal under section 52 refusing to grant permission or granting permission subject to conditions, relates to any of the following developments.

(a) the re-erection of a building which has been destroyed or demolished so long as the cubic content of the original building is not exceeded by more than one-tenth;

(b) the enlargement, improvement or other alteration of any building which was in existence on the date, the development plan relating to the area comes into operation for the first time, so long as the cubic content of the original building is not exceeded by more than one-tenth;

(c) the carrying out, on land used for the purposes of agriculture, of any building or other operation required for that purpose, other than operations for the erection, enlargement, improvement or alteration of a building for human habitation or of building used for the purpose of marketing of the produce of land;

(d) where any part of any building or other land which on the date of coming into operation for the first time of the development plan relating to the area is used for a particular purpose, the use for that purpose of any additional part of the building or land not exceeding one-tenth of the cubic content of the part of the building used for that purpose on that day, or as the case may be, one-tenth of the area of the land so used on that date, the owner may, within the time and in the manner prescribed by rules under this Act, claim upon the planning and development authority, if he has not been served an acquisition notice, or if the acquisition is not confirmed by the Government under Section 52, compensation for such refusal or for grant of permission subject to conditions;

Provided that no compensation shall be claimable if such refusal or grant of permission subject to condition was based on any provision of any development plan.

(ii) The Compensation* shall be equal to--

(a) where permission is refused, the difference between the value of the land as if the permission had been granted and the value of the land in its existing state;

(b) where permission is granted subject to conditions, the difference between the value of the land as if the permission had been granted unconditionally and the value of the land with the permission granted subject to conditions.

(iii) When a claim is received by the planning and development authority, the Planning Member in the case of a Metropolitan Planning and Development Authority or the Town Planning Officer in the case of the Area Plan-

* The word "Compensation" wherever appearing in the Model Law may be substituted by the word "amount" where the state has amended its Land Acquisition Act in accordance with the 25th constitutional Amendment.

ning and Development Authority shall, after giving an opportunity of being heard to the applicant, make a report to the planning and development authority.

(iv) the planning and development authority shall, after consideration of the aforesaid report, assess the compensation and offer it to the owner.

(v) 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.

Power of revocation and modification of permission to develop.

56. (i) If it appears to the planning and development authority that it is expedient, having regard to the development plan prepared or under preparation or to be prepared 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 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 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.

(ii) When permission is revoked or modified by an order made under the last foregoing section, 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.

(iii) 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 be binding on the owner and the planning and development authority.

Penalty for Unauthorised Development or for Use otherwise than in conformity with the development plan.

57 (i) 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;

(b) without obtaining a certificate regarding development charge under section 50(i) (a);

(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 56; or

(f) in contravention of the permission which has been modified under section 56;

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 the offence continues after conviction for the first commission of the offence.

(ii) Any person who continues to use or allows the use of any land or building in contravention of the provisions of a development plan without having been allowed under section 49, 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 simple imprisonment for a term which may extend to six months, or with a fine which may extend to five thousand rupees or with both and in the case of a continuing offence with a further fine which may extend to two hundred and fifty rupees for every day during which such offence continues after conviction for the first commission of the offence.

Power to require removal of unauthorised development.

58. (i) Where any development of land has been or is being carried out as described in section 57, 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) thereof to restore the land to its condition before the said development took place;

(b) in cases specified in clause (d) or (f) thereof to secure compliance with the conditions or with the permission as modified;

(c) in case specified in clause (b) to pay the development charge and such penalty, if any, as may be prescribed by the rules;

(ii) In particular, any such notice may, for the purpose aforesaid 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.

(iii) Any person aggrieved by such notice may, within the said period and in the manner prescribed—

(a) apply for permission under section 51 of this Act for the retention on the land of any buildings or works or for the continuance of any use of the land, to which the notice relates; or

(b) appeal to the authority as may be prescribed.

(iv) (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 50, 51 and 52 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.

(v) The authority may dismiss the appeal or accept the appeal by quashing or varying the notice as it may think fit.

(vi) 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 (iii) 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 behalf from the owner as arrears of land revenue.

(vii) Any person prosecuted under sub-section (vi) (a) 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.

59. (i) Where any development of land as described in Section 57 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.

(ii) Where such notice has been served, the provisions of sub-section (iv) (b), and (v) of section 58 shall apply with such modification as may be necessary;

Provided that provisions of clause (a) of sub-section (iv) of section 58 shall not apply and in spite of the filing of an application for permission for development or an appeal as provided in sub-section (iii) of section 58, the notice shall continue to have full effect.

(iii) 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 six months, 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.

(iv) 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.

(v) After the requisition under sub-section (iv) 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.

(vi) Where a police officer or an officer or an employee of the planning and development authority has been deputed under sub-section (v) 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 (i) was given and shall be recoverable from such person as arrears of land revenue.

Power to require removal of authorised development or use.

60. (i) 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 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.

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

(iii) If an appeal is filed under the last foregoing sub-section, the provisions of clause (a) of sub-section (iv) and sub-section (v) of section 58 shall apply, with such modifications as may be necessary.

(iv) If any person—

(a) who 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) who has carried out any works in compliance with the notice, 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 (iii) to (v) of section 55 shall apply with such modifications as may be necessary.

(v) (a) 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 (ii) and in the manner prescribed, serve on the Government, an acquisition notice requiring his interest in the land to be acquired.

(b) When a notice is served under the last foregoing sub-section, the provisions of sub-sections (ii) to (v) of section 54 shall apply with such modifications as may be necessary.

Interim provision pending preparation of development plan.

61. Where the planning and development authority, in the exercise of its functions and powers with respect to any area under it, is required to have regard to the provisions of a development plan before such development 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.

CHAPTER IX

DEVELOPMENT SCHEMES

Preparation of development schemes.

62. Subject to the provisions of this Act or any other law for the time being in force, the Planning and Development Authority may, as soon as may be, after the development plan has been approved by the Government, for the purpose of implementing the proposals contained in the development plan, prepare one or more development schemes for the area within its jurisdiction or any part thereof.

Scope of the development scheme.

63. (i) A scheme may be made in accordance with provisions of this Act in respect of any land which is :—

(a) in the course of development,

(b) likely to be used for building purposes, or

(c) already built upon.

Explanation :—

The expression "Land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing open spaces, roads, streets, parks, pleasure or recreational grounds, parking spaces, or for the purpose of executing any work upon or under the land incidental to a scheme, whether in the nature of a building work or not.

(ii) Such schemes may make provisions for any or all of the following matters, namely :—

(a) the laying out or relaying out of land, either vacant or already built upon;

(b) the filling up or reclamation of low-lying swamp or unhealthy areas or levelling up of land;

(c) layout of new streets or roads, construction, diversion, extension, alteration, improvement and stopping up of streets, roads and communications;

(d) the reconstitution of plots;

(e) the construction, alteration and removal of buildings, bridges and other structures;

(f) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds;

(g) undertaking housing schemes for different income groups, commercial areas, industrial estates, provision of community facilities like schools, hospitals, and similar types of developments;

(h) drainage inclusive of sewerage, surface or sub-soil drainage and sewage disposal;

(i) lighting;

(j) water supply;

(k) the preservation and protection of objects of historical importance or natural beauty and of buildings actually used for religious purposes;

(l) 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 appropriate, 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;

(m) the suspension, so far as may be necessary, for the proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend;

(n) acquisition by purchase, exchange or otherwise of any property necessary for or effected by the execution of the scheme;

(o) such other matters not inconsistent with the objects of this Act, as may be directed by the Government.

Contents of the Scheme.

64. (i) The scheme shall contain the following particulars, so far as may be necessary, that is to say :—

(a) the area, ownership and tenure of all existing plots covered by the scheme;

(b) the land allotted or reserved under clause (f) of sub-section (ii) of section 63 with a general indication of the uses to which such land is to be put and the terms and conditions subject to which such land is to be put to such uses;

(c) a full description of all the details of the scheme under such clause of sub-section (ii) of section 63 as may be applicable;

(d) the laying out or relaying out of the land either vacant or already built upon;

(e) the filling up or reclamation of low lying swamp or unhealthy areas or levelling up of land;

(f) the extent to which it is proposed to alter the boundaries of the existing plots in accordance with the proposed scheme;

(g) an estimate of the total cost of the scheme and the net cost to be borne by the Planning and Development Authority; and

(h) any other prescribed particulars.

Reconstitution of plots Scheme.

65. (i) In a 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 scheme as regards open spaces.

(ii) For the purpose of sub-section (i), the scheme may contain proposals—

(a) to form a final plot by reconstitution of an existing plot by alteration of the boundaries of the existing plot, if necessary;

(b) to form a reconstituted plot from an existing plot by the transfer wholly or partly of the adjoining lands;

(c) to provide, with consent of the owners, that two or more existing 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;

(d) to allot a reconstituted plot to any owner dispossessed of land in furtherance of the scheme; and

(e) to transfer the ownership of an existing plot from one person to another.

Publication of the scheme.

66. (i) As soon as may be, after the scheme under section 65(ii) has been prepared, the Planning and Development Authority shall publish the scheme in the Official Gazette and in one or more local newspapers specifying the place

or places where copies of the same may be inspected, and inviting objections in writing from any person with respect to the scheme within such period as may be specified in the notice :

Provided that such period shall not be less than two months from the date the notice is published in the Official Gazette. Provided further that no such public notice under this sub-section in respect of the scheme shall be required where land covered by the scheme had already been acquired and the execution of the scheme does not affect the interest of any person/persons.

(ii) Simultaneously with the publication of the scheme, the planning and development authority shall submit copies of the notice and of the scheme to the government drawing attention of the government particularly to provision in the scheme, if any, referring to section 63 (ii) (m).

(iii) The publication of the scheme as provided under section 66 (i) above shall, notwithstanding anything contained in the Land Acquisition Act 1894, be deemed to be a declaration duly made under section 4 of the said Act.

Power of the Government to require the planning and development authority to make scheme.

67. (i) Notwithstanding anything contained in this Act, the Government may, in respect of any Planning and Development Authority after making such enquiry as it deems necessary, direct that Authority to make and publish in the prescribed manner, a scheme in respect of any land in regard to which a development scheme may be made.

(ii) If the Planning and Development Authority fails to make the scheme within three months from the date of direction made under sub-section (i), the Government may, by notification in the Official Gazette appoint an officer to make and publish and submit the scheme for the land to the Government, and thereupon the provisions of this Act shall, as far as may be applicable, apply to the making of such scheme.

Power of Government to suspend rule, bye-law, etc.

68. (i) Where the Planning and Development Authority has published the scheme in the Official Gazette under sub-section (i) of section 66 of this Act, the Government may, on an application of the Planning and Development Authority, by order published in the Official Gazette, suspend to such extent only as may be necessary for the purpose of carrying out of the scheme, any rule, bye-law, regulation, notification or order made or issued under any law which the Legislature of the State is competent to amend.

(ii) Any order issued under sub-section (i) shall cease to operate in the event of the scheme being withdrawn by the planning and development authority either on its own or under the directions of the Government under section 76.

Disputed ownership

69. (i) Where there is a disputed claim as to the ownership of any piece of land included in an area in respect of which the draft scheme has been published and any entry in the records of rights or mutation register relevent to such disputed claims is inaccurate or inconclusive, an enquiry may be held on a submission being made by the Planning and Development Authority at any time prior to the date of publication of the scheme by such officer as the Government may appoint for the purpose of deciding who shall be deemed to be owner for the purpose of this Act.

(ii) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(iii) Such decision shall, in the event of the civil court passing a decree which is inconsistent therewith, be corrected, modified or rescined in accordance with such decree as may be practicable after such decree has brought to the notice of the Planning and Development Authority either by the Civil Court or by some person affected by such decree.

(iv) Where such a decree of the court is passed after the scheme has been published, such scheme shal be deemed to have been suitably varied by reason of such decree.

Restrictions on use and development of land after the publication of the scheme.

70. (i) On or after the date on which the scheme is published in the Official Gazette under section 66(i) of the Act;

(a) no person shall within the area included in the scheme 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 its 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 three months 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 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 sub-section (c) shall be a sum due to such Authority under this Act from the person in default or the owner of the plot.

(ii) 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 (i) except in respect of a building or work begun or a contract entered into before the date on which the Planning and Development Authority published the scheme under section 66 (i) or the Government published the notification under section 67 and only insofar as such building or work has proceeded at the time of the publication of the scheme.

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 Planning and Development Authority.

(iii) Where under sub-clause (i) of sub-section (ii) of section 63 or under a scheme under section 64 :

(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 specified in the scheme, cease to be used for such purposes and shall be used only for the purpose specified in the 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 3 years as may be specified in the scheme, cease to be used for the purpose other than the purposes specified in the scheme;

(c) the purpose to which any plot of land with existing buildings may not be used has been specified in the scheme and the existence of such buildings is inconsistent with the provisions of the scheme, such buildings shall, within such period of not less than 10 years as may be specified in the scheme cease to exist;

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

No compensation shall be payable for any plot of land or building adversely affected by the making of a scheme;

(iv) Any person aggrieved by the decision of the Planning and Development Authority under this section may within 60 days from the date of the decision, appeal to the authority as may be prescribed and the order of the said authority in the appeal shall be final.

(v) The provisions of section 57 shall, mutatis mutandis apply in relation to the unauthorised development or use of land included in a development scheme.

(vi) The restrictions imposed by this section shall cease to operate in the event of the scheme being withdrawn by the planning and development authority on its own or on the direction of the Government under section 76.

Possession of land in advance of development scheme.

71. (i) Where the Planning and Development Authority thinks that, in the interest of the public, it is necessary to undertake forthwith any of the works included in a scheme for a public purpose, the Planning and Development Authority shall make an application to the Government to vest in it the land (without any building) shown in the scheme.

(ii) The Government may, if satisfied that it is urgently necessary in the public interest to empower the Planning and Development Authority to enter on such land for the purpose of executing any of such works, direct the Planning and Development Authority by notification in the Official Gazette, to take possession of the land, or may, after recording its reasons, refuse to make any such direction.

(iii) The Planning and Development Authority shall then give a notice in the prescribed manner to the person interested in the land, the possession of which is to be taken by the Planning and Development Authority requiring him to give possession of his land to the Planning and Development Authority or any person authorised by it in this behalf within a period of one month from the date of service of notice; and if no possession is delivered within the period specified in the notice, the Planning and Development Authority shall take possession of the land. Such land shall thereupon, notwithstanding anything contained in this Act, vest absolutely in the Planning and Development Authority free from all encumbrances.

Magistrate to enforce delivery of possession of land.

72. (i) If the Planning and Development Authority is opposed or impeded in taking possession of the land under section 71 (iii) it shall request the District Magistrate to enforce the delivery of possession of the land to the Planning and Development Authority. The District Magistrate shall take or cause to be taken such steps and use or cause to be used such force as may be reasonably necessary for securing the delivery of possession of the land to the Planning and Development Authority.

(ii) For the avoidance of doubt, it is hereby declared that the power to take steps under sub-section (i) includes the power to enter upon any land or other property whatsoever.

Owner of land of which possession is taken entitled to interest.

73. (i) Where possession of land is taken by the Planning and Development Authority under sections 71 or 72, the persons interested in such land shall be entitled to interest at the rate of 6 per cent per annum on the amount of compensation payable to him under the scheme in respect of the said land from the date on which such possession is taken till the date on which amount of compensation is paid to him by the Planning and Development Authority.

Consideration of objections and submission of scheme to the Government.

74. (i) After the expiry of the period mentioned in sub-section (i) of section 66, the Planning and Development Authority shall examine the scheme in the light of the objections that may be received, giving reasonable opportunity of being heard to all such interested persons who have filed objections and who have made request for being so heard in the manner prescribed and may make such amendments in the scheme as it considers proper and shall, as soon as may be, but not later than the time prescribed by the rules prepare the scheme with or without modifications and submit it to the Government together with a copy of the objections received by it and its decisions thereon.

Public notice of the scheme.

75. (i) Simultaneously with the submission of the scheme to the Government, the Planning and Development Authority shall publish a public notice in the Official Gazette and in a local newspaper, of the scheme and the place or places where copies of the scheme may be inspected.

(ii) The public notice under sub-section (i) shall specify a date (which shall not be earlier than one month after the date of the publication of the public notice) on which all the liabilities created by the scheme shall take effect and the scheme shall come into force;

Provided that the Government may, from time to time postpone such date, by notification in the Official Gazette, by such period not exceeding three months at a time as it thinks fit.

(iii) The publication of the notice in the Official Gazette of the scheme, shall, notwithstanding anything contained in the Land Acquisition Act 1894 be deemed to be a declaration duly made under section 6 of the said Act.

Withdrawal of scheme by the Planning and Development Authority.

76. (i) If at any time before the scheme is published under section 75, a representation is made to the Planning and Development Authority by a majority of the owners in the area that the scheme should be withdrawn, the Planning and Development Authority shall, invite from all persons interested in the scheme, objections to such representation.

(ii) After receiving the objection, and after making such inquiry as it may think fit, the Planning and Development Authority may, by notification in the Official Gazette, withdraw the scheme and upon such withdrawal, no further proceedings shall be taken in regard to such scheme.

(iii) Simultaneously with such withdrawal, the Planning and Development Authority shall submit to the Government the copy of the notice withdrawing the scheme and a report of its enquiry made in this behalf.

(iv) At any time prior to the publication of the scheme under section 75 the Government if it is satisfied that it is in the public interest, may direct the Planning and Development Authority to withdraw a scheme, thereupon the Planning and Development Authority shall withdraw the scheme by a notification published in the Official Gazette to that effect. Upon such withdrawal no further proceedings shall be taken in regard to such scheme.

Effect of scheme.

77. (i) On and after the day on which a 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 existing plots which have been reconstituted shall determine, and the reconstituted plots shall become subject to the rights settled by the Planning and Development Authority;

(c) the Planning and Development Authority shall hand over possession of the reconstituted plots to the owners to which they are allotted in the scheme.

Determination of certain matters by the Planning and Development Authority.

78. (i) As soon as may be, after public notice of the scheme has been published in the Official Gazette under section 75 (i) of this Act, but not later than the time prescribed by the rules, the Planning and Development Authority shall, in accordance with the prescribed procedure proceed to :—

(a) define, demarcate and decide the areas allotted to, or reserved, for the public purpose or purposes of the Planning and Development Authority, and also the reconstituted plots;

(b) decide the person or persons to whom a reconstituted plot is to be allotted; when such plot is to be allotted; and when such plot is not 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 existing plots and the values of the reconstituted plots included in the scheme, in accordance with the provisions contained in clause (f) of sub-section (i) of section 92.

(d) estimate the compensation payable for the loss of the area of the existing plot in accordance with the provisions contained in clause (f) of sub-section (i) of section 92 in respect of any existing plot which is wholly acquired under the scheme;

(e) determine whether the areas allotted or reserved for the public purpose or purposes of the Planning and Development Authority are beneficial wholly or partly to the owners or residents within the area of the scheme;

(f) estimate the proportion of the sums payable as compensation on each plot used, allotted or reserved for the public purpose or purposes of Planning and Development Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(g) determine the proportion of contribution to be levied on each plot used, allotted or purposes of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public;

(h) 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 religious or charitable purposes at the date on which public notice of the scheme is published under section 75 of this Act;

(i) estimate the value of reconstituted plots included in the scheme and the increment to accrue in respect of such plots in accordance with the provision of section 93;

(j) calculate the proportion in which the increment in respect of the reconstituted plots included in the scheme shall be liable to contribution to the cost of the scheme in accordance with the provisions contained in section 92;

(k) calculate the contribution to be levied on each reconstituted plot included in the scheme;

(l) determine the amount to be deducted from or added to, as the case may be, the contribution leviable from a person in accordance with the provisions contained in section 95;

(m) provide for the total or partial transfer of any right in an existing plot to a reconstituted plot or provide for the extinction of any right in an existing plot in accordance with the provisions contained in section 96;

(n) 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 one hand and the mortgager or lessor on the other;

(o) estimate in reference to claims made before it, after the notice given by it in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a scheme in accordance with the provisions contained in section 97;

(p) determine the period in which the works provided in the scheme shall be completed by the Planning and Development Authority;

Provided that the Planning and Development Authority may make variations from the scheme subject to the condition

that any variation estimated by it to involve an increase of ten per cent in the total cost of the scheme or rupees one lakh whichever is lower, shall require the sanction of the Government;

Provided further that the Planning and Development Authority shall make no substantial variation without the consent of the Government and without hearing any objections which may be raised by the owners concerned.

(ii) The Government may, if it thinks fit, whether the period prescribed by the rules for deciding all the matters stated in sub-section (i) above has expired or not, extend from time to time by a notification in the Official Gazette, the period for deciding all the matters referred to in sub-section (i).

Appeal.

79. (i) (a) From every decision of the Planning and Development Authority in matters arising out of clauses (a), (b), (c), (n) and (o) of sub-section (i) of section 78, an appeal shall lie within one month from the date of the decision, to the authority to be prescribed.

(b) Any person aggrieved by the decision in appeal of the prescribed authority in matters referred to in sub-section (i) (a) above, may appeal, within 60 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 scheme is situated.

(c) The District Judge may transfer the appeal filed before him to the Additional District Judge for disposal.

(d) 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 its proposals or accept, modify, vary or reject the proposals of the Planning and Development Authority and shall decide all matters arising out of clauses referred to in sub-section (i) (a) above.

(e) 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 the Planning and Development Authority.

(ii) (a) Any decision of the Planning and Development Authority under clauses (d) to (m) (both inclusive) and clause (p) of sub-section (i) of section 78 shall be forthwith communicated to the party concerned and any party aggrieved by such decision may, within 60 days from the date of communication of the decision, appeal to the Tribunal of Appeal for decision of the appeal.

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

Constitution of Tribunal of Appeal.

80. (i) As soon as may be, after the Planning and Development Authority has decided all the matters stated in Section 78 (i), the Government shall after making such enquiry as it may think fit, appoint a Tribunal of Appeal hereinafter referred to as the Tribunal to hear and decide appeals arising out of matters referred to in Section 79 (ii) (a).

(ii) The Tribunal shall consist of a Chairman and two Assessors.

(iii) The Chairman shall be the District Judge or other Civil Judge as may be appointed by the Government on the recommendations of the District Judge.

(iv) The Chairman shall appoint fit and proper persons as Assessors who shall as far as possible have knowledge, or experience of town planning, valuation of land or civil engineering.

(v) The Chairman and the Assessors shall be appointed members of the Tribunal for such period as may be required by such Tribunal to decide

an appeal made against the decision under clause (d) to (m) (both inclusive) and clause (p) of sub-section (i) of section 78.

(vi) 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 (iv).

(vii) If any Assessor is removed or dies or refuses or neglects to act or becomes incapable of acting, the Chairman shall appoint forthwith a fit and proper person to take the place of such Assessor.

Place where Tribunal may sit.

81. The Tribunal may sit either at the headquarters of the Chairman or at any other place within the local limits of his jurisdiction which he may deem convenient for the consideration and decision of any matter before such Tribunal.

Decision of questions of law and other questions.

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

Powers of Tribunal to decide matter finally.

83. (i) The Tribunal shall, after making such inquiry as it may think fit, decide all matters arising out of clauses (d) to (m) (both inclusive) and clause (p) only of sub-section (i) of section 78 in respect of appeals referred to the Tribunal; and may either confirm the proposals of the Planning and Development Authority or direct it where necessary to reconsider, vary or modify its proposals only in respect of such matters aforesaid.

(ii) Every decision of the Tribunal shall be final and conclusive and binding on all persons and parties including the Planning and Development Authority. A copy of the decision in appeal shall be sent to the Planning and Development Authority.

Tribunal not to be Court.

84. Nothing contained in this Act shall be deemed to constitute the Tribunal to be a Court.

Remuneration of Assessors and payment of incidental expenses of Tribunal.

85. (i) The Chairman and the Assessors shall, save where they are salaried Government Officers, be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the Government may, from time to time, decide.

Provided that, in exceptional cases where the scheme is a large one or the work involved is complicated, the Government may authorise the Chairman and the Assessors, even if they are salaried Government Officers to receive such special salary or remuneration, as the Government may, by order, decide from time to time.

(ii) The salary of the Chairman of the Tribunal or an Assessor who is a salaried Government Officer, and any remuneration payable under sub-section (i) of this section and all expenses incidental to the working of the Tribunal shall, unless the Government otherwise determines, be defrayed out of the funds of the Planning and Development Authority and shall be added to the cost of the scheme.

Decision of Planning and Development Authority to be final in certain matters.

86. (i) Where no appeal has been made under section 79 the decision of the Planning and Development Authority shall be final and binding on the parties.

(ii) Where an appeal has been made under section 79 and a copy of the decision in appeal is received by the Planning and Development Authority, it shall then, where necessary, make variation in the scheme in accordance with such decision and may also rectify such errors or omissions, if any, as may have been brought to its notice after publication of public notice of the scheme and shall also forward such schemes together with a copy of its decisions and a copy of the decisions in appeal to the Government.

Power of Planning and Development Authority to evict summarily.

87. (i) On and after the day on which a scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the 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 by that Authority.

(ii) 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 scheme.

88. (i) On and after the day on which a scheme has been notified, the Planning and Development Authority may, after giving the prescribed notice and in accordance with the provisions of the scheme :

(a) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection of which or carrying out of which, any provision of the scheme has not been complied with;

(b) execute any work which it is the duty of any person to execute under the scheme, in any 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 scheme.

(ii) 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 existing plot in the manner provided for the recovery of sums due to the Planning and Development Authority under the provisions of this Act.

(iii) 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 officer, as the case may be, shall be final and conclusive and binding on all persons.

Power to vary Scheme on ground of error, irregularity or informality

89. (i) If after the scheme has come into force, the Planning and Development Authority considers that the scheme is defective on account of an error, irregularity or informality or that the scheme needs variation or modification of a minor nature, the Planning and Development Authority shall, by notification in the Official Gazette, prepare and publish a draft of such variation in the prescribed manner.

(ii) The draft variation published under sub-section (ii) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the sub-clauses of sub-section (ii) of section 63, the draft variation shall also contain such other particulars as may be prescribed.

(iii) The draft variation shall be open to the inspection of the public at the office of the Planning and Development Authority during office hours.

(iv) Not later than one month of the date of the publication of the draft variation, any person affected thereby may communicate in writing his objections to the Planning and Development Authority.

(v) After receiving the objections under sub-section (v) 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.

(vi) From the date of the notification of the variation, with or without modifications, such variation shall take effect as if it were incorporated in the scheme.

Power to vary development scheme.

90. A development scheme may at any time be varied by a subsequent scheme made, published in accordance with this Act :

Provided that, when a scheme is so varied, the provisions of this Act shall, so far as may be applicable, apply to such variation and making of subsequent scheme; and the date of publication of the varied scheme shall, for the purposes of sections 68, 70, 92, 93 and 95 be deemed to be the date of publication of scheme referred to in these sections.

Apportionment of cost of scheme withdrawn.

91. In the event of a development scheme being withdrawn, the cost of the scheme shall be borne by the Planning and Development Authority or be paid to the Planning and Development Authority by the owners concerned, in such proportion as the Government may in each case determine.

Cost of scheme.

92. (i) The cost of a development 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 in the making and in the execution of the scheme, the estimates for works included in the scheme being made on the date the scheme is published by a public notice under section 75;

(c) all sums payable as compensation for land reserved or allotted for any public purpose or purposes of the Planning and Development Authority which is solely beneficial to the owners or residents within the area of the scheme;

(d) such portion of the sums payable as compensation for land reserved or allotted for any public purpose or purposes of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such reservation or allotment;

(e) all legal expenses incurred by the Planning and Development Authority in the making and in the execution of the scheme;

(f) the amount by which the total of the values of the existing plots exceeds the total of the values of the plots included in the scheme, each of such plots being estimated at its market value on the date of the publication of the scheme under section 66 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.

(ii) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the existing plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (i), then the amount of such excess shall be deducted in arriving at the cost of the scheme as defined in sub-section (i).

Calculation of increment.

93. For the purposes of this Act, the increment shall be deemed to be the amount by which on the date of the publication of the scheme under section 66, the market value of any plot with reference to the improvements contemplated in the scheme on the assumption that the scheme has been completed would exceed on the same date the market value of the same plot estimated without reference to such improvement :

Provided that in estimating such values, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

Contribution towards cost of scheme.

94. (i) The cost of the scheme shall be met wholly or in part by a contribution to be levied by the Planning and Development Authority on each plot included in the scheme calculated in proportion to the increment which

is estimated to accrue in respect of such plot by the Planning and Development Authority :

Provided that,

(a) no such contribution shall exceed the increment estimated by the Planning and Development Authority to accrue in respect of each plot;

(b) Where a plot is subject to a mortgage with possession or to a lease, the Planning and Development Authority shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand, shall pay such contribution;

(c) no such contribution shall be levied on a plot used, allotted or reserved, for a public purpose or purpose of the Planning and Development Authority, such plot being solely for the benefit of the owners or residents within the area of the scheme;

(d) the contribution levied on a plot used, allotted or reserved for a public purpose or purpose of the Planning and Development Authority which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in the proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation;

(ii) The owner of each plot included in a scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Certain amount to be added to or deducted from contribution leviable from person.

95. The amount by which the total value of reconstituted plots included in a scheme with all the buildings and works thereon allotted to the person falls short of or exceeds the total value of the existing plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contribution leviable from such person, each of such plots being estimated at its market value on the date of the publication of the scheme under section 66 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Transfer of rights from existing to reconstituted plot or extinction of such right.

96. Any right in an existing plot which in the opinion of the Planning and Development Authority is capable of being transferred wholly or in part without prejudice to the making of a development scheme to a reconstituted plot shall be so transferred and any right in an existing plot which in the opinion of the Planning and Development Authority is not capable of being so transferred shall be extinguished :

Provided that, an agricultural lease shall not be transferred from an existing plot to a reconstituted plot without the consent of all the parties to such lease.

Compensation in respect of property or right injuriously affected by scheme.

97. The owner of any property or right which is injuriously affected by the making of a development scheme shall, subject to provisions of section 96 if he makes a claim before the Planning and Development Authority within sixty 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.

98. (i) 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 development scheme, if under any other law for the time being in force applicable to the area for which such scheme is made, no compensation is payable for such injurious affection.

(ii) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provision inserted in a development 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 (b) of section 64.

Provision for cases in which amount payable to owner exceeds amount due from him.

99. If the owner of an existing plot is not provided with a plot in the scheme or if the contribution to be levied from him under section 95 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the Planning and Development Authority in cash or in such other way as may be agreed upon by the parties.

Provision for cases in which value of developed plots is less than amount payable by owner.

100. (i) If for any cause the total amount which would be due to the Planning and Development Authority under the provisions of this Act from the owner of a plot to be included in the scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Planning and Development Authority shall direct the owner of such plot to make payment of the amount of such excess to it.

(ii) If such owner fails to make such payment within the prescribed period, the Planning and Development Authority shall acquire the existing plot of such defaulter by paying the value of such plot estimated at its market value on the date of the publication of the scheme under section 66 and without reference to improvements contemplated in the scheme, and apportion the compensation among the owner and other persons interested in the plot, and thereupon, the plot included in the scheme shall vest absolutely in the Planning and Development Authority free from all encumbrances, but subject to the provisions of this Act :

Provided that, the payment made by the Planning and Development Authority on account of the value of the existing plot shall not be included in the cost of the scheme.

Payment by adjustment of account.

101. All payments due to be made to any person by the Planning and Development Authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the Planning and Development Authority in respect of the reconstituted plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment of net amount due to Planning and Development Authority

102. (i) The net amount payable under the provisions of this Act by the owner of a plot included in a scheme may at the option of the contributor be paid in one sum or annual instalments not exceeding ten. If the owner elects to pay the amount by instalments, interest at 6 per cent per annum shall be charged on the net amount payable. If the owner of a plot fails to elect the option on or before the date specified in a notice issued to him in that behalf by the Planning and Development Authority, he shall be deemed to have elected the option of paying contribution by instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to make an election as aforesaid :

Provided that, where an owner elects to pay the amount in one sum but fails to do so, interest at 6 per cent per annum shall be payable by him to the Planning and Development Authority, from the date specified in the notice of the date of payment.

(ii) Where two or more plots included in a scheme are in the same ownership, the net amount payable by such owner under the provisions of this Act shall be distributed over his several reconstituted plots in proportion to the increment which is estimated to accrue in respect of each reconstituted plot unless the owner and the Planning and Development Authority agree to a different method of distribution.

Power of Planning and Development Authority to make agreement.

103. (i) 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 development 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 development scheme comes into force.

(ii) Such an agreement shall not in any way affect the determination of the matters as stated in section 78 or the rights 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 scheme as published by the Planning and Development Authority under Section 75 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.

104. Any sum due to the Planning and Development Authority under the provisions of the 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.

Disposal of surplus amount.

105. Where after completing and meeting all the costs of a scheme as provided in this Act, any amount from the sums paid to the Planning and Development Authority under this Act remains as surplus, the Planning and Development Authority, shall in consultation with the owners of the plots, spend such surplus amount for providing further amenities within the area of the scheme.

Execution of works in the scheme by Planning and Development Authority.

106. (i) The Planning and Development Authority shall complete all the works provided in a scheme within the period prescribed :

Provided that, in exceptional circumstances on application by the Planning and Development Authority, the Government may, by an order in writing specifying these circumstances grant to the Planning and Development Authority in this behalf further extension of time as it may think fit.

(ii) If the Planning and Development Authority fails to complete the work within the prescribed period or within the period extended under sub-section (i), the Government may, notwithstanding anything contained in sub-section (i), 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

LEVY, ASSESSMENT AND RECOVERY OF DEVELOPMENT CHARGE

Levy of Development Charge.

107. (i) Subject to the provisions of this Act, and the rules under it and with previous sanction of the Government, every planning and development authority shall, by a notification published in the Official Gazette, levy a charge (hereinafter called the Development Charge) on the carrying out of any development or the institution or change of use of land, for which permission is required under Chapter VIII of this Act, in the whole or any part of the planning area, at rates specified in section 108 :

Provided that the rates may be different for different parts of the planning area.

(ii) The charge shall be leviable on any person who undertakes or carries out such development and institutes or changes any such use.

(iii) Notwithstanding anything contained in sub-section (i) and (ii), no development charge shall be levied on development or institution of, or change of use of any land vested in or under the control or possession of the Central Government, the State Government or any local authority.

(iv) The Government may, by rules provide for the exemption from the levy of development charge, any development, or institution, or change of any use of any land specified in the rules.

*Rate of the Development Charge.

108. The Development Charge shall not exceed :

(i) (a) for the institution of use :—

(i) for residence...Rs. p/per sq. m.

(ii) for industry...Rs. q/per sq. m.

(iii) for commerce...Rs. r/per sq. m.

(b) for change of use :—

(i) from agriculture to residence...Rs. s/per sq. m.

(ii) from agriculture to industry...t/per sq. m.

(iii) from agriculture to commerce...Rs. u/per sq. m.

(iv) from residence to industry...Rs. v/per sq. m.

(v) from residence to commerce...Rs. w/per sq. m.

(vi) from industry to residence...Rs. x/per sq. m.

(vii) from industry to commerce...Rs. y/per sq. m.

(ii) for carrying out development by erection or re-erection of any building or works ...Rs. z/per cubic metre of the content of such building or works.

Assessment of Development Charge.

109. (i) Any person who intends to carry out any development or to institute or change any use of any land for which permission under Chapter VIII is necessary, whether he has applied for such permission or not, or who has commenced the carrying out of any such development or has carried out such development or instituted or changed any such use, shall apply to the planning and development authority in the manner prescribed for the assessment of development charge payable in respect thereof.

(ii) The planning and development authority shall, on such application being made, or if no such application is made, after serving a notice on the person liable

*The rates of the Development charge shall be prescribed before the Bill is introduced in the State Legislature.

for development charge, determine whether or not, and if so, what development charge, is leviable in respect of that development or use.

(iii) The Planning Member in the case of the Metropolitan Planning and Development Authority or the Town Planning Officer in the case of the Area Planning and Development Authority shall, after giving a reasonable opportunity of being heard to the person who has made an application under sub-section (i) or who has been served with a notice under sub-section (ii) make a report to the planning and development authority.

(iv) After taking into consideration the aforesaid report, the planning and development authority shall assess the amount of development charge by an order :

Provided that--

(a) Where permission under Chapter VIII has not been granted for carrying out the said development, the planning and development authority may postpone the assessment of the development charge;

(b) Where the application relates to the carrying out of any development, the planning and development authority may refuse to assess the development charge payable in respect thereof, unless it is satisfied that the applicant has an interest in the land sufficient to enable him to carry out such development, or that the applicant is able to obtain such interest and that the applicant will carry out the development within such period as the planning and development authority considers appropriate;

(c) Where the applicant relates to the institution or change of any use, the planning and development authority may refuse to assess the amount of development charge in respect thereof unless it is satisfied that the use will be instituted within such period as the planning and development authority considers appropriate.

(v) The planning and development authority shall deliver or serve a copy of such order on the applicant or the person liable for the development charge.

(vi) Such order of assessment, subject to the provision of section 110 shall be final and shall not be questioned in any court.

Appeals against Assessment.

110. (i) If any person, liable for such development charge is dissatisfied with the order of assessment, he may, within such time and in such manner as may be prescribed, appeal to the authority as may be prescribed.

(ii) On an appeal made to the authority under sub-section (i), the authority shall, after giving reasonable opportunity of being heard to such person and the planning and development authority concerned pass such order as it deems fit.

Development Charge to be a charge on land and to be recoverable as arrears of land revenue.

111. (i) If any development of land is commenced or carried out or any use is instituted or changed without payment of the amount of the development charge assessed under the provisions of this Act, the amount of the development Charge shall, subject to prior payment of the land revenue, if any, be a first charge upon the interest of the person so liable in the land on which development has been commenced or carried out or the use has been instituted or changed and also in any other land in which such person has any interest.

(ii) The development charge shall be recoverable as arrears of land revenue.

CHAPTER XI

FINANCE, ACCOUNTS AND AUDIT

Funds of the planning and development authority.

112. (i) Every planning and development authority shall have and maintain its own fund to which shall be credited :

(a) all moneys received by the planning and development authority from the Government by way of grants, loans, advances, or otherwise;

(b) all development charge or other charges or fees received by the planning and development authority under this Act or rules or regulations thereunder;

(c) contribution from such local authority/authorities of the area included in the planning area of the planning and development authority of such money not exceeding ten per cent of the general fund of such local authority/authorities to the fund of the Planning and Development Authority as the Government may specify from time to time; and

(d) all moneys received by the planning and development authority from any other source.

(ii) The 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 planning area for purposes of development;

(c) the expenditure for any development of land in the planning area; and

(d) the expenditure for such other purposes as the Government may direct.

(iii) Every planning and development authority may keep in Current Account of the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its funds as may be prescribed by the rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(iv) The Government may, make such grants, advances and loans to any planning and development authority, as it may deem necessary, for the performance of the functions under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Government may determine.

Budget of the Planning and Development Authority.

113. Every planning and development authority shall prepare in such form and at such time every year as may be prescribed by the rules, a budget in respect of the financial year next ensuing, showing the estimated receipts and expenditure of the planning and development authority and shall forward to the Government and the Board such number of copies thereof as may be prescribed by rules.

Accounts and Audit.

114. (i) Every 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 the Government may by rules prescribe.

(ii) The accounts of every planning and development authority 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 planning and development authority to the Accountant General.

(iii) The Accountant General or any person appointed by him in connection with the audit of accounts of the planning and development authority 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 planning and development authority.

(iv) The accounts of every planning and development authority 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 and the Board.

Annual reports.

115. (i) The Board shall prepare for every year a report of its activities during that year and submit the report to the Government in such form and on or before such date as may be prescribed by rules, and the Government shall cause a copy of the Report to be laid before the State Legislature.

(ii) Every planning and development authority shall prepare for every year a report of its activities during that year and submit the report to the Government and the Board in such form on or before such date as may be prescribed by rules.

Pension and Provident Funds.

116. (i) Every planning and development authority shall constitute for the benefit of its whole time paid members and of its officers and other employees, in such manner and subject to such conditions as may be prescribed by rules, such pension and provident funds as it may deem fit.

(ii) 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.

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CHAPTER XII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Power of entry.

117. The Chief Town Planner or the Regional Planner of any regional planning and development authority or the Town Planning Officer of any area planning and development authority or any person authorised by the Board or any planning and development authority in this behalf may enter into or upon any land or building with or without assistants or workmen for the purpose of—

(a) making any enquiry, inspection, measurement or survey or taking levels 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 thereunder; and

(g) doing any other acts 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 (unless with the consent of the occupier thereof) without giving such occupier at least 24 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 land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered.

(ii) The power of the Chief Town Planner or the Board under sub-section (i) shall extend to the whole of the State and the power of the Regional Planner of any regional planning and development authority and the power of any Town Planning Officer of any area planning and development authority under sub-section (i) shall extend only to its regional planning area/planning area, as the case may be, and such other area which the Government may have directed to be included in a regional development plan/development plan.

(iii) 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 one thousand rupees, or with both.

Service of notices, etc.

118. (i) 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 rule or regulation, 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 of 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 building to which it relates, or

(iii) is sent by registered post to that person.

(ii) 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 (i); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building.

(iii) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(iv) For the purpose of enabling any documents to be served on the owner of any property, the secretary to the Board or the Board or the planning and development authority or any other officer authorised by the Board or any planning and development authority, in this behalf, may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(v) 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.

(vi) A servant is not a member of the family within the meaning of this section.

Public notice how to be made known.

119. Every public notice given under this Act or rules or regulations thereunder shall be in writing over the signature of the secretary to the Board or any planning and development authority or such other officer who may be authorised in this behalf by the Board or any 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 the secretary to the Board or the planning and development authority thinks fit.

Notices, etc. to fix reasonable time.

120. 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 thereunder, the notice, order or other document shall specify a reasonable time for doing the same.

Authentication of Orders and documents of the Board and the planning and development authority.

121. All permissions, orders, decisions, notices and other documents of the Board and any planning and development authority shall be authenticated by the signature of the secretary to Board or the planning and development authority or such other officer as may be authorised by the Board or the planning and development authority in this behalf.

Mode of proof of records of the Board and the planning and development authority.

122. (i) A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board or any planning and development authority, if duly certified by the legal keeper thereof or other person authorised by the Board or the planning and development authority in this behalf, 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 and planning and development authority.

123. No Chairman, member or officer or servant of the Board or any planning and development authority shall in any legal proceedings to which the Board 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.

124. 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 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.

(ii) Notwithstanding anything contained in sub-section (i) 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 officers 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.

125. If any person—

(a) obstructs, or molests any person engaged or employed by the Board or any planning and development authority or any person with whom the Board or the planning and development authority has entered into a contract, in the performance or execution by such person of his duty or of anything 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 two hundred rupees or with imprisonment for a term which may extend to two months.

Sanction of prosecution.

126. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Board or the planning and development authority concerned or any officer authorised by the Board or the planning and development authority in this behalf.

Composition of offences.

127. (i) The Board or the planning and development authority concerned or any person authorised in this behalf by general or special order may either before or after the institution of the proceedings compound any offence made punishable by or under this Act.

(ii) 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.

128. Notwithstanding anything contained, in section 29 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.

129. Every party to any proceeding before the Tribunal constituted under this Act, shall be entitled to appear either in person or by his agent authorised in writing in that behalf.

Power to compel attendance of witnesses.

130. For the purpose of this Act, any prescribed authority appointed under the provisions of this Act or an officer appointed under section 69(i) or the Tribunal may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

Jurisdiction of Courts.

131. No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act,

Fine when realised to be paid to planning and development authority.

132. All fines realised in connection with prosecution under this Act shall be paid to the planning and development authority concerned.

Members and officers to be public servants.

133. Every member and every officer and other employee of the Board and every planning and development authority shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code.

Protection of Action taken in good faith.

134. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder.

Finality of orders.

135. Save as otherwise expressly provided in this Act, every order passed or direction issued by the Government or the Board or order passed or notice issued, by any planning and development authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding.

Validation of Acts and proceedings.

136. (i) 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 or any planning and development authority;

(b) any person having ceased to be a member;

(c) any person associated with the Board or any planning and development authority under the provisions of this Act 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.

(ii) Every meeting of the Board and any planning and development authority, shall be taken to have been duly convened and to be free from all defects and irregularities.

Power to delegate.

137. (i) The Board may, by a resolution, direct that any power exercisable by it under this Act, rules or regulations thereunder may also be exercised by any planning and development authority, or local authority, or any officer of the Board or the Government with previous consent of Government, planning and development authority, or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(ii) The Chief Town Planner may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations, to any officer of the Board or the Government or any planning and development authority or local authority, in such cases and subject to such conditions, if any, as may be specified therein.

(iii) Any planning and development authority may, by a resolution, direct that any power exercisable by it under this Act, rules, or regulations thereunder, except the power to prepare any development plan or development scheme or to make regulations, may also be exercised by any local authority or any officer of the Government with previous consent of Government, the planning and development authority or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein.

(iv) The Regional Planner of any planning and development authority or the town planning officer of any planning and development authority may, by an order in writing, delegate any power exercisable by him under this Act, rules or regulations to any officer of the planning and development authority or local authority concerned, in such cases and subject to such conditions, if any, as may be specified therein.

Power of planning and development authority to borrow money.

138. 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 the purpose of the Development Plan or the making or execution of a development scheme.

Control by the Government and the Board.

139. (i) The Board and every planning and development authority shall carry out such directions as may be issued from time to time by the Government for the efficient administration of this Act and every planning and development authority shall also carry out such directions as may be issued from time to time by the Board for the purpose.

(ii) If in, or in connection with the exercise of its powers and discharge of its functions by any planning and development authority under this Act, any dispute arises between the planning and development authority, the local authority, or the Board and the Government, the decision of the Government on such disputes shall be final.

Returns and information.

140. (i) The Board and every planning and development authority shall furnish to the Government such reports, returns and other information as the Government may from time to time require.

(ii) Every planning and development authority shall furnish to the Board such reports, returns and other information as the Board may from time to time require.

Effect of laws.

141. (i) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

(ii) Notwithstanding anything contained in any such other law—

(a) when permission for development in respect of any land has been obtained under this Act, such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained; this shall not, be construed as exemption to permission being obtained as required under such other laws and of payments of such fees and charges as may be prescribed by these laws;

(b) when permission for such 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.

Power to make rules.

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

(ii) 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 and planning and development authority;

(b) the term of office and conditions of service of the members of the Board and the planning and development authorities;

(c) the qualification and disqualification for being chosen as, and for being members of the Board or planning and development authorities;

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(h) the control and restriction in relation to the appointment of officers and other employees of the Board and of planning and development authorities.

(i) the time within which the Board is to direct modifications in any Development Plan and the Development Scheme and the time within which the Government is to accord approval to any development plan and development scheme;

(j) the form and content of the outline development plan, comprehensive development plan and the development scheme and the procedure to be followed in connection with the preparation, submission and approval of such plans, schemes and the form and the manner of publication of the notice relating to such plan and scheme;

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ANNEX 3

MODEL URBAN AND REGIONAL PLANNING AND DEVELOPMENT LAW (REVISED) UDPFI GUIDELINES

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

UDPFI

URBAN DEVELOPMENT PLANS
FORMULATION & IMPLEMENTATION
GUIDELINES

PREPARED BY

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MODEL
URBAN & REGIONAL PLANNING AND DEVELOPMENT LAW (REVISED)

AS A
CONSEQUENCE TO

CONSTITUTION (SEVENTY-FOURTH) AMENDMENT ACT, 1992

AND

UDPFI GUIDELINES

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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 c 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 undetaken 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 instituion, 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 alloted 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 occurrance 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 licencee 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, broadcasing 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, appurtaining 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 incumberances 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 the[1] ..... Municipal Act, 19....., and the Constitution (Seventy-Third and Seventy- Fourth) Amendment Act, 1992.

[1] Relevant Municipal or other Acts to be gouted.

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) Developmen tof 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 prescibed 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 estabilishment 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 secreteriat 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 shalldefine 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

(l) 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 develop- ment 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 prepration 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 Plannes, 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 municpal 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 th 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 Commitee 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 commitee 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 municpalities 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, employemnt 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 develop- ment 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 municpal 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 municpal bodies; and

(iii) sectorwise programmes and projects for rural and urban areas including fiscal requirements and physical targets to be acheived 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 theiron to the Board;

(g) Advise the municpal bodies and panchayats on upgradation of their status and alteration of boundaries;

(h) Forumulate 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 agnency 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 govenment 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 restictions 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 25ceases 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 establishement 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 knowldege or experience in urban and rural planning and development including representatives of non-governmental organisations operating within 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 commitee 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 atleast 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 perons 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 commitee, 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 sechems 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 municpal 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 jurisidiction 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 effiecient 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 fuctions 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 perspective plan of local planning area and its contents.

44. (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 municpal 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 boady, 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 landuse;

(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 trasportation system and landuse 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 dis- continuance 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 availbale 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 availbale 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 concurrance 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 committe 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 tothe planning and development authority within sixty days from date of expirty 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 submissin 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 availbale 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 ncorporating 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 eithteen 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 indentified 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 municpal 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 prescried.

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 it 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 develpment 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 governemnt 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 authorty, 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 notfied 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 conditons, 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 fuctions 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 expcept 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 affeced may serve on the government within such time and in such manner. as rnay 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 reasobably 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 relevent 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 opportucnity 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.

Penality for un-authorised development 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 undec 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 punbishable 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 require removal of unauthorised development.

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 permisssion 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 amy 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 employeeof 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 unauthorisdly 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 suituated :-

(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, infermaries, 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 trasportation 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 inconsistant 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 o: 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 unlessthey 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 inconsistant 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 occured 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 builtup 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 reconsituted 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;

(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.

Declaration of intention to prepare land pooling scheme.

86. (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 Planeer.

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 purposesof 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.

Publication of the draft land pooling scheme

89. 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 reaonable 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 atleast 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.

stitution of unal for Land ing 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).

e where unal for land ing scheme 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.

sion on stions of law 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 relevent 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 rescined 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 that 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 agrrieved 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 develcpment 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 develoment 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 contravenesthe 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 variatrion 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 receiveing 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 poolingscheme 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 develcpment authority on each finalplot 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 payableto 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 incumberances.

(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 governemnt, 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 governemnt 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 specifyng 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 uner sub-section (1), the government may, notwithstanding anything contained in sub-section (1), require the planning and development authority to compete 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 provisons 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 where cost of development work to be realised in advance

119. 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 economically weaker sections.

120. (1) 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 indentfied 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 capital or maintenance cost of amenities.

121. 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 commitee 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 commitee, the district planning commitee 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 commitee 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 ofthe 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.

(4) The government may, by rules provide for the exemption from the levy of developmental charges on any land specified in the rules.

Assessment of developmental charges.

137. (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 inconsistant 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.

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 deveopment 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 certain transfer of immovable property.

143. (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 percentum 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 setforth 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 use 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 then 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 acheived along with relevent 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 oer the concerned area, which sall 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 ano 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 rule or regulation made thereunder, be deemded 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 partemship 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 partemship in accordance with this section, the document shall be deemded to be served on each partner.

(4) For the purpose or 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 deemded 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 developmentauthority 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 mattters 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) Nothwithstanding 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 commitee 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 penalities.

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 deemded 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 metropoltan 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 associatiation 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 alsc 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 excercise 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. (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.

(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.

Qualifications of Metropolitan Planning Member, District Planning Member, Municipal Planner, and Project Planner.

174. 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.

Effect of laws.

175. (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.

(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.

Power to fix land values within the local planning area

176. (1) Notwithstanding any thing contained in any law for the time being inforce, 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.

(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).

(3) The notification fixing the values of land under sub-section (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 prespective 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 comiittee 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 prespective 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 substantally 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 Governement 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 developament 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).

ANNEX 4

EXISTING TOWN AND COUNTRY PLANNING ACT IN STATES

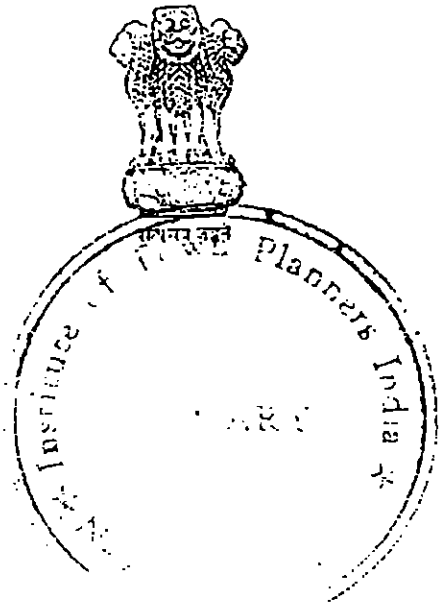
LEGISLATION
ON
TOWN AND COUNTRY PLANNING
IN INDIA

Existing Provisions in State Acts

TOWN AND COUNTRY PLANNING ORGANISATION
GOVERNMENT OF INDIA
MINISTRY OF URBAN DEVELOPMENT
December, 1991

LEGISLATION
ON
TOWN AND COUNTRY PLANNING
IN INDIA

Existing Provisions in State Acts



TOWN AND COUNTRY PLANNING ORGANISATION
GOVERNMENT OF INDIA
MINISTRY OF URBAN DEVELOPMENT
December, 1991

PREFACE

Recent years have witnessed a growing consciousness of the importance of urbanisation, urban development and regional planning in the country's national development effort. Time and again, the need and urgency for providing effective legal tools at the state level has been felt in order to control and regulate the development of towns and cities based on sound town planning principles within the overall framework of a comprehensive regional plan.

2. The enactment of comprehensive urban and regional planning legislation in the States and Union Territories has assumed special urgency in the context of programmes of planning and development of urban areas which are likely to be taken up in the Eighth Plan under the central and State programmes for urban development. It is necessary that satisfactory legal tools are available at the State level for undertaking urban development programmes without being hampered by unauthorised development, lack of legal remedies, etc. which can be effectively implemented within the long term framework of a statutory plan.

3. The Model Regional and Town Planning and Development Law currently being followed in the States and Union Territories for adoption with suitable modifications to suit individual requirements, is the outcome of several reviews and revisions undertaken on the recommendations of the State Ministers Conference held from time to time. The legality of this model had been confirmed by the Ministry of Law. Later, the Ministers conference commended it for adoption by the States and the Union Territories. The 21st meeting of the Central Council for Local Government and Urban Development and the 10th Joint meeting of the Central Council for Local Government and Urban Development and the Executive Committee of the All India Council of Mayors held on 18th and 19th July, 1984 at New Delhi, while considering the progress made with regard to the enactment of comprehensive urban and regional planning legislation in the States and UTs passed the following Resolution:

"The Central Council recognises the need for undertaking suitable legislation on urban and regional planning to be

passed by all the State Governments and urges upon the State Governments which have not undertaken such legislation to do so at an early date."

As a follow up action of the aforesaid Resolution, the States and UTs were requested to take necessary action to expedite the enactment of comprehensive legislation. The meetings of the State Chief Town Planners held time and again reviewed the progress made in this regard and recommended that the States which had not enacted comprehensive legislation should make all efforts to expedite the enactment of comprehensive planning and development legislation in their States and UTs at the earliest.

4. The Town and Country Planning Organisation has been pursuing the enactment of comprehensive town and country planning legislation on the lines of the Model Law and is also rendering all possible assistance in the drafting of planning legislation in the various States. The present position regarding the availability of legal tools for the preparation and implementation of plans in the States and Union Territories has been indicated in this booklet.

5. With regard to regional planning, the comprehensive town planning legislation should provide an adequate legislative basis so that physical developments in the region could conform to a regional plan. The functions of a regional plan may be advisory, restrictive, development and coordination in the region. The revised Model Law contains a specific chapter on regional development plans and provides for preparation, processing, approval, enforcement, execution and implementation of regional development plans by statutory regional planning and development authorities constituted under the Act. Some of the states such as Maharashtra, Tamil Nadu and Madhya Pradesh have also provided specifically for the preparation and implementation of regional development plans in their Acts.

6. With regard to planning of regions which cut across state boundaries, the participating states should agree, by passing necessary Resolutions in their respective State legislatures authorising the Union Government to set up statutory co-ordinating

Boards for planning and monitoring of the inter State Regions. Of course, the implementation of the Regional Plan would be done by the participating states in their respective areas within the framework of the plan. It is satisfying to note that the participating states had agreed to the setting up of such a statutory Board and the Parliament had passed the NCR Planning Board Act, 1985. The NCR Board has since been constituted and a Regional Plan has been prepared.

7. With regard to land acquisition required for planned development, it is necessary that speculation in land values is kept at the minimum. The revised Model Law has linked up Section 4 and section 6 notifications under the Land Acquisition Act, 1894 with the publication of the Draft Development plan and the Comprehensive Development plan respectively in order to minimise speculation and to determine the payment of compensation with reference to the date of publication of the draft plan.

8. The need for a new land acquisition Act specifically dealing with urban areas is increasingly being felt in view of the difficult and time consuming process involving unending litigation and high speculative prices to be paid for the acquired land under the existing Act. When this Act came into force in 1894, town planning and development activities was hardly a phenomenon and did not have the dimensions or the importance they have today. Today it has become a force to be reckoned with. The administration of this Act was entrusted to the Ministry of Agriculture at the Centre and the Revenue Department at the State level which continues to be so even until today. This Act has not been helpful either in making urban land available expeditiously for development by public agencies or by procuring land at reasonable prices. Keeping in view these bottlenecks, an exercise is being made to attempt a draft legislation on acquisition of land in urban areas which should adequately meet the requirements of urban planning and development.

Since the first publication of this booklet in 1985, a number of changes have taken place. The State Chief Planners were requested to update the information and on the basis of the information received from them, the latest position has

been incorporated and the booklet has been made more comprehensive. In addition, a statement indicating the comparative position of laws in the various states has also been appended at the end of the booklet. It is hoped that the booklet would be found useful to the State Town Planning Departments, Development Authorities and all others interested in planning and effective implementation of urban development programmes within the framework of a statutory plan.

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December, 1991
New Delhi.

TOWN AND COUNTRY PLANNING LEGISLATION IN INDIA

'Town and Country Planning' does not find specific mention in any of the three lists of the Seventh Schedule of the Constitution of India which have enunciated distribution of legislative powers between the Centre and the States. It is only the State Governments which can enact laws relating to 'land' and 'local government' which appear as Entries 5 and 18 in list II (State List) of the Constitution. Again Entry 20 in the Concurrent List provides for 'economic and social planning'.

2. In such a situation, the true object of the legislation as a whole and its scope and effect has to be ascertained by applying the 'doctrine of pith and substance'. The power to legislate on a subject matter of an Entry in the list also includes the power to Legislate on an ancillary matter which can be said to be reasonably included in the power given. The Supreme Court examined the relationship of 'town planning' with the subjects of 'land' and 'economic and social planning' in the case of Maneklal Chhotalal and others Vs. M.G. Makwana and others and held that the State Legislatures were competent to enact town planning Act.

3. As a corollary to this decision, it can be argued that Parliament is also empowered to enact town planning legislation since 'economic and social planning' is a Concurrent subject (List III). In practice, so far, the regulation of land use and its development have been confined only to State Legislation and Parliament has not enacted any legislation on this subject.

4. Town Planning, in its traditional sense, mainly embraced physical planning, but now it has become comprehensive in nature dealing with physical, economic as well as social planning. Keeping in view the diverse conditions with regard to physiography, pattern of urbanisation, traditional practices, socio-economic inequalities, etc. obtaining in different parts of this vast country, a single national Action the subject has not

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- A.I.R. 1967 S.C. 1373.

been enacted. However, a Model Regional and Town Planning and Development Law, which is in the nature of a guideline, formulated by the Town & Country Planning Organisation had been recommended to the states for adoption with such modifications as to suit local conditions.

5. A number of states and UTs such as Goa, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Tamil Nadu, West Bengal, Delhi, Daman and Diu and Pondicherry have already enacted comprehensive planning legislation in their states while others are in the process of enacting such legislation. The existing laws governing town planning in the States and Union Territories together with the progress made with regard to the enactment of comprehensive planning legislation are as follows:

EXISTING PROVISIONS IN STATE ACTS

1. Andhra Pradesh

The Acts governing the town planning activities in the State are the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 and the Planning clauses of the Hyderabad District Municipal Act, 1959, which do not cover the State as a whole, but are confined to the Municipal area of Telangana.

In addition, the following Acts are enforced in the State:

(i) Andhra Pradesh Municipalities Act, 1965.
(ii) Andhra Pradesh Gram Panchayat Act, 1964.
(iii) Andhra Pradesh Cinematographic Act.
(iv) Andhra Pradesh Urban Areas (Development) Act, 1975.

The Andhra Pradesh Urban Areas (Development) Act, 1975 is applicable to the development of urban areas alone in the State of Andhra Pradesh. It is modelled on the Delhi Development Act, 1957 and gives powers for plan making and enforcement and implementation through development authorities for areas which may be extended beyond local authority boundaries. It also provides that the Andhra Pradesh (Andhra Area) Town Planning Act, 1920 and the Planning clauses of the Hyderabad District Municipal Act, 1955 be superseded in the areas where this Act is enforced. The Hyderabad Urban

Development Authority for the Metropolitan area had been set up under this Act. There is no comprehensive legislation which would cover development of the urban and rural areas of the State as a whole to provide for statutory plan making process, planning control and development by the local planning authorities.

Although preparation of Master Plan is the primary responsibility of the Municipal Councils, they have not been able to undertake this work on account of lack of technical expertise and funds. The Directorate of Town and Country Planning have prepared and got sanctioned 52 master plans including that of Hyderabad, Vishakhapatnam and Vijaywada. For a number of other towns, the master plans are under various stages of preparation and approval. In order to expedite the preparation of master plans which involve detailed surveys, the department has entrusted the aerial survey of towns to the National Remote Sensing Agency (NRSA) and the aerial survey for 51 towns have been completed. The department also prepares draft town planning schemes under the Town Planning Act, 1920.

2. **Arunachal Pradesh**

No planning legislation exists at present. A draft Town and Country Development law has been prepared and is under consideration of the Government at various levels.

3. **Assam**

In this State, the Assam Town and Country Planning Act, 1959 as modified in 1985 is the main piece of legislation which provides for planning and development of the towns and the country side. The Act gives full powers for statutory plan making and the preparation of development schemes. However, it does not provide for the constitution of a Board but instead provides for a Town and Country Planning Advisory Council. Clauses for compensation and betterment levy have also been incorporated. The Act was amended in 1984 to enable the constitution of Development Authorities.

To some extent the Assam Slum Areas (Improvement and Clearance) Act, 1959 also governs planning but is confined to the improvement and clearance of slum areas.

The Gauhati Municipal Corporation Act, 1969 deals with the administration of Gauhati Municipal areas while the Assam Municipal Act, 1956 provides for organisation and administration of municipalities in the State.

The Gauhati Metropolitan Development Authority Act, 1985 provides for the enforcement and execution of the Master Plan and for the formulation and execution of schemes for planned development of Gauhati Metropolitan Area.

The Assam Urban Water Supply and Sewerage Board Act, 1985 provides for the establishmen of an Urban Water Supply and Sewerage Board for the development, maintenance and regulation of water supply and sewerage facilities in the urban areas of the State.

The Assam Urban Areas Ren Control Act, 1972 is enforced for the fixation of fair rent of houses situated within the limits of urban areas and o her connected matters.

The Assam State Housing Act, 1972 deals with development activities relating to housing accommodation.

Another Bill titled, "Assam Apartment Ownership Bill, 1987" seeks to provide for the ownership of an individual apartment in a building and to make such apartment heritable and transferable property.

There is an imparative need for the enactment o a comprehensive urban and regional planning legislation in the State which would consolidate many of the existing piece meal Acts. The Director of Town Planning has constituted a Committee to formulate a town planning manual and its report is still awaited.

Bihar

The following Acts are in force in the State:—

(i) Bihar Restrictions of Uses of Land Act, 1948

(ii) Bihar Town Planning and Improvement Trust Act, 1951.

(iii) Bihar Regional Development Authority Ordinance, (Ist promulgated in 1975).

The first two Acts were not considered adequate and comprehensive and the State Government, therefore, promulgated the above ordinance in 1975. All the three Acts are in force where the Regional Development Authority is set up under the ordinance. The Improvement Trust or the Town Planning Authority set up under the Bihar Planning and Improvement Trust Act and the Controlling Authority under the Bihar Restrictions of Uses of Land would cease to operate.

The Ordinance provides for the preparation of regional, master plans and zonal development plans and for the setting up of regional development authorities. The Patna Improvement Trust has been replaced by the Patna Regional Development Authority set up under the provisions of this Ordinance and similarly the Ranchi Regional Development Authority and the Muzaffarpur Regional Development Authority, they have replaced the Ranchi Improvement Trust and the Muzaffarpur Improvement Trust respectively.

The Ordinance does not provide for the preparation of present land use which establishes the legal datum for exercising control over development and use of land. In the meanwhile, the ordinance had been proposed in the form of a Bill i.e. Bihar Regional Development Authority Bill which had been presented to the legislature and to a Joint Select Committee. The Joint Select Committee has already submitted its Report.

The Bihar Chief Town Planner had proposed a draft Ordinance for setting up of a Regional and Town Planning Board in Bihar and it is under the consideration of the State Government.

The State Government has constituted the Bihar Coal Mining Area Development Authority under the Bihar Act. The TCPO is also represented on the Authority.

5. **Goa**

A comprehensive Goa, Daman and Diu Town and Country Planning Act is in force since 1976 (Daman & Diu is still a Union Territory). It is almost based on the Model Regional and Town Planning and Development law and gives full powers for planning and development as envisaged in the Model Law. A number of areas have been notified under the Act in and around towns, beach areas and fast developing areas.

In the meanwhile, a high powered State Town and Country Planning Board has already been established and the planning and development process in the State is ensured of being on a firm footing. Five Planning and development authorities have already been set up under the Act for different areas in the territory.

For the control of special areas and particularly with reference to the provisions of Environment Protection Act, a high level Committee viz., 'Goa State Committee on Environment' is set up to deal with development projects in coastal areas covering a belt of 500 metres from High Tide Line and all major development projects in State involving substantial investments.

6. **Gujarat**

The Gujarat Town Planning and Urban Development Act, 1976 is enforced w.e.f. 1st February, 1978 for the entire area of the State of Gujarat. It is a comprehensive planning and development Act which provides for controlling the haphazard development as also for planning and development of the areas within the jurisdiction of development authority.

The Act provides for the delineation of the development area regardless of the municipal boundaries, once the development area is delineated, either the Area Development or Urban Development Authority is established for that area. The Authority is empowered to prepare development plans and other urban development projects with powers to implement them.

The Act also provides for the preparation of Town Planning Schemes by these authorities, which lends legislative support and funds for implementation. Under the Act, Urban Development Authorities for Ahmedabad, Vadodara, Rajkot and Surat have been established and area development authorities for Bhavnagar & Jamnagar have also been set up. A number of local authorities (about 150) have been designated as area development Authorities under the Act. Most of them have already prepared development plans for the areas of their jurisdiction and some of them have drawn up town planning schemes to implement the proposals contained in the development plans. The State Town Planning Department has reported that many of the Local Authorities which have been designated as development authorities are unable to implement the plans on account of their weak financial base

and have suggested that a portion of the revenue accrued from taxes like sales tax, entertainment tax, etc. should be diverted to the development authorities to enable them to take up the development projects and provide better civic amenities.

Thus, Gujarat has comprehensive legislation for the preparation of the regional plan, metropolitan and urban area plans and action area plans and for setting up of development authorities.

The implementation of the Acts relating to slum clearance and housing is being carried out by the respective boards set up under the Act. The Urban Land Ceiling Act is implemented by the State revenue department.

7. **Haryana**

The Acts currently in force are:—

(i) The Punjab Municipal Act 1911.

(ii) The Punjab Town Improvement Act, 1922.

(iii) The Punjab Development of Damaged Areas Act, 1951.

(iv) The Punjab Peripheral Development Control Act, 1953.

(v) The Punjab Ribbon Development Control Act.

(vi) The Punjab Urban Estates (Development and Regulation) Act, 1964.

These laws provide for the enforcement of planning regulations in a piecemeal manner and the difficulties encountered in enforcing too many laws indicate the imperative need for a comprehensive planning and development legislation which has been suggested by the Town and Country Planning Organisation, but it appears that not much progress has been made.

The Haryana Urban Development Authority Act, 1976 is in force in the state under which the Haryana Development Authority has been created. It is a limited legislation aimed at the elevation of the Urban Estates Department to that of a development corporation and does not provide for the preparation of development plans and their implementation.

The State Government should undertake enactment of comprehensive planning legislation for which a draft had already been provided to them by the Town and Country Planning Organisation.

8. Himachal Pradesh

The Himachal Pradesh Town and Country Planning Act, 1977 is in force in the State. It is a comprehensive planning and development Act and provides for the preparation of regional plans, urban area plans and zonal plans and prescribes control on development and use of land. It also envisages preparation of Town Development schemes by the development authorities to be constituted under this Act. This legislation also provides for levy of development charges.

The Act provides that no transfer of land involving sub-division of land can take place unless sub-division of land is duly approved by the Director, Town Planning. Thus the Act also curbs the powers given to the Registrars or the sub-Registrars appointed under the Indian Registration Act, 1908 and should be an effective tool in controlling haphazard fragmentation of urban land and promote planned and regulated development in the urban areas. It has already been extended to 24 towns in the State. Six urban development authorities and five special area development authorities have been set up under the Act. The Shimla Development Authority had been constituted for implementation of the Master Plan of the Shimla Planning Area.

In addition Himachal Pradesh New Towns (Periphery) Control Act, 1976 is in force in the State. It seeks to replace the Talwara Township (Periphery) Control Act, 1958 as amended by Act No. 4 of 1961 in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966. It provides for checking mushroom growth and ribbon like development along roadsides to towns, colonies and dams as well as their peripheries in Himachal Pradesh.

9. Jammu & Kashmir

The Act currently enforced in the State is the Jammu and Kashmir Town Planning Act, 1963. This Act does not provide for comprehensive planning and plan implementation. It envisages a development Board to prepare town planning schemes under the Act. It has been reported that only few

selected areas are taken for TPS under the Act and after the approval of the scheme even their implementation is not adequately provided in the Act. The Development Boards are not sufficiently equipped under the Act to undertake a phased programme of implementation of the schemes as also co-ordinate developments undertaken by other operating agencies in the area.

The other Act enforced in the State is the Jammu and Kashmir Development Act, 1970, under which area development authority for Jammu and Srinagar have been established. In addition to development authorities for Kathua, Katra and Udhampur development authorities. These authorities are to prepare master plan and zonal development plans for the respective areas and then implement the proposals. It has been reported that the implementation of the master plans is not effective and time bound and the authorities are unable to co-ordinate the development programmes by other development agencies operating in the areas within the framework of the plan in a phased manner. The zonal plans which is a lengthy process of plan preparation have not been prepared.

The other Acts applicable are:—

(i) J & K Development Housing Board Act, 1976;
(ii) Prevention of Ribbon Development Act, 1950;
(iii) J & K Town Area Act, 1954;
(iv) J & K Control of building Operation Act, 1958.

There is an imperative need to enact a comprehensive urban and regional planning legislation in the State, which would consolidate many of the piecemeal Acts and make it more effective to regulate development activity for promoting planned development.

10. Karnataka

Karnataka is the first State to have enacted a comprehensive legislation on Town and country planning based on the Model Town and Country Planning Law circulated by the Government of India, through the enactment of Karnataka Town and Country Planning Act, 1961 (as amended upto 1964). This Act came into force in the State from 15th January, 1965. Under this Act, Outline Development Plans and the comprehensive development plans are approved for urban areas.

The Karnataka Town and Country Planning Act, 1961 provides for the declaration of local planning areas for urban areas proposed to be developed. The Act is a very useful piece of legislation and embodies regional planning and planning of new towns. Under the Act, local planning areas have been identified in the 26 urban centres.

Development functions had been strengthened in the State through a series of related Acts, such as the Bangalore Development Authority Act, 1976 and the Karnataka Improvement Boards Act, 1976. Under the former Act, the Bangalore Development Authority was constituted for Bangalore Metropolitan city. The Bangalore Development Authority performs planning and enforcement functions under the Karnataka Town and Country Planning Act and Development functions under Bangalore Development Authority Act in the preparation and enforcement of the development plan for the city of Bangalore and its environs.

The proposal to amend the Karnataka Town and Country Planning Act to remove certain ambiguities and difficulties experienced during the last 25 years and also to provide for certain new provisions from the administrative point of view are being considered by the Government. The major changes envisaged in the Act include provision for permitting the change in land use from approved plans, (outline development plans and comprehensive development plans) stringent action regarding violations, urban renewal and provision for providing as are reserved for land banks as suggested by Government of India (HUDCO).

The State has enacted the Bangalore Metropolitan Region Development Authority Act, 1985 to provide for the establishment of an Authority for the purpose of planning and supervising the orderly development of areas within the jurisdiction of the Bangalore metropolitan region. The Act provides for the constitution of the Authority with the Chief Minister as the Chairman and the Minister in-charge of Urban Developments Vice-Chairman of the Authority. It provides for the preparation of structure plan for the development of Bangalore metropolitan region and for the formulation of schemes for implementing the structure plan of the Bangalore metropolitan region.

The Karnataka Urban Development Authority Act was enacted in 1987. The Planning Authorities constituted under the Karnataka Town and Country Planning Act and the

Improvement Boards constituted under the Karnataka Improvement Board Act, 1976 have been amalgamated with the Urban Development Authorities constituted for twenty urban centres in the State.

The Urban Development Authorities constituted for these centres are functioning both as a planning and development agencies for these centres. These authorities are preparing, revising and enforcing the development plans of these centres as provided under the Karnataka Town and Country Planning Act.

The Bangalore Development Authority Act, 1976 and the Bangalore Metropolitan Region Development Authority Act, 1985 are being considered for revision in order to provide efficient planning and administrative functions by these planning and development agencies.

The Karnataka Slum Areas (Improvement and Clearance) Act, 1973

The Act provides for clearance and improvement of slum areas in the State and also for the constitution of a Board for the purpose. Under the Act, Slum areas are required to be declared, as per Section-3 of the Act for the improvement of these areas.

The Karnataka Municipalities Act, 1964 which envisages the constitution of urban local bodies, provides for planned development of these areas by taking up schemes and also with powers to review and approve schemes contemplated by individuals and organisations.

The State has enacted a legislation for constitution of municipal corporations for urban centres with a population of two lakhs and above. Under the Act, six corporations namely Bangalore, Belgaum, Gulbarga, Hubli-Dharwad, Mangalore and Mysore have been set up.

The following are the other special agencies connected with urban development under their respective statutes

(i) Karnataka Housing Board Act, 1962.

The State has enacted a comprehensive housing legislation for taking up housing activities in the State. The law provides for the constitution of Housing Board for formulation and

implementation of housing schemes by way of constructing individual and composite housing schemes in the State including the provision for providing basic services to the housing areas developed by the Board.

(ii) Bangalore Water Supply and Sewerage Board under Bangalore water supply and Sewerage Board Act, 1964,

(iii) Karnataka Urban Water Supply and Draingae Board under Karnataka Urban Water and Drainage Board Act, 1975.

(iv) Karnataka Industrial Area Development Board under Karnataka Industrial Area Development Board Act.

11. **Kerala**

The present Acts enforced in the State are:

(i) The Travancore Town and Country Planning Act, 1945 as amended in 1947 and 1975. It is in force in the Travancore-Cochin Area of the State. This provides for the preparation of town planning schemes for specific areas and for the creation of the Greater Cochin Development Authority.

(ii) The Travancore Town Planning Regulations, 1932 as amended in 1960, to bring within its fold rural areas in addition to urban areas. This is in force in the Travancore-Cochin area of the State.

(iii) The Madras Town Planning Act, 1920 as amended in 1975 is in force in the Malabar Area of State. The amendment provides for the creation of the Greater Cochin Development Authority as the Cochin Fort Area is covered by the Act.

The Government of Kerala had constituted a Town and Country Planning Board with the Chief Town Planner as Secretary of the Board in order to guide, control and monitor the formulation and implementation of the State Special Development Plan.

12. **Madhya Pradesh**

A comprehensive Planning Act titled "The Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973" largely based on the Model guidelines formulated by the central TCPO is in force in the State. It extends to the whole of the State

except the lands comprised within a cantonment under the Cantonment Act, 1924; lands owned hired or requisitioned by the Central Government for the purpose of naval military and air force works; and the lands under the control of railway administration for the purpose of construction and maintenance of works under Chapter-III of the Indian Railways Act, 1890.

It is a comprehensive planning and development Act and provides for the preparation of regional plans, urban area plans and zonal plans and prescribes control on development and use of land. It also envisages preparation of town development schemes by the development authorities to be constituted under the Act. Under this Act, planning has been centralised and the State Town Planning Department is the Planning authority for all the planning areas in the State and the department is to prepare the development plans. The implementation of the plans has been entrusted to the development authorities and the special Area Development Authorities which undertake development within the framework of the development plan. In 1988, section 23 of the Act had been amended to make available adequate land for weaker sections of the community near their place of work.

Besides, the M.P. Bhumi Vikas Rules, 1984 are enforced under section 24 of the Act to govern land development and building activities in institutions set up under the Act and similar activities under other local authorities notified by the Government.

In addition to above, a number of other laws are in existence in the state to meet specific situations and problems. These are:—

(i) M.P. Town Improvement Trust Act, 1960.	Town Improvement Trusts have been constituted under the Act for undertaking impovement and development of cities.
(ii) M.P. Regulation of uses of Land Act, 1948.	It provides for control of development along national and state highways.
(iii) M.P. Town (periphery) Control Act, 1960.	Provides control and regulation of development and construction activities in the periphery of the towns.

(iv)	M.P. Gandi Basti Kshetra, (Sudhar Tatha Nirmulan) Adhiniyam, 1976.	Provides for declaration and requisition of slum areas for the purpose of clearance and improvement of slums.
(v)	M.P. Land Revenue Code, 1959.	It contains provisions for the control of diversion of agricultural land.
(vi)	M.P. Apartment Ownership Act.	Provides for the construction of group housing of individual ownership of plots.
(vii)	M.P. Griha Nirman Mandal Adhiniyam, 1973.	Provides for the incorporation and regulation of Housing Board in the State for the purpose of taking measures to deal with and satisfy the needs for housing accommodation.

13. Maharashtra

The Maharasthra Regional and Town Planning Act, 1966 as modified upto 12th July 1988 is in force in the State. This Act promotes and regulates developments in the urban areas as well as the areas having potentiality of urbanisation. It is a comprehensive planning Act with development functions. It contains provisions for preparation of regional plans, development plans for all types of municipal councils and corporations, new town plans, area development projects, etc. The Act provides for the constitution of Regional Planning Boards and creation of Development Authorities, Special Planning Authority for planning and implementation. It also provides for the implementation of development plans by means of undertaking one or more Town Planning Schemes for the area covered by the development plans. There is also the provision for acquisition of the sites reserved in the development plan for various public purposes dispensing with the enquiry required under the Land Acquisition Act, 1894.

The Bombay Metropolitan Regional Development Authority Act, 1975 was enacted and the Bombay Metropolitan Regional Development Authority had started functioning in the Greater Bombay area with wide planning and development

powers. It is another Act which is promoting and controlling the development activities within the area of Bombay Metropolitan Regional Plan, functioning as an apex Authority over all the Municipal Councils and Corporations of the Region.

The Primpri Chinchwad New Town Development Authority (PCNTDA) was created as new town development authority under the Maharashtra Regional and Town Planning Act. City and Industrial Development Corporation (CIDCO) Maharashtra Housing and Area Development Authority (MHADA), Zila Parishads could be declared as Planning/ Special Planning Authority under the Maharashtra Regional and Town Planning Act.

The Maharashtra Housing and Area Development Act, 1976 (MHADA) had been passed which has consolidated all public housing functions. The Bombay Housing Board, Act, 1948 the Madhya Pradesh Housing Act, 1950 (As was in force in Vidharbha Region of the State), the Maharashtra Slum Improvement Board Act, 1973 and the Bombay Building Repair and Reconstruction Board Act, 1969 had been amalgamated with this Act. On the whole, the Maharashtra Housing and Area Development Act, 1976 is another Act which caters to the needs of housing at large in the State covering reconstruction of old buildings and slums improvement functions.

The Maharashtra (Urban Areas) preservation of Trees Act, 1975 provides for preservation of trees in the urban areas of the State by regulating felling of trees and planting adequate number of trees in those areas. The Act has taken into consideration that with the growing pace of urbanisation and industrialistion, there has been indiscriminate felling of large number of trees in the urban areas of the state of Maharashtra, which is required to be controlled and regulated. There is another Act which regulates the felling of trees in the rural areas.

In October, 1984 the Maharashtra Urban Development Bill, 1984 had been prepared which envisaged setting up of development authorities outside Greater Bombay area by combining the functions of Bombay Metropolitan Regional Development Authority and CIDCO into one authority. In the first instance, two separate development authorities for Pune and Nagpur Metropolitan Regions were to be established. The Bill has not yet been enacted.

14. Manipur

The Manipur Town and Country Planning Act, 1975 is in force in the State. It is a comprehensive planning and development Act. Under this Act, a State Town and Country Planning Board has been constituted and a State Planning and Development Authority has been formed.

15. Meghalaya

At present, the Assam Town and Country Planning Act, 1959 has been extended to Meghalaya w.e.f. January, 1989 but the provisions are very inadequate. A comprehensive draft Town and Country Planning Bill had been prepared by the Town and Country Planning Organisation at the request of the State Government but it has yet to be brought on the Statute book.

16. Mizoram

The Mizoram Urban and Regional Development Act, 1990 is enforced in the State w.e.f. the 13th August 1990. It is a comprehensive urban and regional planning legislation largely based on the model law formulated by the TCPO. It provides for the establishment of an Urban Planning and Development Department which is entrusted with the task of preparation of land use map and register and development plans and enforce them and then implement the proposals contained in the development plans. The Act provides for IDP, Regional development plan, urban development plan, sectoral or rural development plan and action development plans. The procedure for the preparation and implementation of development schemes has been elaborately provided in the Act.

17. Nagaland

The Nagaland Town and Country Planning Act, 1966 which is in force is based on the Assam Town and Country Planning Act, 1959. The Nagaland Eviction of Persons in unauthorised operation of Public Land Act, 1971 is also in force in the State. A limited amendment to the Nagaland Town and Country Planning Act, 1966, providing for restrictions on the use of land and buildings from the date of publication of intention to prepare the plan had been passed by the Legislative Assembly. The State Government has been advised to have a more detailed examination of the 1966 Act to make it a comprehensive piece of legislation.

18. Orissa

The Act currently in force is the Orissa Town Planning and Improvement Trust Act, 1956 (as amended upto 31st January, 1976). This Act provides for the improvement, development and expansion of towns in the State. The planning authorities set up by the State under this Act for the whole or any part of a municipality or other areas are required to conduct a civic survey of the area, within two years from the date of notification and within four years have to submit through the Director of Town Planning, a draft Master Plan of the area to the State Government. The implementation and enforcement of the development plans is to be done by the planning authorities by formulating improvement schemes within the framework of the plan.

The Director of Town Planning had drafted a bill on Town and Regional Planning to replace the Town Planning and Improvement Trust Act, 1956. The basic structure of this Bill is similar to the Model Regional and Town Planning and Development law and is under the consideration of the State Government.

In 1982, the Orissa Development Authority Act was passed which provides for the development of urban and rural areas and undertake preparation, implementation and enforcement development plans and town planning schemes. The State Town Planning Department has reported that the execution of TPS under this Act is cumbersome and a time consuming process. It is also not applicable to small and medium towns. Taking into account the existing provisions and the experience gained from the execution of TPS, an independent legislation titled, Orissa Land Pooling and Readjustment of Plot Boundaries Bill 1991 has been proposed in which a more expeditious procedure for the preparation and implementation of TPS has been suggested.

There is a need for the enactment of a comprehensive regional planning legislation which would consolidate most of the existing piece-meal Acts.

19. Punjab

At present, there is no comprehensive town and country planning legislation in Punjab. Earlier a comprehensive legislation titled, "The Punjab Town & Country Planning Ordinance, 1976", had been promulgated in the State which pro-

posed to repeal the Punjab Scheduled Roads and Controlled Areas (Restriction of Unregulated Development) Act, 1963. The ordinance provided for the establishment of regions and formulation of regional plans and Master Plans for urban areas, constitution of a planning and development authority, preparation of existing land use map, control on development and use of land, execution of city or town improvement scheme, etc. The ordinance lapsed as the State Government did not get the life of the Ordinance extended beyond six months. The other Acts which are in force in the State are:—

(i) The Punjab Municipal Act, 1911.	Extends to the whole of State of Punjab & 134 Urban Settlements (1981 Census.)
(ii) The Punjab Town Improvement Act, 1922.	Extends to the whole of State of Punjab & 28 Urban Settlements (1981 Census.) In May, 1985 a legislative proposal to amend the Act had been received which sought to abolish the Land Acquisition Tribunals which take a long time to decide matters and replace them with provisions contained in the Land Acquisition Act, 1984.
(iii) The Punjab Development of Damaged Areas Act, 1952.	Extends to the walled city of Amritsar only.
(iv) The Capital (periphery) Control Act, 1952.	Extends to the Chandigarh city only.
(v) New Capital (periphery) Control Act, 1958.	Extends to the Chandigarh periphery only.
(vi) The Punjab Nangal Township (periphery) Control Act, 1958.	Extends to the Nangal Township and periphery only.

(vii) The Punjab New Mandi Townships (Development and Regulation) Act, 1960.	Extends to the whole State of Punjab for development of agriculture produce marketing centres.
(viii) The Punjab Slum Areas (Improvement and Clearance) Act, 1961.	Extends to the Slum Areas in all the 134 Urban Settlements in Punjab.
(ix) The Talwara Township (periphery) Control Act, 1961.	Extends to the Talwara Township periphery only.
(x) The Punjab Scheduled Roads & Controlled Areas Restrictions of unregulated Development Act, 1963 & Rules 65.	Extends to the whole State of Punjab with specific reference to National & State Highways notified as Scheduled Roads and notified Controlled Areas upto 8 km. outside the City or Town limits or 2 km. around important activity and sites.
(xi) The Punjab Ancient and Historical Monuments Archaeological Sites and Remains Act, 1964.	Extends only to the Historical Sites & Monuments in Punjab.
(xii) The Punjab Urban Estates (Development and Regulation) Act, 1964 & Rules, 1964.	Extends to the whole State of Punjab for acquisition and Development of land for residential purpose.
(xiii) The Punjab Housing Development Board Act, 1972	Extends to the whole State of Punjab.
(xiv) Punjab State Small Industries Corporation Industrial Focal points (Development and Regulations) Rules, 1975.	Extends to Industrial Focal Points in the city or town areas.
(xv) The Punjab Regulation of Colonies Act, 1975.	Extends to the whole State of Punjab & regulates subdivision of land, carving

	out & disposal of more than three plots other than for agriculture purposes.
(xvi) Urban Land Ceiling Act, 1976.	Extends to the cities with population of 1 lac & above (1971 census) i.e. Amritsar, Jalandhar & Ludhiana.
(xvii) The Punjab Municipal Corporation Act, 1976.	Extends to the cities with population of 3 lakhs and above namely Amritsar, Jalandhar & Ludhiana only.
(xviii) Goindwal Industrial & Investment Corporation Act, 1981.	For setting up of Nucleus Industrial Townships in the Public Sector.

2. These Acts are limited in their objective and scope and deal with some aspects of town planning and implementation in a piecemeal manner. There is an imperative need for the enactment of a comprehensive legislation which would consolidate many of the existing piecemeal Acts.

20. Rajasthan

There is as yet no effective planning legislation available in the State. Planning functions are undertaken under the Rajasthan Urban Improvement Act, 1959 which empower the State Government to undertake the preparation of Master Plan for any Urban area with the help of an Advisory Council. Such urban areas also cover the areas under the contiguous local bodies like the Panchayats which may be necessary for being incorporated in the Master Plan. Although, the provisions for statutory plan making are adequate, the Act is ill equipped for implementation. Existing local authorities such as the Municipal Councils set up under the Rajasthan Municipal Act 1969, and Urban Improvement Trusts under the Rajasthan Urban Improvement Act, 1959 are responsible for implementation within their respective jurisdiction. Generally, Municipal Councils undertake implementation only within core areas which in a majority of cases are within the historic walls. Outside their core the Improvement Trusts are responsible for implementation but only where schemes are

prepared. This leads to bottlenecks in implementation and there is an immediate need for a comprehensive planning and development legislation in the State.

A draft Town and Country Planning Bill had been prepared on the basis of the Model Law and submitted to the State Government in 1984. This draft of the Act was further modified in 1986 on the basis of the provisions contained in the Revised Model Regional and Town Planning and Development Law formulated by the Central TCPO. The enactment of the revised Draft of this legislation is still under consideration of the State Government.

The draft bill aims at physical planning and development of the State, regions and urban and rural settlements in the State. The Jaipur Region has been specifically excluded from the purview of the State Act since a separate Development Authority had been constituted earlier under a statute. According to the draft Bill, three levels of planning have been envisaged and the State Town Planning Department has been made responsible for the improvement and development of each and every settlement in a planned manner. Firstly, a State physical plan is to be prepared by the Department followed by regional plans, master plans and their implementation by regional development authorities and urban development authorities. The Bill also envisages that the local authorities such as Improvement Trust or a corporate body could also be declared as an appropriate authority for such areas where development authorities have been constituted. The draft Bill was subsequently discussed with the State Chief Town Planner and he was advised to make suitable changes before it is enacted.

The State had also forwarded the Rajasthan Highways Bill, 1984. It seeks to put restrictions on the increasing encroachments on the State highways on account of ribbon development and maintenance of State highways. The Bill is being processed for statutory enactment.

In 1991 the State Government amended the Rajasthan Urban Improvement Act, municipalities Act and the Jaipur Development Authority Act to provide for enhanced penalties for alterations in contravention of the Master Plan.

21. Sikkim

Presently, no comprehensive planning legislation exists in the State. Long ago, a draft planning legislation had been prepared by the Central Town and Country Planning Organisation and sent to the Sikkim Government for consideration. It has yet to take statutory effect.

In April, 1985 a team led by the Chief Planner of this Organisation had visited Sikkim, following the discussions held by the Chief Secretary, Government of Sikkim, with Secretary, Ministry of Works and Housing and Joint Secretary (Urban Development) and acquainted themselves of the various problems of development of Gangtok and other Towns in Sikkim. A draft State Planning and development authority ordinance has been prepared at the request of Government of Sikkim which provide for planned development of rural and urban land in the State. It was a comprehensive planning and development legislative proposal and the State is processing it for statutory enactment.

At present, the following Acts are enforced in the State.:

(i) The Gangtok Municipal Corporation Act, 1975.

(ii) The Bazar Committee Act, 1969.

The building byelaws and other rules and regulations framed under the Corporation Act are applicable to Gangtok but their enforcement leaves much to be desired. The Bazar Committee Act is applicable to towns other than Gangtok and does not contain any provision for the preparation of a development plan and the enforcement is almost absent.

22. Tamil Nadu

The Tamil Nadu Town and Country Planning Act, 1971 is currently in force in the State. The legislation was brought in after repealing the Town Planning Act, 1920. This is a comprehensive piece of legislation and contains provisions for the preparation of regional, metropolitan, master plan, new town and detailed development plans. Besides, the Act envisages the constitution of regional local and New Town Planning Authorities with Town and Country Planning Board at the apex clothed with implementation powers.

The Town and Country Planning Act, 1971 had been amended so as to have separate provisions for the constitution of Madras Metropolitan Development Authority and preparation and implementation of Master Plan for the Madras Metropolitan Planning Area.

There is a proposal to enact a separate legislation for MMDA to meet the growing demands of the metropolitan Area.

23. Tripura

The Tripura Town and Country Planning Act, 1975 is in force at the present in Tripura. Since this is primarily a planning Act, it does not cater adequately for developmental functions.

The State has formulated draft rules for better administration of Act and after being approved by the State Assembly, they would be enforced.

24. Uttar Pradesh

The Act, currently in force is the Uttar Pradesh Urban Planning and Development Act, 1973. This repealed the Uttar Pradesh Regulation of Building Operations Act 1948. The Act does not provide any legal base for enforcement of controls over land use and development. There are several other lacunae in the Act.

Keeping in view the deficiencies of the Act, the Central Town and Country Planning Organisation had suggested a revision of the Act to bring within its scope the essentials of planning and development functions for the consideration of the State Government. A draft comprehensive legislation was prepared by the State Government in consultation with the Town and Country Planning Organisation which is still to take effect. The other Acts which are currently in force are:

(i) Town Improvement Act, 1919.

(ii) Municipalities Act, 1919.

(iii) U.P. Nagar-Mahapalika Adhiniyam, 1959.

In May, 1985 the U.P. Special Area Development Authorities Ordinance, 1985 had been received which seeks to make provision for the declaration of Special Development Area and for the establishment of Special Development Authorities for their planned development. The TCPO had advised that the provisions of the proposed Ordinance should be built into the State planning Act i.e. Urban Planning and Development Act, 1973 as it would be unnecessary to have separate statute for it.

The State Town Planning Department has prepared a comprehensive draft Bill and submitted to the Government for consideration. It has yet to be enacted.

25. **West Bengal**

The Government of West Bengal had passed the Town and Country Planning Act, 1979. The Act is in force in the state. Some amendments had been suggested in the Act and the matter had been taken up with the Government of West Bengal by the then Ministry of Works and Housing and the Home Affairs. The Planning and Development Authorities have been set up under the Act. These authorities, except the CMDA, operate under the control of the State Town Planning Department.

The Calcutta Municipal Corporation Act, 1980 has taken statutory effect w.e.f. 4th January, 1984. It replaced the Calcutta Muncipal Act, 1951 and provides a statutory base to the new set up of administration for the municipal government of Calcutta. It is, indeed, a first serious attempt in revising the municipal laws of a premier corporation and is in keeping with the changed thinking during the last 30 years with regard to local self government and planning concepts.

UNION TERRITORIES

1 *Andaman and Nicobar Islands*

A draft Bill had been prepared by the Town and Country Planning Organisation which is still under the consideration of Andaman and Nicobar Islands Administration. Some time in July, 1990 the A & N Administration sent the draft Andaman and Nicobar Islands Zoning Regulation which were discussed with the Chief Engineer and Special Secretary and the Associate Planner of the UT. Administration. The inadequacies in the draft were pointed out and they were advised to modify them to bring within their ambit the essential planning provisions. The Master Plan for Port Blair is being finalised and is necessary that it is processed for statutory enforcement and implementation.

2. *Chandigarh*

The Union Territory of Chandigarh is governed by the following Acts and Rules :

(i) The Capital of Punjab (Development and Regulation) Act, 1952.

(ii) The Capital of Punjab (Development and Regulation) Building Rules, 1952.

(iii) The Chandigarh Sale of Sites Rules 1952.

(iv) The Chandigarh Trees Preservation Order 1952.

(v) The Punjab New Capital (Periphery) Control, Act, 1952.

The various Acts, rules provide adequate powers for planning and development of the Union Territory. It is proposed to extend the provisions of the comprehensive planning legislation (with or without) modifications as and when it is enacted in either of the neighbouring states of Punjab or Haryana.

3. *Dadra and Nagar Haveli*

The Goa, Daman and Diu Town Planning Act, 1974 has recently been extended to the Union Territory of Dadra and Nagar Haveli under section 10 of the Dadra and Nagar Haveli Act 1961 by a notification issued by the Ministry of Home Affairs. The TPCO had prepared a development plan for Silvassa somtime in 1976 which untill now could not be implemented for want of legal sanction. With the extension of Goa Act, the U.T. Administration of Dadra and Nagar Haveli is enabled to implement the development plan of its Capital.

The Draft Building Regulations for residential and commercial buildings have been prepared and are awaiting notification.

4. *Daman & Diu*

A Comprehensive Town and Country Planning Act, is enforced since 1976, which was applicable to Goa, Daman and Diu. Goa has now become a full fledged State and has ceased to be a Union Territory. The 1976 Act is applicable to the remaining union Territories of Daman & Diu. It is almost based on the Model Regional and Town Planning and Development Law and gives full powers for planning and development as envisaged in the Model Law.

5. *Delhi*

The Delhi Development Act, 1957 provides powers to the Delhi Development Authority to prepare a plan for Delhi and enforce it through the local bodies like the Delhi Municipal Corporation, New Delhi Municipal Committee, etc. The Delhi Development Authority is also the implementing agency under the Act.

The experience of working of this Act has revealed that the existing provisions are weak particularly with regard to the built up areas, and preparation of town planning schemes. The amendments to the existing provisions are under the consideration of the Government.

The Master Plan for Delhi was brought out on 1st September, 1962 and it has served as a framework for guiding development over these years. It had a perspective up to 1981. Planning being a continuous process, responding to multifarious developments, the Master Plan for Delhi is now extensively modified and updated with a perspective up to 2001. The modified Master Plan had been published for inviting objections and suggestions in accordance with the provisions of the Delhi Development Act, 1957 and is now statutorily enforceable.

Under the Delhi Urban Art Commission Act, 1973 the Commission advises the Government in the matter of preserving developing and monitoring the aesthetic quality of urban and environmental design within Delhi.

As regards the NCR, the basic objective is to keep Delhi to manageable size and to develop the surrounding regions in the State of Rajasthan, U.P. and Haryana. The participating states had agreed for the setting up of a statutory co-ordinating Board at the central level for planning and monitoring the NCR. The NCR Planning Board Act, 1985 had been enacted by the Parliament and a statutory Board has since been set up. A regional plan has been prepared.

6. *Lakshadweep*

It is a group of tiny islands where there is little building construction. In 1988 the Administrator issued guidelines under the Laccadive, Minicoy and Amindivi Islands Land Revenue and Tenancy Regulation, 1965, regulating the diversion of use of land from one purpose to another.

No planning legislation exists at present.

7. *Pondicherry*

Pondicherry is the first Union Territory in India to have planning legislation on the basis of the Model Town and Country Planning Law. The comprehensive planning Act, titled,

'The Pondicherry Town and Country Planning Act 1969' has been in force since September, 1971. The Govt. of Pondicherry made the Pondicherry Building Bye-Laws and Zoning Regulations vide G.O. Ms No. 51/UD dated 9.9.1962. The provisions of these Bye-laws and Regulations are enforceable the planning area declared by the Government.

The Pondicherry Government has also framed the Pondicherry Town and Country Planning Rules, 1974 under section (81) of the Act which came into force in April, 1974. The statutory bodies like the Pondicherry Planning Authority, Karaikal Planning Authority, Mahe Planning Authority, Yanam Planning Authority were constituted under the provisions of the Act during the years 1972, 1974, 1985 and 1986 respectively to control the physical developments in the respective notified planning areas.

The Slum Areas (Improvement and Clearance) Pondicherry Amendment Act, 1986, came into force during September, 1986 which now stands extended to the whole of the Union Territory of Pondicherry. The Pondicherry Slum Clearance Board was established on 1st December, 1986 under the Act. In order to provide for execution of housing and improvement schemes, the Government of Pondicherry formulated the Pondicherry Housing Board Act, 1973. The Pondicherry Apartment Ownership Act, 1987 is also enforced in the territory which provides for the ownership of an individual apartment in a building and to make such apartment a heritable and transferable property.

The Pondicherry Administration has pointed out that the Pondicherry Town and Country Planning Act does not have any provision to restrain the registration of unauthorised subdivision of lands for residential purposes. To overcome this difficulty and to have a better development control, necessary amendments have been proposed in respect of preparation of Regional Plan, registration of lands, substitution of planning authority by planning and development authority, authentication of plans and custody thereof, right to appear by recognised agent, etc. based on the provisions of the Goa Town and Country Planning Act.

COMPARATIVE STATEMENT OF EXISTING PLANNING LEGISLATION IN STATES

S. No.	Name of the State/UT	Name of the Act	Level at which Applicable	Major Functions	Nature of Enactment	Remarks
1.	Andhra Pradesh	Andhra Pradesh Urban Areas (Development) Act, 1975	Local-Urban Metropolitan Areas	Town Planning Deptt. prepares Master Plans. Enforcement of Zoning regulations of Master Plans and Town Planning Schemes. Master Plan is prepared on behalf of Municipal Councils.	Planning & Development	Legislation not comprehensive since it does not cover rural areas of the State.
2.	Arunachal Pradesh	No Planning Legislation exists at present	..	—	—	A draft Town and Country Development Law had been prepared and is under consideration of the Govt. at various levels.

1	2	3	4	5	6	7
3.	Assam	The Assam Town & Country Planning Act, 1959 as amended in 1985.	Local-Urban Areas, Regional Level.	Provides for Planning and development of towns and the countryside. The Act gives powers for plan making and preparation of Development schemes.	Planning & Development	Legislation not comprehensive.
4.	Bihar	Bihar Town Planning & Improvement Trust Act, 1951.	Local-Urban Areas, Regional Level	Act is in force where the Regional Development Authority is set up under the ordinance. Preparation of regional, master plans and zonal development plans.	Planning & Development.	Bihar Regional Development Bill is under consideration.
5.	Goa	Goa, Daman & Diu Town and Country Planning Act, 1976.	Local-Urban Areas, Regional Level.	Almost based on Model Regional and Town Planning & Development Law and gives powers for planning & Development as envisaged in Model Law.	Planning & Development	This is a comprehensive legislation.

1	2	3	4	5	6	7
6.	Gujarat	Gujarat Town Planning & Urban Development Act, 1976.	Local-Urban Areas, Metropolitan areas.	Act provides for the delineation of development areas, preparation of development plans and other urban development projects & TPs.	Planning & Development	This is a comrehensive legislation.
7.	Haryana	(i) Punjab scheduled Roads & Controlled Areas Restriction of Unregulated Development Act, 1963.	Regional Level	Enforcement of Planning regulations by the town planning Deptt.	Planning & Development	No. comprehensive planning legislation exists at present.
		(ii) Haryana Urban Development Authority Act, 1971.	Local Urban Area			

1	2	3	4	5	6	7
8.	Himachal Pradesh	Himachal Pradesh Town & Country Planning Act, 1977.	Local-Urban Areas	Preparation of regional plans, urban area plans, zonal plans and prescribes control on development & use of land envisages preparation of town development schemes, levy of development charges.	Planning & Development.	It is a comprehensive legislation.
9.	Jammu & Kashmir	(i) J & K Town Planning Act, 1963. (ii) J & K Development Act, 1970.	Local-Urban Areas	Few selected areas are taken for town planning schemes and after approval their implementation is not adequately provided under the Act. Development Authorities for Jammu & Srinagar have been set up which are to prepare the Master Plan and Zonal Plans.	Planning & Development	No comprehensive Planning & Development legislation exists. Zonal plans have not been prepared so far.

1	2	3	4	5	6	7
	10. Karnataka .	(i) Karnataka T&CP Act, 1964.	Local-Urban Areas, Metropolitan Areas.	Declaration of local planning areas embodies regional planning and planning of new towns.	Planning & Development.	The State has comprehensive legislation. Some amendments are being considered to make the Acts more planning efficient and administratively expedient.
		(ii) Bangalore Development Authority Act, 1976.				
		(iii) Bangalore Metropolitan Regional Development Authority Act, 1985.		Development functions under BDA and planning functions under planning Act. Provides for the preparation of structural plan for the metropolitan region & formulation of schemes for implementation of proposals.		

1	2	3	4	5	6	7
		(iv) Karnataka Urban Development Authority Act, 1987.		Planning authorities under the planning Act and Improvement Boards under the Improvement Boards Act have been amalgamated with the urban development authorities and 20 such urban centres constituted are functioning as planning and development authorities.		
11.	Kerala	(i) The Travancore Town & Country Planning Act, 1945 as amended in 1947 and 1975.	Local-Urban Areas	(i) The Travancore Town & Country Planning Act 1945 as amended in 1947 & 1975 provides for preparation of Town Planning Schemes for specific areas.	Planning & Development.	There is no comprehensive Town Planning Act to cover the entire State.

1	2	3	4	5	6	7
		(ii) The Travancore Town Planning Regulations, 1932 as amended in 1960.		(ii) The Travancore Town Planning Regulations, 1932 as amended in 1960 brings within its fold rural and urban areas.		
		(iii) The Madras Town Planning Act, 1920 as amended in 1975.		(iii) The Madras Town Planning Act, 1920 as amended in 1975 provides for the creation of Greater Cochin Development Authority.		
12.	Madhya Pradesh	Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam 1973.	Local-Urban Areas, Metropoiitan areas, Regional Level.	Provides for the preparation of regional plans, urban area plans and zonal plans and prescribes controls on development and use of land. Envisages preparation of town development schemes by	Planning & Development.	This is a comprehensive legislation. Planning is centralised under the Act and the State TP Deptt. is the Planning Authority. Im-

1	2	3	4	5	6	7
				the Development Authorities to be constituted under the Act.		plementation is entrusted to the Development Authorities.
13.	Maharashtra	(i) Maharashtra Regional and Town Planning Act, 1966 as modified upto 1988. (ii) BMRDA Act, 1975. (iii) MHADA Act, 1976 (iv) Maharashtra (Urban Areas) Preservation of Trees Act, 1975.	Local-Urban Areas, Metropolitan Areas, Regional level.	Preparation of regional plans, development plans for all types of municipal councils and corporations, new town plans, areas development projects. Provides for the constitution of Regional Planning Boards and creation of Development Authorities for planning and implementation of development plans by means of undertaking one or more Town Planning Schemes for the areas covered by the development plans.	Planning & Development.	Do.

1	3	4	5	6	7
14. Manipur	Manipur Town and Country Planning Act, 1975.	Local-Urban Areas, Regional Level.	Under this Act, a State Town and Country Planning Board has been constituted and a State Planning and Development Authority has been formed. Preparation of Master Plan for Greater Imphal and District Head Quarter Towns process started for State Capital Project.	Planning & Development.	This is a comprehensive legislation providing statutory backing for Master Plans.
15. Meghalaya	The Assam Town and Country Planning Act 1959 has been extended to Meghalaya w.e.f. January 1989.	Local-Urban Planning Areas.	Powers for statutory plan preparation and formulation of development schemes. Does not provide for a State TCP Board but instead an Advisory Council.	Planning and Development but provisions are inadequate.	A comprehensive draft Town and Country Planning Bill prepared at the request of the State Government but it has yet to be brought on the statute book.

1	2	3	4	5	6	7
16.	Mizoram	The Mizoram Urban and Regional Development Act, 1990.	Rural-and Urban areas	State Town Planning Deptt. entrusted with the preparation of land use map and register. Interim Development Plan, Regional Develpment Plan, urban development plan, sectoral plan and action development plans and development schemes to implement the proposals.	Planning & Development.	It is a Comprehensive legislation largely based on Model Law.
17.	Nagaland	The Nagaland Town and Country Planning Act, 1966.	Local-urban areas.	Limited provisions for plan preparation and formulation of schemes to implement the proposals.	Planning & Development	It is based on Assam Town and Country Planning Act, 1959. It is not a comprehensive legislation.

1	2	3	4	5	6	7
18.	Orissa	(i) The Orissa Town Planning and Improvement Trust Act, 1956 as amended in 1976.	Local-urban Areas.	The Planning authorities have been set up by the State under this Act. The implementation & enforcement of the development plans is to be done by the planning authorities by formulating improvement schemes within the framework of the plan.	Planning & Development.	Legislation not comprehensive.
		(ii) Orissa Development Authority Act, 1982.		Undertake preparation of plans for the development of urban and rural areas.		
19.	Punjab	1. Punjab Town Improvement Act, 1922.	Local-Urban Areas.	Although not statutorily provided Town Planning Deptt. prepares master plans for important towns & cities.	Planning & Development.	Existing laws limited in objective and scope. Need for comprehensive legislation.
		2. Punjab Scheduled Roads and Controlled Areas (Restriction of unregulated development) Act, 1963.				

1	2	3	4	5	6	7
20.	Rajasthan	Rajasthan Urban Improvement Act 1959 as amended in 1991.	Local-Urban Areas, Metro-politan Areas.	Preparation of Master Plan for any Urban area with the help of an Advisory Council. Such urban areas also cover the areas under the contiguous local bodies like the Panchayat.	Planning & Development.	Legislation not comprehensive. Draft Bill under consideration of the Government.
21.	Sikkim	1. Gangtok Municipal Corporation Act, 1975. 2. Bazar Committees Act, 1969.	Applicable to Gangtok only. Applicable to towns other than Gangtok.	Enforcement weak No provision for preparation of development plan.		A draft planning legislation had been prepared by the central Town and Country Planning Organisation and sent to Sikkim Govt., for consideration. It has yet to take statutory effect.

1	2	3	4	5	6	7
22.	Tamil Nadu	The Tamil Nadu Town & Country Planning Act, 1971.	Local-Urban Areas, Metropolitan areas Regional level.	Provisions for the preparation of regional, metropolitan master plan, new town and detailed development plans. Also envisages the constitution of regional local and New Town Planning Authorities with Town and Country Planning Board at the apex with implementation powers.	Planning and Development.	It is a comprehensive legislation.
22.	Tripura	The Tripura Town and Country Planning Act, 1975.	Local-Urban Areas.	Since this is primarily a planning act, it does not cater adequately for the development functions.	Planning only.	Legislation not comprehensive.

1	2	3	4	5	6	7
24.	Uttar Pradesh	Uttar Pradesh Urban Planning and Development Act, 1973.	Local-Urban Areas.	The Act does not provide any legal base for enforcement of controls over land use and development. Town Planning Deptt. prepares Master Plans for various towns.	Planning and Development.	Legislation not comprehensive. A draft comprehensive legislation was prepared by the State Govt. in consultation with the Town and Country Planning Organisation which is still to take statutory effect.
25.	West Bengal	Town and Country Planning Act, 1979.	Local-Urban Areas.	The Planning and Development Authorities have been set up under the Act. These authorities, except the CMDA operate under the control of the State Town Planning Department.	Planning & Development.	It is a comprehensive legislation.

1	2	3	4	5	6	7
UNION TERRITORIES						
1.	Andaman & Nicobar Islands.	There is no planning legislation in existence at present.	..	..	..	A draft bill has been prepared by the Town and Country Planning Organisation which is still under the consideration of Andaman and Nicobar Islands Administration.
2.	Chandigarh	(i) Capital of Punjab (Development & Regulation) Act, 1952 (ii) Punjab New Capital (Periphery) Control Act, 1952.	Extends to the whole of U.T.	Contain adequate powers for planning and development of the Union Territory.	Planning and Development.	Proposal to extend the provisions of the comprehensive planning legislation as and when enacted in

1	2	3	4	5	6	7
		(iii) Chandigarh Trees Preservation Order, 1952.				the neighbouring State of Punjab or Haryana.
3.	Dadra and Nagar Haveli	The Goa, Daman and Diu Town Planning Act, 1974 extended by a notification of the Ministry of Home Affairs.	Local-Urban Areas.	Contains provisions for plan preparation, approval, enforcement and implementation through development schemes.	Planning & Development.	With the extension of the Goa Act, the UT administration is enabled to implement the development plan of its capital city of Silvasa prepared by the central TCPO.
4.	Daman & Diu	The Goa, Daman and Diu Town and Country Planning Act, 1974.	Local-Urban Areas.	It is almost based on the Model Regional & Town Planning & Development Law and gives full powers for planning and development as envisaged in the Model Law.	Planning & Development.	It is a comprehensive legislation.

1	2	3	4	5	6	7
5.	Delhi	The Delhi Development Act, 1957.	Local-Urban Areas.	Provides powers to the Delhi Development Authority to prepare a plan for Delhi and enforce it through the local bodies like the Delhi Municipal Corporation, New Delhi, Municipal Committee etc. The DDA is also the implementation agency under the Act. The Master Plan for Delhi has been extensively modified and updated with a perspective upto 2001.	Planning & Development.	The existing provisions of the Act are weak particularly with regard to the built up areas, and preparation of town planning schemes. The amendment to the existing provisions are under the consideration of the Government.
6.	Lakshadweep	No Planning Legislation exists at present.	..	..	..	In 1988, the Administrator issued guidelines under the Laccadive, Minicoy and

1	2	3	4	5	6	7
						Amindivi Islands Land Revenue and Tenancy Regulation, 1965 regulating the diversion of use of land from one purpose to another.
7.	Pondicherry	The Pondicherry Town & Country Planning Act, 1969	Extends to whole of the UT.	Contains provisions for declaration of planning areas, planning authorities, land use map, development plans including procedure for their statutory approval, control of development and use of land, etc.	Planning	The Act does not have any provision to restrain the registration of unauthorised sub-division of lands for residential purposes. To overcome this difficulty and to have a better development

1	2	3	4	5	6	7
						control, necessary amendments have been proposed in respect of preparation of regional plan, registration of lands, substitution of planning authority by planning and development authority, authentication of plans and custody, thereof, right to appear by recognised agent, etc. based on the provisions of the Goa Town and Country Planning Act.

Institute of Town Planners India

MGIPMRND—Job. III—26 U.D.—4-6-92

ANNEX 5

DEVELOPMENT CONTROL REGULATIONS OF AHMEDABAD

AHMEDABAD URBAN DEVELOPMENT AREA

PART-III

GENERAL DEVELOPMENT CONTROL REGULATIONS

NOTIFICATION VIDE NO. GH/V/59 OF 2002/DVP/1599/1368/L,
DATED 18th MAY, 2002 HAS BEEN SANCTIONED BY
THE GOVT. OF GUJARAT UNDER SUB-CLAUSE (ii) OF CLAUSE (a)
AND SUB-SECTION (1) OF SECTION-17 IN
THE OFFICIAL GAZETTE.
AND
CORRIGENDUM NOTIFICATION
NO. GH/V/140 OF 2002/DVP/1599/1368/L,
DATED 8th OCTOBER, 2002

AUDA

Ahmedabad Urban Development Authority

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APPENDIX - D

1 PREAMBLE

In pursuance of the provisions contained in clause (m) of sub-section (2) of section 12 and clause (c) of subsection (2) of section 13 of the Gujarat Town Planning and Urban Development 1976, the Ahmedabad Urban Development Authority hereby makes the following Regulations.

1.1 SHORT TITLE-EXTENT AND COMMENCEMENT

1.1.1 These regulations may be called the revised draft general development control regulations of the revised draft development plan of AUDA (including ahmedabad municipal corporation area).

1.1.2

These Regulations shall come into force on and from the date prescribed in the notification of sanction of the Development Plan.

1.1.3

Subject to the provisions of the Gujarat Town Planning and Urban Development Act-1976, these Regulations shall apply to all the developments in the Urban Development Area including Ahmedabad Municipal Corporation area notified under sub-section (2) of section 22 of the Act vide Gujarat Government, Panchayat, Housing and Urban Development Notification No.GHB/ R1 / UDA./ 1177 / 646 (3) – q-2 Dated 31st January, 1978 as may be modified or amended from time to time.

1.1.4

The sanctioned General Development Control Regulations of AUDA are hereby Modified, Revised and Replaced by these Regulations.

SAVINGS:

Not withstanding such modifications and revision, anything done or any action taken under the regulations in force prior to such modification shall be deemed to be valid and continue to be so valid, unless otherwise specified.

2 DEFINITIONS

In these regulations, unless the context otherwise requires, the terms and expressions defined as follows shall have the meaning indicated against each of them.

The terms and expressions not defined in these regulations shall have the same meanings as in the Gujarat Town Planning & Urban Development Act, 1976 or Local Acts and the rules framed there under or as mentioned in National Building Code (NBC) as the case may be, unless the context otherwise requires.

2.1 ACT

Means the Gujarat Town Planning and Urban Development Act, 1976 (President Act No.27 of 1976) and B. P. M. C. ACT 1949 or Local Acts as stated in the context.

2.2 ADDITIONS AND /OR ALTERATIONS

Means any change in existing authorised building or change from one use to another use, or a structural change such as additions to the area or height; or the removal of part of a building, or a change to the structure such as the construction or cutting into or removal of any wall or part of a wall, partition, column, beam, joist, floor including a mezzanine floor or other support or a change to or closing of any required means of ingress or egress or a change to fixtures or equipments, as provided in these regulations. The addition to any existing structure shall only be permitted if it complies with the provisions of regulation No.18.4.

2.3 ADVERTISING SIGN/HOARDING

Means any surface or a structure with character, letter or illustration, applied there to and displayed in any manner whatsoever out of doors for the purpose of advertising giving information regarding or to attract the people to any place, person, public performance, article or merchandise, and which surface or structure is attached to, forms part of, or is connected with any building or is fixed to a tree or to the ground or to any pole, screen, hoarding or displayed any space or in or over any water body included in the limits of notified area of Competent Authority.

2.4 AIR-CONDITIONING

Means the process of treating air to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirement of an enclosed space.

2.5 AMENITIES

Means roads, streets, open spaces, parks, recreational grounds, play-grounds, gardens, water supply, electric supply, street lighting, drainage, sewerage, public works and other utilities, communication network, surface and convenience.

2.6 APARTMENT/FLATS

Apartment/Flats shall means residential buildings constructed in a detached or semi-detached manner being designed as Ground Floor plus more upper floors and constructed as separate dwelling unit with common staircase.

2.7 AUTOMATIC SPRINKLER SYSTEM

Means an arrangement of pipes and sprinklers, automatically operated by heat and discharging water on fire, simultaneously an audible alarm.

2.8 BASEMENT OR CELLAR

Shall mean the lower storey of a building having at least half of the clear floor height of the basement or cellar below average ground level. Height of the cellar shall not be more than 3 mts. and less than 2.4 mts. from top of the flooring to the bottom of the lowest structural member. It shall be used only for parking purpose except up to 7% of the total basement area may be used for facility such as safe deposit vault & A.C. plant & shall not be counted towards computation of F.S.I.

2.9 BUILDING

Means all types of permanent building defined in (a) to (r) below, but structure of temporary nature like tents, hutment as well as shamianas erected for temporary purposes for ceremonial occasions, with the permission of the Competent Authority, shall not be considered to be "buildings".

(a) "Assembly building" means a building or part thereof where groups of people congregate or gather for amusement, recreation, social, religious, patriotic, civil, travel and similar purposes. "Assembly building" include buildings of drama and cinema theatres, city halls, town halls, auditoria, exhibition halls, museums, "marriage hall", "skating rings", gymnasia, stadia, restaurants, eating or boarding houses, place of worship, dance halls, clubs, gymkhanas, road, air, sea or other public transportation stations and recreation piers.

(b) "Business building" means any building or part thereof used for transaction of record therefor, offices, banks, all professional establishments, court houses classified as business buildings if their principal function is transaction of business and/or keeping of books and records.

(c) "Detached building" means a building with walls and roofs independent of any other building and with open spaces on all sides.

(d) "Semi-Detached Building" means a building having one or more side attached with wall and roof with other building.

(e) "Educational building" means a building exclusively used for a school or college, recognised by the appropriate Board or University, or any other Competent Authority involving assembly for instruction, education or recreation incidental to educational use, and including a building for such other uses incidental thereto such as a library or a research institution. It shall also include quarters for essential staff required to reside in the premises, and a building used as a hostel captive to an educational institution whether situated in its campus or not.

(f) "Hazardous building" means a building or part thereof used for, -

(i) storage, handling, manufacture or processing of radio-active substances or of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes or explosive enabatuibs.

(ii) storage, handling, manufacture or processing of, which involves highly corrosive, toxic obnoxious alkalis, acids, or a other liquids, gases or chemicals producing flame, fumes, and explosive mixtures or which result in division of matter into fine particles and capable of spontaneous ignition.

(g) "Industrial building" means a building or part thereof wherein products or, material are fabricated, assembled or processed, such as assembly plants, laboratories, power plants, refineries, gas plants, mills dairies and factories.

(h) "Institutional building" means a building constructed by Government, Semi-Government organisations, public sector undertakings, registered Charitable Trusts for their public activities, such as education, medical, recreational and cultural , hostel for working women or men or for an auditorium or complex for cultural and allied activities or for an hospice, care of orphans, abandoned women, children and infants, convalescents, destitute or aged persons and for penal or correctional detention with restricted liberty of the inmates ordinarily providing sleeping accommodation, and includes dharamshalas, hospitals, sanatoria, custodian and penal institutions such as jails, prisons, mental hospitals, houses of correction, detention and reformatories

building constructed for the promotion of Tourism such a. stared hotels, clubs. golf course, sport stadium and all activities of Tourist Unit as may be declared by Government from time to time.

(i) "Mercantile building" means a building or part thereof used as shops, stores or markets. for display and sale of wholesale or retail goods or merchandise, including office, storage and service facilities incidental thereto located in the same building.

(j) "Low rise building" shall mean a building having height up to 16.50 mts. and having ground floor plus four floors. However hollow plinth up to 2.8 mts and parapet on terrace up to 1.5mts shall not be counted.

(k) "High-rise building" shall mean building other than mentioned in 2.9 (j) "Low Rise Building " provided the maximum permissible height shall not exceed 40 mts.

(l) "Office building" means a building or premises or part thereof whose sole or principal use is for an office or for office purposes or clerical work, "Office purposes" includes the purpose of administration. clerical work, handling money, telephone, telegraph and computer operation; and clerical work" includes writing, book-keeping, sorting papers typing, filing, duplicating, punching cards or tapes, machines calculations. drawing of matter for publication and editorial preparation of matter of publication.

(m)"Public Building" means a building constructed by Government, Semi-Government organisations, public sector under-takings, registered Charitable Trust or such other organisations for their non-profitable public activities

(n) "Residential Building" means a building in which sleeping accommodation is provided for normal residential purposes, with or without cooking or dining facilities, and includes one or more family dwellings, lodging or boarding houses, hostels, dormitories, apartment houses, flats and private garages of such buildings.

(o) "Special Building" means

(i) a building solely used for the purpose of a drama or cinema theatre, motion picture a drive-in-theatre, an assembly hall or auditorium, town hall, lecture hall, an exhibition hall, theatre museum, stadium, community hall, marriage hall.

(ii) a hazardous building;

(iii) a building of a wholesale establishment;

(iv) centrally air-conditioned building which exceeds 15 mts. in height, in case where in building is constructed on stilt

(p) "Storage Building" means a building or part thereof used primarily for storage or shelter of goods, merchandise and includes a building used as a warehouse, cold storage freight depot, transit shed, store house, public garage, hanger, truck terminal grain elevator, barn and stable.

(q) "Unsafe Building" means a building which,

(i) is structurally unsafe,

(ii) is insanitary,

(iii) is not provided with adequate means of egress,

(iv) constitutes a fire hazard,

(v) is dangerous to human life,

(vi) in relation to its existing use constitutes a hazard to safety or health or public welfare by reasons of inadequate maintenance, dilapidation or abandonment.

(r) "Wholesale establishment" means an establishment wholly or partly engaged in wholesale trade and, manufactures wholesale outlets, including related storage facilities, warehouses and establishments engaged in truck transport, including truck transport booking warehouses.

2.10 BUILDING LINE

means the line up to which the plinth of a building adjoining a street or an extension of a street or on a future street may lawfully extend and includes the lines prescribed, in any T.P. scheme and/or Development Plan.

2.11 BUILDING UNIT

Shall mean a land/plot or part of a land/plot or combination of more than one land/plot as approved by the Competent Authority. Provided however where an alignment has been fixed on any road by any Competent Authority, the building unit shall mean and refer to the land excluding the portion falling in alignment.

2.12 BUILT-UP AREA

Means the area covered by a building on all floors including cantilevered portion, if any, but except the areas excluded specifically under these Regulations.

2.13 COMPETENT AUTHORITY

Means any person or persons or Authority or Authorities authorized by the Ahmedabad Urban Development Authority/Ahmedabad Municipal Corporation as the case may be to perform such functions as may be specified. Different persons or Authorities may be authorized to perform different functions.

2.14 CHIMNEY

Means a construction by means of which a flue is formed for the purpose of carrying products of combustion to the open air and includes a chimney stack and the flue pipe.

2.15 CHHAJJA

Means a structural overhang provided over opening on external walls for protection from the weather.

2.16 CHOWK

Means a fully or partially enclosed space permanently open to the sky within a building at any level, inner chowk being enclosed on all sides except as provided in Regulation 11 and 12 and an outer chowk having one unenclosed side.

2.17 COMBUSTIBLE MATERIAL

Means that material which when burnt adds heat to a fire when tested for combustibility in a accordance with the IS : 3808-1966 Method of Test for Combustibility of Building Material, National Building Code.

2.18 CONTIGUOUS HOLDING

Means a contiguous piece of land in one ownership irrespective of separate property register cards /record of rights.

2.19 CORRIDOR

Means a common passage or circulation space including a common entrance hall.

2.20 COURTYARD

Means a space permanently open to the sky within the site around a structure and paved/concrete.

2.21a COMMON PLOT

Shall mean a common open space exclusive of margins and approaches, at a height not more

than ground level of the building unit. The owner shall have to give an undertaking that the common plot shall be for the common use of all the resident or occupants of the building unit, free of cost.

On sanction of the development permission, the common plot shall deem to have vested in the society/association of the residents/occupants. In case such society or Association is to be formed, the possession/custody of common plot shall remain with Competent Authority until such association/society is formed. The common plot shall not be sold to any other person and it shall not be put to any other use except for the common use of the residents/occupants.

2.21b CONSOLIDATED OPEN PLOT

Means open space at a height not more than one metre from ground level of the building unit and having rectangular shape and having the ratio between the length of the adjacent side not more then 2, However, this condition of ratio will not be applicable if the smaller side of consolidated open is 15 metres or more in length.

2.22 DEVELOPER

Means the person who is legally empowered to construct or to execute work on a building unit, building or structure, or where no person is empowered, the owner of the building unit, building or structure.

2.23 DHARMASHALA

Means a building used as a place of religious assembly, a rest house, a place in which charity is exercise with religious or social motives, or a place where in a certain section of people have a right of, or are granted, residence without payment or nominal payment.

2.24 DRAIN

Means a system or a line of pipes, with their fittings and accessories such as manholes, inspection chambers, traps gullies, floor traps used for drainage of building or yards appurtenant to the buildings within the same cartilage. A drain includes an open channel for conveying surface water or a system for the removal of any liquid.

2.25 DWELLING UNIT

Means a shelter consisting of residential accommodation for one family. Provided that the minimum accommodation in a dwelling unit shall be one room of minimum carpet area of 9 sq.mts. with a minimum side of 2.4 Mts. and a w.c.

2.26 ENCLOSED STAIRCASE

Means a staircase separated by fire resistant walls and doors from the rest of the building.

2.27 EXISTING BUILDING

Means a building or a structure existing authorised before the commencement of these Regulations.

2.28 EXISTING USE

Means use of a building or a structure existing authorised before the commencement of these Regulations.

2.29 EXIT

Means a passage, channel or means of egress from any building, storey or floor area to a street or other open space of safety; horizontal exit, outside exit and vertical exist having meanings at (i),

(ii) and (iii) respectively as under :

(i) "HORIZONTAL EXIT" :- means an exit which is a protected opening through or around at fire wall or bridge connecting two or more buildings.

(ii) "OUTSIDE EXIT" :- means an exit from a building to a public way, to an open area leading to a public way or to an enclosed fire resistant passage leading to a public way.

(iii) "VERTICAL EXIT" :-means an exit used for ascending or descending between two or More levels, including stairways, smoke-proof towers, ramps, escalators and fire escapes.

2.30 EXTERNAL WALL

Means an outer wall of a building not being a party wall even though adjoining a wall of another building and also means a wall abutting on an interior open space of any building.

2.31 ESCAPE ROUTE

Means any well ventilated corridor, staircase or other circulations space, or any combination of the same, by means of which a safe place in the open air at ground level can be reached.

2.32 FIRE AND/OR EMERGENCY ALARM SYSTEM

Means an arrangement of call points or detectors, sounders and other equipment for the transmission and indication of alarm signals working automatically or manually in the event of fire.

2.33 FIRE LIFT

Means a special lift designed for the use of fire service personnel in the event of fire or other emergency.

2.34 FIRE PROOF DOOR

Means a door or shutter fitted to a wall opening, and constructed and erected with the requirement to check the transmission of heat and fire for a specified period.

2.35 FIRE PUMP

Means a machine, driven by external power for transmitting energy to fluids by coupling the pump to a suitable engine or motor, which may have varying outputs/capacity but shall be capable of having a pressure of 3.2 kg/cm^2 at the topmost level of multi-storey or high rise building.

2.36 FIREPUMP-BOOSTER FIRE PUMP

Means a mechanical/electrical device which boots up the water pressure at the top level of a multi-storied/high- rise building and which is capable of a pressure of 3.2 kg/cm^2 at the nearest point.

2.37 FIRE RESISTANCE

Means the time during which a fire resistant material i.e. material having a certain degree of fire resistance, fulfils its function of contributing to the fire safety of a building when subjected to prescribed conditions of heat and load or restraint. The fire resistance test of structures shall be done in accordance with IS: 3809-1966 Fire Resistance Test of Structure.

2.38 FIRE SEPARATION

Means the distance in meter measured from any other building on the site or from another site. or from the opposite side of a street or other public space to the building.

2.39 FIRE SERVICE INLET

Means a connection provided at the base of a building for pumping up water through-in-built fire-fighting arrangements by fire service pumps in accordance with the recommendation of the Chief Fire Officer.

2.40 FIRE TOWER

Means an enclosed staircase which can only be approached from the various floors through landings or lobbies separated from both the floor area and the staircase by fire resisting doors.

2.41 FLOOR

Means the lower surface in a storey on which one normally walks in a building, and does not include a mezzanine floor. The floor at ground level with a direct access to a street or open space shall be called the ground floor; the floor above it shall be termed as floor 1, with the next higher floor being termed as floor 2, and so on upwards.

2.42 FLOOR SPACE INDEX (F.S.I.)

Means quotient of the ratio of the combined gross floor area of the all floors including areas of all walls, except areas specifically exempted under these Regulations, to the total area of the plot/building unit.

$$\text{Floor Space Index} = \frac{\text{Total floor area including walls of all floors}}{\text{Plot Area / Building Unit.}}$$

Provided that the following shall not be counted towards computation of F.S.I.

(i) Parking spaces without any enclosures and partitions of any kind, with clear height of 2.4 mts. and in case of slabs with beams, height should not exceeds 2.8 mts.

(ii) Spaces of hollow plinth with maximum clear height of 2.8 Mts. including beams in residential buildings only (not even in mixed development) at ground level without any enclosures/walls and partitions in any form.

(iii) Interior open spaces and ducts required under these Regulations subject to maximum 4 % of the Built up Area.

(iv) Basement exclusively used for required parking with maximum clear height of 2.4 Mts. excluding beams.

(v) Security Cabin up to 4 sq.mts.

(vi) Weather shed up to 0.60 mt width.

(vii) Stair case with maximum intermediate landing width equal to the width of stair, maximum landing width at floor level shall be twice the width of stair.

(viii) lift, lift well with lift cabin, stair cabin, lift landing of lift well and water tank.

(ix) Open air space/chowk required under this regulation in Walled City and Gamtal.

(x) Electric room as specified by A.E.C. or G.E.B.

(xi) 7% of the total basement area used for safe deposit vault & A.C.plant.

2.43 FLOOR AREA

Means Built up area excluding area of walls.

2.44 FRONT

Front as applied to a plot; means the portion facing the road and in case of plot abutting on more than one road and or more than 18 Mts. in width, the front shall be decided by the Competent Authority considering the existing and future development trend of the surrounding area.

2.45 FOOTING

Means a foundation unit constructed in brick work, stone masonry or concrete under the base of a wall column for the purpose of distributing the load over a large area.

2.46 FOUNDATION

Means that part of the structure which is in direct contact with and transmitting loads to the grounds.

2.47 HEIGHT OF BUILDING

Means the vertical distance measured from the average ground level/ high flood level/plot level and up to the top of the finished level of the top most floor slab in case of flat roofs and upto the midpoint of the height of the slopping roof. The height of the slopping roof shall be taken as an average height of the relevant floor.

Note :- High flood level shall be decided by Competent authority.

2.48 GAMTAL

Shall mean all land that have been included by the Govt./Collector within the site of village, Town or city on or before the date of declaration of intention to make a Town Planning Scheme or publication of Draft Development Plan but shall not include any such other land which may thereafter be included within the site of any village by the Govt./Collector under the provision of Land Revenue Code.

2.49 GROUND LEVEL

Shall mean the level of the crown of the existing nearest constructed road or existing ground level, High flood level whichever is higher as may be decided by Competent Authority.

Note :- High flood level shall be decided by Competent authority.

2.50 GARAGE-PRIVATE

Means a building or a portion thereof designed and used for the parking of vehicles.

2.51 GARAGE-PUBLIC

Means a building or portion thereof, designed other than as a private garage, operated for gain, designed and/or used for repairing, servicing, hiring, selling or storing or parking motor-driven or other vehicles.

2.52 HABITABLE ROOM

Means a room occupied or designed for occupancy for human habitation and uses incidental thereto, including a kitchen if used as a living room, but excluding a bath-room, water closet compartment, laundry, serving and storing, pantry, corridor, cellar, attic, store-room, pooja-room and spaces not frequently used, height of such room shall not be less than 2.80 Mts. measured from finished floor to finished ceiling.

2.53 HEIGHT OF A ROOM

Means the vertical distance measured from the finished floor surface to the finished ceiling/slab surface. The height of a room with a pitched roof means the average height between the finished floor surface and the bottom of the eaves and the bottom of the ridge.

2.54 HOME OCCUPATION

Means customary home occupation other than the conduct of an eating or a drinking place offering services to the general public, customarily carried out by a member of the family residing on the premises without employing hired labour, and for which there is no display to indicate from the exterior of the building that it is being utilised in whole or in part for any purpose other than a residential or dwelling use and in connection with which no article or service is sold or exhibited for sale except that which is produced therein, which shall be non-hazardous and not affecting the safety of the inhabitants of the building and the neighbourhood, and provided that no mechanical equipment is used except that as is customarily used for purely domestic or household purposes and /or employing licensable goods. If motive power is used, the total electricity load should not exceed 0.75 KW. "Home Occupation" may also include such similar occupations as may be specified by the Competent Authority and subject to such terms and conditions as may be prescribed.

2.55 HAZARDOUS MATERIAL

(i) Means radio active substances :
(ii) Material which is highly combustible or explosive and/or which may produce poisonous fumes explosive emanations, or storage, handing, processing or manufacturing of which may involve highly corrosive, toxic, obnoxious alkalis or acids or other liquids;
(iii) Other liquids or chemicals producing flame, fumes, explosive, poisonous, irritant or corrosive gases or which may produce explosive mixtures of dust or fine particles capable of spontaneous ignition.

2.56 LIFT

Means a mechanically guided car, platform or transport for persons and materials between two or more levels in a vertical or substantially vertical direction.

2.57 LOFT

Shall mean an intermediate floor between two floor with a maximum height of 1.2 Mts. and which is constructed and adopted for storage purpose. The loft if provided in a room shall not cover more than 30% of the floor area of the room.

2.58 MARGIN

Shall mean space fully open to sky provided at the plot level from the edge of the building wherein built-up area shall not be permitted except specifically permitted projections under this regulation.

2.59 MEZZANINE FLOOR

Shall mean an intermediate floor between two floors overhanging or overlooking a floor beneath.

2.60 NEIGHBOURHOOD CENTRE AND CIVIC CENTRE

Neighbourhood Centre and civic Centre shall include following activities such as sectoral shopping centre, market, office building, cinema, small hospital, playground, swimming pool. Town hall, open air theatre, civic and cultural facilities, library, higher secondary school, parking

plots, public utility and service building such as post office, fire station, police station, religious building and building of public uses.

2.61 NATURAL HAZARD

The probability of occurrence, within a specific period of time in a given area, of a potentially damaging natural phenomenon.

2.62 NATURAL HAZARD PRONE AREAS

Areas likely to have moderate to high intensity of earthquake, or cyclonic storm, or significant flood flow or inundation, or land slides/mud flows/avalanches, or one or more of these hazards.
Note: Moderate to very high damage risk zones of earthquakes are as shown in Seismic Zones III, IV and V specified in IS:1893; moderate to very high damage risk zones of cyclones are those areas along the sea coast of India prone to having wind velocities of 39 m/s or more as specified in IS:875(Part 3;) and flood prone areas in river plains (unprotected and protected) are indicated in the Flood Atlas of India prepared by the Central Water Commission.

2.63 NON-COMBUSTIBLE

Means not liable to burn or add heat to a fire when tested for combustibility in accordance with the IS-3808-1966 Method of Test for Combustibility of Building Materials.

2.64 OCCUPANCY OR USE

Means the principal occupancy or use for which a building or a part of it is used or intended to be used, including contingent subsidiary occupancies; mixed occupancy building being those in which more than one occupancy are present in different portions of the building.

2.65 OPEN SPACE

Means an area forming an integral part of the plot, left permanently open to sky.

2.66 OWNER

"Owner", in relation to any property, includes any person who is for the time being, receiving or entitled to receive, 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, manager or receiver for any other person or for any religious or charitable institution, the rents or profits of the property; and also includes a mortgaging possession thereof.

2.67 PARAPET

Means a low wall or railing built along the edge of roof of a floor.

2.68 PARKING SPACE

Means an enclosed or unenclosed covered or open area sufficient in size to park vehicles. Parking spaces shall be served by a driveway connecting them with a street or alley and permitting ingress or egress of vehicles.

2.69 PARTITION

Means an interior non-load bearing divider wall one storey or part storey in height.

2.70 PERMANENT OPEN AIR SPACE

Means air space permanently open -

(i) if it is a street,

(ii) if its freedom from encroachment is protected by any low or contract ensuring that the ground below it is either a street or is permanently and irrevocably appropriated as an open space.

In Determining the open air space required for construction of a building, any space occupied by an existing structure may, if it is ultimately to become a permanently open air space, be treated as if it were already such a place.

2.71 PERMISSION

Means a valid permission or authorisation in writing by the Competent Authority to carry out development or a work regulated by the Regulations.

2.72 PLINTH

Plinth shall mean the portion of the external wall between the level of the street and the level of the storey first above the street.

2.73 PLINTH AREA

Means the built-up covered area measured at the floor level of the basement or of any storey.

2.74 PORCH

Means a covered surface supported on pillars or otherwise for the purpose of a pedestrian or vehicular approach to a building.

2.75 PUBLIC PURPOSE

The expression "Public Purpose" includes-

1) The provision of village sites, or the extension, planned development or improvement of existing village sites ;

2) The provision of land for town or rural planning ;

3) The provision of land for planned development of land from public funds in pursuance of any scheme or policy of Government and subsequent disposal thereof in whole or in part by lease, assignment or outright sale with the object of securing further development as planned ;

4) The provision of land for a corporation owned or controlled by the state ;

5) The provision of land for residential purposes to the poor or landless or to persons residing in areas affected by natural calamities, or to persons displaced or affected by reason of the implementation if any scheme undertaken by Government, any local Authority or a corporation owned or controlled by the state ;

6) The provision of land for carrying out any educational, housing, health or slum clearance scheme sponsored by Government or by any Authority established by Government for carrying out any such scheme or with the prior approval of the appropriate Government by a Local Authority or a society registered under the societies Registration Act, 1860 or under any corresponding law for the time being in force in a state, or a co-operative society within the meaning of any law relating to co-operative society for the time being in force in any state;

7) The provision of land for any other scheme of development sponsored by Government or with the prior approval of appropriate Government, by a local Authority ;

8) The provision of any premises or building for locating a public office, but, does not include acquisition of land for Companies.

2.76 REAL ESTATE DEVELOPMENT

Shall mean development undertaken for sale to persons other than the one undertaking the

development.

2.77 REGISTERED ARCHITECT / ENGINEER / STRUCTURAL DESIGNER, CLERK OF WORKS, SITE SUPERVISOR, DEVELOPER

Means respectively a person registered by the Competent Authority for the purpose of this Act as an Architect, Engineer, Structural Designer, Clerk of works, Site Supervisor, Developer, under these Regulations or any other Act prevailing for the area.

2.78 RETENTION ACTIVITY

Means an activity or use which is allowed to continue, not withstanding its non-conforming nature in relation to the use permitted in the adjoining or surrounding area.

2.79 RESIDENTIAL USE

Mean a use of any building unit for the purpose of human habitation only except hotels and hostels like business.

2.80 ROAD/STREET

Means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square place or bridge, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a specified period, whether existing or proposed in any scheme, and includes all bunds channels, ditches, storm-water drains, culverts, sidewalks, traffic islands, road-side trees and, hedges retaining walls, fences, barriers and railings within the street lines.

2.81 ROAD/STREET-LEVEL OR GRADE

Means the officially established elevation or grade of the centre line of the street upon which a plot fronts, and if there is no officially established grade, the existing grade of the street at its mid-point.

2.82 ROAD/STREET LINE

Means the line defining the side limits of a road/street.

2.83 "ROAD WIDTH" OR "WIDTH OF ROAD/STREET"

Means the whole extent of space within the boundaries of a road when applied to a new road/street, as laid down in the city survey or development plan or prescribed road lines by any act or law and measured at right angles to the course or intended course of direction of such road.

2.84 SELF USE DEVELOPMENT

Means Development undertaken by an owner for his use.

2.85 SERVICE ROAD

Means a road/lane provided at the front, rear or side of a plot for service purposes.

2.86 SHOPPING CENTRE OR COMMERCIAL CENTRE

Means a group of shops, offices and / or stalls designed to form market-office complex.

2.87 SMOKE-STOP DOOR

Means a door for preventing or checking the spread of smoke from one area to another.

2.88 STAIR COVER

Means a structure with a covering roof over a staircase and its landing built to enclose only the stairs for the purpose of providing protection from the weather, and not to be used for human habitation.

2.89 STOREY

Means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

2.90 TENEMENT

Means an independent dwelling unit with a kitchen, or a cooking space.

2.91 TENEMENT BUILDING AND OWNERSHIP FLATS

Means residential building constructed in a semi-detached manner in a building unit, each dwelling unit is being designed and constructed for separate occupation with independent provision of bath, w.c.

2.92 TRAVEL DISTANCE

Means the distance from the remotest point of a building to a place of safety be it a vertical exit or an horizontal exit or an outside exit measured along the line of travel.

2.93 WATER CLOSET (W.C)

Means a privy with an arrangement for flushing the pan with water, but does not include a bathroom.

2.94 WATER COURSE

Means a natural channel or an artificial channel formed by draining or diversion of a natural channel meant for carrying storm and waste water.

2.95 WATER COURSE, MAJOR

Means a water course which carries storm water discharging from a contributing area of not less than 160 hectares, the decision of the Competent Authority on the extent of contributing area being final. A minor water course is one which is not a major one.

2.96 WATER TANKS OR TALAV OR POND OR LAKE

Means a natural existing low lying grounds forming a natural water body or wherein rain water gets collected and/or plots designated as Talav under the revised development plan or any other legitimate records.

2.97 "WAREHOUSE" OR "GODOWN"

Mean a building the whole or a substantial part of which is used or intended to be used for the storage of goods whether for storing or for sale or for any similar purpose. It is neither a

domestic nor a public building, nor merely a shop if so used not a store attached to and used for the proper functioning of a shop.

2.98 WINDOW

Means an opening, other than a door, to the outside of a building, which provides all or part of the required ventilation.

2.99 WIDTH OF A STREET

Means the clear average width of the existing carriage way and footpaths only on which the building or plot line abuts. The average width shall be computed by taking length of street between two extreme points on building unit abutting the street at right angles to the direction of such streets excluding the steps projections, forecourts, open areas of other spaces in front of the building erected or intended to be erected. However in case where a regular line of street is prescribed by the Competent Authority, such width shall be considered for the purpose of computing building height.

3 PROCEDURE FOR SECURING DEVELOPMENT PERMISSION.

3.1 APPLICATION FOR DEVELOPMENT PERMISSION

Subject to the provisions of Section: 26, 27, 28, 34 &49 of the Act, any person intending to carry out any development as defined in the Act in any building or in or over any land, within the limits of Development Area in conformity with the Development Plan proposals shall make an application in writing to the Competent Authority in prescribed form No. C or C(a) along with the receipt of the payment of the scrutiny fee, development charges betterment charges, net demand as per sanctioned final T.P. Scheme and other charges and dues if any to be leviable under the Act and the regulations.

3.2 SCRUTINY FEE

A person applying for a permission to carry out any development shall have to pay scrutiny fees along with his application to the Competent Authority/Ahmedabad Municipal Corporation at the following rates:

3.2.1 FOR BUILT UP AREA

For low rise building Rs. 3.00 per sq. mt. of Built up area of all floors for the intended residential development or part thereof subject to minimum scrutiny fee of Rs. 300.00

3.2.2 COMMERICAL AND MIX DEVELOPMENT

For high-rise, commercial, mix development and other than residential use Rs. 5.00 per sq.mt. of Built area of all floors for the intended development or part thereof subject to minimum scrutiny fee Rs. 300.00

3.2.3 SUB-DIVISION AND AMALGAMATION OF LAND

a) Rs. 1.50 per sq. mt. of building unit/plot area for subdivision and amalgamation of all types of development.
b) Rs. 0.50 per sq. mt. of building unit/plot area for subdivision and amalgamation for agricultural use.

Minimum scrutiny fee shall not be less than Rs. 300.00

3.2.4 URBAN CENTRES, RURAL CENTRES AND AREA OUTSIDE URBAN COMPLEX AND FALLING IN AGRICULTURE ZONE ONLY

50% of the scrutiny fee as mentioned in Regulation No.3.2.1, 3.2.2 and 3.2.3 for the respective uses and type of dwelling units subject to minimum scrutiny fee Rs. 300.00

3.2.5 RENEWAL OF DEVELOPMENT PERMISSION :

Development permission granted under these regulation shall be deemed to be lapsed, if such development work has not been commenced till the expiry of one year from the date of commencement certificate/development permission. Provided that, the Competent Authority may on application made to it before the expiry of above period (one year) extended such period by a further period of one year at a time by charging Rs.300/- for renewal of development permission. The extended period shall in no case exceed three years in the aggregate.

3.2.6 PUBLIC CHARITABLE TRUST:

Rs.500.00 if the intended development is for hospitals, dispensaries, schools or colleges or a place of worship, dharmshala, hostels etc. constructed by a public charitable trust registered under Public Charitable Trust Act, 1950 or for any other purpose which the Authority may specify by a general or special order.

3.2.7 DEVELOPMENT PERMISSION FOR MINING, QUARRYING AND BRICK KILN OPERATIONS:

In case of mining, quarrying and brick kiln operations, the scrutiny fees will be as under.

(i) Mining, quarrying and brick kiln operation.

Rs.500.00 per 0.4 hectare or part there of and a maximum of

Rs. 2500.00

(ii) Brick kiln without Chimney.

Rs. 25.00 per 0.1 hectare or part there of and a maximum of

Rs. 500.00

(iii) Processing of lime sagol etc. without construction.

Rs. 25.00 per 0.1 Hectare or part thereof and maximum of

Rs. 250.00

(iv) Renewal of permission for mining, quarrying

Rs. 50.00 for one year.

(v) Renewal of permission for brick kiln (without chimney)

Rs_25.00 for one year.

(vi) Renewal of permission for processing of sagol, lime etc. without construction

Rs. 10.00 for one year.

Note :- Fees to be decided by Competent Authority from time to time

3.3 FORMS OF APPLICATION

Every person who gives notice under relevant section of the Act shall furnish all information in forms and format prescribed under these regulations and as may be amended from time to time by the Competent Authority. The following particulars and documents shall be submitted along with the application.

(I) (a) The applicant shall submit satisfactory documentary legal evidence of his right to develop or to build on the land in question including extract from the Property Register for city survey lands or an extract from the Record of Rights for Revenue lands or the copy of the index of registered sale deed as the case may be.

(b) He shall also submit a certified copy of approved sub- divisions/layout of final plot from the concerned Authority or latest approved sub-division/layout of city survey numbers or revenue numbers from relevant Authority, as the case may be, showing the area and measurements of the plot or land on which he proposes to develop. Provided that the Authority may dispense with this requirement in the cases where it is satisfied regarding the ownership of land on the basis of any documentary evidence or proof produced by the applicant.

(II) A certificate of the licensed structural designer in regard to the proposed building shall be submitted under these Development Control Regulations.

(III) A site plan (required copies) of the area proposed to be developed to a scale not less than 1:500 as the case may be showing the following details wherever applicable; In the case where plot is more than 10 Hectors, scale shall not be less than 1:1000.

i) The boundaries of the plot and plot level in relation to neighbouring road level.

ii) The positions of the plot in relation to neighbouring streets.

iii) The name of the streets in which the plot is situated.

iv) All the existing buildings and other development exists on or under the site.

v) The position of buildings and of all other buildings and construction which the applicant intends to erect.

vi) The means of access from the street to the buildings or the site and all other building and constructions which the applicant intends to erect.

vii) Yards and open spaces to be left around the buildings to secure free circulation of air, admission of light and access.

viii) The width of street in front and of the street at the side or rear of the building.

ix) The direction of north point relative to the plan of the buildings.

x) Any physical feature such as trees, wells, drains, O.N.G.C. well & pipeline, high tension .Line, railway line.

xi)a) Existing streets on all the sides indicating clearly the regular line for streets if any prescribed under the ACT and passing through the building units.

b) The location of the building in the plot with complete dimensions.

c) The area within the regular line of the street not to be built upon but to be added to the street, hatched in green together with its measurements.

xii) Area classified for exemption of built-up area calculations.

xiii) A plan indicating parking spaces, if required under these regulations.

xiv) The positions of the building units immediately adjoining the proposed development.

xv) The position of every water closet, privy, urinal, bathrooms, cess pool, well or cistern in connection with the building other than those shown in the detailed plan.

xvi) The lines of drainage of the building, the size, depth and inclination of every drain and the means to be provided for the ventilation of the drains.

xvii) The position and level of the out fall of the drain.

xviii) The position of sewer, where the drainage is intended to be connected to sewer.

xix) Open spaces required under these Development Control Regulations.

xx) Tree plantation required under regulation No.31.

(IV) A detailed plan (required copies) showing the plans, sections and elevations of the proposed development work to a scale of 1:100 showing the following details wherever applicable:

a) Floor plans of all floors together with the covered, area; clearly indicating the size and spacing of all framing members and sizes of rooms and the position of staircases, ramps and lift wells.

b) The use of all parts of the building.

c) Thickness of walls, floor slabs and roof slabs with their materials. The section shall indicate the height of building and height of rooms and also the height of the parapet, the

drainage and the slope of the roof. At least one section should be taken through the staircase. The position, form and dimensions of the foundation, wall, floor, roofs, chimneys and various parts of the building, means of ventilation and accesses to the various parts of the building and its appurtenances also should be shown in one cross section.

d) The building elevation from the major street.

e) The level of the site of the building, the level of lowest of building in relation to the level of any street adjoining the cartilage of the building in relation to one another and some known datum or crown of road.

f) Cabin plan.

g) The north point relative to the plans.

h) The forms and dimensions of every water closets, privy, urinals, bathrooms, cesspools, well and water tank or cistern to be constructed in connection with the building.

i) One copy of the detailed working drawing including structural details based on the approved building plan shall be submitted before 7 days of commencement of the construction work at site for information and record. The applicant will inform the authority the date for commencement of work". Provided that in the case of individual residential buildings up to G+2 on a plot not more than 500 sq.mts. in size, the Competent Authority shall not enforce, on request of the owner/developer, to submit such details, subject to the condition that for such area similar types of structures and soil investigation report are already available on record.

(V) For high rise building and for special building like assembly, institutional, industrial storage and hazardous occupancy the following additional information shall be furnished/indicated in the following plans in addition to the items under clause 3.3.

a) Access to fire appliances/vehicles with details of clear motorable access way around the building and vehicular turning circle.

b) Size (width) of main and alternate staircase along with balcony approach, corridor, ventilated lobby approach as the case may be.

c) Location and details of lift enclosures.

d) Location and size of fire lift.

e) Smoke stops lobby/door, where provided.

f) Refuse chutes, refuse chamber, service duct etc. where to be provided.

g) Vehicular parking space.

h) Refuse area, if any.

i) Details of building services, air-conditioning system with position or dampers, mechanical ventilation system, electrical services, boilers, gas pipes etc. where provided.

j) Details of exits including provision of ramps etc. for hospitals.

k) Location of generator, transformer and switch gear room where required.

l) Smoke exhauster system, if any.

m) Details of fire alarm system network.

n) Location of centralised control, connecting all fore air, suste, built-in fire protection arrangements and public address system etc. where required.

o) Location of dimension of static water storage tank and pump room.

p) Location and details of fixed fire protection installations such as sprinkles wet risers, house reels, drenchers, CO2 installations etc.

q) Location and details of first-aid fire fighting equipment /installations.

r) Location for electric transformer.

(VI) In case of layout of land or plot:

a) A site-plan (in required numbers) drawn to a scale not less than 1:500 showing the surrounding lands and existing access to the land included in the layout plan.

b) A layout plan (in required numbers) drawn to a scale of not less than 1:500 showing:

i) Sub-division of the land or plot or building unit with dimension and area of each of the proposed sub-divisions and their use according to these regulations.

ii) Width of the proposed streets and internal roads.

iii) Dimensions and areas of open space provided for under these regulations.

(VII) Certificate of undertaking: Certificate in the prescribed form No.2(a),2(b), 2(c) and 2(d) by the registered Architect/Engineer / Structural Designer /Clerk of Works/ /Developer/ Owner.

(VIII) Full information should be furnished in Form No.3 and Form No.4 as the case may be along with the plan.

(IX) The applicant shall also obtain copy of N.O.C. From relevant Authority as per Regulation No.4.2 wherever applicable.

3.4 GENERAL NOTATION FOR PLAN

The following notation generally shall be used for plans referred to in 3.3; (III); (IV); (V) and (VI).

Sr. No.	Item	Site Plan	Bldg. Plan
01.	Plot line	Thick black	Thick black
02.	Existing Street	Green	------
03.	Future Street if any	Green dotted	------
04.	Permissible lines	Thick black dotted	------
05.	Open space	No colour	No colour
06.	Existing work	Blue	Blue
07.	Work proposed to be demolished	Yellow Hatched	Yellow Hatched
08.	Proposed work	Red	Red
09.	Work without permission if started on site	Grey	Grey
10.	Drainage and sewerage work	Red dotted	Red dotted
11.	Water supply work	Black dotted	Black dotted

3.5 DOCUMENTS TO BE FURNISHED WITH THE APPLICATION

a) A person who is required under relevant section of the Act to give any notice or to furnish any plans/sections or written particulars by these Development Control Regulations, shall sign such notice, plans, sections or written particulars or cause them to be signed by him and his duly authorised registered Architect, Engineer, Developer etc. as the case may be. such person or authorised registered Architect, Engineer, Developer shall furnish documentary evidence of his Authority. If such notice or other document is signed by such authorised registered Architect, Engineer, Developer it shall state the name and address of the person on whose behalf it has been furnished.

b) Any notice or document shall be delivered to the office of the Competent Authority, within such hours as may be prescribed by the Competent Authority.

c) The forms, plans, sections and descriptions to be furnished under these Development Control Regulations shall all be signed by each of the following persons :

i) A person making application for development permission under relevant section of the Act.
ii) A person who has prepared the plans and sections with descriptions who may be registered, engineer or an architect.
iii) A person who is retained or engaged to supervise the said construction.

iv) A person who is responsible for the structural design of the construction i.e. a structural designer.
v) A clerk of works who is to look after the day-to-day supervision of the construction.
vi) A Developer

d) A person who is engaged either to prepare plan or to prepare a structural design and structural report or to supervise the building shall give an undertaking in Form No.2(a), 2(b), 2(c) and 2(d) prescribed under these Development Control Regulations.

e) Every person who under the provisions of the relevant sections of the Act may be required to furnish to the Authority any plan or other documents shall furnish copies (in required numbers) of such plans and other documents and copies (in required) of such documents which he may be called upon to furnish. One copy of each such plan and document shall be returned, on approval, to the applicant duly signed by the Competent Authority of the Authority or authorised officer.

f) It shall be incumbent on every person whose plans have been approved to submit amended plans for any deviation amounting to increase in built-up area, F.S.I., building height or change in plans, he proposes to make during the course of construction of his building work, and the procedure laid down for plans or other documents here to before shall be applicable to all such amended plans.

g) It shall be incumbent on every person whose plans have been approved, to submit a completion plan showing the final position of erected or re-erected building in duplicate or in required numbers and one copy of plan to be returned to the applicant after approval.

h) Approval of drawings and acceptance of any statement, documents, structural report, structural drawings, progress certificate, or building completion certificates shall not discharge the owner, engineer, architect, clerk of works and structural designer, Developer, Owner. from their responsibilities, imposed under the Act, the Development Control Regulations and the laws of tort and local acts.

i) The landowner shall be held responsible if any Unauthorised Consturction, Addition & Alteration is done without prior permission of competent Authority.

3.6 PLANS AND SPECIFICATIONS TO BE PREPARED BY REGISTERED ARCHITECT/ENGINEER

The plans and particulars prescribed under regulation No.3.3 above shall be prepared by a registered architect/engineer. The procedure for registration of architect/engineer shall be as laid down in these regulations.

3.7 REJECTION OF APPLICATION

If the plans and information given as per regulation No.3.1, 3.2 and 3.3 do not give all the particulars necessary to deal satisfactorily with the development permission application, the application may be liable to be rejected.

3.8 CANCELLATION OF PERMISSION

The development permission if secured by any person by any misrepresentation or by producing false documents, such development permission will be treated as cancelled/revoked.

4 GENERAL REQUIREMENTS FOR DEVELOPMENT

4.1 MARGIN AND/OR SETBACK

Any plan for the construction of any structure or building or any part thereof should provide setback and margin from the boundary of the plot or the road line as the case may be as required under these regulations. The road line shall be determined as per the maximum width of the road or street proposed under the BPMC Act-1949 or Development plan proposals or the Town Planning Schemes or any other Local Acts.

4.2 DEVELOPMENT OF LAND IN THE DEVELOPMENT AREA

4.2.1 CONFORMITY WITH OTHER ACTS AND REGULATIONS:

(a) Situated and abutting on any of the classified roads of the State Government and the Panchayat shall be regulated and controlled by the Building line and Control line prescribed under the Govt. Department Resolution as amended from time to time.

Provided that the setback for the building line prescribed in the above resolution of the Department and the marginal distances to be kept open or setbacks to be observed from the road side, prescribed in the Development Control Regulations or in the Town Planning Scheme Regulations whichever is more shall be enforced.

(b) Whose right of user is acquired under the Petroleum Pipelines (Acquisition of right of user in land) Act, 1962 as amended from time to time shall be regulated and controlled according to the provision of the said Act, in addition to these regulations.

(c) Situated in the vicinity of an oil well installed by Oil & Natural Gas Commission shall be regulated and controlled according to the provision of the Indian Oil, Mines Regulations - 1933 in addition to these regulations.

(d) Situated in the vicinity of the Grid Lines laid by the A.E.Co. and Gujarat Electricity Board under the Indian Electricity Rules, 1956 shall be regulated and controlled by the horizontal and vertical clear distances to be kept open to sky

(e) In restricted / critical zone near the Air Port, construction of building shall be regulated as per the provisions of Civil Aviation Department.

(f) Situated in the vicinity of the Railway Boundary shall be regulated and controlled according to the standing orders/instructions in force of the Railway Authorities and as amended from time to time.

(g) Situated anywhere in the Development Area shall be subject to provisions of Gujarat Smoke Nuisance Act, 1963.

(h) Situated anywhere in the Development area shall be subject to provisions of Water (Prevention and Control of Pollution) Act, 1974.

(i) Situated anywhere in the Development area shall be subject to provisions of Air Pollution Control Act-1981.

(j) Situated in the vicinity of the Jail, shall be regulated and controlled according to the standing orders/ instructions / manual in force of the Jail Authority and as amended from time to time.

(k) Situated any where in the Development area shall be subject to provisions of the act related to telecommunication, I.S.R.O., archaeology and conservation/ preservation of monuments.

(l) Development Permission granted by Competent Authority on the basis of any document/NOC received is not final and conclusive. It shall be considered in true sense and meaning of concerned issuing Authority. This Authority has no legal responsibility for such development permission.

(m) Situated any where in the Development area shall be subject to provisions of the act related to the protected monument or as per the proposals of the Development plan.

4.2.2 REQUIREMENTS OF SITE:

No land shall be used as a site for the construction of building.

(a) if the Competent Authority considers that the site is insanitary or that it is dangerous to construct a building on it or no water supply is likely to be available within a reasonable period of time;

(b) if the site is not drained properly or is incapable of being well drained;

(c) if the building is proposed on any area filled up with carcasses, excreta, filthy and offensive matter, till the production of a certificate from the Competent Authority to the effect that it is fit to be built upon from the health and sanitary point of view;

(d) if the use of the said site is for a purpose which in the Competent Authority's opinion may be a source of danger to the health and safety of the inhabitants of the neighbourhood,

(e) if the Competent Authority is not satisfied that the owner of the building has taken the required measures to safeguard the construction from constantly getting damp;

(f) if the level of the site is lower than the Datum Level prescribed by the Competent Authority depending on topography and drainage aspects.

(g) for assembly use, for cinemas, theatres, places of public worship, residential hotels, lodging and boarding houses, unless the site has been previously approved by the Competent Authority and the Commissioner of Police;

(h) unless it derives access from an authorised street/means of access described in these Regulations;

(i) for industrial use other than a service industry unless the application is accompanied by a no objection certificate from the appropriate officer of the Industrial Location Policy;

(j) if the proposed development is likely to involve damage to or have deleterious impact on or is against urban aesthetic of environment or ecology and/or on historical / architectural/esthetical buildings and precincts or is not in the public interest.

k) If the site is found to be liable to liquefaction by the Competent Authority under the earthquake intensity of the area, except where appropriate protection measures are taken to prevent the liquefaction.

l) If the Competent Authority finds that the proposed development falls in the area liable to storm surge during cyclone, except where protection measures are adopted to prevent storm surge damage.

4.3 DEVELOPMENT WORK TO BE IN CONFORMITY WITH THE REGULATIONS

a) All development work shall confirm to the Development Plan proposals and the provisions made under these regulations. If there is a conflict between the requirements of these regulations and Town Planning Schemes Regulations, if any, in force the requirement of these regulations shall prevail.

Provided relaxation/special provisions mentioned against respective final plots shall prevail above these regulations.

Provided in case of proposed road town planning scheme road shall prevail.

b) Change of use : No building or premises should be changed or converted to a use other than the sanctioned use without prior permission of the Authority in writing. Change of use not in conformity with these regulations shall not be permissible.

4.4 DOCUMENT AT SITE

(i) Development Permission : The person to whom a development permission is issued shall during construction, keep -

(a) posted in a conspicuous place, on the site for which permission has been issued a copy of the development permission and

(b) a copy of the approved drawings and specification referred to in Regulation No. 25 on the site for which the permission was issued.

4.5 INSPECTION

(1) Inspection at various stages :-

The Competent Authority at any time during erection of a building or the execution of any work or development, make an inspection thereof without giving prior notice of his intention to do so.

(2) Inspection by Fire Department :-

For all multi-storied, high-rise and special building the work shall also be subject to inspection by the Chief Fire Officer, or Competent Authority shall issue the occupancy certificate only after clearance by the said Chief Fire Officer/Competent Authority.

(3) Unsafe building :-

All unsafe building shall be considered to constitute danger to public safety hygiene and sanitation and shall be restored by repairs or demolished or dealt with as otherwise directed by the Competent Authority as prescribed in regulation 18.4(4)

(4) Unauthorised development :-

In case of unauthorised development, the Competent Authority shall

(a) take suitable action which may include demolition of unauthorised works as provided in The Gujarat Town Planning & Urban Development Act-1976 and the relevant provisions of the Bombay Provincial Municipal Corporation Act-1949.

(b) take suitable action against the registered architect/ engineer, developer and other. as mentioned in Regulation no. 2.77.

4.6 GENERAL

(1) KABRASTAN, BURIAL GROUND ETC.

The land occupied by the graveyards, kabrastans, burial grounds, crematoria and allied actions which are marked with green verge in the plan shall not be allowed to be built upon and shall be kept permanently open.

(2) EDUCATIONAL INSTITUTION

No educational institution except K.G., primary, secondary schools and higher secondary school shall be permitted within the area of walled city, villages and Railwaypura.

(3) IMPROVEMENT SCHEME

No development permission shall be issued for development of area designated for improvement scheme until such scheme is prepared and finalised by the Competent/ Appropriate Authority.

(4) CO-OWNERS CONSENT

In cases where the building construction is as per regulations but the co-owners are not giving consent either at the time of building permission or at the time of occupation permission, the Competent Authority may issue permission after giving opportunity of hearing to the co-owners and considering the merits and demerits of individual case.

(5) WIDTH OF APPROACH AT BRIDGE

Width of the approach of over-bridge or under-bridge shall not be considered towards width of the road at the time of permitting the height, use development of buildings near the over-bridge or under-bridge.

5 DECISION OF THE AUTHORITY

5.1 GRANT OR REFUSE OF THE PERMISSION APPLICATION

"On receipt of the application for Development Permission, the Competent Authority after making such inquiry and clearance from such an expert whenever considered necessary for the safety of building, as it thinks fit may communicate its decisions granting with or without condition including condition of submission of detailed working drawing/ structural drawing along with soil investigation report before the commencement of the work or refusing permission to the applicant as per the provisions of the Act.

The Competent Authority, however, may consider to grant exemption for submission of working drawing, structural drawing and soil investigation report in case the Competent Authority is satisfied that in the area where the proposed construction is to be taken, similar types of structure and soil investigation reports are already available on record and such request is from an individual owner/developer, having plot of not more than 500 sqmt. in size and for a maximum 3 storeyed residential building."

As per the guidelines on "soil testing", if the local site conditions do not require any soil testing or if a soil testing indicates that no special structural design is required, a small building having ground + 1 or 2 floors, having load bearing structure, may be constructed.

If the proposed small house is to be constructed with load bearing tupe masonry construction technique, where no structural design is involved, no certificate from a Structural Designer will be required (to be attached with Form 2-D). However, a 'Special Building Information Schedule', appended herewith, has to be submitted, duly filled in.

Such load bearing masonry construction has to be done as per the following guidelines prepared by Dr.Anand Swarup Arya and published by Gujarat State Disaster Management Authority:

On receipt of the application for Development Permission, the Competent Authority after making such inquiry as it thinks fit may communicate its decisions granting or refusing permission to the applicant as per the provisions of the Act. The permission may be granted with or without conditions or subject to any general or special orders made by the State Government in this behalf. The Development permission shall be in Form No.D and it should be issued by an officer authorised by the Competent Authority in this behalf. Every order granting permission subject to conditions or refusing permission shall state the grounds for imposing such conditions or for such refusal.

The competent Authority, after making preliminary scrutiny of the plans received, may give preliminary development permission by taking an affidavit from the owner the margin built-up area, internal roads, open spaces, parking and common plots shall be kept as per G.D.C.R. After making final scrutiny of the plans the final development permission may be granted.

5.2 SUSPENSION OF PERMISSION

Development permission granted under the relevant section of the Act deems to be suspended in cases of change of ownership, resignation by any of the licenses till the new appointments are made. Any work on site during this time shall be treated as unauthorized development without any due permission.

5.3 GRANT OF DEVELOPMENT PERMISSION

5.3.1 GRANT OF DEVELOPMENT PERMISSION

shall mean acceptance by the Authority of the following requirements:

i) Permissible built-up area.
ii) Permissible floor space index.
iii) Height of a building and its various stories.
iv) Permissible open spaces enforced under regulations, C.P., Marginal spaces, other open spaces, set backs etc.
v) Permissible use of land and built spaces.
vi) Arrangements of stairs, lifts, corridors and parking.
vii) Minimum requirements of high-rise buildings including N.O.C. from Fire Officer/Fire Safety Consultant as appointed by the Appropriate Authority.
viii) Minimum requirement of sanitary facility and other common facility.
ix) Required light and ventilation.

Provided that it shall not mean acceptance of correctness, confirmation, approval or endorsement of and shall not bind or render the Authority liable in any way in regard to:

i) title of the land or building.
ii) easement rights.
iii) variation in area from recorded areas of a plot or a building.
iv) structural reports and structural drawings.
v) workmanship and soundness of material used in construction of the building.
vi) location and boundary of the plot.

5.3.2 SERVICE AND AMENITIES FEES

Permission for carrying out any development shall be granted by the competent authority only on payment of service and amenities fees for execution of works referred to in clause [(vi)-a] of sub-section (I) of Section 23 of the Act and for provision of other services and amenities at the following rates in Ahmedabad Urban Complex Area as delineated in the Revised Development Plan of AUDA . This fees and maintenance charges may be revised on review by competent authority from time to time.

a) Service and amenities fees shall be levied as under for any development within the Ahmedabad Urban Complex excluding agricultural zone, and gamtal.
   i) Rs.100.00 per sq. mt. of built up area for the intended development of all uses.
   ii) Rs. 50.00 per sq. mt. of built up area of intended development for schools, colleges, educational institution, charitable trusts, government and semi government building.

   Provided these regulation shall not be applicable in the town planning scheme area and in the approved existing buildings. These fees shall not be leviable once the intention of making a town planning scheme is declared.

b) However these service and amenities fees shall be adjusted against the net amount to be paid by the owner in the town planning scheme.

5.4 LIABILITY

Notwithstanding any development permission granted under the Act and these regulations, any person undertaking any development work shall continue to be wholly and solely liable for any injury or damage or loss whatsoever that may be caused to any one in or around the area during such construction and no liability whatsoever in this regard shall be cast on the Authority.

5.5 RESPONSIBILITIES OF THE APPLICANT

Neither the grant of development permission nor the approval of the plans, drawings and specifications shall in any way relieve the applicant of the responsibility for carrying out the development in accordance with requirement of these regulations.

5.6 DEVELOPMENT WITHOUT PRIOR LEGITIMATE PERMISSION

In cases where development has already started/commenced on site for which development permission in writing of the Competent Authority is not obtained, but where this development on site is in accordance with the provisions of these regulations, the development permission for such work on site without the prior permission may be granted by the Competent Authority on the merits of each individual case. For such development works, over and above such other charges/fees may be otherwise leviable, the additional amount shall be charged on such total built up area as per the following rates:

1. Application for development permission is made but development is commenced as per submitted plan.	5 times of regulation No. 3.2.1 to 3.2.4
2 Application is made but development has been commenced but not as per submitted plan.	10times of regulation No. 3.2.1 to 3.2.4
3 Application for development permission is not made and development is commenced.	15times of regulation No. 3.2.1 to 3.2.4
4. All other open uses including layout and sub-division of land.	2 times of regulation No. 3.2.1 to 3.2.4

NOTE:-

Minimum additional amount shall be Rs.1000.00 for residential and Rs.5000.00 for others.

5.7 DEVIATION DURING COURSE OF CONSTRUCTION

Notwithstanding anything stated in the above regulations it shall be incumbent on every person whose plans have been approved to submit revised (amended) plans for any deviations he proposes to make during the course of construction of his building work and the procedure laid down for plans or other documents here to before shall apply to all such Revised (amended) plans.

EXPLANATION: for 5.1 to 5.7:

This provision does not entitle the owner or his supervisor to make any deviations in contravention of the provisions of the Act, and these regulations.

6 INSPECTION

6.1 GENERAL REQUIREMENTS

The building unit intended to be developed shall be in conformity with Regulation No. 4.2.2. Generally all development work for which permission is required shall be subject to inspection by the Competent Authority.

a) The applicant shall permit authorised officers of the concerned Competent Authority to enter the plot for which the development permission has been sought granted for carrying out development ,at any reasonable time for the purpose of enforcing these regulations.

b) The applicant shall keep during carrying out of development, a copy of the approved plans on the premises where the development is permitted to be carried out.

c) The applicant shall keep a board at site of development mentioning the survey No, city survey No, Block No, Final Plot No., Sub plot No., etc. name of owner and name of Architect/ Engineer / Developer /Structural Designer/Clerk of the Works.

6.2 PROCEDURE DURING CONSTRUCTION

(a) Recognised stages for progress certificate and checking:-

1) Following shall be the recognised stages in the erection of every building or the execution of every work:-

i) Plinth, in case of basement before the casting of basement slab.

ii) First storey.

iii) Middle storey in case of High-rise building.

iv) Last storey.

2) "At each of the above stages, the owner / developer under these Development Control Regulations shall submit to the competent designated officer of the Competent Authority a progress certificate in the given formats [Form Nos. 6(a) – 6(d)]. This progress certificate shall be signed by the architect *Structural Designer and* supervising engineer.

3) No person in-charge at any stage shall, except with previous written permission of the Competent Authority, carry out further work after the issue of any requisition of these Development Control Regulations in respect of the any previous stage unless the requisition has been duly complied with and the fact reported to the Competent Authority.

4) The progress certificate shall not be necessary in the following cases:

i) Alteration in Building not involving the structural part of the building.

ii) Extension of existing residential building on the ground floor up to maximum 15 sq.mts. in area.

(b) "On receipt of the progress certificate from the owner/developer, it shall be the duty of the Competent Authority, if found necessary, to check any deviation from the approved plan and convey decision within 7 days to the owner/developer accordingly for compliance.

(c) Completion Report:

1) It shall be incumbent on every person whose plans have been approved, to submit a completion report in Form No.7.

2) It shall also be incumbent on every person who is engaged under this Development Control Regulations to supervise the erection or re-erection of the building, to submit the completion report in form No.8 prescribed under these Development Control Regulations.

3) No completion report shall be accepted unless completion plan is approved by the Competent Authority.

(d) The final inspection of the work shall be made by the concerned Competent Authority within 21 days from the date of receipt of notice of completion report.

6.3 OCCUPANCY CERTIFICATE

The applicant shall obtain occupancy certificate from the Competent Authority prior to any occupancy or use of development so completed.

6.4 ILLEGAL OCCUPATION OF BUILDING

(a) Notwithstanding the provision of any other law to the contrary the competent Authority may by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice:-

(i) if such building or portion thereof has been unlawfully occupied in contravention of these regulation.

(ii) if a notice has been issued in respect of such building or part thereof requiring the alteration or reconstruction of any works specified in such notice have not been commenced or completed.

(iii) if the building or part thereof is in a ruinous or dangerous condition, which are likely to fall and cause damage to any person occupying, restoring to or passing by such building/structures or any other structure or place in the neighbourhood thereof.

(b)The reasons for requiring such building, or portion thereof to be vacated should be clearly specified in every such notice.

(c) The affixing of such written notice on any part of such premises shall be deemed a sufficient intimation to the occupiers of such building or portion thereof.

(d) On the issue of such notice, every person in occupation of the building or portion thereof to which the notice relates shall vacate the building or portion as directed in the notice and no person shall so long as the notice is withdrawn, enter the building or portion thereof, except for the purpose of carrying out any work of reinstatement which he may lawfully permitted to carry out.

(e)The Competent Authority may direct that any person who acts in contravention of above provision or who obstructs him in any action taken under these regulations shall be removed from such building or part thereof by any police officer, and may also use such force as is reasonably necessary to effect entry in the said premises.

(f)The cost of any measures taken under this provision shall be recovered from the owners/occupants.

6.5 ILLEGAL DEVELOPMENT

(1) If the Competent Authority is certified that the erection of any building or the execution of any such work has been unlawfully commenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or execution to stop the same forthwith.

(2) If such erection or execution is not stopped forthwith, the Competent Authority may direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer and may cause such steps to be taken as may consider necessary to prevent the re-entry of such person on the premises without permission.

(3) The cost of any measures taken under sub-section(2) shall be paid by the said person.

6.6 DEVELOPMENT WITHOUT PERMISSION

(1) If any work or thing requiring the written permission of the Competent Authority under any provision of this Act or any rule, regulation is done by any person without obtaining such written permission, is subsequently suspended or revoked for any reason by the Competent Authority, such work or thing shall be deemed to be unauthorised and, subject to any other provision of this Act, the Competent Authority may at any time, by written notice, require that the same shall be removed, pulled down or undone, as the case may be, by the person so carrying out or doing. If the person carrying out such work or doing such thing is not the owner at the time of giving such notice shall be liable for carrying out the requisitions of the Competent Authority.

(2) If within the period specified in such written notice the requisitions contained there are not carried out by the person or owner, as the case may be the Competent Authority may remove or alter such work or undo such thing and the expenses there of shall be paid by such person or owner as the case may be.

7 OCCUPANCY CERTIFICATE

7.1 APPLICATION FOR OCCUPANCY

The Competent Authority shall within twenty one days from the date of receipt of the completion report required under Regulation 6.2(c) communicate its decision after necessary inspection about grant of occupancy certificate indicated in Regulation No.6.2(d).

The Concerned Authority issuing occupancy certificate before doing so shall consult concerned designated Authority to inspect the building and issue a certificate that necessary requirements for the fire protection under these regulations as per regulation No.18.2 have been fulfilled and if not so, the applicant shall be asked to carry out necessary additions, alterations or rectification to the satisfaction of the designated Authority before issuing occupancy certificate.

7.2 ISSUE OF OCCUPANCY CERTIFICATE

The Authority issuing occupancy certificate before doing so shall ensure that

(i) The trees as per the regulation No.31 are planted on site or ensure this by taking suitable deposits as decided from time to time for specific period by the Competent Authority.

(ii) Parking space is properly paved & the lay-out of parking space is provided as per the approved plans. Sign- boards indicating the entrance, exit and location of parking spaces for different types of vehicles shall be permanently erected and maintained at the prominent place in every building unit.

(iii) Certificate of lift Inspector (Government of Gujarat) has been procured & submitted by the owner, regarding satisfactory erection of Lift.

(iv) Proper arrangements are made for regular maintenance of lift as provided in NBC and in these regulations

(v) The Certificate of Competent Authority and or fire department for completion and or fire requirements as provided in these regulations has been procured and submitted by the owner.

(vi) Proper arrangements are made for regular maintenance of fire protection services as provided in NBC and in these regulations

(vii) There shall be a percolating well in a building unit having area more than 1500 sq. mts.

(viii) If any project consists of more than one unit and any unit is completed as per provisions of G.D.C.R.. (Such as Parking, Common Plots, Internal Roads, Height of the Building, Infrastructure facilities, lift and fire safety measures), the competent authority may issue completion certificate for such unit.

The occupancy certificate shall not be issued unless the information is supplied by the owner and the Engineer / Architect concerned in the schedule as prescribed by the Competent Authority from time to time.

8 DEVELOPMENT UNDERTAKEN ON BEHALF OF GOVERNMENT

As per the provisions of Section 39 of the Act and Rule 15 of the Rules, the Office-in-Charge of a Government Dept. shall inform in writing to the Authority of the intention to carry out development for its purpose along with such development or construction.

1) An official letter of Government Department addressed to the Authority or as the case may be to the authorised officer giving full particulars of the development work or any operational construction.

2) Building plan confirming to the provisions of Development Control Regulations and Development Plan for the proposed development work to a scale of not less than 1 : 100.

3) Plans confirming to the provisions of Development plan showing complete details of the operational construction as defined under Clause (xvii) of Section 2 of the Act such as detailed alignment, layouts, locations and such other matters with measurements.

4) Statement indicating the use of land confirming to the permissible land use zone, proposed to be made by the Government Depth. for carrying out the development work.

5) The proposals of the Development Plan or Town Planning Scheme affecting the land.

6) A Site Plan (of required copies) of the area proposed to be developed to a scale of not less than 1 : 500.

7) Detailed plan (of required copies) showing the plans, sections and elevations of the proposed development work to a scale of 1: 100.

8) In case of layout of land or plot:

   i) A site plan (of required copies) drawn to a scale of 1:500 showing the surrounding land and existing access to the land included in the layout.

   ii) A layout plan (of required copies) drawn to a scale of not less than 1 : 500 showing sub-divisions of the land or plot with dimensions and area of each of the proposed sub-divisions and their use. Provided that in the case of works proposed to be undertaken by the local military Authority of the Defence Ministry, the provisions of clause (2) and (3) shall not apply and such Authority shall be required to submit the layout plans .

9 REGISTRATION OF ARCHITECT, ENGINEER,STRUCTURAL DESIGNER, CLERK OF WORKS, DEVELOPER.

9.1 APPLICATION FOR REGISTRATION

The Competent Authority shall register Architect, Engineer, Structural Designer, Clerk of Works, Site Supervisor, Developer. Application for registration as Architect, Engineer, Structural Designer, Clerk of Works, Site Supervisor, Developer, shall be in Form No.10. Registration shall be valid for the period of five years or part thereof and shall be renewable or part thereof.

9.2 REVOCATION OF REGISTRATION

A registration shall be liable to be revoked temporarily or permanently by the Competent Authority if the registered person is found guilty of negligence or default in discharge of his responsibilities and duties or of any breach of any of these Regulations.

Provided that he shall be given a show cause notice and afforded reasonable opportunity of being heard by the Competent Authority for the purpose of these Regulations.

9.3 DUTIES & RESPONSIBILITIES

9.3.1 GENERAL DUTIES AND RESPONSIBILITIES APPLICABLE TO ALL

(i) They shall study and be conversant with the provisions of the Local Acts, the rules and made thereunder, The Gujarat Town Planning & Urban Development Act-1976, the rules and regulations made thereunder, policy-orders and standing orders approved by the Competent Authority and the other instructions circulated by the Competent Authority and the provisions in force from time to time along with the instructions printed/mentioned on prescribed application forms & permission letter.

(ii) They shall inform the Competent Authority of their employment/assignment / resignation for any work within 7 days of the date of such employment / assignment / resignation.

(iii) They shall prepare and submit all plans either new or revised when necessary, required documents and other details they are required to do so in a neat, clean and legible manner and on a durable paper properly arranged and folded in accordance with the provisions prevailing time to time.

(iv) They shall submit plans, documents and details without any scratches or corrections. Only small corrections will be permitted with proper initials. They shall correctly represent all the site conditions including grown up trees.

(v) They shall personally comply with all requisitions/ queries received from the Competent Authority in connection with the work under their charge, promptly expeditiously and fully at one-time. Where they do not agree with requisitions/ queries ,they shall state objections in writing, otherwise for non-compliance of any requisition/query within stipulated time, the plans and applications shall be filed forthwith, and shall not be re-opened.

(vi) They shall immediately intimate to the owners the corrections and other changes they make on the plans, documents and details as per requisitions/queries from the Competent Authority.

(vii) They shall clearly indicate on every plan, document & submission, the details of their designation such as registered Engineer, registered Structural Designer etc. with registration number with date, full name and their address below the signature for identification.

(viii) They or their authorised agent or employee, shall not accept the employment for preparation and submission of plans-documents and supervision of any work if the same is intended or proposed to be or being executed or already executed in contravention of provisions of Local Acts, Gujarat T.P. & U.D. Act-1976, rules, regulations and any orders made there under and any Regulations or rules for the time being in force under the Act.

(ix) The registered person shall apply for undertaking the responsibility for the particular work in the forms prescribed by the Appropriate Authority.

(x) The registered person shall provide the information and undertaking for the work undertaken by him in the forms prescribed by the Competent Authority from time to time.

(xi) They shall compulsorily appoint a clerk of works irrespective of type of building/construction in all building units having proposed built-up areas more than 1000 Sq.Mts. for over all constant supervision of construction work on site and such person appointed shall not be allowed to supervise more than one such site at a time.

(xii) The Architectural and Structural Designer shall be responsible for adhering to the provisions of the relevant and prevailing 'Indian Standard Specifications'. They will not be held responsible for the severe damage or collapse that may occur under the natural forces going beyond their design forces provided in the above 'Indian Standard Specifications'

9.3.2 ARCHITECT:

(A) QUALIFICATION AND EXPERIENCE :

A person registered under the provision of Architect Act, 1972 as an Architect OR Bachelors Degree in Architecture/Diploma in Architecture Equivalent to B.Arch. with 2 yrs. experience.

(B) SCOPE WORK & COMPETENCE :

(i) Preparation & planning of all types of lay-outs & submission drawings and to submit certificate of supervision, progress report & certificate of completion for all types of buildings in accordance to the provisions of building regulations

(ii) Supervision & execution of construction work as per specifications & drawings prepared by authorised registered structural designer & engineer.

(C) DUTIES AND RESPONSIBILITIES :

(a) He/she shall be responsible for making adequate arrangements to ensure not only that the work is executed as per the approved plans but also is confirmation with the stipulations of the National Building Code and the I.S.I. standards for safe and sound construction and non-hazardous, functioning of the services incorporated in the building and for making adequate provisions for services and equipment for protection from fire hazards as per the stipulations of the National Building Code in the buildings and shall obtain N.O.C. from the Chief Fire Officer or concerned designated Authority/Consultant before applying for occupation certificate.

(b) He or She shall, on behalf of the owner, submit the progress certificates, completion certificates and the occupation certificate and obtain the same as required under the regulations

(c) If the services of the registered architect are terminated, he shall immediately inform the Competent Authority about his termination and the stage of work at which his services have been terminated. The registered architect appointed as replacement of the preceding architect shall inform about his appointment on the job, and inform the Competent Authority of any deviation that might have occurred on the site with reference to the approved drawings and the stage at which he is taking over the charge. After Competent Authority has inspected the site for his report, the newly appointed architect shall allow the work to proceed under his direction.

(d) The registered architect appointed on the work shall inform the Competent Authority immediately on termination of the services of the registered/structural designer,

construction contractor, clerk of works, site supervisor, plumber or electrician and shall not allow the work to continue till the vacancy is filled by appointment of another person and the certificate of appointment of such person is submitted in the appropriate Authority.

(e) He or she shall instruct the relevant agency that adequate provisions are made for ensuring the safety of workers and others during excavation, construction and erection.

(f) He or she shall instruct the relevant agency that adequate provisions are made for providing safe and adequate temporary structures required for construction and development.

(D) REGISTRATION :

(i) The registration fee if any shall be payable as prescribed by the Competent Authority from time to time.

(ii) The Competent Authority may black-list an architect in case of serious defaults or repeated defaults and shall inform the council of Architect, India to take suitable action against such person under the provisions of Architect Act-1972. The registration shall be liable to be revoked temporarily or permanently by the Competent Authority in such cases of negligence or default.

9.3.3 ENGINEER :

(A) QUALIFICATION AND EXPERIENCE

A degree in Civil Engineering or Associate Membership (Civil Engineering) of the Institution of Engineers, India (AMIE) or building construction or its equivalent qualification recognised by All India Board of Technical Education or a Diploma in Civil Engineering or Diploma in building construction recognised by State Board of Technical Examination of any State of India. In addition to the qualifications stated above, the applicant should have at least five years experience in professional work if he is a holder of a Diploma in Civil Engineering/or AMIE.

(B) SCOPE OF WORK & COMPETENCE :-

(i) Preparation & planning of all types of lay-outs except special structures as shown in regulation No.18.1 & submission drawings and to submit certificate of supervision & completion for all types of buildings. Provided person having qualification of a Diploma in Civil Engineering shall be permitted for low rise buildings only.

(ii) Supervision & execution of construction work as per specifications & drawings prepared by authorised registered structural designer.

(iii) He/she can prepare & submit structural details & calculations for buildings of load bearing structures.

(C) DUTIES AND RESPONSIBILITIES:-

As per 9.3.2(c), with reference to engineer in place of Architect.

(D) REGISTRATION :-

(i) The registration fees if any shall be payable as prescribed by the Competent Authority from time to time.

(ii) If he/she is found negligent in his/her duties & responsibilities. The Competent Authority may black-list an Engineer in case of serious defaults or repeated defaults and shall inform the Institution of Engineers, India to take suitable action against such person. The registration shall be liable to be revoked temporarily or permanently by the Competent Authority in such cases of negligence and default.

9.3.4 STRUCTURAL DESIGNER:

(A) QUALIFICATION AND EXPERIENCE:-

A Degree in Civil Engineering or its equivalent qualification recognised by All India Council of Technical Education or Associate Member (Civil Engineer) of the Institute of Engineers. In addition to above qualification, the applicant should have at least five years experience in structural design, two years of which must be in a responsible capacity in form of structural designer.

OR

A Master's degree in structural engineering from a recognised institute and at least two years experience in structural design work.

OR

A Doctor's degree in structural design from a recognised institute and at least one year experience in structural design work.

(B) SCOPE OF WORK & COMPETENCE:-

To prepare & submit structural details for -

i) All types of Buildings.

ii) Special structures.

(C) DUTIES AND RESPONSIBILITIES:-

(a) To prepare a report of the structural design.

(b) To prepare detailed structural design and to prescribe the method and technique of its execution strictly on the basis of the National Building Code or relevant Indian Standard specifications.

(c) To prepare detailed structural drawings and specifications for execution indicating thereon, design live loads, safe soil bearing capacity, specifications of material, assumptions made in design, special precautions to be taken by contractor to suit the design assumptions etc. whatever applicable.

(d) To supply two copies of structural drawings to the site supervisor.

(e) To inspect the works at all important stages and certify that the work being executed is up to the satisfaction of the Architect/Engineer.

(f) To certify the structural safety and overall structural soundness of the building to the Architect/Engineer.

(g) To advise the Owner/Architect/Engineer for arranging for tests and their reports for soil, building material etc. for his evaluation and design consideration.

(h) He shall prepare the revised calculations & drawings in case of any revision with reference to the earlier submission of drawing & design in a particular case.

(i) To submit the certificate of structural safety and over all structural soundness of building to Competent Authority.

(j) To inform in writing the Competent Authority within 7 days, if for any reason he is relieved of his appointment/responsibilities as the registered Structural designer for the development.

(k) Not to provide services to further or advance work of any type on any development that does not comply with the regulation or is unauthorised as per the GDCR.

(D) REGISTRATION :-

As per 9.3.2 (D), with reference to structural designer in place of Architect.

9.3.5 CLERK OF WORKS / SITE SUPERVISOR :

(A) QUALIFICATION AND EXPERIENCE:-

A Degree in Civil Engineering or its equivalent qualification recognised by All India Board of Technical Education or Diploma in Civil Engineering recognised by State Board of Technical Examinations of any state in India. A degree in Architect or diploma in Architect equivalent qualification to degree.

In addition to the above qualifications, the applicant should have at least three years experience in professional work if he is an holder of Diploma in Civil Engineering and must have at least one year experience if he is an holder of Degree in Civil Engineering. or degree in Architecture.

OR

Diploma in Building construction technology from a recognised institute & at least five years experience in building construction Line.

OR

Bachelor's degree with specialised training in building construction and technology at Bachelor's level from a recognised institute and at least two years experience in construction work.

(B) SCOPE OF WORK:-

Execution of all framed structure high rise buildings, public buildings, buildings with basement/cellar, and irrespective of above type of buildings/construction in all building units having built-up area more than 1000 Sq.mt.

(C) DUTIES AND RESPONSIBILITIES :-

(a) To adhere strictly to the structural drawing specifications and written instructions of the structural designer and architect/Engineer.

(b) To follow the provisions of N.B.C. or I.S. specifications as regards materials, components, quality control and the process of construction.

(c) To provide for safety of workers and others during excavation, construction and erection.

(d) To provide safe and adequate temporary structure required for construction & erection.

(e) To bring to the notice of the structural designer and Architect/ Engineer/ any situation or circumstances which in his opinion are liable to endanger the safety of structure.

(f) To deposit with the Competent Authority one set of working drawings of the works executed along with the progress certificates before proceeding to the next stage of the work.

(g) He shall be in charge of site and responsible for overall supervision of the work.

(h) He shall ensure that all the works under his charge are carried out in conformity with the approved drawings and as per the details and specifications supplied by the registered Architect/Engineer/.

(i) He shall take adequate measures to ensure that no damage is caused to the work under construction and the adjoining properties.

(j) He shall also ensure that no undue inconvenience is caused in the ccurse of his work to the people in neighbourhood.

(k) He shall also ensure that no nuisance is caused to traffic & neighbouring people by way of noise, dust, smell, vibration etc. in the course of his work.

(D) REGISTRATION.

As per 9.3.2 (D).

9.3.6 DEVELOPER:

(A) QUALIFICATION AND EXPERIENCE:-

The person/firm acting as Developer shall be of proved merits and experience.

(B) DUTIES AND RESPONSIBILITIES.

The responsibilities of developers shall be:

1. To obtain and submit to the Competent Authority, along with application for development permission, each progress report and application for occupation certificate.
2. To appoint a Registered Architect/ Engineer and Structural Designer.
3. To obtain at relevant stages certificates from them, for submission to the Competent Authority, that in designing the real estate development and providing detailed drawings and specifications for it they have complied with requirements as laid out in the GDCR.
4. To appoint a registered site supervisor.
5. To obtain and adhere to the quality assurance procedure prepared by the registered site supervisor.
6. To adequately enable the site supervisor to carry out his responsibilities.
7. To certify along with the site supervisor that construction of the real estate development has been carried out as per the design, detailed drawings and specifications provided by the Architect/Engineer and the Structural Designer.
8. To obtain development permission from the Competent Authority prior to commencement of construction of the real estate development
9. To regularly submit progress reports and certificates as required by the Competent Authority.
10. To inform in writing the Competent Authority within 7 days, if for any reason he ceases to be the developer or is relieved of his responsibilities as the developer of the real estate development
11. To inform in writing the Competent Authority within 7 days, if for any reason any of the registered professionals appointed by him have been relieved of their responsibilities.
12. The appointment of the registered Architect/ Engineer shall mean that he has authorised the Architect/Engineer to do all things necessary and to take all adequate measures for preparing the design, drawings and specifications for the project and to appoint on his behalf appropriate persons to act as registered, clerk of works site supervisor, required for the proper execution of the project and to retain on behalf of the owner any other specialist or expert required on the work of the project.
13. He shall not cause or allow any deviations from the approved drawings in the course of the execution of the project against the instruction the instruction of Architect /Engineer /Site Supervisor/Clerk of Works/Structural Designer and shall bear all responsibility for any irregularity committed in the use and function of the building or its parts for which the approval has been obtained.
14. When no registered construction contractor or site supervisor is required to be appointed and not appointed he shall be responsible for their duties and responsibilities under the Regulations.
15. He shall not commence the use of building or shall not give the possession to occupy the building to any one before obtaining the occupancy certificate from the Competent Authority.
16. He shall provide adequate safety measures for structural stability and protection against fire hazards likely from installation of services like electrical installation, plumbing, drainage, sanitation, water supply etc. wherever required under the regulations.
17. He shall exhibit the names of registered persons only, on site and no additional names will be

exhibited/displayed.

18. He shall explain the construction design and its intended use as per approved plan only, to the prospective purchaser of the premises under construction.

(C) REGISTRATION :-

As per 9.3.2 (D).

9.3.7 RESPONSIBILITIES OF OWNERS

9.3.7.1 THE RESPONSIBILITIES OF AN OWNER SHALL BE:

(i) To appoint a registered architect/engineer and structural designer:

(ii) To obtain at relevant stages, for submission to the Competent Authority, certificates from them that in designing the development and providing detailed drawings and specifications for it they have complied with requirements as laid out in the GDCR.

(iii) To appoint a registered site supervisor.

(iv) To obtain and adhere to the quality assurance procedure prepared by the registered site supervisor.

(v) To adequately enable the site supervisor to carry out his responsibilities.

(vi) To certify along with the site supervisor that construction of the development has been undertaken as per designs, detailed drawings and specifications provided by the Architect/Engineer and the Structural Designer.

(vii) To obtain development permission from the Competent Authority prior to the development.

(viii) To regularly submit progress reports and certificates as required by the Competent Authority.

(ix) To obtain an occupancy certificate from the Competent Authority prior use being made of the development.

(x) To inform in writing the Competent Authority within 7 days, if for any reason he ceases to be relieved of his responsibilities as the owner of the development.

(xi) To inform in writing the Competent Authority within 7 days if for any reason any of the registered professionals appointed by him have been relieved of their responsibilities.

9.4 APPOINTMENT OF EMPLOYEES

9.4.1 IN CASE OF TERMINATION OF EMPLOYEES:

In case of termination of employment of any of the persons employed under Regulations. It shall be the duty of the person employed to intimate immediately in writing to the Competent Authority specifically indicating the stage up to which he has supervised the construction. In the absence of any such intimation and until such intimation has been received, person so last engaged shall be deemed to continue to supervise the work in question.

9.4.2 IN CASE OF DEATH OF EMPLOYEES:

Where any of the persons employed under these Regulations and required for the execution of the projects dies or ceases to be employee before such building work is completed, the further erection of such building or the further execution of such work shall forthwith be suspended until another person as required under these Regulations is engaged and his name has been duly communicated to the Competent Authority.

10 DEVELOPMENT OF LAND

10.1 LAYOUT OF BUILDING UNIT

10.1.1 AMALGAMATION AND/OR SUBDIVISION OF BUILDING UNIT :

In the case of a building unit which requires to be developed by laying out into sub-plots or amalgamation of sub-plot and providing internal roads, no development permission shall be issued to the owner or the person who has right to develop it, unless the said owner or person who has right to develop has applied and has got this land approved by the Competent Authority as a "Building Unit" or "Building Units". In case of sub-plotting the ratio between the length of the adjacent side is not more than 2. However this condition of ratio will not be applicable if the smaller side of the building unit is 10.50 mts or more in length.

Provided, however that the Local Authority may postpone the enforcement of construction or pucca roads with footpaths including street light, trees, water supply lines, storm water drains, sewer lines, collection and disposals of solid waste, street lighting etc. to such future date as agreed to by the Local Authority upon the owner of occupier of the building units passing an undertaking to execute the work at his cost before the expiry of such future date in the form prescribed by the Local Authority.

10.1.2 AMALGAMATION AND/OR SUBDIVISION OF BUILDING UNIT WITH EXISTING STRUCTURES

In the case of building units with existing buildings, its sub-division or amalgamation shall not be approved unless it fulfils all the requirements under these regulations.

10.1.3 AMALGAMATION OF LANDS /BUILDING UNIT ABUTTING ON 18.0 M. AND ABOVE WIDE ROAD

Amalgamation of Building unit abutting on 18.00 mt. and above width road shall be permitted subject to depth of the building unit shall not exceed three time the Frontage of the building unit abutting on road.

10.2 INTERNAL BUILDING LAYOUT IN A BUILDING UNIT

In the case of a building unit which is intended to be developed with internal roads, buildings, and other structures, no development permission shall be issued to the owner or the person who has right to develop it, unless the said owner or person who has right to develop has applied and has got the internal layout approved by the Competent Authority as per these Regulations.

10.3 LEVEL OF BUILDING UNIT

The general level of the building unit shall not be lower than the level of the crown of the road in front. Provided that in the case of plot, the level of which is lower than the crown of the road in front and which in the opinion of the Competent Authority, could be drained off in the storm water drainage and sewer, the competent Authority may permit a suitable lower level.

10.4 REQUIREMENT OF ROAD WIDTH FOR 10.1 & 10.2

(i) The Authority shall not approve any layout either for sub-division or for amalgamation unless it fulfils all the following requirements :

The width of the internal roads in a layout for different purposes and the width of internal approaches for tenements and ownership tenement flats shall be regulated as under :-

WIDTH OF ROADS IN WALLED CITY & GAMTAL

Sr. No.	Area	Road/Access Length in Meters.	Width of Road In meters
01	Walled City & Gamtal.	Up to 75.00 75 to 150 150 to 300 Above 300	6.00 7.50 9.00 12.00

WIDTH OF ROADS IN OTHER AREAS

Sr. No.	Road length	Width of road for residential use(mts)	Width of Road for commercial, industrial and other non residential use(mts)
1.	Upto 150 mts.	7.5 mts.	9.0 mts.
2.	Above 150 mts. and upto 300 mts.	9.0 mts.	12.0 mts.
3.	Above 300 mts. and upto 450. mts.	10.5 mts.	15.0 mts.
4.	Above 450 mts.	12.0 mts.	18 .0 mts.

Provided that the decision of the authority shall be final in constructing the length of the road of for the purpose of determining the width if the road is in continuation with any private road in the adjoining estate or any public road continuous to the estate, the length of the adjoining road of public road as the case may be shall be added to the length of the road in question for the purpose of determining the width.

(ii) The shape of the plots, the junction of the roads, curves at the corners shall be designed as directed by the Authority.

NOTE:

(1) Road/ Access for Residential, Commercial, Industrial as described in the above tables:

(a) Internal road width shall be measured in length from the point of its origin to the next wider road it meets.

(2) In the case of plot, surrounded on all sides by other plots, that is land lock plot which has no access to any street or road the Competent Authority may enforce access through and adjoining plots or plot which shall as far as possible be nearest to the street or roads to the land lock plots, at the cost of owner of the land lock plot and such other conditions as may be prescribed by the Competent Authority.

(3) Where there is no town planning scheme the building unit/plot abutting on Govt. nalia road minimum 9 mt. Imaginary plot boundary shall be considered from the center of the nalia road and 4.5 mt. Margin shall be from this imaginary plot boundary subject to this regulations.

(4) Provided that the decision of the competent authority shall be final in computing the length of the road for the purpose of determining the width; If the road is in the continuation with any private road in the adjoining estate or any public road continuous to the estate, the length of the adjoining road or public road as the case may be shall be added to the

length of the road in question for the purpose of determining the width.

(5) The shape of the plots, the junction of the roads, curves at the corners shall be designed as directed by the Competent Authority.

Curves at the junction : The curves shall be provided at the junction of roads as prescribed below:

(a) 4.5 Mts. radius if the width of the road is 7.5 Mts. or less.

(b) 6.0 Mts. radius if the width of the roads is more than 7.5 Mts. but not more than 18 Mts.

(c) 7.5 Mt. radius if the width of the road exceeds 18 Mts.

Provided that at the junction of the roads, the width of the wider road shall be taken into consideration in determining the radius of curvature.

(6) The alignment of the internal road or roads shall be regulated to be in continuation of the public or private roads continuous to the applicant's plots: but in case of termination of an internal road or roads; 13.5 meter diameter turning circle or 12mts. x 6 Mts. turning "T" shall be enforced.

Provided that this requirements may be waived if the length of such road does not exceed 110 Mt. in case of 7.5 Mts. wide road.

(7) The level gradients, position of the services such as water supply lines, street lighting, storm water drains, sewer lines, manholes, tree etc. shall be fixed as approved by the Competent Authority.

(8) There shall be minimum 4.5 mt. Clear distance between two detached low rise building/structure.

(9) In development area excluding town planning scheme area , the width of one road shall be decided by the Competent Authority.

(10) The development permission shall be regulated as per the proposed road network by the appropriate authority in the areas except T.P. scheme area and agricultural Zone.

10.5 APPROACHES TO THE BUILDING

10.5.1 FOR RESIDENTIAL DEVELOPMENT

The width of the approach from the street to the building shall not be less than 3.00 mt. in case of length of such approach is equal to or less than 15.00 mts. in length.
whereas in the case of approaches exceeding 15.00 mts. in length regular width of the road. prescribed in this regulation, shall be provided.

10.5.2 FOR OTHER THAN RESIDENTIAL USE

For use other than residential use, the width of the approach from the street to building shall not be less than 4.5 mts. in case of length of such approach is equal to or less than 15.00 mts. in length whereas in the case of approaches exceeding 15.00 mts. in length regular width of the road, prescribed in this regulation, shall be provided.

10.6 COMMON PLOT

Common Plot for the development of residential, industrial and subdivision of building units / land shall be required as under:

(1) FOR RESIDENTIAL USE :

(a) In a building unit of 2000 sq.mts. or more in area, the common plot shall be provided.

(b) The minimum area of the common plot shall be 10% of the building unit and shall be provided preferably in a central place.

(c) Common plot shall be provided in high rise building irrespective of area of building unit

(2) FOR INDUSTRIAL USE:

(a) No common plot shall be provided for building unit upto 5000 Sq.Mts.

(b) In a building unit of more than 5000 Sq.Mts. and upto 20000 Sq.Mts. in area, the common plot shall be provided at the rate of 8% of the area of the building unit.

(c) In a building unit of more than 20000 Sq.Mts. in area the common plot shall be provided at therate of 1600 Sq.Mts., plus 5% of the area of the building unit in excess of 20000 sq.mts.

(3) OTHER THAN RESIDENTIAL ,COMMERCIAL & INDUSTRIAL

In a building unit of 2000 Sq.mts. or more in area, the common plot shall be provided at the rate of 20% of plot area.

(4) GENERAL REQUIREMENT

(1) The common plot area shall be exclusive of approaches, margins No projection shall be permitted in common plot.

(2) Minimum size of the common plot shall be 250 sq.mts with no side less than 10.50 Mts.

(3) No construction shall be permitted in the common plot. Only tube well and rain water recharge well shall be permitted subject to margin as per this regulations.

(4) The area of the common plot may be permitted to be sub-divided provided that the common plot has a minimum area of 250 Sq.Mts with no sides less than 10.50 Mts.

Provided for a group housing,(building with Ground floor plus two upper floors without hollow plinth), further sub-divisions of the common plot may be allowed by the Competent Authority

(5) The area of this common plot shall be deducted for the consideration of Floor Space Index of a building unit.

(6) (a) in the case of "all uses except residential " total common plot may be allowed to be used as parking space including drive-way and the aisles.
(b) In the case of residential use 50% of the total common plot may be allowed to be used as parking space including drive way and aisles.

(7) In cases wherein lay out or subdivision of land is sanctioned with provision of required common plot. Common plots shall not be insisted in case of sub division of such sub plots or amalgamation of such sub plots irrespective area."

(5.) FOR COMMERCIAL USE :

CONSOLIDATED OPEN PLOT (COP)

A minimum consolidated open plot (cop) 30% of the building unit shall be provided.

(i) In a building unit with 665 sq.mts. (800 sq.yds) or more in area to be used for commercial development.

(ii) The said consolidated open plot may be inclusive of the margins and approaches passing through the COP. The area of this open plot shall not be deducted for the consideration of the floor space index of a building unit.

(iii) The said open plot shall be kept permanently open to sky, no projections exceeding 0.60 mts. weatherboard and steps in the COP shall be permitted.

(iv) Except in the case of cinema or theatre, 50% of the total consolidated open plot may be allowed to be used as parking space, including the driveway and the aisles.

(v) The COP may be permitted to be sub-divided provided the plot so formed has a minimum area of 500 sq.mts. Provided further that such sub-division should have minimum side of 15 mts. The rectangular shape of the COP or its sub-division enforceable under the provisions of these regulation or regulations if any of Town Planning Schemes may be permitted to be modified so as to confirm to the shape of the building unit on which construction is proposed.

(vi) In the case of residential cum commercial development COP shall be provided as above, up to 1500 sq.mts. area of building unit. If the area of building units exceeds 1500 sq.mts., than, at the rate of 10% of area of the proposed COP or 200 sq.mts., whichever is more shall be provided exclusive of approaches, roads, parking.

(vii) The C.O.P. shall have a proper access through required approach from public street or road.

10.7 MIXED DEVELOPMENT (LOW RISE AND HIGH-RISE)

In case of mixed Development of Low rise building & High rise building the F.S.I shall be Computed on the basis of notional building unit form by subdivision by such notional plots boundary between low rise building and high rise building subject to other regulations. Such notional plot boundary means imaginary boundary from building after leaving the required margin.

10.8 LENGTH OF A BUILDING

The length of a building shall not be more than 150.00 mts. in any case. In case of flats, apartments and institutional building where the length of building exceeds 50.00mts., in such cases through passage of 7.50 mts. in clear width and clear height of 6.00 mts. shall be provided at every 30.00 mts. intervals at ground level.

10.9. PERCOLATING WELL

In the case where the area of building unit exceeds 1500 Sq.mtrs. and up to 4000 sq.mt. owner / developer has to provide / construct percolating well in building unit and at the rate of one percolating well for every 4000 sq.mts. or part there of area of building unit.

10.10 CONTRIBUTION OF LAND FOR PUBLIC PURPOSE

10.10.1 CLOSED TEXTILES MILLS

In case of development / redevelopment of land of closed mills for any permissible purpose other than use of textile mills, the competent authority shall enforce owners / applicant to contribute land to the competent authority at the rate of 20 % in aggregate of its plot / building unit (Final Pot) by reconstitution of such plot / building unit , so as to provide land for public amenities / public purpose in that area . The land so obtained shall not be used other than public purpose and public amenities.

10.11 Soak Pit:

In the case where there is no drainage facilities available to the land to be developed, the owner/ developer shall provide septic tank, soak pit/soak well for disposal of sewage and waste water.

1. Septic tank/Soak pit/Soak well may be allowed in margin.
2. Structural safety certificate from the licensed structural engineer should be required for location of soak pit. to avoid damage to structures as well as soak pit/soak well/septic tank.
3. General design and location criteria by considering local condition shall be in conformity with the general instructions as may be issued by compete tent authority from time to time.

11 SPECIAL DEVELOPMENT REQUIREMENTS FOR EXISTING OLD WALLED CITY AND GAMTAL AREA

11.1 MINIMUM BUILDING UNIT

Minimum area of a building unit when subdivided shall be 18 Sq. Mts. with no side less than 3.00 Mts. in width.

11.2 ACCESS TO BUILDINGS

(1) Every person who erects a building shall provide as means of access to such building a clear pathway not less than 3.0 meters in width from street to the door of such building. In case of existing pathway, the above provision shall not apply.
Such pathway shall be paved and shall always be kept open to sky and no projection or overhang shall be permitted over such pathways.

11.3 SET BACK

The Set back of 3.0 mts from central line of existing street shall be provided where regular line of street is not prescribed

NOTE :

i) The land left open as set back shall be deemed to be part of the street.

ii) No set back shall be required for the building unit of area up to 100 Sq. mtr..

iii) The competent authority shall permit the F.S.I of any plot or a building unit on the basis of its original area, if the owner of such a land is prepared to release the effected land by road widening or for construction of new road without claiming any compensation thereof.

11.3.2 MARGINS

The margins shall be provided towards road sides as under

Width of street 1.	Margin on Street 2.
(a) Up to 12.00 mts	1.5 mts
(b) More than 12.00 mts	2.00 mts

11.4 OPEN SPACE

11.4.1 CHOWK AND OPEN AIR SPACE

(a) CHOWK :-

No person shall erect, construct or reconstruct from foundation or plinth a building more than 9 Mts. in depth from its front without providing an open space or chowk open to sky from plinth level for every 9 meters depth of the building, of at least 5.6 Sq.Mts. which may be reduced to a minimum of 3.0 Sq.Mts. with no side less than 1.5 Mts. case if the width of the property to be developed is 4.5 meters or less.
This shall not be applicable to a building having doors and windows opening at least on two sides over streets or open compound not less than 2.4 meters wide provided the depth does not exceed 18 meters.

(b) OPEN AIR SPACE :-

Every open air space whether interior or exterior open air space shall not be less than the width prescribed in the following scale and may be provided at the plinth level or at the floor level of every such room. Linear interpolation from a height not specified herein will be permitted.

Minimum width of open air space throughout (m)	Where height of building (above plinth adjoining the open air space) does not exceed (m)
3	7
4	10
5	13
6	16
7	20
8	24

Every such interior or exterior open air space, unless the latter is a street, shall be maintained for the benefit of such building exclusively and shall be entirely within the owner's own premises.

(c) For the purpose of the above regulations the depth of the room shall not be more than three times the width of the room which abuts on the air space.

(d) "If Open air space is provided with more than required open chawk, the additional area shall be counted towards the computation of F.S.I ."

11.4.2 WATER CLOSET AND BATHROOM

At least one of the walls shall have a opening of minimum 0.25 Sq.Mts. upon a minimum 0.9 Mts. wide open space or upon a verandah not less than 1.5 Mts. wide opening to air space as per regulation on one side.

11.4.3 OPEN SPACE TO BE OPEN TO SKY :

Every open space whether exterior or interior, shall be kept free from any erection thereon and shall be kept open to sky. Every such open space or chowk shall have suitable and sufficient access. No open drain except for rain water, shall be constructed in any open space required by these regulations. No construction work on a building shall be allowed if such work operates to reduce an open air space of any other adjoining building belonging to the same owner to an extent less than what is prescribed by any of these regulations in force at the time of the proposed work to further reduce such open space if it is already less than what is prescribed.

11.5 HEIGHT OF BUILDING

The height of building shall not exceed twice the width of the abutting road plus the setback provided at ground level required as per these regulations.
Provided that in case of building unit abutting on more than one road with different widths, the maximum height shall be twice the width of wider road from the regular level of street

Provided the portion of setback on which the projection is made shall not be computed towards the width of the street.

In case of building situated in Chowk, Falia, Khadki, the height of building shall not exceed twice the width of the road leading to such Chowk, Falia or Khadki whichever is less.

Provided that the height of stair-case cabin, water storage tank, parapet, lift well and lift cabin with machine-room over it as per the requirement of Lift Inspector, shall not be taken into consideration in determining the total height of the building, provided the height of each does not exceed 2.4 Meters In case of Machine-Room height shall be as per the requirement of Lift Inspector.

EXPLANATION

Height in the above regulation, shall be measured from the road level/plot level whichever is higher, to the highest point in the building, excluding the parapet and not exceeding 1.5 mt.

11.6 PROJECTIONS ON SET BACKS

11.6.1 WEATHER SHED:

In any marginal open space, weather sheds projections shall be permitted up to 0.60 Mts. at the height of 2.0 Mts. from the floor level. However it shall not be allowed to be covered in any case so as to add to the usable floor area.

11.6.2 DOOR/WINDOW SHUTTERS AND STEPS

(1) No shutters of any doors or windows of any building shall be allowed to open on the street.

(2) Projections of steps shall not be permitted on set- backs, streets or roads.

11.6.3 CELLAR

No cellar shall be permitted within required set back area. All-round margin of 1.5 Mts. shall have to be kept from adjoining property for construction of cellar.

11.6.4 PLINTH

Minimum plinth height of 0.45 mts from ground level shall be provided.

11.7 FLOOR SPACE INDEX AND MAXIMUM PERMISSIBLE BUILT UP AREA

The maximum permissible built-up area and F.S.I. of a building unit shall be subject to the limitations prescribed in the following table.

Sr. No.	Building Unit in Sq. Mts.	Maximum permissible built up area on Ground Floor	Maximum permissible FSI
01	Up to 90	75%	2
02	90 to 150	65% or 67.5 Sq. Mts. which ever is more	2
03	150 to 1500	50% or 90 Sq. Mts. which ever is more	2
04	1500 & above	45%	2

NOTE:

The F.S.I. and built-up area under these Regulations shall prevail over the FSI and built up area prescribed in T.P. Schemes within and outside Gamtal and walled city area if any, in case of conflict.

11.7.1 RELAXATION IN F.S.I. :

The Competent Authority shall permit the F.S.I. of any plot or a building unit on the basis of its original area, if the owner of such a land is prepared to release the effected land by road widening or for construction of new road without claiming any compensation thereof. The minimum setback shall be provided from road line subject to other regulation including 11.5

11.8 PERMISSIBLE USES

The development of a building unit shall be regulated according to the width of the road on which it abuts, subject to use zone table as provided in regulation No.12.1.

11.9 PARKING

Shall be provided as prescribed in chapter 19 of these regulations. In the case of authorised Building Unit upto 60.00 sq. mts. area the parking shall not be required. Authorised Building Unit means the building unit having area upto 60.00 sq. mts. approved before the submission of Revised Draft Development Plan.

11.10 Addition to existing structures:

The addition to any existing structure shall satisfy the following provision

An addition that is not structurally independent from an existing structure shall be designed and constructed such that the entire structure conforms to the seismic force resistance requirements for new structures unless the following three conditions are complied with:

i) The addition shall comply with the requirements for new structures

ii) The addition shall not increase the seismic forces in any structural element of the existing structure by more than 5% unless the capacity of the element subject to the increased force is still in compliance with IS:1893, and

iii) The addition shall not decrease the seismic resistance of any structural element of the existing structure unless reduced resistance is equal to or greater than that required for new structures."

12 DEVELOPMENT REQUIREMENTS FOR OTHER THAN GAMTAL AND WALLED CITY AREA

12.1 (A) USES NOT PERMISSIBLE

The development shall be regulated according to the width of the road on which it abuts subject to use zone table as follows:

Road width	Uses not permissible
a) 18 mts. & above.	All educational institutions up to SSCE level,
b) 12mts. And less than 18 mts.	(1) High rise buildings, Cinema Hall, meeting/ community/lecture/town hall, auditorium, petrol pump, Head and Regional/public/ establishments, starred- hotels, college, technical institution, general hospital, polyclinic. (2) Provided in the case of draft T.P. scheme area submitted to the Govt. for sanction, up to the date of publication of the revised draft development plan under section-13 of the Act, high rise building shall be permitted on 12 mts. and above roads.
c) 9 mts. And less than 12 mts.	(1) All uses mentioned in (b) above and building with more than 13 mt. height.(Excluding hollow plinth)
d) less than 9 mts.	All uses mentioned in (C) above and building with more than 10 mts. Height. Apartments/Flat type building. (Excluding hollow plinth)

NOTE:

Provided that these regulations shall not be applicable for authorised existing uses prior to these regulations.

(B) USES PERMISSIBLE FOR COMMERCIAL DEVELOPMENT

ROAD WIDTH	FLOOR
1) 9mts. and less than 12 mts.	ONLY GROUND FLOOR
2) 12 mtr and less than 18 mtr.	GROUND AND FIRST FLOOR
2) 18 mts. & above.	ALL FLOORS

12.2 MINIMUM AREA OF A BUILDING UNIT

(a) Minimum area of a building unit shall be 100 Sq.Mts. with no side to be less than 9 mts. Building unit with area of 100 Sq.Mts. may be allowed on roads upto to 9 mts. width and less. Building unit with area more than 100 sq. mts. and upto 200 sq.mts. may be allowed on roads upto 12 mts. width. The Building Unit having rectangular shape having the ratio between the length of the adjacent side shall not more than 2. However, this condition of ratio will not be applicable, if the smaller side of the Building Unit is 10.50 mts. or more in length.
Minimum area of a building unit for high rise building shall be 1500 sq.mts and it shall front on at least 18 mts. or more wide Development Plan roads or Town Planning Scheme Roads and that the frontage of the plot on such roads shall not be less than 15 mts.

(b) Minimum area of a Building Unit for primary school and High school shall be 1000.00 sq. mts.

(c) Minimum area of Building Unit for Educational institute, community hall, marriage hall, Town hall,

Assembly hall (All types of hall), cinema, theatre shall be 2000.00 sq. mts.

(d) Minimum area of a Building Unit for petrol pump without service station shall be 1000.00 sq. mts. and petrol pump with service station shall be 2000.00 sq. mts.

(e) Minimum area of building unit for worship and Religious places shall be 500 sq.mts. and maximum built-up area shall not be more than 20% of the building unit area.

NOTE :- Above provisions are not applicable for Residential housing scheme for socially and Economically Backward class of people.

12.3 FLOOR SPACE INDEX (F.S.I.)

12.3.1 PERMISSIBLE FSI

(a) The maximum permissible Floor Space Index (F.S.I) of a building unit shall be as under

Sr No	Use Zone	Maximum permissible built up area.	Maximu m permisstble F.S.I	Remarks
1.	(a) Residential Zone I	As per regulation No. 12.4.1 A (ii)	1.8	–
	(b) Residential Zone II	As per regulation No. 12.4.1 A (ii)	1.2	Ground floor plus two upper floors or 10 mt. height whichever is less.
	(c)Residential Zone III	10%	0.20	Ground floor plus one upper floor or 7 mt. height whichever is less.
2.	Natural Growth of village	As per regulation No. 12.4.1 A (ii)	1.2	Ground floor plus two upper floors or 10 mt. height whichever is less.
3.	Commercial Zone- I & Commercial Zone -II	45% (low rise building) 30% (high rise buildings)	1.8	-
4.	Industrial	50%	1.0	-
5.	Stars hotels on 18.00 mts and above road	45% Lowrise 30% High rise	2.25 2.25	-

12.3.2 MAXIMUM PERMISSIBLE HEIGHT

The maximum height of any building shall be 40.00 mts. from the plot level to the top of the building, except parapet not exceeding 1.50 mt. in height subject to other regulations.

12.3.3 RELAXATION IN FSI:

The competent authority shall permit the F.S.I. of any land / plot or building unit on the basis of its original area, if the owner of such land surrenders the effected land by road widening or for construction of new road without claiming any compensation thereof provided that all other requirement mentioned in this regulations are fulfilled.

Minimum required space of set back/margin shall have to be provided from the new boundary of land/plot effected by road widening.

12.4 MARGIN AND MAXIMUM BUILT-UP AREA ON ANY FLOOR

12.4.1 MARGIN AND MAXIMUM BUILT-UP AREA

12.4.1.(A) RESIDENTIAL AND COMMERCIAL USE

(i) (a) The margins for all uses except for industrial building and special structures shall be as under:

Width of Proposed Roads (mts.)	Minimum Road Side Margin (mts.)	Remarks
Road up to 9mts. and less.	4.5	(1)For the existing built up area the margins requirement may be relaxed on merits of individual case subject to other regulations. (2) Minimum side Margin shall be provided as per regulation no. 12.4.1(A)(ii).
Above 9 mts and upto *18 mts.*	6.0	
Above 18 mts.	7.5	

Note:- M.K.S. And F.P.S. CONVERSION:

(i) 6.00mt. = 20.00 ft.
(ii) 7.50 mts. =24.60 ft.
(iii) 9.00 mts. = 30.00 ft.
(iv) 12.00 mts.= 40.00 ft.
(v) 15.00 mts. = 50.00 ft.
(vi) 18.00 mts. = 60.00ft.
(vii) 24.00 mts. = 80.00ft.
(viii) 30.00 mts. = 100.00 ft.

(i) (b) In the AMC area , for a low rise building on more than 9.00 mt. wide road , road-side margin shall be 4.50 mts. Irrespective to the width of road.

(ii) The minimum side (other than road side) margins and maximum built-up area on any floor for all uses except for industrial building and special structure shall be as under for low rise building:

Plot size	Margins other than road side.	Maximum built-up area on any floor
up to 150 sq.mts.	2.25 mts.(any one side)	60%
Above 150 sq.mts. and up to 250 sq.mts.	2.5 mts.(rear side) and 1.5 mts.(any one side)	50% or 90 sq.mts. whichever is more.
Above 250 sq.mts.	3.0 mts. in all sides except road side subject to these regulations as the case may be.	45 % or 150 sq.mts. whichever is more.
For high- rise building.	as per regulation no 12.4.1. A(iv)	30%

(iii) In case of sub division / Sub plotting of Survey no / Final Plot / Block No. the area of sub divided building unit is up to 250 sq.mts. minimum, 3.00 mt. margin shall be required along the boundary of Survey No / Final Plot / Block No and Boundary of sub divided building unit as the case may be.

(iv) **HIGH RISE BUILDINGS:**

In the case of building units to be developed with one or more high rise buildings, the minimum margins and open space above the ground level and between the buildings shall be provided as under:

Use	Width of road	Minimum Road side Margins
1	2	3
(a) For all uses	Irrespective of road width of Development Plan Roads or Town Planning Scheme Roads, as may be applicable.	0.3 H. or 6 mts. whichever is more on road sides. 0.2 H. or 6.0 mts. whichever is more on remaining sides. Margin between two building shall be two times the margins required on remaining side as mentioned above.

NOTE I :-

Provided in the case of draft T.P scheme area submitted to govt. for sanction before the date of publication of revised draft development plan, High-rise building shall be permitted on 12 Mts. and more wide road.

Explanation

In the above regulations 'H' shall mean height of the building which shall be measured from the plot level to the highest point in the building. Provided that the height of the genuine stair-cabin, lift well, water tank and lift cabin shall not be taken into consideration in determining the total height of the building provided that the height of each , does not exceed 2.4 Mts. The maximum height of the parapet shall be 1.50 Mt. and it shall also not be computed towards the height of the building.

NOTE II :-

In case of more than one semi detached high-rise building the length of common wall between any two building shall not be less than 75% of the maximum width of the building parallel to common wall (Any High rise building) joining together. Other wise it shall be treated as detached high-rise building for the purpose of computing the margins.

12.4.1.(B) FOR INDUSTRIAL USE

Maximum permissible built-up area on any floor including the ground floor shall be 50% of the plot area.

(i) There shall be clear minimum distance of 6.0 Mts. between two detached structures for plots of more than 1000 Sq.Mts. and 4.5 Mts. for plots admeasuring up to 1000 Sq.mts.

(ii) 6 meters clear minimum margins shall be kept along the periphery of the plot used for industrial use like mills, godown, warehouses, service station with petrol pumps, motor repair garage and a building unit of 1000 sq.mts. or more to be used for industrial use. For building units less than 1000 Sq.mts. used for industrial use, the minimum margins shall be 4.5 Mts.

However, the minimum roadside margin on roads 18 Mts. wide and above shall not be less than the margin prescribed in regulation No.12.4.1

12.4.1.(C) PERMISSIBLE BUILT UP AREA IN MARGIN :

(i) Not withstanding anything contained in these regulations, construction such as w.c., bathroom , servant quarter, and parking garage shall be permitted in one of the corners of a rear marginal space of an individual or semidetached residential building unit(except ownership flats /tenements) subject to following conditions :

(1) The maximum permissible area of construction shall be 16.50 sq.mts. may be allowed for servant's quarter, bath-room w.c. or closed parking having maximum

dimensions 5.5 mt. x 3.00 mt.

(2) The maximum height of construction shall be 3.0 Mts. with maximum plinth of 30 cms.

(3) No First floor shall be permitted over such a construction.

(4) It shall be exclusively used for any residential use such as W.C., bath room, servant quarters and for parking garage etc.

(5) It shall be considered towards calculation of maximum permissible built-up area and floor space index of the building unit.

(6) The location of the said construction can be alternatively permitted from the rear corner upto a maximum distance of half the length of the side.

(7) (i)Openings, doors, windows and any type of projections shall not be permitted over looking adjoining property. The slope of the roof of such structure shall be towards the inner side of the same building unit and away from the adjoining building unit.

(ii) Not withstanding anything contain in this regulations, construction of security room to the extent of 15 Sq.mrts shall be permitted (including transformer room, meter room and toilet). Provided that such construction shall be permitted attach to the entrance gate to the plot only, with maximum height of 2.4 mts. from ground level and shall not be less than 4.5 mts. from the building .

The area of such construction shall not be considered towards calculations of permissible build up area and Floor Space Index (F.S.I).

12.4.1.(D) RESTRICTION ON DEVELOPMENT IN MARGIN

(a) The marginal open spaces as provided in the above sub-clauses shall be kept permanently open at ground level and they shall not be used for stocking materials or loose articles for the purpose of trade or otherwise nor shall they be used for putting up fixed or movable platforms, over hanging or any other encroachments of any kind provided that decorative advertisements boards or neon sign boards may be permitted in 4.5mts. margin of a building unit abutting on roads having width of 18.0 mts or more with prior permission of the Competent Authority and such approval shall not be given for a maximum period of three years. The sunk-in-lower ground floor or semi-basement or basement shall not be provided in marginal space. The boundary of the plot shall have to be demarcated by at least 0.6 Mt. parapet/compound wall/railing.

Provided further that underground water tank, a surface water tank up to 1.5 Mts. in height from ground level, well, a tubewell and a pump-room as directed by appropriate authority with maximum size of 1.5 meters X 1.5 meters with a height not more than 1.8 meters shall be permitted except road side margin of a building unit.

(b) The plot level may be permitted to be raised up to plinth level in cases of Building Units other than tenement buildings, ownership tenement flats, industrial and commercial units.

(c) Security cabin with maximum size of 2.0 mts. X 2.0 mts. and a height not more than 2.4 mts. shall be permitted in the roadside margin.

(d) 0.6 mts. X .06 mts. solid Architectural projection shall be permitted in margins.

12.4 1.(E) PROJECTIONS IN MARGINS

(i) In any marginal open space, weather sheds projections shall be permitted up to 0.60 Mts. at the height of 2.0 Mts. from the floor level. But not in continuation with floor slab. However it shall not be allowed to be covered in any case so as to add to the usable floor area.

(ii) In case of detached and semi-detached residential dwelling building unit 1.00mt. wide open cantilever stair with maximum 2.00 mts landing space at floor level shall be permitted in the 3.00 mts and above marginal space except road side margin.

12.4.1. (F) MARGINS FROM COMMON PLOT

(i) 3.00 Mts. shall be required in case of low rise building.

(ii) 6.00 Mts. shall be required in case of high-rise building.

12.5 OPEN SPACE

12.5.1 Open Air Space

(a) [Every such interior or exterior open air space shall not be less than the width prescribed in the following scale and may be provided at the plinth level or at the floor Level of every such room. Linear interpolation from a height not specified herein will be permitted.

Minimum width of open air space throughout (m)	Where height of building (above plinth adjoining the open air space) does not exceed (m)
3	10
4	13
5	16
6	20
7	24
8	30

b) Every such interior or exterior open air space unless the latter is a street, shall be maintained for the benefit of such building exclusively and shall be entirely within the owner's own premises.

(c) For the purpose of the above bye-laws, the depth of the room shall not be more than three times the width of the room which abuts on the air space.]

12.5.2 WATER CLOSET AND BATHROOM

In case of water closet, bath room and sanitary blocks, the open air space shall be provided as under:

At least one of the walls of a water closet or bath room or sanitary block shall have a opening of minimum 0.25 sq.mt. upon a minimum 0.9 Mts. wide open space or upon a verandah not less than 1.5 Mts. wide opening to air on one side.

12.5.3 OPEN SPACE TO BE OPEN TO SKY

Every open space whether exterior or interior, provided in pursuance of any regulations, bye-laws or under an agreement lodged with the Competent Authority shall be kept free from any erection thereon and shall be kept open to sky. Every such open space or chowk shall have suitable and sufficient access. No open drain, except for rain water, shall be constructed in any open space required by these regulations.

No construction work of a building shall be allowed if such work operates to reduce an open air space of any other adjoining building belonging to the same owner to an extent less than what is prescribed by any of these regulations in force at the time of the proposed work to further reduce such open space if it is already less than what is prescribed.

12.6 DEVELOPMENT OF BUILDING UNIT IN EXISTING CHAWLS

Subject to the following conditions, owners of individual rooms of existing authorized chawls may be permitted to make alterations or to construct additional floors:

(1) Additional built-up area on ground floor shall not be permitted, if it exceeds the permissible built-up area on ground floor as prescribed under regulation for tenement type construction.

(2) Open space for common plot and approached as required under tenement type construction shall be maintained.

(3) Subject to other regulation adequate ventilation, owners of individual rooms may construct two additional floors over the ground floor.

(4) Individual owners shall have to provide water closet and bathrooms.

(5) While permitting first floor or the second floor , no objection shall be taken regarding F.S.I., built-up area and number of tenements in regard to the existing ground floor constructions.

12.7 DEVELOPMENT OF EXISTING DETACHED AND SEMI-DETACHED DWELLING UNIT.

In case of approved individual detached and /or semi-detached existing dwelling unit the extension of permissible upper floors may be permitted as per sanctioned margin stair case and projection shall be permitted for permissible upper floors .

13 COMPOUND WALLS AND GATES

13.1 Detailed drawings of gates and boundary walls shall be submitted along with the application for development permission.

13.2 No cactus hedge shall be allowed along the boundaries of a plot in any portion of the development area.

13.3 A road side compound wall not exceeding 1.5 mts .in height from the crown of the road shall be permitted while on the other side along the boundary of the building unit, the maximum height of the compound wall shall be 1.8mts. only A compound gate shall not be constructed or permitted on the curvature of the compound wall at the junction of the roads.

Provided that in the case of building units having area of more than 2000 sq.mts. gate-pillar (hollow) to an extent of 1.44 sq.mts. internal area may be allowed up to the height of 2.4 Mts.

Provided further that in the case of plots at the junction of streets, no boundary wall below the fence grill(with at least 50% perforation) facing the streets shall be raised to the height more than 0.8 Mt. from the kerb for a length of 9 Mts. from the junction of the streets.

13.4 Except on the junction of the roads where heights shall be prescribed as per standard design of a compound wall approved by the competent Authority. In case of mills, Buildings of competent Authority, Municipality and Government, the Authority may allow the compound wall to be raised to a height not exceeding 3 Mts. from the crown of the road in front and on sides.

13.5 No partition wall shall be allowed anywhere in the margins of building unit.

Provided that a partition wall upto 1.5 Mts. height shall be permitted on common boundary of semi-detached building and marginal distances between two structures.

13.6 The plots of active burial-grounds and crematorium abutting on the main road in residential locality shall be provided by the owners with a compound-wall having a height not less than 1.5 Mts. from the crown of the road in front.

13.7 No gates of compound wall shall open outward and shall be provided with a contrivance which shall prevent the gate from opening outward on the foot-path or road.

13.8 The entry or exit to the plot situated on the junction of the roads having a width of 12 meters or more shall be located at least 15 meters away from the corner point of the plot on such junctions.

If the length of a side in such a plot is less than what is prescribed above, such entry or exit shall be provided at the farthest end of the plot from the junction.

14 DISTANCE FROM WATER COURSE

No development whatsoever, whether by filling or otherwise shall be carried out within 30 Mts. from the boundary of the bank of the river where there is no river embankment and within 15 Mts. or such distance as may be prescribed under any other general or specific orders of Government and appropriate Authority whichever is more, from river where there is river embankment but in case of kans, nala, canal, talav, lake ,water-bodies etc. it shall be 9.00 mts.

Provided that where a water course passes through a low lying land without any well defined bank, the applicant may be permitted by the competent Authority to restrict or direct the water courses to an alignment and cross section determined by the competent Authority.

15 DEVELOPMENT OF LOW COST HOUSING

SCOPE :

These regulations shall be applicable to development of schemes for socially and economically backward class of people for economically weaker section of the society and for low cost housing only undertaken by public agencies, co-operative societies Government or Semi Government bodies, Registered Developers.

15.1 PLANNING :

The type of development for housing for socially and economically backward class of people and for low cost housing, block development as group housing.

(i) The maximum permissible density in Dwelling shall be 225 dwelling per hector .

(ii) The minimum and the maximum plot size shall be between 18 sq.mts. and 40. sq.mts. respectively with built up area not exceeding 70% of the plot area leaving front as well as rear margin of 1.5 mts.

(iii) The minimum frontage of plot shall be 3.0 mts. in width.

(iv) At every 20 such continuos plots 2.0 mts. wide space open to sky shall be provided.

(v) The maximum numbers of stories in a building construction on the plot shall be ground plus one upper storey only.

(vi) Common plot at the rate of 10% percent of the area of the plot / land developed shall be provided for open space / community open space which shall be exclusive of approach roads , path ways, or margins .

15.2 GENERAL BUILDING REQUIREMENTS :

(1) The minimum height of the plinth shall be 30 cms. from the top surface of approach road or path way.

(2) The maximum floor space index permissible shall be 1.8.

(3) (a) The size of living room , bed room shall not be less than 8 sq.mts. with minimum width of 2.4 mts.

(b)(i) Size of independent Bath-room and w.c shall be 0.9 sq.mts. with minimum width of 0.9 mts. each.

(ii) Size of combined bath room and w.c. shall be 1.8 sq.mts. with minimum width of 1 mts.

(4) (i) The minimum height of room shall be as under:-

Living room	:	2.4 mts.
Kitchen room	:	2.4 mts.
Bath /w.c	:	2.1 mts.
Corridor	:	2.1 mts.

(ii) In case of the slopping roof the average height of the roof shall be 2.1 mts. and the minimum height of the eaves shall be 2.4 mts.

(iii) The minimum slopes of the slopping roof ,shall be 30^0 for G.I sheets , asbestos sheets or tiled roof while for R.C.C slopping roof , the minimum slop shall be 12^0.

(5) The opening through windows , ventilators and other opening for light and ventilation shall

be as under:

(i) One tenth of the room floor area.

(ii) For w.c and bath not less than 0.2 sq.mts.

The width of stair case shall be 0.75 mts. minimum. the maximum height of the riser shall be 20. cms. The minimum width of the tread shall be 22.5 cms. The minimum clear head roof of the stair case shall be 2.10 mts.

(iii)There shall be one staircase for every 12 (twelve)dwelling units or part thereof.

15.3 ROADS AND PATH WAYS :

(i) The area under the roads and pathways in such housing project shall normally not exceed 20 percent of the total area of the project.

(ii) Access to the dwelling units where motorised vehicles are not normally expected shall be by means of paved foot paths with right of way of 6 mts. and pathways of 2 mts. only . The right of way shall be adequate to allow for plying of emergency vehicles and also for side drains and plantation.

(iii) Where motorable access ways are not provided and pedestrian path ways are provided the minimum width of such path way shall be 4.0 mts. which shall not exceed 50 mts. in length.

15.4 MINIMUM REQUIRED: ACCOMMODATION

(i) The minimum accommodation provided in every dwelling unit shall be one living room and a w.c. where there is a drainage system , the agency developing the area shall install and maintain the internal drainage system. where there is no drainage system the individual soak-pit shall be provided as per provision of National Building Code.

(ii) The loft if provided in the room shall not cover more than 30 % of the floor area of the room.

15.5 STRUCTURAL REQUIREMENTS :

(i) Load bearing walls of the building shall be of Brick stone or pre cast block in any mortar. in the case of R.C.C framed structure or wooden framed structure filler walls may be of suitable local materials.

(ii) Roof of the building shall be of galvanized iron sheets. asbestos sheet , tiles roof or R.C.C. roof .in the case of upper storied buildings middle floor shall be of wooden or R.C.C. and rest as per choice.

(iii) Doors and windows of building shall be of any material.

(iii) Rest of the work of building shall be as per locally available resources and as per choice.

(iv) For structural safety and services Regulations 18.4 and 18.5 (1) shall be applicable."

16 PROVISIONS FOR SPECIAL DEVELOPMENTS

16.1 REGULATIONS FOR GANDHI ASHRAM: COMPREHENSIVE AREA IMPROVEMENT SCHEME (GACAIS):

1) Conservation Of Building Having Historic, Architectural & Archeological Significance.

a) The buildings in this area owned by Trusts Related to Gandhi Ashram Activities (TRGA) area to be conserved, retained and maintained in the original state.

b) The buildings above if proposed for renewal or reconstruction by new building it shall be reviewed by the Competent Authority.

2) Slum Rehabilitation:

The slums existing within these area needs to be rehebilited on available Govt/ Municipal or trust land within these area in due course of time for which M.G.F. Trust and TRGA shall help AMC.

3) Special Control Regulations:

A) For area except in (B) shall be considered as residential zone.

B) For the building units/ plot abutting in Ashram Road from Wadaj Circle to Subhas Circle owned by Govt, TRGA and AMC within GACAIS following control regulations shall be applicable.

i) Only residential and institutional uses like educational, cultural, social health, etc public purposes, tourist support facilities like hotel restaurant art gallary etc, handy craft, sale shops / show rooms and any competitive activity which may be permitted by Competent Authority.

ii) Height of the building Maximum permissible height of building shall be 10 mts.

iii) The colour of external exterior portion of the building shall be aesthetically match with the ambiance of Gandhi Ashram Only white light sheds shall be permitted with permission of Competent Authority.

iv) Every property in these area in the open spacce shall plant at least one tree and maintain the same.

v) Minimum margin of 6 mts on the Ashram road side margin shall be kept in the plot abutting Ashram road.

vi) Control on Traffic:

On opening of 132ft wide road from wadaj to 132ft wide ring road the heavy vehicular traffice shall be diverted from this part of Ashram Road to 132ft wide road from the same road and only light vehicular traffice and tourist traffic shall be permitted.

16.2 REGULATION FOR EXISTING SLUM REDEVELOPMENT REHABILITATION SCHEMES ON SELF FINANCING BASIS:

16.2.1 DEFINITION OF SLUM :

Slum means an Area which contains sheds, Huts constructed Principally of wood, mud, leaves, grass, cloth or thatch and includes any temporary structures of whatever size and any small building of whatever material made, intended primarily for human habitation.

16.2.2 REDEVELOPMENT/ REHABILITATION OF EXISTING SLUM :

These regulations shall apply to all building unit/lands/plots or part/ portion of building units/

lands/plots on which slums are existing as per the 1991 census as the case may be and/or plots being processed for slum upgradation, redevelopment, rehabilitation.

(1) Redeveiopment of building units/ lands/plots on which slums are existing as per the 1991 census shall be permitted for the rehabilitation of the slum dwellers through the owner of such land or their authorised agents/developers as approved by the Competent Authority by permitting redevelopment for slum dwellers.

(2) All eligible slum dwellers residing on the building unit/land/plot to be redeveloped shall have to be accommodated on the same plot.

(3) DP/TP Roads abutting such building unit/plots may also be cleared of existing slums by owners of such land by providing them accommodation in the scheme.

(4) In any such scheme, area of existing commercial user shall be permitted.

(5) The names of all eligible slum dwellers shall be duly certified by the competent authority.

(6) Each hutment dweller personally (or his legal heir) residing as per record in 1991 census shall get the benefit or rehabilitation.

(7) The owners/authorised developer shall organize all the eligible hutment dwellers into a Registered Co-Op Housing Society/or an Registered Association.

(8) The owners/authorised developers shall grant a unit of minimum built-up area of 20 Sq. Mts. subject to minimum 14.00 sq. mts. carpet area only in Low-Rise Buildings to each of the eligible slum dweller.

(9) The 14.00 sq. mts. carpet area of the dwelling unit shall includes a multipurpose room cooking space, and a w.c., but shall not include common areas, such as stairs passages etc. The rehabilitation unit shall be completed with water supply, drainage and electricity.

(10)The permissible F.S.I. for the remaining plot shall be on the basis of Gross Building unit/ Plot/land area with addition F.S.I. of 0.50 of the F.S.I. consumed for eligible slum dwellers.

(11)Allotment and administration by lot system of new unit to all eligible slum dwellers, beneficiaries shall be done by the owner/developer/authorised agent.

(12) if in case it is necessary to shift some or all hutment dwellers to necessitate the new construction, transit accommodation facility shall be offered by the owners/authorised developer at his cost and the occupants shall have the vacate the slums and shall have move to the transit accommodation.

(13) The owners/ authorised developers shall prepare a subdivision-layout plan for the entire land occupied by the hutment dwellers, distinctly showing on the plan accommodation/building for eligible hutment/slum dwellers and accommodation/ buildings for commercial sale and submit plans and other documents as may necessary to enable the competent authority to approve the subdivision plans and building plans for both.

(14) The owners/authorised developers shall transfer the absolute ownership rights free from all encumbrance of proposed construction of rehabilitation until including their absolute rights in the part of land set apart for the rehabilitation to a registered Co-Op-Housing Society/Association of Slum, Hutment dwellers without any consideration. The owner/authorised developer shall have absolute rights of ownership of balance land and shall be entitled to develop such balance land.

(15) Possession and ownership of newly constructed unit for slum dweller under rehabilitation, rehabilitation scheme shall be given only, after the hutment dweller has relinquished all the rights in original hut and the land bellow it, as well as has peacefully handed over the possession of transit facility and paid all the dues. Each hutment dweller shall thus become virtual owner of his allotted dwelling unit through his niembership of Co.-Op. Society/Association.

(16) The allottee who has been given the rehabilitation unit shall not alienate the unit or transfer

it to anybody else (except the legal heirs) for a period of ten years from the date of taking over possession without prior permission of competent authority.

(17) The Co-Op housing Society/Association of the hutment dwellers at their cost shall manage and maintain the common facilities and amenities provided within the area transferred to the society/association and also shall be responsible for maintaining common amenity and services and also pay the Govt. and Municipal Taxes, applicable from time to time.

(18) The possession of the dwelling units in remaining Building unit land shall be permitted only after the completion and handing over the possession of rehabilitation dwelling units to all eligible slum dwellers.

(19) The above regulations shall be subject to all other regulations of the GDCR and development plan and in case of any conflict between the above regulations and that of the GDCR and/or the Development Plan, the latter shall prevail.

(20) In case of slum rehabilitation project, eligible slum dwellers agree upon to rehabilitate in other building unit/ land, the complete project shall have to be approved by the Variance Committee.

16.3 DEVELOPMENT IN PLOTS RESERVED FOR PARKING, MULTI PURPOSE(M.P), TRANSPORT NODE (T.N.) & REDEVELOPMENT (R.D.) IN AMC DEVELOPMENT PLAN OF 1965 & 1987 (1983 OF A.M.C.)

MULTIPURPOSE USE: Means use related to health, education, communication, safety, social and cultural, recreational, public utility and services, along with their additional and related activities, allied activities like housing, commercial and service activities including institutional uses.

TRANSPORT NODE: Transport Nodes shall include transport and allied activities as predominant activities where as residential, commercial and other allied activities needed for the transport activities shall be permissible in the quantum as may be decided by the Competent Authority.

16.4 GROUP HOUSING

Residential cluster type development shall be permitted with following conditions:-

(i) Minimum size of the building unit shall be 4000 sq.mts.

(ii) Minimum size of the dwelling unit shall be 50.00 sq.mts

(iii) Maximum permissible height shall be 10.00 mts.

(iv) Hollow plinth shall not be permitted.

(v) Margin from the public road shall be as per regulation No. 12.4.1 of this regulation. The distance between two clusters shall be 4.5 mts. and between clusters to building unit boundary shall be 3.0 mts.

(vi) The approach roads shall be regulated as per regulation No. 10.4 of this regulation.

(vii) Minimum area of common plot plus central court Yard shall be provided at the rate of 10% of the plot area out of which minimum 2.5% of the plot area shall be provided as common plot and the minimum size of the common plot shall be 300 sq.mts.

(viii) The central court Yard shall be of minimum 120 sq.mts. with smaller side shall not be less than 10.00 mts.

(ix) Access to the central court Yard from the approach road shall be of 2.5 mts. in width and shall not exceed 15.00 mts. in length. Shutters of window or door shall not be permitted to open in this access at ground floor.

(x) The central court Yard shall be enclosed from all sides by dwelling units having access of 1.5 mts. on the periphery of central court yard. Moreover, entrance to the dwelling unit shall be permitted from the approach to the central court Yard.

(xi) In this central court Yard underground water tank, soak well, septic tank; tube well and percolating well shall be permitted.

16.5 SABARMATI RIVER FRONT DEVELOPEMNT SCHEME:

Regulations for the Sabarmati Riverfront Development Area, the Competent Authority on the recommendation of the Sabarmati Riverfront Development Corporation Ltd. (SRFDCL) will prepare special regulations pertaining to ground coverage, margins, height of building, use of building etc. to regulate the development in the Sabarmati Riverfront Development Area. These regulations prepared for the Sabarmati Riverfront Development Area will prevail over the General Development Control Regulations.

17 GENERAL BUILDING REQUIREMENTS

17.1 ELEVATORS (LIFTS)

A lift shall be provided in all buildings as prescribed hereunder:

(i) In case of Building having Ground Floor and three upper floors or more, lift shall be provided.

(ii) Lift shall be provided at the rate of one lift for 20 tenements of all the floors, or part thereof for residential buildings and at the rate of one lift per 1000.00 sq.mts. or part thereof of built-up area for non-residential buildings.

The tenement and built-up area on ground floor and two upper floors shall be excluded in computing the above requirement.

Lift shall be provided from ground floor and shall have minimum capacity of six persons. On the basis of detailed calculations based on the relevant provisions of National Building Code, the number of lifts can be varied.

Provided that if the number of floor does not exceed three floors, excluding the ground floor, the lift may not be provided.

(iii) Not withstanding anything contained in the Development Control Regulations in case of building with 21 meters or more in height, at least two lifts shall be provided.

17.2 FIRE PROTECTIONS :

In case of high rise buildings, the following provision shall be made for safety of buildings from fire;-

(i) In addition to the requirement under Regulation No.17.1 at least one lift designed as fire-lift as defined in the National Building Code shall be installed.

(ii) At least one stair-case shall be provided as a fire staircase as defined in the National Building Code. Provided that this shall not be applicable if any two sides of a staircase are kept totally open to external open air space.

(iii) Water Supply: Underground tank of the capacity of one lakh liters and two lakh liters for the buildings situated within the municipal limit and outside of the municipal limit respectively be invariably provided in all the high rise buildings. Water in the normal use tank should come only through the overflow of fire tank so provided.

(iv) In high rise buildings, the internal fire hydrants shall be installed as provided in the National Building Code or as prescribed in the Indian Standard Code of practice for installation of internal fire hydrants in high rise buildings. The detailed plan showing the arrangement of pipe lines, booster pumps and water-tanks at various levels shall be submitted for approval of the concerned authority along with the plans and sections of the buildings.

(v) In case of high rise buildings, an external fire hydrant shall be provided within the confines of the site of the building and shall be connected with Municipal Water mains not less than 4" in diameter. In addition, fire hydrant shall be connected with Booster Pump from the static supply maintained on site.

(vi) In case of high rise buildings separate electric circuits for lift installation, lighting of passages, corridors and stairs and for internal fire hydrant system shall be provided.

(vii) All the requirements under the above regulations/ shall be clearly indicated on plans duly signed by the owner and the person who has prepared the plans. The Competent Authority may direct the owner to submit such further drawings as may be necessary, to clarify the implementation of the provisions of the above regulations/.

(viii) Every building having a height of more than 25 Mts. shall be provided with diesel

generators which can be utilized in case of failure of the electricity.

(ix) The standard of National Building Code must be adopted fully in providing stair-case and alarm system.

(x) There should be Provision of dry-powder, fire extinguisher to the extent of two on each floor with a capacity of 5 kgs. in all the high rise buildings.

17.3 SAFETY OF BUILDINGS :

(1) All external walls shall be as per the provisions of National Building code and I.S. Specifications.

(2) The thickness of the load bearing walls in the case of masonry walled building shall be as under:

Building with	Thickness of wall			
	On G.F.	On F.F.	On. S.F.	On. T.F.
(i) Ground + One floor	23 cm	23 cm		
(ii) Ground + Two floors	23 cm	23 cm	23 cm	
(iii)Ground + Three floors.	35 cm	23 cm	23 cm	23 cm

In case of cellars the external walls shall be of R.C.C. only and it shall have minimum thickness of 23 cms. or 45 cms. brickwork in case of brickwork.

(3) Subject to any of the above regulations every person who undertakes construction of a building and/or who designs the structural member of the building shall comply with the provisions of National Building Code prevailing at the relevant time or the provisions of the Indian Standard Specifications published from time to time.

(4) Every person who undertakes the construction work on a building or directs or supervises such works shall be responsible and shall ensure use of sound and good quality building materials, properly put together for optimum safety. He shall be liable for all consequences arising out of breach of this regulations.

17.4 PLINTH :

(a) Habitable rooms shall have minimum plinth height of 0.45mt from ground level.
(b) Parking garage may have no plinth.
(c) Provided that the ground floor of a building may be permitted on stilts/pillars instead of a solid plinth with a clear height of 2.4 Mts. in case of slabs with beams height should not exceed 2.8 Mts. and further that this space shall at all times be kept free from any enclosure except for genuine stair-case.

Provided further that a electric meter room, room for telephone D.B.; bath-room, water-room, stair-case room, pump room, water closet, servant room, security cabin may be permitted subject to maximum built-up area of 15smt allowed with a minimum plinth 30cms and this area shall not be considered towards computation of F.S.I.

17.5 CELLAR :

In a building unit, the cellar may be permitted on the following conditions:

(i) Area and extent: The total area of any cellar (basement) shall not exceed twice the plinth area of

the building, or the area of the plot whichever is less. It may be in one level or two. No cellar shall be permitted in the required minimum marginal space.

(ii) Height of the cellar shall not be less than 2.4 Mts. clear from top of the flooring to the bottom of the lowest structural member. The maximum depth of basement shall be 2.5 mts. below ground level. The maximum height of the cellar shall not be more than 3 mts.

(iii) Clear width of the stair leading to the cellar shall not be less than the width of the regular staircase leading to upper floors.

(iv) No stairs to be constructed under these regulations shall consist of any wooden material.

(v) Adequate opening for ventilation should be provided as directed by Competent Authority. The materials of the construction and fixtures of the cellar should be of fire resisting nature and in no case, wood shall be used as structural part of the cellar or any fixtures thereof. The extent of ventilation shall be the same as required by the particular occupancy for which the basement is used. Any deficiency must be made good by resort to a mechanical system, viz. blowers, exhaust fans, air conditioning system, according to the standards in Part VIII Building Services, Section-I Lighting and Ventilation, National Building Code.

(vi) No water connection or drainage connection shall be permitted in the cellar.

(vii) In no case cellar shall be permitted to be connected with normal drainage line.

(viii) Uses permitted:- parking, safe deposit vault, A.C. Plant.

(ix) In genuine requirement of parking, the competent authority may permit the second cellar if the parking space available at ground level and in first cellar is not sufficient, for the reasons stated in writing.

17.6 HEIGHT OF FLOORS:

Minimum height of floors in building at any point shall be 2.8 Mts. for residential and commercial uses and 3 meters or as per Factory Act or other relevant Act in case ground floor and upper-floors in a building used for offices for ancillary uses of factories, workshops, godowns and other industrial purposes.

Provided that in case of folded roof the minimum height of 3.0 Mts. shall be measured from the lowest point of the fold.

Provided that in case of gabled or slopping roof the minimum height below the lowest part of roof, shall not be less than 2.2 Mts. and an average height of the rooms shall not be less than the minimum prescribed here above.

Provided further that in case of trussed-roof, the minimum height shall be measured from the pavement to bottom of the tie beam

Provided that for verandah, Bathroom, W.C., passages, puja room, store room, stair cabin, minimum height of 2.00 mts.

17.7 LOFT :

The loft at a minimum height of 2 mts. from floor level not exceeding 30% floor area of the room may be allowed in any room.

17.8 STAIRS, LIFTS, LOBBIES AND CORRIDOR :

The width of lobbies or corridors in building shall be as under:

(a)(i) In case of residential and non-residential building except individual detached building minimum clear width of corridor shall be as under:

Length of Corridor (in Mts.)	Width of Corridor	
	Residential	Non-Residential
Upto 6	1.0	1.2
Upto 9	1.2	1.5
Upto 15	1.2	2.0
Above 15	1.5	2.5

NOTE:-

(i) For every additional 9.00 mts. length or part there of the width of corridor shall be increased by 0.30 mts. upto a maximum of 3.00 mts.

(ii)In case of starred hotels, the width of the corridor shall be as per the authorized standards of the starred hotels.

(b) whereas in case of residential dwelling unit occupied by single family and constructed upto three floors width of the stairs shall not be less than 1.0 mtr.

(c) In case of all non-residential and high rise residential buildings, the clear width of stair and lending exclusive of parapet shall not be less than 1.5 Mts.

(d) Minimum stair width for more than 6 tenements on each floor shall be 1.5 Mts.

(e) The stair-case & lifts (elevators) shall be so located that it shall be within accessible distance of not more than 25 Mts. from any entrance of tenement or an office provided on each floor.

(f) The design of the lift & stair along with the tread and riser shall comply with the provisions of the National Building Code for that class of building.

(g) No winders shall be allowed except in case of individual dwelling unit.

17.9 SANITARY ACCOMMODATION :

All the buildings when erected or re-erected from foundation or when additions to the floors are made shall be provided with minimum sanitary accommodation.

(a) In the case of use of building as office and public building except cinemas, theatres, meetings and lecture halls, minimum sanitary facilities should be provided as under:

(i) Every office building or public building shall be provided with at least one water closet.

(ii) Water closets shall be provided for each sex and the number of such water closets for each sex shall in every case be based upon the maximum number likely to occupy such building at any one time.

(iii) One urinal shall be provided for every 25 males or part thereof and one water closet for every 25 females or part thereof upto 100 persons. For any number exceeding 100, one urinal for every 50 persons shall be provided.

(iv) There shall be provided one water-closet for every 50 persons of each sex or part thereof upto 500 persons and for excess over 500, one water closet for every 100 persons of each sex or part thereof shall be provided. However, if the total number of employees in such a building or the number of persons likely to use such building does not exceed 20, one water-closet each for both sexes shall be sufficient and no urinal may be provided.

(v) The building shall be deemed to be occupied by persons or employees at the rate of

one per every 5 square metres of the floor area and sanitary facilities shall be provided according to the number of employees or occupants so worked out.

(vi) Such water-closet and urinals shall be in an accessible location and shall be provided with signs plainly indicating their purposes and the sex for which they are meant.

(b) Industrial Buildings and Warehouses:-

All types of industrial buildings shall be provided with minimum sanitary facilities as under:

(i) Every such building shall be provided with at least one water closet to privy:

(ii) Water closets or privies shall be provided for each sex and number of such closets or privies for each sex shall in every case be based upon the maximum number or persons of that sex employed in occupying such building.

(iii) Water-closets or privy accommodation shall be provided in every W.C. on the following scale:

Where females are employed there shall be at least one water closet or one privy for every 25 females. Where males are employed, there shall be at least one water-closet or one privy for every 25 males.

Provided that where the number of males employed exceed 100, it shall be sufficient if there is one water closet or one privy for every 25 males up to the first 100, and one water closet or one privy for every 50 thereafter.

In calculating the number of water closets or privies required under these regulations any number of workers less than 25 or 50, as the case may be shall be reckoned as 25 or 50 and the number of workers to be considered shall be the maximum number employed at any one time during the day.

(iv) In every such factory there shall be provided one urinal for every 100 persons of each sex or any less number thereof.

(v) In every such factory there shall be provided one washing place of 3.6 square metres in area with sufficient number of taps as per standards laid down by rules in respect of factories.

(vi) In every building of the warehouse class there shall be provided one water closet for every 50 males or any less number thereof and one water closet for every 50 females or any less number thereof and one water closet for every 50 females or any less number thereof. There after water closet shall be provided at the rate of one closet for every 70 persons.

(vii)In every building of the warehouse class, there shall be provided one urinal for every 100 persons of each sex or any less number thereof.

(viii) For the purpose of determining the number of water-closets and urinals each 30 sq.mts. of the gross floor space of such building shall be deemed to be occupied by one person.

(ix)Such water-closets and urinals shall be accessible in location and shall be provided with signs plainly indicating their purpose and the sex for which they are meant.

(c) Educational Buildings :

Any building used for educational purpose shall be provided with minimum sanitary facilities as follows:

(i) Subject to minimum provisions of two water-closets and five urinals, there shall be one water-closet and four urinals for every 200 students or part thereof.

(ii) Competent Authority may enforce the distribution of the above sanitary facilities to be provided at each floor of the building.

(iii) The building shall be deemed to be occupied by students at the rate of one student per every 1.00 sq.mt. of the floor area of all the class-rooms and sanitary facilities shall be provided according to the number of students so worked out.

(d) Residential Building or Residential Tenements:

Each residential building or residential tenement shall be provided with atleast one water-closet.

17.10 VENTILATION :

(a) Ventilation of Rooms: Every such room whether it is living room or a kitchen shall be constructed that the same have for the purpose of ventilation:

A window or windows and/or ventilators clear of the such frames, opening directly into an interior or exterior open air space or into an open verandah or gallery abutting on such open air spaces having an opening of not less than one tenth of the floor area of the room of an aggregate opening of doors, windows and ventilators of not less than one seventh of the floor area of the room.

Such aggregate opening in respect of sitting room, or dining room of three or more room tenements may be provided either by windows, ventilators or doors, if such room abuts on an open verandah or gallery.

(b) Factories and buildings of the warehouses:- Every room in such building shall be lighted and ventilated by sufficient number of windows, ventilators and sky lights exclusive of doors having clear opening not less than 1/7th of the floor area abutting on open air space of width not less than 1/3rd of the height of the part of the building abutting such open space.

Provided that this requirement may be relaxed if artificial lighting and ventilation are installed to the satisfaction of the Competent Authority.

(c) Ventilation of stair-cases:- Every stair case provided under the foregoing clauses shall be lighted and ventilated to the satisfaction of the Authority from an open air space not less than 1 sq.mt.

(d) Windows in stair-case Bay: There shall be provided a window or windows of an aggregate area of atleast 1.2 sq.metres on each storey in such of the wall of the stair-case room which abuts on such 1 sq.mt. open air space to light and ventilate such staircase.

(e) Ventilation from the Top and Skylight etc.:-Where an open well for light and ventilation, within the space enclosed by a stairway and its landings, is proposed tc be provided, the least horizontal dimensions of which are equal to two times the width of the staircase then the requirements of clause(c) and (d) may be dispensed with provided that there shall be in the roof directly over each such stair well, a ventilating skylight with provided fixed or movable louvers to the satisfaction of the Competent Authority. The glazed roof of the skylight shall not be less than 3.7 sq. Mts. in area. No lift or any other fixture shall be erected in such staircase well.

17.11 LOCATION OF OPENINGS :

Every person who undertakes construction work on a building shall so locate every opening abutting on any open space that the sill of such opening shall not be less than 90 cms. above the level of the floor from which such opening is accessible.

Provided that if such opening is to be constructed flush with floor level its lower portion for a height of 90 cms. shall be protected by bars or grill or similar other devices to the satisfaction of the Competent Authority.

17.12 STAIRWAY :

Stairway shall confirm to the following provisions in addition to items (i) to (vii) below. In addition, in order to satisfy fire fighting requirements any stairway identified as an exit stairway shall confirm to the requirement stippled in fire protection regulations provided in these regulations.

(i) **Width:**-The minimum width of a staircase other than a fire escape shall be as given in Table here under:

TABLE

Minimum width of common Stairway/Corridors for occupancies

Sr. No.	Type of occupancy	Minimum width of staircase/ Stairway/Corridor(in meters)
(1)	(2)	(3)
1	Residential building	
	(a) Low rise	1.2
	(b) Hotels and High rise	1.5
2	Educational building	
	(a) Upto 24 m. high	1.5
	(b) Over 24 m. high	2.0
3	Institutional buildings	
	(i.e. hospital)	
	(a) Upto 10 beds	1.5
	(b) Over 10 beds	2.0
4	Assembly buildings	2.0
5	Mercantile, business, industrial storage, hazardous, buildings	
	(a) Low Rise	1.5
	(b) High Rise	2.0

(ii) **Flight :**-No flight shall contain more than 12 risers, but in residential buildings, in narrow plots and in high density Housing a single flight staircase may be permitted.

(iii) **Risers :-** The maximum height of a riser shall be 19 cm. in a residential building and 16 cm. in any other occupancy. However, on an internal stairway within a dwelling unit a riser may be 25 cm. high.

(iv) **Treads :-** The minimum width of the tread without nosing shall be 25 cm. for staircase of a residential building, other than fire escapes. In other occupancies the minimum width of the tread shall be 30 cm. It shall have a non-slippery finish and shall be maintained in that fashion.

(v) **Head room :-** The minimum head room in a passage under the landing of a staircase under the staircase shall be 2.2 m.

(vi) **Floor indicator :-** The number of each floor shall be conspicuously painted in figures at

least 15 cm. large on the wall facing the fight of a stairway or at such suitable place as is distinctly visible from the fights.

(vii) **Hand Rail :-** Hand rail a minimum height of 0.9 m. from the centre of the tread shall be provided.

17.13 RAMPS :

(1) **Ramps for pedestrians:**

(a) **General:-** The provisions applicable to stairway shall generally apply to ramps. A ramp in a hospital shall not be less than 2.25 Mts. wide in addition to satisfy the fire fighting requirements.

(b) **Slope:-** A ramp shall have slope of not more than 1:10, it shall be of non-slippery material.

(c) **Handrail:-** A handrail shall be provided on both the sides of the ramp.

(2) **Ramps for handicapped people :-** The provision of the ramp with a handrail to every public building on ground floor only as compulsory for handicapped people, as per the revised National Building Code.

(3) **Ramp for basement or storied parking :-** For parking spaces in a basement and upper at least two ramps of adequate width and slope shall be provided preferably at the opposite and such ramps may be permitted in the side and rear marginal open spaces, after leaving sufficient space for movement of firefighting equipments.

17.14 ROOFS :

(i) **Effective drainage of rain water :-** The roof a building shall be so constructed or framed as to permit effectual drainage of the rain water there from by means of rain water pipes at the scale of at least one pipe of 10 cm. diameter for every 40 sq.m. of roof area. Such pipes shall be so arranged, jointed and fixed as to ensure that the rain water is carried away from the building without causing dampness in any part of the walls or foundations of the building or those of adjacent buildings.

(ii) **Manner of fixing rain water pipes :-** Rain water pipes shall be affixed to the outside of the walls of the building or in recesses or chases cut or formed in such walls or in such other manner as may be approved by the Competent Authority.

17.15 TERRACE :

Terraces shall be free from partitions of any kind and accessible by a common staircase.

7.16 PARAPET :

Parapet walls and handrails provided on the edges of the roof, terrace, balcony, etc. shall not be less than 1.15 Mts. from the finishing floor level and not more than 1.3 Mts. height above the unfinished floor level. Parapet construction shall be made of material and design, such that it ensure optimum safety to the user/occupants of the building.

.17 MOSQUITO-PROOF WATER TANK :

Water storage tank shall be maintained that perfectly mosquito-proof condition, by providing a properly fitting hinged cover and every tank more than 1.50 Mts. in height shall be provided with a permanently fixed iron ladder to enable inspection by anti-malaria staff.

17.18 REFUSE AREA/DISPOSAL OF SOLID WASTE :

Wherever a property is developed or redeveloped, a space for community-Bin for disposal of Solid Waste shall be provided in the road-side front marginal open space. The owners/occupants shall be required to provide the community-Bin with air-tight cover on top at the standards prescribed as follows :

(i) The size of community bin (container) shall be calculated at the rate of 10 liters capacity per tenement/dwelling unit, for Residential use of building; provided that the maximum capacity of container shall be 80 liters. The numbers of bins shall be calculated on the basis of total no. of dwelling units/tenements.

(ii) The size of community -Bin (container) shall be calculated at the rate of the 20 liters capacity for each 100 SMT of floor-area, in case of non-residential use of building; provided that the maximum capacity of container shall be 80 liters. The number of bins shall be calculated on the basis of total no. of dwelling units/tenements.

(iii) Provided that in case of Hospitals, Hotels, Restaurants like uses the disposal of Solid Waste shall be carried out as per the norms decided by the authority from time to time.

17.19 DISCHARGE OF RAIN WATER:

No roof or terrace abutting on a public street shall be constructed without providing sufficient number of downtake pipes and such pipes shall be so fixed as to discharge the rain water at a level not higher than 0.6 metre above the street level.

17.20 CONSERVATION OF ARTIFACTS, STRUCTURES AND PRECINCTS OF HISTORICAL AND/OR AESTHETICAL AND/OR ARCHITECTURAL AND/OR CULTURAL VALUE. (HERITAGE BUILDING AND HERITAGE PRECINCTS)

No development or redevelopment or change of use or engineering operations or additions, alterations, repairs, renovations including the painting of buildings, replacement of special features or demolition of the whole or part thereof or plastering of heritage buildings and/or heritage precincts and pols shall be allowed except with the written permission of the competent authority.

17.21 PROVISION OF LETTER BOX

In all case of building having more than two floors including ground floor a letter boxes for each separate unit shall be provided at ground floor level in such a way that post man can easily deliver the posts in them.

18 REGULATIONS FOR SPECIAL STRUCTURES

18.1 SPECIAL STRUCTURE

Regulations for Cinemas, theatres, meeting halls, lecture halls and town-halls:
In addition to the requirements specified under Building Regulations, the following regulations shall also be applicable.

(a) **Location:** The building for the above purpose shall be located directly on a road of 18 mts. or more in width either existing or proposed subject to other regulations.

(b) **Open Spaces:** In case of above uses, open spaces shall be provided as under:

(i) Front open space of 12 mts. width from the side abutting on the road shall be provided. Such open spaces may be permitted to be covered up to 6mts. from the building line with a projected cantilever structure at a height of not less than 3.00 mts. from the ground level.
Sides and rear open spaces of 6 mts. width shall be provided. In addition to the above, the Bombay Cinema Rules adopted by the State Govt. for cinemas and Janta theatres as amended from time to time, will also be applicable.

(c) **Minimum Requirements:** The following requirement shall be provided:

(i) The aggregate area of foyer exclusive of all passages shall be provided at every sitting-level at the rate of 0.1 sq.mt.per seat at that level, subject to minimum foyer width of 4.5 mts.

(ii) Entry and exit passages of minimum 3 meters width shall be provided.

(iii)Water-room and snack-bar shall be provided.

(iv)The booking-office shall always be so located that intending purchasers of tickets have not to queue up in open space.

(d) **Plinth:** The plinth shall be measured at the foyer level and it shall not be less than 45 cms.

(e) **Corridor:** No landing, lobby, corridor or passage, not being an internal passage between and/or across rows of seats, intended for use as an exit; shall be less than 3 meters in width and there shall be no recess or projections in the walls of such passages or corridors within 1.8mts. of the ground.

(f) **Doors:** The auditorium doors shall be provided at the rate of not less than one door of a dimension of 1.5 meters in width and 2.1 meters in clear height for every 150 seats or part thereof. All outside doors for the use of the public shall be made to open outwards and in such manner that when opened, they shall not obstruct any gangway, passage, stairway or landing. These doors shall be provided in such a way that they open in aisles or cross-aisles provided under these Regulations.

(g) **Balcony, its height, floor of an auditorium and arrangement of seats :**

(i) The height of the bottom balcony of the gallery shall not be less than 3 meters from the floor of the auditorium.

(ii) The clear distance between the backs of two successive rows shall not be less than 100 cms. but for seats with rocking backs it may be 90 cms.

(iii)The minimum width of balcony steps shall be 80 cms. provided that for the front and rear steps this distance shall be 90 cms.

(iv)The minimum height of the roof or ceiling at the highest steps of the balcony shall be 3.0 meters and at no place the distance between the nodding and lowest projection ray shall be less than 2.4 meters.

(v) The minimum width of the seat shall be 50 cms. provided that 25 percent of the total seats may permitted upto the width of 45 cms. to adjust the staggering of the seats. The width of the seats shall be measured from centre to centre of hand rails or arm rests.

(h) **Aisles:** Clear aisles not less than 1.2 meters in width shall be formed at right angles to the line of seating in such number and manner that no seat shall be more than 3.8 meters away from any ailses measured in the line of seating. Where all these aisles do not directly meet the exit doors,

cross aisles shall be provided in such number and manner that no row of seats shall be more than 7 meters away from cross-aisles. The width of cross aisles shall be 1.2 meters.

Provided further that in computing the number of cross-aisles , the door connecting the aisles with foyer shall be considered as cross-aisles.

Explanation: The first cross-aisles in such a case shall be provided after the fourteen rows from the door.

(i) Sanitary Accommodations :

(i) Water closet at the rate of one for 100 seats or part thereof and urinals at the rate of two for 75 seats or part thereof, at each seating level shall be provided.

(ii) One wash-basin for every 200 seats or part thereof shall be provided.

(iii) The above conveniences shall be suitably apportioned between two sexes.

(iv) Such water-closet and urinals shall be in accessible location and shall be provided with signs plainly indicating their purpose and the sex for which they are meant.

(j) Visibility Requirement:

(1) The seat nearest to the screen shall not be nearer than the effective width of the normal picture (ratio 1:1.33). This distance shall be 3/4 in case of cinema scope and other wide angles techniques and one half in case of 70 mm presentations.

(2) The elevation of the balcony seats shall be such that line of sight is not inclined more than 30° to the horizontal.

(3) The seats should preferably be staggered side-ways in relation to those in front, so that a spectator in any rows is not looking directly over the head of the person immediately in front of him.

(4) The position and height of the screen shall be regulated in such a way that the maximum angle of the line of vision from the front seat to the top of the screen shall not exceed 50.

(k) Ventilation: Every auditorium shall be lighted and ventilated by doors, ventilators and windows abutting on an interior or exterior open air space which shall not be less than 1/5th of the total floor area provided that if exhaust fans are installed or if the auditorium is air-conditioned, the requirement of this clause may be suitably relaxed by competent authority.

(l) Minimum Requirement of Stairs:

(i) Except where otherwise provided under these Regulations/bye-laws the minimum clear width of all the stairs shall be 1.5 Mts.

(ii) No stair-case shall have a flight of more than 15 steps or less than 3 steps and width of the landing between such flights shall be of the same width of the stair-case. The tread of the step shall not be less than 30 cms. The riser shall not be higher than 10 cms.

(iii)No space less than 2.4 Mts. in height shall be allowed under the floor of auditorium.

(iv) Except for a double-decker-cinema or theater, the access to the auditorium from the ground floor, if it is on upper floor or on stilts shall be provided by not less than three stairs: two of which shall be exit stairs. The clear width of these next stairs shall not be less than 2 meters.

(v) The access to balcony floor from auditorium floor shall be provided by not less than three stairs, two of which shall be exit stairs.

Provided that if one exit stair is to be provided instead of two, its minimum width shall be 2.4 Mts.

(vi) In case of double-decker-cinema or theater:

(a) The access to upper class auditorium from ground floor shall be provided by at least three stairs out of which two shall be exit stairs with minimum clear width of 2 Mts.

(b) The access to lower class auditorium from ground floor shall be provided by at least two stairs, one of which shall be exit stair.

(m) No permission shall be given for converting existing air-conditioned cinema theatre into non-air-conditioned cinema theater.

(n) **AIR- CONDITION**

The auditorium or the cinema should be air conditioned as per following general specifications:-

[1] Temperature range- 72^0 F to 80^0 F

[2] Change of Air per hour-approximate 10 times.

[3] Relative Humidity 50 p.c. to 60 p.c.

[4] Fresh air requirements. 7.5 C.F.M. per person approximately.

18.2 FIRE PROTECTION REQUIREMENTS

(1) **GENERAL** :- The planning design and construction of any building shall be such as to ensure safety from fire. For this purpose, unless otherwise specified in these Regulations, the provisions of Part IV: Fire Protection Chapter, National Building Code, shall apply. For multi-storied, high-rise and special building, additional provisions relating to fire protection shall also apply. The approach to the building and open spaces on all sides upto 6 m. width and their layout shall conform to the requirements of the Chief Fire Officer. They shall be capable to taking the weight of a fire engine weighing upto 18 tones. These open spaces shall be free of any obstruction and shall be motorable.

(2) **EXITS** :- Every building meant for human occupancy shall be provided with exits sufficient to permit safe escape of its occupants in case of fire or other emergency for which the exits shall conform to the following .

(i) **TYPES** :- Exits should be horizontal or vertical. A horizontal exit may be a door-way a corridor, a passage-way to an internal or external stairway or to an adjoining building, a ramp, a verandah or a terrace which has access to the street or to the roof of a building. A vertical exit may be a staircase or a ramp, but not a lift.

(ii) **GENERAL REQUIREMENTS** :- Exits from all the part of the building, except those not accessible for general public use, shall-

(a) provide continuous egress to the exterior of the building or to an exterior open space leading to the street;

(b) be so arranged that, except in a residential building, they can be reached without having to cross another occupied unit;

(c) be free of obstruction;

(d) be adequately illuminated;

(e) be clearly visible with the routes reaching them clearly marked and signs posted to guide any person to the floor concerned;

(f) be fitted if necessary, with fire fighting equipment suitably located but not as to obstruct the passage, clearly marked and with its location clearly indicated on both sides of the exit way;

(g) be fitted with a fire alarm device, if it is either a multi-storied, high-rise or a special building so as to ensure its prompt evacuation;

(h) remain unaffected by any alteration of any part of the building so far as their number.

width, capacity and protection thereof is concerned:

(i) be so located that the travel distance on the floor does not exceed the following limits :

(i) Residential, educational institutional and hazardous occupancies : 22.5 m.

(ii) Assembly, business, mercantile, industrial and storage buildings : 30 m.

NOTE:- The travel distance to an exit from the dead end of a corridor shall not exceed half the distance specified above.

When more than one exit is required on a floor, the exits shall be as remote from each other as possible.

Provided that for all multi-storied /high rise and special buildings, a minimum of two enclosed type staircases shall be provided, at least one of them opening directly to the exterior to an interior, open space or to any open place of safety.

18.3 REQUIREMENTS OF INDIVIDUAL EXITS AT EACH FLOOR :

The detailed requirements of individual exits at each floor are given below :-

(1) CORRIDORS :-

(a) Exit corridors shall be of a width not less than the total required width of exit doorways leading from them in the direction of travel to the exterior/stairway.

(b) Where stairways discharge through corridors, the height of the corridors shall not be less than 2.4 m.

(c) Where there is more than one staircase serving a building, there shall be at least one smoke-stop door in the between the staircases.

(2) DOORWAYS :-

(a) Every exit doorway shall open into an enclosed stairway, a horizontal exit or a corridor or passageway providing continuous and protected means of egress;

(b) An exit doorway shall open outwards i.e. away from the room, but shall not obstruct the travel along any exit. No door, when opened, shall reduce the required width of a stairway or landing to less than 90 cm.

(c) An exit door shall not open immediately upon a fight or stairs; a landing equal to at least the width of the door shall be provided in the stairway at each doorway; the level of the landing shall be the same as that of the floor which is serves.

(d) Exit doorways shall be openable from the side which they serve, without the use of a key.

(3) REVOLVING DOORS :-

(a) Revolving doors shall not be used as required exits except in residential, business and mercantile occupancies; they shall not constitute more than half the total required door width.

(b) When revolving doors are considered as required exit ways-

(i) The multiplier in Table 18.1 shall be increased by 33.1/3 percent, and;

revolving doors shall not be located at the foot of a discharge through a lobby or foyer.

(4) INTERNAL STAIRWAYS :-

(a) Stairways shall be constructed of non-combustible materials throughout.

(b) Any interior staircase shall be constructed as a self-contained unit with at least one side adjacent to an external wall and shall be completely closed.

(c) A staircase shall not be arranged around a lift unless the later is entirely enclosed by a material of fire resistance rating as that for type of construction itself. For multi-storied, high rise and special buildings, the staircase location shall be to the satisfaction of the Chief Fire Officer.

(d) In multi-storied/high rise and special building, access to main staircases shall be gained through at least half-an-hour fire-resisting automatic closing doors placed in the enclosing walls of the staircases. They shall swing type doors opening in the direction of the escape.

(e) No living space, store or other space, involving fire risk, shall open directly into a staircase.

(f) The external exit door of a staircase enclosure at ground level shall open directly to the open space or should be accessible without passing through any door other than a door provided to form a draught lobby.

(g) In multi-storied high rise and special buildings, exit signs with arrows indicating the escape route shall be provided at a height of 1.5 m. from the floor level on the wall and shall be painted with fluorescent paint. All exit way signs should be flush with the wall and so designed that no mechanical damage to them can result from the moving of furniture or other heavy equipment.

(h) Where a building has a single staircase, it shall terminate at the ground floor level, and the access to the basement shall be by a separate staircase. Where the building is served by more than one staircase, one of the staircases may lead to the basement level by either a ventilated lobby or a cut-off screen wall without opening, having a fire resistance of not less than 2 hours with discharge point at two different ends or through enclosures. It shall also be cut-off from the basement area at various basement levels by a protected and ventilated lobby/lobbies.

(5) FIRE ESCAPE OR EXTERNAL STAIRS :-

Multi-storied/high rise and special buildings shall be provided with fire escape stairs, which will be free of F.S.I., and they should conform to the following :-

(a) They shall not be taken into account in calculating the evacuation time of a building.

(b) All of them shall be directly connected to the ground.

(c) Entrance to them shall be separate and remote from the internal stair-case.

(d) Routes to the fire escape shall be free of obstruction at all times, except for a doorway leading to the fire escape, which shall have the required fire resistance.

(e) They shall be constructed of non-combustible materials.

(f) They shall have a straight flight not less than 75 cm. wide with 15 cm. treads and risers. not more than 19 cm. The number of risers shall be limited to 16 per flight.

(g) They shall be provided with handrails at a height not less than 90 cm. above the tread.

(6) RAMP :-

(a) All the requirements of sub regulation (4) of this Regulation shall apply to any ramps as they apply to a staircase.

(b) Ramps shall lead directly to outside open spaces at ground level or courtyards or other safe places.

(c) In a multistoried, high rise and special building, access to ramps from any floor shall be through a smoke-stop door.

(7) REFUGE AREA

(a) In multi-storied and high-rise buildings, at least one refuge area shall be provided on the floor immediately above every 18 mts. of building height.

(b) Such space should abut on external walls.

(c) It shall have a minimum area of 1.5 sq. mts. and a minimum width of 0.75 mt.

18.4 STRUCTURAL SAFETY AND SERVICES

(1) STRUCTURAL DESIGN

The structural design of foundations, elements made of masonry, timber, plain concrete, reinforced concrete, pre-stressed concrete and structural steel shall conform to the provisions of part VI Structural Design Section-1 Loads, Section-2 Foundation, Section-3 Wood, Section-4 Masonry, Section-5 Concrete, Section-6 Steel, National Building Code of India, taking into consideration the Indian Standards and Guidelines for hazard safety as given below:

a) For Earthquake Protection

1. IS:1893-1984 "Criteria for Earthquake Resistant Design of Structures (Fourth Revision)"
2. IS:13920-1993 "Ductile Detailing of Reinforced Concrete Structures subjected to Seismic Forces - Code of Practice"
3. IS:4326-1993 "Earthquake Resistant Design and Construction of Buildings - Code of Practice (Second Revision)"
4. IS:13828-1993 "Improving Earthquake Resistance of Low Strength Masonry Buildings - Guidelines"
5. IS:13827-1993 "Improving Earthquake Resistance of Earthen Buildings - Guidelines",
6. IS:13935-1993 "Repair and Seismic Strengthening of Buildings - Guidelines"
7. "Improving Earthquake Resistance of Buildings - Guideline", by Expert Group, Government of India, Ministry of Urban Affairs & Employment, published by Building Materials and Technology Promotion Council, 1998.

b) For Cyclone/Wind Storm Protection

8. IS 875 (3)-1987 "Code of Practice for Design Loads (other than Earthquake) for Buildings and Structures, Part 3, Wind Loads"
9. "Improving Wind/Cyclone Resistance of Buildings - Guideline", by Expert Group, Government of India, Ministry of Urban Affairs & Employment, published by Building Materials and Technology Promotion Council, 1998.

Note: Wherever an Indian Standard including those referred in the National Building Code or the National Building Code is referred, the latest version of the same shall be followed.

(2) In pursuance of the above, a certificate as indicated in Form-2(C) shall be submitted along with building plans/drawings and other building information schedule annexed thereto.

(2) QUALITY CONTROL REQUIREMENTS

(i) The quality of all materials and workmanship shall conform to accepted standards and Indian Standard Specifications and Codes as included in Part V Building Materials and Part VII Constructional Practices and Safety, National Building Code of India.

(ii) All borrow pits dug in the course of construction and repair of buildings, embankments etc. shall be deep and connected with each other in the formation of a drain directed towards the lowest level and properly stepped for discharge into a river.

stream, channel or drain, and no person shall create any isolated borrow pit which is likely to cause accumulation of water that may breed mosquitoes.

(iii) Alternative materials, method of design and construction and tests:-

The provisions of the Regulations are not intended to prevent the use of any material or method of design of construction not specifically prescribed in them provided any such alternative has been approved. Nothing of the provisions of these Regulations is intended to prevent the adoption or architectural planning and layout conceived as an integrated development scheme. The Competent authority may approve any such alternative if it conforms to the provisions of the relevant parts of the National Building Code, regarding material, design and construction, and the material, method, or work offered is, for the purpose intended, at least equivalent to that prescribed in these Regulations in quality, strength, compatibility, effectiveness, fire and water resistance, durability and safety.

(iv) All buildings shall be constructed on a quality control requirements.

(v) In case of existing building under construction based on approved building permission, structural safety requirements shall have to be observed. However, due to such structural work of strengthening/retrofitting if certain setbacks and margin get reduced, special permission may be granted on case to case basis.

(3) TESTS :

Whenever there is insufficient evidence of compliance with the provisions of the Regulations or evidence that any material or method of design or construction does not conform to the requirements of the Regulations, in order to substantiate claims for alternative materials, design or methods of construction, the Competent Authority may require tests, sufficiently in advance, as proof of compliance. These tests shall be made by an approved agency at the expense of the owner as follows :-

(i) TEST METHODS:- Test methods shall be as specified by the Regulations for the materials or design or construction in question. If there are no appropriate test methods specified in the Regulations, the Competent Authority shall determine the test procedure. For methods or tests for building materials, reference shall be made to the relevant Indian Standards as given in the National Building Code of India published by the Bureau of Indian Standards.

(ii) TEST RESULT TO BE PRESERVED:- Copies of the result of all such tests shall be retained by the Competent Authority for not less then two years after the acceptance of the alternative material

The testing of the materials as per Indian Standards shall be carried out by laboratories approved by the competent authority on this behalf.

The laboratory/agency shall work out in consultation with the construction agency a testing programme of materials such as cement, steel and quality of concrete including its mixing, laying and strength at site as well as in the laboratory.

This should cover various stages of construction from foundation to completion as per Regulation. The laboratory shall maintain a duly authenticated report in a bound register, copy of which will be submitted to the construction agency, which will in turn forward the testing report to the competent authority.

(5) Structural Stability and Fire Safety of Existing Buildings

i. The Competent Authority shall have the assessment of structural and/or fire safety of an existing building/structure damaged/undamaged carried out at stipulated periodical intervals through expert(s) chosen from a panel of experts

identified by the Competent Authority.

ii. The owner/developer/occupant on advise of such expert(s) shall carry out such repair/restoration and strengthening/retrofitting of the building found necessary so as to comply with the safety standards laid down in the National Building Code and the Indian Standards as specified.

In case, the owner/developer/occupant does not carry out such action, the competent authority or any agency authorized by the competent authority may carry out such action at the cost of owner/developer/occupant.

iii. The Competent Authority shall specify the period within which such compliance is to be carried out.

iv. The Competent Authority may also direct the owner/developer/occupant, whether the building could be occupied or not during the period of compliance.

v. In case of existing building under construction based on approved building permission, structural safety requirements shall have to be observed. However, due to such structural work of strengthening/ retrofitting if certain setbacks and margin get reduced, special permission.

18.5 BUILDING SERVICES

(1) **ELECTRICAL INSTALLATIONS:** The planning, design and installation of electrical installation, air-conditioning and heating work shall conform to the provisions of Part VIII Building Services. Section 2- Electrical Installations. Section 3-Air-conditioning and Heating, National Building Code of India.

(2) LIFT:

(a) PLANNING AND DESIGN :

The planning and design of lifts including their number, type and capacity depending on the occupancy of the building, the population on each floor based on the occupant load and the building height shall be in accordance with Section 5- Installation of Lifts and Escalators, National Building Code of India.

(b) **MAINTENANCE :**

(i) The lift installation should receive regular cleaning, lubrication adjustment and adequate servicing by authorised competent persons at such intervals as the type of equipment and frequency of service demand. In order that the lift installation is maintained at all times in a safe condition, a proper maintenance schedule shall be drawn up in consultation with the lift manufacturer and rigidly followed. A log book to record all items relating to general servicing and inspection shall be maintained. The electrical circuit diagram of the lift with the sequence of operation of different components and parts shall be kept readily available for reference by persons responsible for the maintenance and replacement, where necessary, to the satisfaction of the competent authority.

(ii) Any accident arising out of opefation of maintenance of the lifts shall be duly reported to the competent authority.

19 PARKING

19.1 Minimum parking space

Off-street parking spaces for vehicles shall be provided for every new building constructed for the first use or when the use of old building is changed to any of the uses mentioned in the table below:

TABLE FOR MINIMUM OFF STREET PARKING SPACES:

(In all areas including existing Gamtal & Walled City)

Sr. No.	Type of use	Parking space Required	Remarks
1	Residential (Flats/Apartments)	15% of maximum permissible F.S.I	(1) Dwelling units Above 80 Sq. Mts. built up area 50% of the total parking space requirement shall be reserved for cars. (2) Upto 80 Sq. Mts. built up area 25% of the total parking space requirements shall be reserved for Cars. (3) 10% of the total parking space requirements shall be reserved for visitors at ground level.
2	Cinema theatre, public assembly hall auditorium, stadium etc.	1 Sq Mts. per seat	50% of the total parking space requirements shall be reserved for Cars.
3	Industrial	10% of Building Unit	50% of the total parking space requirements shall be reserved for Cars.
4	Commercial and business establishments including business office, bank, hotel, guest house, lodge, eating house, restaurant, institutional building etc. and Health facilities including Hospitals & Nursing Homes etc.	30% of maximum permissible F.S.I Note :(1) The parking space so required shall be provided excluding required marginal space and Built up area with solid plinth subject to other regulation (2) 20% of the parking space required at the ground level shall be exclusively provided for visitors.	50% of the total parking space requirements shall be reserved for Cars.
5	Community buildings such as community hall/ marriage hall/ community wadi/ recreational club/ and religious building, party plot, club house etc.	50% of Building Unit..	50% of the total parking space requirements shall be reserved for Cars.
6	a) Primary schools. b) Secondary and higher secondary	20 Sq. Mts. for every 100 students. 50 Sq.Mts. for every 100 students	For computing number of students 0.75 sq. mts. floor area is equal to 1 (one) student.

Sr. No.	Type of use	Parking space Required	Remarks
	schools (c) Colleges and coaching classes.	70 Sq. Mts. for every 100 students	

7	Special building for uncommon uses :
	(a) stock exchange
	
	(b) grain market, timber market, iron market, agricultural market, and such other wholesale Trade.
		For (a) and (b)
		30% of maximum permissible F.S.I
			For (a) 50% of the total parking space requirement shall be reserved for cars.
			
			For (b) 50% of the total parking space requirement shall be reserved for heavy motor vehicles.
			Competent Authority/Municipal Commissioner shall specify the number and types of vehicles likely to be use in addition to Col. No. 4 For (a) and (b) of col. No.2

NOTE:

(1) Building Units/Plots abuts on 9.00 Mts. or more width road Parking shall be Provided as under.

For Ground floor Built-up Area without hollow plinth the Parking shall be Provided as per Commercial Standards and for other floors Built-up Area Parking shall be Provided as per Regulations.

(2) Above space shall be provided in addition to adequate vehicular access to the street.

(3) In a marginal space of 3.0 mts or more may be allowed for parking if it forms part of parking layout as required under 19.2.

(4) Parking requirement shall be calculated on the basis of maximum permissible F.S.I.

(5) In cases where misuse of parking space is noticed, the use of entire building shall be discontinued and the use shall be permitted only after the parking spaces are made possible for parking use. High penalty as decided by Competent Authority from time to time shall be levied considering the period of misuse of the parking space and the benefit derived out of misuse.

(6) In cases where more parking space is requested, the Competent Authority may grant the request for providing parking in cellar or at upper floors with specific conditions to take care of genuine requirements.

(7) Parking reserved for the visitors shall be provided on ground level only.

19.2 THE PARKING LAYOUT SHALL FULFILL THE FOLLOWING CONDITIONS

(1) The minimum width of access to street from parking space shall be 3.0 meters.

(2) The Car parking space shall have two independent accesses leading street if its area capacity exceeds 300 Sq.Mts.

Provided that one such access may be permitted if its minimum width is 6 meters.

(3) If the parking space is not provided at street level the gradient of ramp leading to parking space shall not be more than 1:7 i.e. the vertical rise shall not exceed more than 1 Mt. over a horizontal distance of 7 meters.

(4) Clear head way of 2.4 meters, shall be provided on every access leading to parking space and at any point in parking space.

(5) The general arrangement of parking layout shall be in conformity with the general instruction as may be issued by the Competent Authority from time to time.

(6) Width of ramp to the cellar may be 2.00 mts. Provided cellar is exclusively used as parking space for two wheeler vehicle only.

20 GASOLINE (MOTOR FUEL) FILLING STATIONS AND GASOLINE FILLING CUM SERVICE STATIONS

20.1 DEFINITION

20.1.1

The term "Filling Station" is a place of retail business engaged in supplying and dispensing of Gasoline (Motor- Fuel) and motor oil essential for the normal operation of automobiles.

20.1.2

The term "Filling cum Service station" is a place of retail business engaged in supplying goods and services essential for the normal operation of automobiles. These include dispensing Gasoline and Motor- oil, the sales and services of tyres, batteries and other automobiles accessories and replacement item and washing and lubrication. They do not include the body of tender work, painting or other major motors repairs and over hauling.

20.2 REQUIREMENTS OF FILLING STATIONS AND FILLING-CUM SERVICE - STATION.

20.2.1 SPACE REQUIREMENTS:

(1) The minimum size for the location of Filling Station and filling cum Service Station shall be as follows:

filling station 30.00 mts. x 36.50 mts. (In intensely developed areas the minimum frontage may be relaxed by the Authority after complete investigation).

Filling cum service station shall be 2000 sq.mts. having frontage not less then 30.00 mts.

(2) Except in hilly terrain, the plot should be on level ground.

(3) Every filling station should provide for one parking space for each four employees with a minimum of two car parking space.

(4) In the case of filling cum service stations in addition to parking space requirements given above provision should also be made for one car parking space for each service station.
(5) Common plot shall not be required.

20.3 TRAFFIC REQUIREMENTS:

(1) A filling station or filling cum service station is a major generator of traffic and as such present a degree of traffic hazard on the road on which it is sited. This potential traffic hazard determines the number of station that can be permitted in any section of the road or the highway or in a section of a city, the objective being to keep the traffic hazard to the minimum.

(2) A filling station or filling cum service station should not be located opposite a break or opening in the central verge on a dual carriage as this will encourage the traffic to cross the road while entering a filling station or filling cum service station.

(3) A filling station or filling cum service station preferably may not be sited too closed to an intersection to a traffic island on the main road. To assure satisfactory wearing distances, the minimum desirable distance between an access to a station and the tangent point of the traffic island or intersection should be 80.00 mts.

(4) In the case of main road provided along with a service road or a marginal access road. the access to the station should be provided from the service the marginal access road and not from the main road.

(5) On road having heavy traffic, it is desirable to provide one station on either side of the road so that vehicles are not required to cross the road. On roads the traffic cannot support two filling station open on either side, one may be located on either sides provided the site is not close to a junction and confirm to the requirements of the 3 above.

(6) Sitting of the stations on road curves or bends are a safety hazard and should be avoided. Filling cum service station should not be located adjacent to the residential houses.

(7) The minimum distance of the property line of the filling station from the central line of the road must not be less than 15.00 mts. or half the proposed right of way of the road, whichever is more. In the case of National Highways, and major road in the urban areas they should be set back so as to be outside the ultimate right of way of the highway along which it is to be located. However, variations can be approved in special cases if allowed by the competent Authority after complete investigation.

(8) The heaping up of the oil cans and other goods within the premises which tend to create a sort of ugly character to the area should be discouraged. Preferential locations in highly congested highways in urban areas create traffic problems which need proper and careful examination. Similarly the concentration of filling station and service station etc. along traffic or arteries creates problems in maintaining street capacity thereby depriving the community facility for mass and quick transport along the highway in urban.

20.4 ENTRANCE AND EXIT CONSIDERATIONS:

(1) In all location of filling stations. The basic principle governing location as well as exit and entrance consideration is to minimize as much as possible interference with normal flow of traffic on the road.
(2) For easy flow of the station a minimum frontage of 30.00 mts. shall be provided with wide and easy entrance and exit kerbs, vehicles entering and leaving the station should be fully visible to the traffic on the main road and there should not be any obstruction to view between the filling station pumps and the road.
(3) The following minimum requirements for the ingress should be observed.

i) Maximum width of the drive ways at the side walk:9.00 mt

ii) Minimum angle of intersection of drive ways with the street pavement 60 (degree)

iii) Minimum angle of intersection of drive ways with the street pavement 60 (degree)

iv) Minimum distance from any drive way to any exterior property line: 6.00 mts.

v) Minimum distance from any driveway to any interior plot line : 3.00 mts.

vi) Minimum distance between kerbs sites : 9.00 mts

21 CONTROL OF SIGNS(HOARDINGS) AND OUTDOOR DISPLAY STRUCTURES AND PAGING TOWER AND TELEPHONE TOWER AND OUTDOOR DISPLAY STRUCTURES

21.1 PERMISSION

Only authorised signs (Hoarding) paging tower and telephone towers will be permitted.

21.2 DESIGN AND SIZE

Every hoarding shall be designed so as to withstand the wind, dead, seismic and other loads and other structural requirements in accordance with the NBC.

In the case of shopping units in commercial areas and/or residential-cum-commercial buildings, the display boards shall be at the same height above the shopping arcade and shall ordinarily be 45.5 cms. to 61 cms. in height. The placement and size of the boards shall form a part of the building permission and no change therein shall be permitted nor shall any additional boards be allowed to be displayed.

Sizes of hoarding along the various roads shall be governed by the following table:

Road width range (in Mts.)	Height of hoarding(width)	Maximum length of hoarding.
a)National Highway & roads more than 50 Mts. in width.	3 Mts.	6.00 Mts.
b)20 Mts. to 50 Mts.	3 Mts.	4.50 Mts.
c)10 Mts. to 20 Mts.	2 Mts.	3.00 Mts.
d)Less than 10 Mts.	1 Mts.	1.50 Mts.

No variation in the height of hoarding shall be permitted, However, variation in length shall be allowed in multiple of 1.5 Mts.

21.3 PROHIBITED SIGNS

The following signs are prohibited along major roads, having width beyond 18.00 Mts.

a) Any sign that by reason of its shapes, position or colour may be confused with an authorised traffic sign or signal.

b) Any sign containing the word "Stop" ,"Look" ,"Danger" or other similar word that might mislead or confuse the travelers.

c) Any sign that is attached to or printed on a rock or other natural objects and

d) Any sign that is located within a public right-of-way unless it is an official street name, traffic sign or signal or other official sign.

21.4 GENERAL RESTRICTIONS

1) No ground sign shall be erected to a height exceeding 9 Mts. above the ground. Lighting, reflections may extend beyond the top of face of the sign.

2) Every ground sign shall firmly supported and anchored to the ground. Supports and anchors shall be of treated timber in accordance with good practice or metal treated for corrosion resistance or masonry or concrete.

3) No ground sign shall be erected so as to obstruct from access to or egress from any building and;

4) No ground sign shall be set nearer to the street line than the established building line.

5) Distance from the junction of road:- No sign or hoarding along roads shall be permitted within a distance of 100.0 Mts. from the junction or the inter-section of roads. This distance being measured between hoarding and the centre line of a junction.

6) Any hoarding which in the opinion of the Authority is likely to be confused with unauthorised traffic sign or signal shall not be permitted.

7) No hoarding on read less than 10 Mts. wide shall be permitted in existing Walled City and Gamtal.

8) Any hoarding containing the words "Stop", "Look", "Danger" or other similar words that might mislead or confuse the travellers shall not be permitted.

9) No hoarding shall be permitted within a distance of 100.0 Mts. from any public park.

10) No hoarding shall be permitted in the open margin space of the building.

21.5 HOARDING ON ROOF

Following provisions shall apply for Roof Signs.

a) Location: No roof sign shall be placed on or over the roof of any building, unless the entire roof construction is of non-combustible material. The top of sign board should confirm the building height regulations.

b) Projection: No roof sign shall project beyond the existing building line of the building on which it is erected or shall extend beyond the roof in any direction.

c) Support & Anchorage: Every roof sign shall be thoroughly secured and anchored to the building on or over which it is erected. All loads shall be safety distributed to the structural members of the building.

21.6 WALL SIGNS

Following provisions shall apply for wall signs.

a) Dimensions: The total area of the sign shall not exceed 10 percent of the total area of the facade on which the sign is erected. The facade of the building shall be subdivided into blocks of uniform height and the area of the sign erected on particular block shall not exceed 10 percent of the area of that block.

b) Projection: No wall sign shall extend above the top of the wall or beyond the ends of the wall to which it is attached. At any place where pedestrians may pass along a wall, any wall sign attached there to shall not project more than 7.5 cms. there from within a height of 2.5 Mts. measured from the level of such place.

c) Support & Attachment: Every wall sign shall be securely attached to walls, wooden blocks or anchorage with wood used in connection with screws, staples or nails shall not be considered proper anchorage, except in the case of wall signs attached to walls of wood.

d) Reflectors: Lighting reflectors may project 2.4 Mts. beyond the face of the wall provided such reflectors are at least 4 m above the footpath level, but in no case shall such reflectors project beyond a vertical plane one meter inside the kerb line.

21.7 PROJECTING SIGNS

No projecting sign or any part of its supports or frame work shall project more than 2 meters beyond the main face of the building to which such sign is attached. At every place where pedestrians may pass underneath a projecting sign, an over-head clearance of at least 2.5 Mts. shall be maintained.

Comprehensive Sign Design: Particularly in the case of an existing structure where because of the code amendment new signage is likely to cover less of the building facade than previously, it is hoped that Comprehensive Sign Designs will encourage the rehabilitation of the building front itself as well as the careful design of the sign that goes on it.

21.8 SIGNS IN URBAN RENEWAL PROJECT AREAS

These signs must confirm with the zoning regulations and with the urban renewal plan or special restrictions for the area, which may include additional regulations or requirements.

21.8.1 BANNERS, SIGN-BOARDS ETC :

Banners, signboards and several other kinds of signs other than on-premise signs shall be only temporarily permitted.

21.8.2

No signs within 30 Mts. distance of a park entrances or institutional entrances shall be permitted.

21.9 HISTORIC BUILDINGS

The Competent Authority is empowered to deny the permission on the ground of ambiance of heritage buildings and precincts.

21.10 DEPOSIT AND FEES

1) The fees for erection and maintenance of the hoarding shall be charged as decided by Competent Authority from time to time.
2) The fees for hoarding shall be paid by the applicant in advance, for the calendar year or part thereof.

21.11 TELECOMMUNICATION INFRASTRUCTURE (PAGING, CELLULAR MOBILES, 'V' SAT. , MTNL ETC.)

1) Following provisions shall apply for telecommunication infrastructure.
   a) Location : The Telecommunication Infrastructure shall be either placed on the building roof tops or on the ground or open space within the premises subject to other regulations.
   b) Type of structure :
      (i) Steel fabricated tower or antennae's on M.S. pole.
      (ii) Pre-fabricated shelters of fibre glass or P.V.C. on the building roof top/terrace for equipment.
      (iii) Masonry Structure/ Shelter on the ground for equipment.
      (iv) D.G. Set with sound proof cover to reduce the noise level.
   c) Requirement: (i) Every applicant has to obtain/ procure the necessary permission from the "Standing Advisory Committee on Radio Frequency Allocation" (SACFA)

issued by Ministry of Telecommunications.

(ii) Every applicant will have to produce the structural stability certificate from the registered structural engineer which shall be the liability of both parties

(iii) Applicant have to produce/ submit plans regarding the same.

d) Projection: No Pager and/or Telephone Tower shall project beyond the existing building line of the building on which it is erected in any direction.

2) DEPOSIT AND FEES : The fees for erection and maintenance of the hoarding shall be charged as decided by Competent Authority from time to time.

22 MINNING, QUARRYING AND BRICK KILN

The following regulations shall govern the mining, quarrying and brick kiln operations.

22.1

No mining, quarrying and brick kiln operations where no blasting is involved shall be permitted within a distance of 50 Mts. from the boundary of any public road, railway line, canal, transmission line or any other building. No mining and quarrying operations an brick kiln operations which involves blasting shall be permitted within a distance of 200 Mts. from any public road, railway line, canal, transmission line or any other building.

22.2

No building operations shall be permitted on the plot on which mining and quarrying and kiln operations have been permitted, without the prior approval of the Authority.

22.3

The mining, quarrying and brick kiln shall be permitted for a stipulated period not exceeding three years from the date of development permission at a time and shall be so prescribed in the development permission.

22.4

The following shall govern the mining, quarrying and brick kiln operations and shall form conditions of the development permission:

1) The mining, quarrying and brick kiln operations shall not cause any nuisance to people in the vicinity.
2) The mining, quarrying and brick kiln operations below the average ground level shall be permitted only for the extraction.

23 CONTROL OF AIR AND WATER POLLUTION

23.1

No industrial effluent shall be disposed or exposed so as to cause nuisance and endanger to public health.

23.2

Without prejudice to the generality of the above provisions, the Competent Authority may stipulate certain conditions or measures to control the air borne emissions and liquid effluents from industrial units. These measures shall be stipulated as conditions of the development permission.

23.3

Industries in the special industrial zone which emit liquid and gaseous effluents shall not be allowed to emit such effluent unless they are purified and rendered harmless from the public health point of view by provision of purification plants, as may be prescribed by the Competent Authority and/or the Gujarat Pollution Control Board.

23.4

Controls as prescribed from time to time by the pollution control board / Competent Authority shall be applicable to all development and redevelopment.

24 CONTROL OF DRAINS, SEWERS, DRAINAGE AND SEWAGE WORKS

Regulations for regulating the construction maintenance and control of drains, sewers, drainage and sewage works of any description within Development Area.

24.1 DEFINITIONS:

In these regulations unless the content specifically indicates otherwise, the meaning of the terms used shall be as under:

1) "Sewer System" shall mean the sewage disposal system.
2) "Engineer" shall mean the Engineer of Authority or the authorised person or its deputy or representative duly authorised from time to time to act on his behalf.
3) "Person" shall mean any individual firm, company, association, society, corporation or group.
4) "Sewer" shall mean a pipe, or conduct or other construction provided for carrying sewage.
5) "Building Sewer" shall mean the sewer under the control of the property owner and extending from the building to the first inspection chamber or manhole.
6) "Public sewer" shall mean a sewer in which all owners of abutting properties may discharge, and which is controlled by the public body.
7) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground water are not admitted.
8) "Storm Sewer" shall mean sewer which carries storm and surface water and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
9) "Combined Sewer" shall mean a sewer receiving both sewage and surface run off.
10) "Sewage" shall mean a combination of the waters carried from residences, business buildings, institutions and industrial establishments, to go there with such ground surface and storm waters as may be present.
11) "Industrial waters" shall mean the liquid wastes from industrial manufacturing process, trade, business or form of any development, recovery or processing operation, as distinct from sanitary sewage.
12) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling storage, and sale of produce.
13) "Properly Shredded Garbage" shall mean the waste from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be of 1 cm. carried freely under the flow conditions normally prevailing in sewers with no particle greater then 1 cm in any dimension.
14) "Sewage Treatment Plant" shall mean any arrangement or devices and structures used for treating sewage.
15) "Sewage works" shall mean all facilities for collecting, pumping, treating and dispensing of sewage.
16) "Water Course" shall mean a channel in which a flow of water occurs either continuously or intermittently.
17) "Natural Outlet" shall mean a channel in which a flow of ground water occurs continuously.
18) "Sludge" shall mean any discharge of water sewage industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any duration longer than 15 minutes, five times the average 24 hour concentration or flow during normal operation.
19) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogeneous in grams per litre of solution as determined by procedures outlined in standard methods.
20) "Biochemical Oxygen Demand" (abbreviated as B.O.D.) shall mean the quantity of oxygen utilised in the biochemical oxidation of organic matter in five days at 20 o c expressed in milligrams per liter, as determined by procedures outlined in standard methods.
21) "Suspended Solids" shall mean solids that either float on the surface or are in suspension in water sewage or other liquids or which are removable by a laboratory filtering device quantitative determination shall be done in accordance with methods.
22) "Gallon" shall mean Imperial Gallon.
23) "Control Manhole" shall be the manhole so designated for the express purpose of collecting waste effluent samples and facilitating observation and measurement of waste as necessary from a property. It shall be the manhole at the junction of the building sewer with the public sewer or the nearest manhole on the public sewer down stream of the junction of the building sewer with the public sewer as may be decided by the Engineer.

24) "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods' for the examination of water, sewage and Industrial wastes published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. However, the use of identical analytical procedure outlined by the World Health Organisation or the Indian Standards Institution of the Government of India, from time time , whenever such procedures exist will be permitted.

24.2 REGULATIONS

1) It shall be unlawful for any person to place, deposit, or permit to be deposited in any incinerate manner on public or private property within the jurisdiction of Competent Authority any human or animal excrement, garbage or other objectionable waste.

2) It shall be unlawful for any person to discharge to any natural outlet or any where, within the area under the jurisdiction of Competent Authority any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of these regulations.

3) For permission to discharge into the sewage system from establishments producing industrial wastes, the owner or his authorised agent shall make application on a special form furnished by the Competent Authority as the case may be. The permit application shall be supplemented by any plans, specifications, sample test reports or other information considered pertinent in the judgement of the Engineer. An inspection fee of Rs.100/- for an industrial building sewer permit shall be paid at the time application is filed. All industrial and trade establishments existing and discharging industrial wastes into the sewer system at the time of enactment of these regulations shall also require permission to discharge into the sewer under these regulations.

4) No person shall discharge or cause to be discharged any storm water surface water, ground water, roof run-off, or subsurface drainage to any sanitary sewer. uncontaminated cooling water or unpolluted industrial process water be permitted to be discharged to any sanitary sewer by the Engineer if storm sewer is not available.

5) Storm water and all other unpolluted drainage shall be discharged to such sewer as are specifically designated as storm sewers or to a natural outlet approved by the Engineer. Industrial cooling water or unpolluted process waters may be discharged with the prior approval of the Engineer to a storm sewer or natural outlet.

6) Grease, oil and sand interceptors of approved type and capacity shall be provided when in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand or other harmful ingredients, such interceptors shall be so located as to be readily accessible for cleaning and inspection.

7) No storage rooms where acids, cyanide, cyanogen compound or other dangerous substances are stored, shall be connected directly to the public sewers or to any natural outlet, curing holding pit, or other approved arrangement may be required to be provided so that accidental discharge can be caught and disposed off in a safe manner.

8) All permits granted under Regulation No.24.2(3) shall be valid for a period of 3 years and it shall be incumbent on the owner or his authorised agent to make an application for renewal with payment of renewal fee of Rs.75/- three months before the 'expiry' of the permit period furnishing sample test reports and any other information considered pertinent in the judgment of the Engineer.

9) No person shall discharge or cause to be discharged any of the following described kinds of sewage, industrial or factory waste into any sewer or body of water within or entering the area:

   i) Any liquid or vapor having a temperature higher than 111 °F(45 °C).

   ii) Any water or waste having a pH Lower than 5.5 or higher than 9.5.

   iii) Any water containing fats, wax grease, tars or oils whether emulsified or not, in excess of 100 MG/L or containing substance which may solidify or become viscous at temperatures between 32 of and 150 of (O °C and 65 °C).

   iv) Any petroleum products, fuel oil, calcium carbide benzene, hapthane, cleaning solvents or other inflammable or explosive materials in liquid, or gaseous form and having a flash point lower then 187 of.

   v) Any solid or viscous substances in quantities or of such size or specific gravity as would be

capable of causing obstruction to the flow in sewers or other interference with the proper operation of sewage work such as, but not limited to, ashes, cinders, sand stone dust, mud, straw, shaving metal, glass, rags, feathers, star, plastics, wood fuller's earth, lime slurries and residues, pulp and paper mill wastes, ungrounded garbage, paper dishes, cups, food containers, etc. either whole or grounded by garbage grinders.

vi) Any paunch manure or intestinal contents from animal, grease oil, hooves, toenails, bees, bristles, whole blood, fleshing and har resulting from slaughtering, tanning and other operations, which may cause difficulty to the sewer system.

vii) Any garbage that has not been properly shredded as defined in definition 24.1 (13). The installation and operation of any garbage grinder equipped with a motor of 3/4 H.P.(0.76 H.P.) metric or greater shall be subject to review and approval of the engineer.

viii) Any soluble substances in such concentration as to increase the viscosity of the water or greater than 1:10 specific viscosity.

ix) Any waters or water containing toxic, poisonous, solids, liquid or gases in sufficient quantity either singly or by interaction with other wastes likely to injure or interfere with any sewage treatment process, constitute a hazard to human or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to:

a) Cyanides in excess of 2 Mg./L as CN;

b) Haxavelent chromium in excess of 3 Mg./L as GO;

c) total iron excess of MG./L as Fe.

x) Any waters or wastes containing constituents such as but not limited to the following objectionable limit which in the opinion of the Engineer are likely to interfere with sewage treatment or exceed limits after treatment of the sewage to meet the requirements of the State, or other public or local authorities for discharge to the receiving water:

Copper	UPTO	3Mg/L
Zinc	UPTO	15Mg/L
Lead	UPTO	1Mg/L
Nickel	UPTO	2Mg/L

xi) Any waters or waste containing phenols or other tastes or odor producing substances in concentrations exceeding o.oo5 Mg/L.

xii) Any radio active waste should not exceed following limits:

Radio active material:

i) Alpha	-7
Emitters Max	1-0 mc/ml
ii) Beta	-6
Emitters Max	1-0 mc/ml

xiii) Any malodorous gases and acetylene generation sludge.

xiv) Any water or waste containing sulfides, sulphurdioxide, nitrousoxide or any of the halogens exceeding 10 Mg/L in concentration.

xv) Any water or waste containing sulphates in excess of 1000 Mg/L concentration.

xvi) Any water or waste having B.O.D. more than 300 Mg/L.

xvii) Any water or waste having average suspended solids more than 600 Mg/L.

xviii) Any water or waste having dissolved solids in excess of 2100 Mg/L concentration.

ixx) Any water or waste containing following elements in excess of respective proportion mentioned against them:

Parameters	Standard-Mg/Lit.
Chloride (as Cl.)max	600
Fluoride	15
Ammonia Nitrogen(as N)max.	50
Boron(as B) max	2
% Sodium max	60
Free Ammonia (as NH)	5
Pesticide	Absent.
Arsenic(as As)	0.2
Mercury (as Hg)	0.01
Cadnuyn (as cd)	2.0

xx) No person shall discharge or caused to be discharged any of the following kinds of sewerage, industrial or factory waste into any river or creeks, exceeding respective levels as shown in Appendix attached, at the end of this chapter.

10) No person shall discharge or caused to be discharged substances, materials, waters or wastes, if it appears likely in the opinion of the Engineer that such wastes are not amenable to satisfactory treatment or can harm either sewers, sewage treatment process or equipment have an adverse effect on the reviving stream or can otherwise endanger life, limb, public property, or constitute a nuisance: In forming his opinion as to the acceptability of such wastes the Engineer will give consideration to such factors as the quantities of wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, degree of treatability of wastes and other pertinent factors.

11) At such time as the sewage works are not overloaded, the engineer may at his discretion permit greater degree of pollution than set out in this regulation No.9(xvii) but in no case exceeding the following:

a) B.O.D. of 600 Mg/L. and

b) Average suspended solids 1200 Mg/L.

12). The permission mentioned in regulation will be given only upon payment of surcharge in addition to the usual sewer charges, and it will be liable to the withdrawn on 3 months notice. The rates for surcharge will be decided by the Authority from time to time.

13) If any waters of wastes which are discharged, or are proposed to be discharged to the public sewers, contain the substances or process characteristics enumerated in these regulations and which in the judgment of the Engineer may have a deleterious effect upon the sewage works, processes, equipment or reviving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer may:

a) reject the wastes.

b) require pre-treatment in a private waste treatment system to an acceptable condition for discharge to the public sewers.

c) require provision of flow equalizing facilities for control over the quantities and rates of discharge to avoid unusual volumes or flow or concentration of waste constituting slugs as defined.

d) require payment of surcharge as detailed in regulation 12 above.

14) The owner shall operate and maintain continuously and effectively at his expense the private waste treatment of flow equalization system in a sanitary and safe manner at all times.

15) When required by the Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary appurtenances in the building sewer to facilitate observation sampling and measurement of the wastes. Such manhole when required shall be accessible at all times. In a default of the owner to install and maintain a control manhole and any required appurtenance within 1 month of a written notice from the Engineer to do so, the latter shall be entitled to estimate the quality and quantity in any manner or method practicable for computing the amount of the surcharge and the presence of the objectionable constituents laid down in Regulation No.9, 10 and 11 above.

16) In the event that no special manhole has been required, the control manhole shall be connect to the nearest down stream manhole in the public sewer to the point at which the building sewer is connected.

17) Sampling shall be carried out to reflect the effect of constituents upon the sewage works and to determine the existance of hazards to life, limb and property. The particular analysis involved will at the discretion of Engineer be done either on basis of a 24 hours composite of all discharge of a property or as a grade sample or samples. Normally B.O.D. and suspended solids analysis are determined from 24 hours composites whereas pH is determined by grade samplings.

18) All tests and analysis of the characteristics of water and wastes to which reference is made in these Regulations shall be determined in accordance with Standard Methods as mentioned in definition 24.1(24) and shall be determined at the said control manhole in the presence of representatives of all parties concerned, and tested at a Municipal or any other laboratory approved by the Engineer.

19) The Engineer may at any time before or after issue of permit or grant of connection, run additional tests of the sewage or wastes being discharged by any trade or industry over such period as it may deem necessary, cost of such test shall be borne by the Competent Authority.

20) In the event of taste showing greater degree of pollution than permissible under the Regulation at No.24.2.9(xvi) and (xvii); above the surcharge, if any to be paid, shall be computed on the basis of the latest test and shall be levied from the billing period in which the tests are carried out. If any such testing by the Competent Authority shall show reduced degree of pollution in the wastes sufficient to exempt from payment of surcharge the same shall become effective from the next billing period.

21) If the owner is of the opinion that for any reason the nature of the sewage presently being discharged into the sewer has a substantially lessened degree of pollution than as shown by prior tests, he may request the Competent Authority to make new test more than once in each billing period to be made at his expense. Such test will be taken by the Engineer at his discretion within three months from the date of application. If the Engineer is satisfied that such tests were made when the plant was operating under normal conditions, the results of the latest tests shall be used in computing or exempting from the surcharge.

22) The Engineer or other duly authorised employees of the Competent Authority shall be permitted to enter all properties for the purposes of inspection, observations of these regulations and having a direct bearing on the nature and source of discharge.

23) Any person found to be violating any provision of these regulations shall be served by the Competent Authority with written notice stating the violation and providing a reasonable time limit not less than one month for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

24) Any person who shall continue any violation beyond the time limit, provided for in regulation24.2.(23) above, shall be liable for prosecution and be punished with a fine which may extend to Rs.500/- for each violation and in case of a continuing breach to Rs.50/- per day after the date of first conviction.

25) Any person violating any of the provisions of these regulations shall become liable to the Competent Authority for any expenses, loss or damage occasioned to the Competent Authority by the reason of such violation and shall be liable to suspension, revocation or cancellation, if any permissions were granted under the regulations.

26) Should any court of competent jurisdiction declare any provision of this regulation ultravires then the decision shall effect only such provision so declared to be ultravires and shall not effect any other provisions.

27) The above mentioned Regulations shall be subject to modification from time to time as required by Gujarat Pollution Control Board and Competent Authority.

24.3 SEPTIC TANK

(i) Location and sub-soil dispersion.-A sub-soil dispersion system shall not be closer than 12 mts. to any source of drinking water, such as a well, to mitigate the possibility of bacterial pollution of water supply. It shall also be as far removed from the nearest habitable building is economically feasible but not closer than 2 mts. to avoid damage to the structure.

(ii) Dimensions etc.

(iii)

(a) Septic tank shall have a minimum inner width of 75 cm. a minimum depth of -meter below the water level and a per capital minimum liquid capacity of 85 liters. The length of the tanks shall be least twice the width.

(b) Septic tanks may be constructed of brick work, stone masonary, concrete or other suitable material as approved by the competent authority..

(c) Under no circumstances should effluent from a septic tank or allowed into an open channel drain or body of water without adequate treatment.

(d) The minimum normal diameter of the pipe shall be 100 mm. Further at junction of pipes in manholes, the direction of flow from a branch connection should not make an angle exceeding 45 with the direction of flow in the main pipe.

(e) The gradients of land-drains, under-drainage as well as the bottom of dispersion trenches and soakwells should be between 1:300 and 1:1400.

(f) Every septic tank shall be provided with a ventilating pipe of at least 50 mm. diameter. The top of the pipe shall be provided with a suitable cage of mosquito proof wire mesh. The ventilating pipe shall extend to a height which would cause no smell or nuisance to any building in the area. Generally, the ventilating pipe should extend to a high of about 2 mts. above the septic tank building when it is located closer than 15 mts.

(g) When the disposal of a septic tank effluent is to a seepage pit, the seepage pit may be of sectional dimension of 90 cm. and not less than 100 cm. in depth below the inner level of the inlet pipe. The pit may be lined with stone, brick and concrete blocks with dry open joint which should be backed with at least 7.5 cm. of clean coarse aggregate. The lining above the inlet level should be narrowed to reduce the size of the R.C.C. cover slabs. Where no lining is used, Specially near trees the entitle pit should be filled with loose stones. A masonary ring should to constructed at the top of the pit to prevent damage by flooding of the pit by surface run off. The inlet pipe should be taken down to a depth of 90 cm. from the top an anti Mosquito Measure.

(h) When the disposal of septic tank effluent is to a dispersion trench, the dispersion trench shall be 50 to 100 cm. wide excavated to a slight gradient and shall be provided with a layer of shed gravel or crushed stones 15 to 25 cm. deep. Open joined pipes placed inside the trench shall be made of unglazed earthenware clay or concrete and shall have a minimum internal diameter or 70 to 100 mm. Each dispersion trench should not be longer than 30 mts. and trenches should not be placed closer than 1.8 mts. to each other.

24.4

The above mentioned Regulations shall be subject to modification form time to time as required by Gujarat Pollution Control Board/Ahmedabad Municipal Corporation/Competent Authority

APPENDIX

(See Regulation No.24.2.9(XX))

PROPOSED STANDARDS FOR DISPOSAL OF EFFLUENT INTO RIVER OR NEARBY CREEKS:

PARAMETER MAXIMUM PERMISSIBLE	CONCENTRATION.
Temperature 0° C max.	40° C
pH value.	5.5 - 9.0
Colour.	100 Units.
Total suspended solids max.	100 Mg/L
Oil & Grease max.	10"
Biochemical Oxygen Demand(5 days at 20° C) max	30"
Chemical Oxygen Demand max.	100"
Ammonical Nitrogen (as N) max.	50"
Free Ammonia (as NH^3) max.	5"
Total Kjeldahl Nitrogen(as N) max.	100"
Total Residual Chlorine max.	1"
Phenolic Compounds max.	1"
Total dissolved solids(inorganic)max.	2100"
Cyanides (as CN) max.	0.2"
Fluorides (Total as F) max.	1.5"
Phosphate (as P) max.	5"
Sulphides (as S) max.	2"
Boron (as B)max.	2"
Arsenic (as Aso) max.	0.2"
Mercury (as Hg) max.	0.01"
Lead (as PB) max.	0.1"
Cadmium (as CD) max.	1.0"
Hexavalent Chromium (as Cr+6) max.	0.1"
Total Chromium (as Cr)max.	2"
Copper (as Cu) max.	3"
Zinc (as Zn) max.	5"
Selenium (as Se) max.	0.05"
Nickel (as Ni) max.	3"
Pesticides.	Absent.

25 APPLICABILITY OF REGULATIONS

.5.1

These Regulations except Regulation No.26 apply to all new constructions to be carried out and shall also apply to any additions or alterations that may be made in any existing constructions and also in case of change of use in existing building. The Regulation No.26 shall apply to existing buildings.

.5.2

A person shall be deemed to do or omit or fail to do any act or thing who does or omits or fails to do such act or thing either in the capacity of an owner, agent of an owner, contractor, agent of a contractor, builder, agent of a builder, structural-designer, architect or engineer, , Clerk of Works or person-in-charge of any building operation.

.5.3 Addition or extension to a building

No addition or extension to a building shall be allowed unless the addition or extension is such as would be permissible if the whole building were reconstructed from the plinth with the open spaces required under the Regulations applicable to the site of the building at the time of the proposed addition or extension and no addition or extension to a building shall be allowed which would diminish the extent of air space below the minimum which is required by the Regulations applicable to the site of the building at the time of the proposed addition or extension.

Safe guard against Reduction of open spaces :

No construction work on a building shall be allowed if such work operates to reduce an open air space of any other adjoining building belonging to the same owner to an extent less than what is prescribed by any of the Regulation in force at the time of the proposed work or to further reduce such open space if it is already less than what is prescribed.

'5.4 Open space to be open to Sky :

Every open space, whether exterior or interior or a set-back provided in pursuance of any Regulation, or under an agreement lodged with the Authority shall be paved and be always kept free from any erection thereon and open to the sky, except 23 cms. cornice or 30 cms. eave or grill with opening not less than 8 X 8 cms. and no weather shade or other protection shall overhang or project over the said open space or over a side set-back so as to reduce the width to less than the minimum provided under these Regulations. No open drain except for rain-water shall be free structure in any open space required by these Regulations.

26 MAINTENANCE OF BUILDINGS

26.1

1) For the purpose of these Regulation, the building shall be divided into the following classes:

Class-1: All types of framed structures, factory buildings, cinema, auditorium and other public buildings, schools and college buildings, hostels.

Class-2: Masonary walled residential buildings constructed with more than ground + two floors.

2) It shall be the duty of the owner of a building to get his building examined by a registered structural designer at the interval of time prescribed hereunder and to submit a structural inspection report to the Authority in the Form No.11.

3) The interval at which such buildings are to be examined and a report submitted to Authority shall be as under:

a) Within three years from the coming into force of these Regulation and thereafter at the interval of every fifteen years from the date of submission of the first report for Class-I buildings which are erected fifteen years earlier from the date on which these Regulations has come into force or which becomes five years old thereafter.

b) Within five years from the coming into force of these Regulation and thereafter at the interval of every fifteen years from the date of submission of the first report for Class-II buildings which are erected fifteen years earlier from the date on which these Regulation has come into force or which become fifteen years old thereafter.

26.2

It shall be the duty of every owner to maintain and keep in working order the arrangement of internal fire hydrants, fire-lifts and fire-stair provided in his building. At intervals of not more than twelve months he shall submit a certificate from the Fire Department or Fire Consultant registered with appropriate authority certifying that the system of internal fire hydrant, fire lifts & fire stairs and other protections required are properly maintained and is in good working conditions.

27 RELAXATION

27.1

In the case of plot owned by : i) Competent Authority, ii)Government, iii)Housing Board, and iv)any corporate body constituted under a statute, the competent authority may for reasons to be recorded in writing relax or waive any of the regulations in the public interest. Provided that no relaxation or waive of any of the development regulations concerning maximum built-up-area on any floor, common plot, COP, marginal open space, provisions of high rise buildings, F.S.I. and parking shall be made, unless specifically provided in these Regulations.

27.2

Notwithstanding anything contained in foregoing Regulations of the Development Plan in case where these regulations cause hardships to the owners because of their application to the alterations not involving addition to the existing structures erected prior to the coming into force of these regulations, the Competent Authority after considering the merits of each individual case may relax or waive, for reasons to be recorded in writing and regulation of the Development Plan.

Provided that this relaxation shall not be made in any regulations for high rise building.

27.3

In the case of existing building units in respect of which the layout and sub-division may have been approved by a competent Authority or building units affected by road widening and by the Development Plan proposals made in the Development Plan, if the Competent Authority is of the opinion that such building units have become incapable of reasonable development unless all or any of the requirements of Regulations Nos.11 & 12 are suitably relaxed or waived the Competent Authority may, for reasons to be recorded in writing, relax the requirement of the above mentioned regulations.

Provided that no relaxation shall be made in any of the regulations for high rise buildings. Irrespective of provisions made in sub clause 27.1, 27.2 & 27.3, in case of development for religious building, e.g. temple, church, Mosque, Agiari etc. up to 0.6 or less F.S.I. only. Competent Authority may waive special provisions for high rise building with reasons to be recorded. Provided that no relaxation or waiver in any of the regulations concern in margin, parking, open space, common plot and maximum built-up area shall be made.

28 TO PROVIDE FACILITIES FOR PHYSICALLY HANDICAPPED PERSONS

28.1 SHORT TITLE, EXTENT & COMMENCEMENT

28.1.1

These regulations shall apply to the buildings of Physically handicapped persons.

28.1.2

They shall extend to the whole of Ahmedabad Urban Development Authority Area.

28.2 DEFINITIONS

28.2.1 Non - ambulatory Disabilities

Impairments that regardless of cause or manifestation, for all practical purposes confine individuals to wheel- chairs.

28.2.2 Semi-ambulatory Disabilities

Impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees arthritics, spastics, and those with pulmonary and cardiac ills may be semi- ambulatory.

28.2.3 Hearing Disabilities

Deafness or hearing handicaps that might make an individual insecure in, public areas because he is unable to communicate or hear warning signals.

28.2.4 Sight Disabilities

Total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.

28.2.5 Wheel Chair

Chair used by Disabled people for mobility. The standard size of wheel chair shall be taken as 1050x750 mm.

28.3 SCOPE

These regulations are applicable to all buildings and facilities used by the public. It does not apply to private & public residences.

28.4 SITE DEVELOPMENT

Level of the roads, access paths and parking areas shall be described in the plan along with specification of the materials.

28.4.1 Access Path / Walk Way:

Access path from the entry and surface parking to Building entrance shall be minimum of 1800mm. wide having even surface without any steps. Slope if any. shall not have gradient greater than 5%. Selection of floor material shall be made suitably to attract or to guide visually impaired persons (limited to coloured floor material whose colour and brightness is conspicuously different from that of the surrounding floor material or the material that emit different sound to guide visually impaired persons here in after referred to as "guiding floor material"(regulation no.28.6)".Finishes shall have a non slip surface with a texture traversable by a wheel chair. Curbs wherever provided should blend to a common level.

28.4.2 Parking:

For parking of vehicles of handicapped people the following provisions shall be made:

a) Surface parking for two car Spaces shall be provided near entrance for the physically handicapped persons with maximum travel distance of 30 Mts. from building .

b) The width of parking bay shall be minimum 3.60 metre.

c) The information stating that the space is reserved for wheel chair users shall be conspicuously displayed.

d) Guiding floor materials shall be provided or a device which guides visually impaired persons with audible signals or other devices which serves the same purpose shall be provided.

28.5 BUILDING REQUIREMENTS

The specified facilities for the building for physically handicapped persons shall be as follows.

1. Approach to plinth level.
2. Corridor connecting the entrance/ exit for the handicapped.
3. Stair- ways.
4. Lift.
5. Toilet.
6. Drinking water.

28.5.1 Approach to plinth level:

Every building should have at least one entrance accessible to the handicapped and shall be indicated by proper signage. This entrance shall be approached through a ramp together with the stepped entry.

28.5.1.(A) Ramped Approach:

Ramp shall be finished with non slip material to enter the building minimum width of ramp shall be 1800 mm. with maximum gradient 1:12, length of ramp shall not exceed 9.0 Mts. having 800 mm high hand rail on both sides extending 300 mm. beyond top and bottom of the ramp. .Minimum gap from the adjacent wall to the hand rail shall be 50 mm.

28.5.1.(B) Stepped Approach:

For stepped approach size of tread shall not be less than 300 mm. and maximum riser shall be 150 mm. Provision of 800 mm. high hand rail on both sides of the stepped approach similar to the ramped approach.

28.5.1.(C) Exit / Entrance Door

Minimum clear opening of the entrance door shall be 900 mm. and it shall not be provided with a step that obstructs the passage of a wheel chair user. Threshold shall not be raised more than 12 mm.

28.5.1.(D) Entrance Landing:

Entrance landing shall be providing adjacent to ramp with the minimum dimension 1800x2000 mm. The entrance landing that adjoin the top end of a slope shall be provided with floor materials to attract the attention of visually impaired persons (limited to coloured floor material whose colour and brightness is conspicuously different from that of the surrounding floor material or the material that emit different sound to guide visually impaired persons hereinafter referred to as "guiding floor material"(regulation no.28.6)"

i). Finishes shall have a non slip surface with a texture travarsable by a wheel chair. Curbs wherever provided should blend to a common level.

28.5.2 Corridor connecting the entrance / exit for the handicapped:

The corridor connecting the entrance / exit for handicapped leading directly outdoors to a place where information concerning the overall use of the specified building can be provided to visually impaired persons either by a person or by signs, shall be provided as follows:

a) "Guiding floor materials " shall be provided or devices that emit sound to guide visually impaired persons.

b) The minimum width shall be 1500 mm.

c) In case there is a difference of level slope ways shall be provided with a slope of 1:12.

d) Hand rails shall be provided for ramps / slope ways.

28.5.3 Stair ways:

One of the stair - ways near the entrance / exist for the handicapped shall have the following provisions:

a) The minimum width shall be 1350 mm.

b) Height of the riser shall not be more than 150 mm and width of the tread 300 m. The steps shall not have abrupt(square) nosing.

c) Maximum number of risers on a flight shall limited to 12.

d) Hand rails shall be provided on both sides and shall extend 300 mm. on the top and bottom of each flight on steps.

28.5.4 Lifts:

wherever lift is required as per bye-laws, provision of at least one lift shall be made for the wheel chair user with the following cage dimensions of lift recommended for passenger lift of 13 persons capacity by bureau of Indian standards.

Clear internal depth : 1100mm.

Clear internal width : 2000mm.

Entrance door width : 900mm.

a) A hand rail not less than 600 mm. long at 1000 mm. above floor level shall be fixed adjacent to the control panel.

b) The lift lobby shall be of an inside measurement of 1800x1800 mm. or more.

c) The time of an automatically closing door should be minimum 5 seconds and the closing speed should not exceed 0.25 m/sec.

d) The interior of the cage shall be provided with a device that audibly indicates the floor the cage has reached and indicates that the door of the cage for entrance/exit is either open or closed.

28.5.5 Toilets:

One special W.C in a set of toilet shall be provided for the use of handicapped with essential provision of wash basin near the entrance for the handicapped.

a) The minimum size shall be 1000x1750 mm.

b) Minimum clear opening of the door shall be 900 mm. and the door shall be swing out

c) Suitable arrangement of vertical / horizontal hand rails with 50 mm clearance from wall shall be made in the toilet.

d) The W.C seat shall be 500 mm. from the floor.

28.5.6 Drinking Water:

Suitable provision of drinking water shall be made for the handicapped near the special toilet provided for them.

28.5.7 Designing for Children:

In the buildings meant for the predominant use of the children, it will be necessary to suitably alter the height of the hand- rail and other fittings & fixtures etc.

28.6 EXPLANATORY NOTES

GUIDING / WARNING FLOOR MATERIAL

The floor materials to guide or to warn the visually impaired persons with a change of colour or material with conspicuously different texture and easily distinguishable from the rest of the surrounding floor materials is called guiding or warning floor materials. The material with different texture gives audible signals with sensory warning when a person moves on this surface with walking stick. The guiding / warning floor material is meant to give the directional effect or warn a person at critical places. This floor material shall be provided in the following areas :-

a) The access path to the building and to the parking area.

b) The landing lobby towards the information board, reception, lifts, stair-cases and toilets .

c) Immediately at the beginning / end of walkway where there is a vehicular traffic.

d) At the location abruptly changing in level or ramp.

e) Immediately in front of an entrance / exit and the landing.

PROPER SIGNAGE

Appropriate identification of specific facilities within a building for the handicapped persons should be done with proper signage. Visually impaired persons make use of other senses such as hearing and touch to compensate for the lack of vision. Whereas visual signals benefit those with hearing disabilities.

Signs should be designed and located so that they are easily legible by using suitable letter size (not less than 20 mm. high) . For visually impaired persons information board in Braille should be installed on the wall at a suitable height and it should be possible to approach them closely. To ensure safe walking there should not be any protruding sign which creates obstruction in walking. Public Address System may also be provided in busy public areas.

The symbols /information should be in contrasting colour. and properly illuminated because people with limited vision may be able to differentiate amongst primary colours. International symbol mark for wheel chair as shown below be installed at the lift, toilet, staircase, parking areas etc., that have been provided for the handicapped.

29 SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

29.1 INTERPRETATION

If any question or dispute arises with regard to interpretation of any of these regulations the decision of the Competent Authority shall be final.

29.2 DISCRETIONARY POWERS

(a) In conformity with the intent and spirit of these Regulations, the Competent Authority may :-

(i) Decide on matters where it is alleged that there is an error in any order, requirement, decision, determination made by any Competent Authority under delegation of powers in Regulations or interpretation in the application of these Regulations.

(ii) Interpretation of road alignment as per site situation.

(iii) If a line of the zone divides a plot in to two different zone the approval in the land falling under non-permissive zone shall be given up to 25% of land subject to maximum area up to 1000 sq. mt. in respective permissible zone.

(iv) Authorize the erection of a building or the use of premises for a public service undertaking for public utility purposes only, where he finds such an authorization to be reasonably necessary for the public convenience and welfare, even if it is not permitted in any land use classification.

(b) In specific cases where a clearly demonstrable hardship is caused, the Competent Authority may for reasons to be recorded in writing, by special permission permit any of the dimension prescribed in these Regulations to be modified, except those relating to floor space Indices unless otherwise permitted under these regulations, provided that the relaxation that will not affect the health, safety, fire safety, structural safety and public safety of the inhabitants of the building and the neighbourhood.

30 PENALTIES

Any person contravening any of the aforesaid regulations or any of the provisions of the Development Plan shall on such contravention be liable to a punishment as provided in the Gujarat Town Planning & Urban Development Act-1976, and Rules framed thereunder as in force from time to time.

31 TREE PLANTATION

While applying for development permission, at the rate of 1 tree for every 100 sq.mts of building unit, shall have to be shown on the site plan/layout plan.
The trees shall have to be guarded by the tree guards and shall be maintained.

32 ZONING AND USE PROVISIONS

The type of development in each land use zone shall be regulated as per Use Zone Table where ever permitted such zones and shall be applicable as per G.D.C.R. of other cities.

32.1 LAND USE ZONING IN HAZARD PRONE AREAS

In Natural Hazard prone areas namely the earthquake prone zones as per IS:1893, the cyclone prone areas as per IS:875 Part-3 and flood prone areas as per the Flood Atlas prepared by the Central Water Commission and/or the flood departments of the State, the development shall be regulated to ensure special protection from hazards for any type of development irrespective of use zone. Whereas the hazard prone areas identified as per the Vulnerability Atlas of India-1997 (or revisions thereof) prepared by Govt. of India or as may be prepared by State Government from time to time shall be used for such regulations, as given in Appendix-A. Further action for protection from these hazards is to be dealt with taking into consideration the Guidelines given in Appendix-B.

USE ZONE TABLE :

Note: Development as mentioned in Col.3 & 4 may be permitted only on roads as specified in regulation No.12.1.

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
01	02	03	04	05	06
1(a)	Residential zone (a) Residential Zone-I (b) Residential Zone-II	a) Residential Dwellings, Play fields, gardens, gymnasium, swimming pool etc. b)Pre-primary and primary schools, dispensary, clinic, maternity home, pathological laboratory. c)The part of residential building may be permitted to use as office in case of professional requirements such as advocates ,doctors, architects ,engineers ,chartered accountants etc. bank, public buildings, educational institutions, such as secondary, high school, college, technical and vocational educational institutions, research institutions, library, community hall, auditorium, town hall. (d)Cottage industries not involving use of or installation of any machinery driven by power of any kind and which do not create noise, vibration, fume dust etc. provided that such home occupations and cottage industries shall not be permissible in the tenement dwellings or flats, service establishment (residential) light home workshop etc. lodging house boarding house,etc.	a) L.P.G., Cylinder delivery centre for the domestic consumption, coal depot, etc. on ground floor of building used for permissible non-residential use. Shopping/Commercial Centre, restaurants, hotel, hostels, indoor hospital, nursing home, surgical hospital, club house, wadi, party plot, petrol pump with or without service station, garages etc. b) Development Activities related to tourism sponsored / recommended by tourism Department of Government. Development activities related to Information Technology. The above uses shall be permitted in accordance with the provisions of regulation No.12.1	Obnoxious and hazardous uses, steel stock yard, truck terminal, saw mill, timber mart, ice factory and cold storage, junk yard, non-obnoxious and non-hazardous industries, wholesale market, ware houses, storage of perishable and inflammable goods, hospital for infectious and contagious diseases, mental hospital, jail etc.	a)All permissible non-residential uses in residential zone may be permitted in a residential dwelling only on ground floor or any other floor with separate means of access/staircase. b) Club house, party plot, wadi, community hall, auditorium, town hall, public assembly shall be permitted on the road 24.00 Mt. wide and above.

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
1b	Residential Zone – III	Individual houses, residence, educational and cultural uses, public utility services.	—	—	The minimum size of the (individual residential) plot shall be 1000 sq mt. Permissible height of building shall be G+1 floors or 7mts. Maximum permissible F.S.I. shall be 0.20 Maximum built up area shall be 10%.
2.	Walled City, Village & Gamtal	All uses mentioned in Col. 3 of zone at Sr. No.1.	*All uses mentioned in Col.4 of zone at Sr.No.1*	All uses mentioned in Col. 5 of zone at Sr. No. 1, college, community hall, auditorium, town hall, vocational and technical education institutions, Cinema Theater, starred hotel, coal depot, storage of perishable and inflammable goods, *Petrol* pump, filling station or filling cum service station.	As mentioned Col. 6 of zone at Sr. No.1. Note: (1) No development of non-residential building except dispensary and domestic flour-factory shall be permitted on roads having width less than 7.5 mts.

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
3	Commercial zone (A) Commercial zone –I	Retail commercial use such as Retail shops, Restaurants, Boardings, lodging, Hostels, Maternity homes, Clinic / Commercial Centre, professional office, Banks, Hotels, Public Buildings, Educational Institutions such as secondary high schools, colleges, technical & vocational educational Institutions, libraries, Indoor hospitals, Nursing Homes, Service Establishment, Club House, Community Hall, Wadi, Party Plot, Town hall, Petrol Pump with or without service stations, garage and light home workshops and cottage industries not involving use of or installation of any machinery driven by power of any machinery driven by power of any kind and which do not create noise, vibration, fume dust etc., L.P.G. cylinder delivery centre for domestic consumption, coal depot etc. on ground floor or building used for permissible non-residential uses. Wholesale market and their ancillary uses, ice factory and cold storage, ware houses, godowns, transport terminal for goods and passengers, kerosene depot, steel stock yard.	Cinema, video hall, news paper, printing press, Timber Stock yard (lati), Junk Yard (Kabadi), Saw Mill, residential dwelling. Provided that some home occupations and cottage industries shall not be permissible in the tenement dwellings or flats. Development activities related to tourism, sponsored/recommended by tourism corporation of Government Development activities related to Information Technology.	Obnoxious and hazardous uses, and non-hazardous industries, hospitals for infectious and contagious diseases, mental hospital, jail.	Residential use is permitted but regulations of commercial development shall be applicable.

Sr. No.	Zone	Type of development of the zone is primarily intended	permitted by Competent Authority.	which may not be permitted.	
	(B) Commercial zone-II	All uses mentioned in Col. 3 and 4 of zone at Sr. no. 1 use excluding residential. Wholesale market and their ancillary uses, ice factory and cold storage, ware houses, godowns, transport terminal for goods and passengers, kerosene depot, steel stock yard, timber stock yard (lati), Junk yard (kabadi), saw mill, stone cutting and polishing industries. LPG Cylinder storage depot, storage of permissible goods.	Development activities related to tourism sponsored/recommended by tourism corporation of Government building, Residential Dwellings.	Obnoxious and hazardous uses, non-obnoxious and non-hazardous industries, hospitals for infections and contiguous diseases, mental hospital, jail.	Residential use is permitted but regulations of commercial development shall be applicable.
4.	Predominantly light industrial zone.	All types of light industries service industries, workshops, newspaper offices with printing press and necessary uses, small factories, ware house shops co-operative stores, wholesale business and godowns, business buildings, commercial establishments, hotels and restaurants stone cutting and polishing. Residential buildings for industrial workers and or other public utility service. Public buildings, public utility service buildings, place of public entertainment. Technical institutions for research and development pertaining to concerned industries. Medical Centres.	Storage of perishable and inflammable goods, saw mill. Development activities related to Information Technology.	Obnoxious & hazardous industries general industries. Residential all other uses not mentioned col. No 3 & 4.	Existing non conforming development of col. 6 to be discontinued after the end of useful life of the building

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
		Transport terminals for goods and passengers, petrol pumps with garages and service stations, parking taxies, scooter and cycle stand, junk yard. Development activities related to tourism sponsored recommended by tourism corporation of Government. Recreational use and open space.			
5.	General Industrial Zone.	All Industries except obnoxious and hazardous industries as mentioned in Appendix-A. Development activities related to tourism sponsored/recommended by tourism corporation of Government.	a) Storage of inflammable goods, residential dwelling only for industrial workers and other public utility service staff working within the industrial premises, querying of gravel, sand, clay and stone. Dumping of solid industrial wastes (subject to N.O.C. and conditions laid down by Pollution Control Board). b) All uses mentioned in Column (4) of zone at Sr. No. 1	Obnoxious and hazardous industries, mental hospital, hospital for infectious & contiguous diseases, jail, dwelling except mentioned in Col. 4 of this zone.	If mixed development is asked regulations relating to commercial development shall be applicable.
6.	Special Industrial Zone Or (obnoxious and hazardous industrial zone)	All obnoxious and hazardous industries as mentioned in Appendix - A, storage of inflammable goods.	Residential dwelling only for industrial worker and other public utility services staff working within the industrial premises. Quarrying of gravel, sand clay and stone. Dumping of solid industrial wastes (subject to N.O.C. and conditions laid down by Pollution Control Board)	Residential dwelling except mentioned in Col. 4 of this zone. Hospital for infectious and contagious diseases, mental hospital, jail.	
7.	Educational Purpose.	Schools, Colleges, Educational Buildings, research institutions, hostels, boarding houses, staff quarters, Banks, canteens, sports complex gymnasium, dispensary, auditorium,	Retail shops & restaurants as a part of educational institute. Development activities related to Information Technology.	All other uses not mentioned in Col. 3 and Col.4.	The built-up area shall not exceed 30% of the area of the building Unit/Plot.

No.		zone is primarily intended	permitted by Competent Authority.	which may not be permitted.	
		library.			
8.	Health purpose.	Hospital, Nursing Home, Doctor's clinic, Dispensary, Maternity home, X-ray clinic, Radiology centre, Diagnostic centre, Blood Bank , Pathology laboratory, Medical research centre, Health treatment centre, Medical staff hostels, Staff quarters, Canteens, as a part of Medical institute, Medicine shops, Health instrument shops, Library, Surgical hospital, Centre for Health care related activities.	Bank & Restaurant as a part of Medical institute, Auditorium for hospital use. Development activities related to Information Technology.	All other uses not mentioned in col.3.	Allied uses (Canteen, Medicine shops etc.) other than Medical treatment facility should be in accordance with the requirement of particular Medical centre/ Hospital etc.
9.	Transport Node (T.N.)	Transport terminal for goods and passengers ,warehouses, godowns ,kerosene depot, steel stock yard, timber stock yard, parking lots, public building.	Ancillary uses related to Transport terminals ,godowns, restaurants, Hotels, shops, cinema, shopping centre. Development activities related to tourism sponsored/ recommended by toursim corporation of Government. Development activities related to Information Technology.	All other uses not mentioned in col.3 and col.4, Obnoxious and hazardous uses, non-obnoxious and non-hazardous industries, hospital for infectious and contagious diseases, mental hospital ,jail, residential dwellings.	
10.	Recreational Zone	1) Recreation of any type, Residential accommodation and shops incidental to recreation, aquarium, natural reserve and sanctuary race track, shooting range, zoo, nursery, stadium, botanical garden, planetarium, amusement park, swimming pool, exhibition and mela, drive-in-cinema, motion picture hall, cinema, restaurants, party plots, recreational use	Farm houses, educational and Medical institutions (excluding infectious and contagious diseases, mental hospital) Hotels as per norms notified by the tourism Corporation of Gujarat. Development activities related to Information Technology.	All other uses not mentioned in Col. 3 & 4.	1) More than one farm house may be permitted provided the minimum area required for farm house is satisfied as mentioned in Col. 3, at Sr. No. 12. 2) Building to be constructed at a distance of not less than 30 mts.

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
		of water park.			from the road, on which it abuts. 3) The built up area (ground coverage) shall not exceed 15% of the plot area. 4) The maximum permissible FSI shall not exceed 0.25.
11.	Agricultural zone	Horticulture, poultry keeping subject to the N.O.C./approval and conditions laid down by the Department of poultry, Dairy Development, fisheries, animal rearing and breeding, open storage of drying manure. Farm house located in land of not less than 4000 sq. Mts., Camp for recreation of any type natural reserves and sanctuaries, race track, shooting range, zoo, nursery, stadium, botanical garden, agricultural equipment, repair of tools and equipment of agricultural use, tannery, saw mill, timber depot, uses pertaining to processing of agro/farm/milk products, institutional uses, vocational training centre, for agriculture purposes wayside shops, restaurant, ice factory & cold storage, godowns and warehouses subject to N.O.C./approval & conditions laid down by warehousing corporation/ FCI/ Appropriate Govt./ Semi Govt. Department, hospital for infectious and contiguous diseases, mental hospital and sanitarium subject to NOC/Approval and conditions laid down by Civil Surgeon. Petrol pump	Slaughter house, touring cinema, drive-in-cinema, storage of inflammable materials and explosive goods subject to NOC/Approval and conditions laid down by concerned department/ authority dealing with such work. Dumping of solid industrial waste subject to N.O.C. and conditions laid down by Pollution Control Board. Institutional Buildings, govt., semi govt. buildings, Buildings of public sector undertakings, Garden houses, petrol filling station, educational and Medical institutions(excluding infectious and contagious diseases, mental hospitals), Training and research centres, building for autonomous bodies related to their activities statutory organisations, convention centres. Development activities related to Information Technology.	All other uses not mentioned in Col. 3 and Col. 4. All other uses not mentioned in Column. No.3 and 4.	1) Building to be constructed at a distance of not less than 30 Mts. from the road, on which it abuts. 2) Built-up area (ground coverage) Permissible. a) For farm house it shall not exceed 5% of the land area with maximum permissible height 7.5 mts. b) Agrobased uses activities for this zoning regulation, ground coverage shall not exceed 5% of the land area with Maximum permissible height 7.5 mts. In case of public and semi-public uses and buildings of charitable & religious purposes the competent authority may permit development activities to the extent of 15% of the land area with maximum permissible

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
		with or without service station, garages, and workshop, Studio, roofing tiles and cement pipes, brick kiln, mining and quarrying, cemetery and burial ground, jail. Camp, for recreation of any type, club, aquarium, , planetarium, amusement park. Development activity related to tourism sponsored/recommended by tourism Department of the Government. 1)Recreation of any type, Residential accommodation and shops incidental to recreation, aquarium, Natural reserve and sanctuary race track, shooting range, zoo, nursery, stadium, botanical garden, planetarium, amusement park, swimming pool, exhibition and mela, drive- in -cinema, motion picture hall, cinema, restaurants, party plots, recreational use of water park, Resorts, hotels and Motels as per norms notified by the tourism corporation of Gujarat.			height 10 mts. The above restriction of built up area shall not apply to the following uses subject to maximum ground coverage of 15 % of the land with maximum permissible height 10 mts. i) Education, Hospital for infectious and contiguous disease, mental hospital, sanitarium. ii) Jail. iii) Transport nagar & truck terminal. iv) Slaughter house, cold storage. v) Govt./Semi-Govt./ FCI godowns and warehouses and Charitable Trust. vi) Development Activities related to tourism approved by tourism Department of Government. c) Only basement, and Ground floor, and first floor structure may be permitted, however, the structure for storage of inflammable material and explosive goods shall be single storied only. 4) For poultry farm, sheds of floor height upto

Sr. No.	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted	Remarks.
					10 Mts. at the ridge level of the roof with perforated jali on all sides, maximum 25% ground coverage shall be permitted. (5)No sub-division of land shall be allowed. (d)A comprehensive lay-out plan of 50 Hectors and above area shall be permitted as per the provisions of residential zone-II provided in case of sub-ploting of building unit the minimum area of sub-plot shall not be less than 1000 smt (i)Maximum height of the buildings shall not be more than 7.5mt. (ii)Maximum built up area at any floor shall not be more than 20%.

Sr. No	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
12.	Village Extension Area (Villages/ Gamtal falling within agricultural zone only for natural growth of the village)	All uses of residential zone permitted in Col. 3 at Sr. No.1.	All uses of residential zone permitted in Col. 4 at Sr. No. 1, Cinema, Light industries, medium industries.	All uses mentioned in Col. 5 of residential zone at Sr. No. 1.	For natural growth of village 1) Village extension area around existing gamtal/ gamtalav and adjoining the existing Gamtal limit will be for development of the respective village for its natural growth. 2) For the natural growth of the villages, the development permission for uses mentioned in Col. 3 and 4 of Sr. No. 1 may be permitted in area adjoining existing villages in revenue survey nos. outside existing gamtal within - a) 200 Mt. from the limits of existing gamtal/gamtalav and adjoining the existing Gamtal limit 3) Provisions of regulation no.11 and 12 shall be applied excluding the provisions as mentioned in addition to the above conditions, other development control regulations mentioned in these regulations , shall be applicable for the development:

Sr. No	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
13.	1) Garden and Open Space 2) Development of park and forest and allied uses.	No development activity shall be permitted in areas designated as open space in the Development plan.	----	-----	1) Open space along the right bank of the river Sabarmati from Sardar Bridge upto the site of recreation ground, upper floors are permitted on the existing authorised buildings and development as per serial no. 1 of use zone table is permitted on hollow plinth of 3.0 mt clear height subject to these regulations. 2) No development except garden and allied activities.
14	Flood Control area(NID circle to Vasna Barrage approach)	All uses mentioned in col.3 of zone at Sr.No.1.	Shopping/commercial centre, hotel, hostels, lodging house,boarding house, nursing home.	All uses mentioned in Col.3 and 4 at Sr. No. 1.	1 No cellar shall be permitted. 2 Construction is permitted only on hollow plinth . The grant of development certificate shall be subject to the following conditions when a development certificate is required for the plots located on down-stream Sardar Bridge and ground level of which is below 139 R.L. (a) The soil bearing capacity shall be considered as 10 metric tones/sq.mt. (b) The minimum depth of foundation shall be 2 mts. (c) The plinth of the building shall not be lower than 139 R.L.
16	Multipurpose use	1) Use related to health, education, communication, safety and security, social and cultural activities, recreational, public		All other uses not mentioned in Col.3&4	Uses as and when required by the Competent Authority.

Sr. No	Zone	Type of development for which the zone is primarily intended	Type of development which may be permitted by Competent Authority.	Type of development which may not be permitted.	Remarks.
		utility services and allied activity like housing, commercial, etc. related to principal activity. 2) Maximum permissible built up area of allied activities shall be to the extent of 25% of built up area of principal activity subject to other regulations			
17	Service and Institutional Purpose.	Government and semi Government buildings and their activities, Autonomous bodies and public sector undertaking buildings and activities like G.H.B. university, L.I.C. and A.P.M.C. etc. Non government organisation buildings, Registered charitable trust building or education, medical, health, religious and public welfare activities. Development activities related to tourism, sponsored/ recommended by tourism corporation of Government	Building of Public Utility and Services and assembly buildings including swimming pool, auditorium, club, stadium, theatre etc Open space proposed for party and marriage ceremony and amusement and recreational activities. Office buildings, business building and mercantile building.	All other uses not mentioned in column 3 and column 4.	

NOTE :- The religious building shall be permitted in all use zone with consent of the competent authority

NOTE:-

1) Public Utility Services buildings which shall include buildings or works developed or undertaken by the Govt./ Semi-Govt. or Public Undertaking only, such as sub-station, and receiving station of the Electricity Board, Building for infrastructure facilities like bus service, water supply, drainage, sanitation, domestic garbage disposal, pumping station, electricity, purification plant, police building, post & telegraph and telecommunication, public urinals, milk , octroi and public telephone booth, fire brigade station, ward and zonal offices of appropriate authority, taxies, scooter and cycle stand and parking plot, garden, nursery, playground and open spaces, canal, communication network, first aid medical centre, primary health centre, dispensary, library, reading room and religious buildings/places of public worship shall not exceed 10% of plot area.

2) Twenty Percent area of the "open space plots" provided under T.P.Schemes may be utilised for the construction with required margins for the common/institutional/community use having basement, ground floor or a floor on stilt only. In addition to the stair cabins and ramps, 5% of the permissible built-up area of this plot shall be allowed to be built-up on for the construction of storm room, chawkidar room, toilet etc. at the ground level, in case the building is constructed on stilt. The rest of the "Open Space Plot" shall be kept open to sky.

3) For Railway Container Depot the permission shall be issued for development for structures for Railway department.

4) No development shall be permitted in area designated for water body, pond and talav in development plan excluding Sabarmati Riverfront scheme.

5) The land designated under section 12 (2) (0) of the act for agricultural produce market, Hindustan Petroleum Ltd. and telephone exchange, the uses shall be permissible as per the requirements of concerned departments.

EXPLANATION :

1. LIGHT INDUSTRY :

Light Industry means an industry in which the processes are carried out without detriment to the neighboring residential areas by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. It will be subject to the following restrictions:

i) Power used will be electrical.

ii) Maximum power used will be 10 KW which may be enhanced upto 25 KW by the Competent Authority in special case of genuine expansion of existing factory which may have reached the maximum limit of power.

iii) Maximum floor space occupied should be 500 Sq.Mts.

iv) It will be housed in a building suitable for the purpose. However, it shall not include the following industries:

Manufacture or refining of ammonia, bleaching powder, chlorine, asphalt, brick, terra-cotta, gypsum, lime, plaster of Paris, coke, creosote, exctrain, glucose, starch, dye, explosive of fire works or storage thereof in excess of 50 Kg. fertilizers, gas (fuel or illuminating) in excess of three hundred cubic Mt., gelatine or glue or zie from fish or animal refuse or offal, hydrochloric acid, nitric acid, sulphuric or sulphurous acid, lead black, linoleum or oil cloth, matches, pyrexylin or articles thereof or storage in excess of 250 Kg. rubber or treatment thereof involving offensive odour, tar, turpentine or Blast furnace, coal or junk yard, distillation of bores, coal weed or tar or manufacture of any of their distilled products, drop forsages, fat grease lard of fallow manufactures, refining or rendering lout or grist mill, hot rolling mill, incineration, reduction, or dumping of dead animals, garbage or refuse except when accumulated and consumed on the same premises without the emission of odour, production or refining or storage above ground of petroleum or other inflammable liquids except heating fuels, slaughtering of animals, tanning or curing or storage of raw hides and skins, tire recapping.

2. SERVICE ESTABLISHMENT (RESIDENTIAL) :

The Service Establishment wherein the work done or the machinery installed in such as would render service to the local residents and would satisfy their day-to-day residential needs and which does not create nuisance to the surrounding development in terms of noise dust and air pollution. It will be subject to the following restrictions:

i) Power used will be electrical.

ii) Maximum power used to be 10 KW for residential zone and not more than 25 KW in commercial zone.

iii) Maximum floor space occupied will be 50 sq.mts.

iv) It shall be detached and housed in a shop or a building specially designed for the purpose. Such establishment may be petrol pumps, service station, flour mill, bakery, laundry, air compressor unit, electrical motors, optical repair and watch repair shops, repair of musical instruments, carpentry, book-binding, printing press, paper-cutting, water cooling, and juice extracting units, black-smithy, vulcanizing, motor winding, cutting and nut cutting units etc.

3. LIGHT HOME WORKSHOPS :-

Light Home Workshop means a workshop wherein the work done or the machinery installed is such as could be done or installed in any residential area without detriment to the neighborhood by means of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit etc.

It will be subject to the following restrictions:

i) Power used will be electrical.

ii) Maximum power used will be 1.5 KW.

iii) Maximum floor space occupied will be 20 sq.mts.

iv) It will be worked by the members of the family.

v) Any part of the machinery including pulley, belt shafts etc. shall be attached to the walls or other parts of the building except the floor at which the same machinery is supported.

Such home workshop may be gold smithy, milk or curd churning, pills making, stitching embroidery, tailoring, vulcanising, sewing machine, folding machine, milk-separation

OBNOXIOUS AND HAZARDOUS INDUSTRY :-

Obnoxious & hazardous industry means industry which will create nuisance to the surrounding development in the form of smell, smoke, gas, dust, air pollution, water pollution and other unhygienic conditions.

. WORKSHOP :-

Workshop is a place wherein work done or machinery installed is such as would render service to the local business people and would satisfy their day-to-day commercial needs and shall be subject to the following restrictions:

i) The workshop is not governed under the Indian Factories Act.

ii) The plinth area of the structure in which the workshop is to be housed shall not exceed 80 Sq.Mts.

Appendix-A

LAND USE ZONING IN HAZARD PRONE AREAS – GUIDELINES (Regulation No. 32.1)

1 OBJECTIVES

1.1 The basic objective of land use zoning is to regulate land use in hazard prone areas to minimise the damage caused to the habitat, as a result of natural hazards viz. earthquakes, cyclonic storms and floods which recur from time to time. Land Use Zoning, therefore, aims at determining the locations and the extent of areas likely to be adversely affected by the hazards of different intensities and frequencies, and to develop such areas in a fashion that the loss to the development is reduced to the minimum.

1.2 Land Use Zoning envisages certain restrictions on the indiscriminate development of the "unprotected" hazard prone areas and to specify conditions for safer development by protecting the area from severe losses. In the former case, boundaries of different zones are to be established to prevent unrestricted growth there.

2. SCOPE

2.1 Areas covered under Development Plan

The guidelines for Land Use Zoning in Hazard Prone Areas are to be taken into consideration while formulating the Development Plan and Area Plan under the Town Planning and Urban Development Act.

2.2 Areas not covered under Development Plan

In such areas, these guidelines may be issued to the various local bodies, Municipalities, Individual Areas and Panchayats, enabling them to act while siting various development projects and deciding on construction of buildings, etc.

3. IDENTIFICATION OF HAZARD PRONE AREAS

3.1 Earthquake Prone Areas

a. Intensities of VII or more on Modified Mercalli or MSK intensity scale are considered moderate to high. Areas under seismic zone III, IV and V as specified in IS 1893 are based on intensities VII, VIII, IX or more. Therefore, all areas in these three zones will be considered prone to earthquake hazards.

b. In these zones the areas which have soil conditions including the level of water table favourable to liquefaction or settlements under earthquake vibrations will have greater risk to buildings and structures which will be of special consideration under Land Use Zoning.

c. Under these zones, those hilly areas which are identified to have poor stability conditions and where landslides could be triggered by earthquake or where due to prior saturated conditions, mud flow could be initiated by earthquakes and where avalanches could be triggered by earthquake will be specially risk prone.

d. Whereas. earthquake hazard prone areas defined in 'a' above are identified on the

map given in IS 1893 to small scale and more easily identified in the larger scale statewise maps given in the Vulnerability Atlas of India, the special risky areas as defined in 'b' and 'c' above, have to be determined specifically for the planning area under consideration through special studies to be carried out by geologists and geo-technical engineers.

3.2 Cyclone Prone Areas

a. Areas prone to cyclonic storms are along the sea coast of India where the cyclonic wind velocities of 47 meter per second or more are specified in the Wind Velocity Map given in IS 875 (part 3) to a small scale and easily identified in the Vulnerability Atlas of India where the Maps are drawn statewise to a larger scale.

b. In these cyclone prone areas, those areas which are likely to be subjected to heavy rain induced floods or to flooding by sea-water under the conditions of storm surge, are specially risky due to damage by flood flow and inundation under water.

c. Whereas, areas under 'a' are easily identified, those with special risk as under 'b' have to be identified by special contour survey of the planning area under consideration and study of the past flooding and storm surge history of the area. These studies may have to be carried out through the Survey of India or locally appointed survey teams, and by reference to the Central Water Commission, Government of India and the concerned department of Gujarat State.

3.3 Flood Prone Areas

a. The flood prone areas in river plains (unprotected and protected by bunds) are indicated in the Flood Atlas of India prepared by the Central Water Commission and reproduced on larger scale in the statewise maps in the Vulnerability Atlas of India.

b. Besides the above areas, other areas can be flooded under conditions of heavy intensity rains, inundation in depressions, backflow in drains, inadequate drainage, failure of protection works, etc.

c. Whereas, the flood prone areas under 'a' are identified on the available maps as indicated, the areas under 'b' have to be identified through local contour survey and study of the flood history of the planning area. Such studies may be carried out through Survey of India or local survey teams, and by reference to the Central Water Commission and the concerned department of Gujarat State.

3.3.1 Land Use Zoning for Flood Safety

Some important considerations for regulating the land use in the planning areas are given below:

i. Every settlement needs some open areas such as parks, play-grounds, gardens etc. In one way it will be possible to develop such areas by restricting any building activity in vulnerable areas. Such a development will be in the interest of providing proper environment for the growth of such settlement.

ii. On the same analogy, certain areas on either side of the existing and proposed drains (including rural drains) should be declared as green belts where no building or other activity should be allowed. This will not only facilitate improvements of these drains in future for taking discharges on account of growing urbanisation, but will also help in minimising the damage due to drainage congestion wherever rainfall of higher frequency than designed is experienced. These green belts at suitable locations can also be developed as parks and gardens.

iii. In the existing developed areas, possibilities of protecting/ relocation/ exchanging the sites of vital installation like electricity sub-station/power houses, telephone exchange, etc. should be seriously examined, so that these are always safe from possible flood damage. Similarly, the pump station the tubewells meant for drinking water supply should be raised above the high flood levels.

iv. Similarly, possibility of removing or bypassing buildings/structures obstructing existing natural drainage lines should be seriously considered. In any case, with immediate effect unplanned growth can be restricted so that no construction obstructing natural drainage or resulting in increased flood hazard is allowed.

4. APPROACH FOR LAND USE ZONING

Following two alternatives can be adopted for dealing with the disaster risk problems.

a. *Leaving the area unprotected.* In this case it will be necessary to specify Land Use Zoning for various development purposes as recommended under Para 6.

b. Using protection methods for the areas as a whole or in the construction of buildings, structures and infrastructure facilities to cater for the hazard intensities likely in the planning area as recommended under Appendix-B.

It will be appropriate to prioritise buildings, structures and infrastructures in terms of their importance from the point of view of impact of damage on the socio-economic structure of the society. Prioritisation scheme is suggested under Para 5.

5. PRIORITISATION

In regard to Land Use Zoning, different types of buildings and utility services may be grouped under three priorities as indicated below.

Priority 1. Defence installation, industries, public utilities like hospitals, electricity installations, water supply, telephone exchange, aerodromes, railway stations, commercial centres, libraries, other buildings or installations with contents of high economic value.

Priority 2. Public institutions, Government offices, universities and residential areas.

Priority 3. Parks, play grounds, wood lands, gardens

6. REGULATION FOR LAND USE ZONING

i. Installations and Buildings of Priority 1 should be located in such a fashion that the area is above the levels corresponding to a 100 year flood or the maximum observed flood levels whichever higher. Similarly they should also be above the levels corresponding to a 50 year rainfall flooding and the likely submersion due to drainage congestion.

ii. Buildings of Priority 2 should be located outside the 25 year flood or a 10 year rainfall contour, provided that the buildings if constructed between the 10 and 25 year contours should have either high plinth level above 25 year flood mark or constructed on columns or stilts, with ground area left for the unimportant uses.

iii. Activities of Priority 3 viz. play grounds, gardens and parks etc. can be located in areas vulnerable to frequent floods.

Appendix - B

PROTECTION OF BUILDINGS STRUCTURES AND INFRASTRUCTURES IN HAZARD PRONE AREAS
(Building Regulation No. 32.1)

A. PROTECTION OF AREAS FROM EARTHQUAKES

i. In those areas where there are no dangers of soil liquefaction or settlements or landslides, all building structures and infrastructures should be designed using the relevant Indian Standards as provided in the Building Regulations and the National Building Code

ii Soils subjected to liquefaction potential under earthquake shaking, can be improved by compaction to desired relative densities, so as to prevent the possibility of liquefaction.

iii. Buildings and structures could be founded on deep bearing piles going to non-liquefiable dense layers.

iv. Steep slopes can be made more stable by terracing and construction of retaining walls and breast walls, and by ensuring good drainage of water so that the saturation of the hill-slope is avoided.

iii. Any other appropriate engineering intervention to save the building structures or infrastructure from the fury of the earthquake.

Note : The protective action given under (ii) to (v) will usually involve large amount of costs and should only be considered in the case of large and costly structures. For ordinary buildings the cost of improvement of the site will usually be uneconomical, hence bad sites should be excluded by Land Use Zoning.

B. PROTECTION FROM CYCLONIC WIND DAMAGE

i. Buildings, structures and infrastructures in the cyclone prone areas should be designed according to the Indian Standards and Guidelines as provided in the Regulations and the National Building Code.

ii. Light utility structures used for electrical transmission and distribution, and towers for communications, chimney stacks of industrial structures require special design considerations against the cyclonic wind pressures, suctions and uplifts.

iii. In case the buildings, structures and infrastructures are founded on marine clay deposits it will be advisable to adopt either under-reamed piled foundations, or individual column footing with a reinforced concrete beam located at the level of the ground, or a continuous reinforced concrete strip footing.

iv. Wherever, the top soil could become slushy due to flooding, the top layer of 30 cm depth of soil should not be considered for providing lateral stability

v. In storm surge prone areas, it will be preferable to construct the community structures, like schools, cyclone shelters, etc. by raising the level of the ground protected by provision of retaining walls at sufficient distance away from the building, taken to such depth that no erosion takes place due to receding storm surge. Alternatively, construct the community structures on stilts with no masonry or bracing upto the probable maximum surge level.

C. PROTECTION OF AREAS FROM FLOODS

This may require one or more of the following actions.

i. Construction of embankments against the water spills from the source of flooding like rivers, large drain etc.
ii. Construction of high enough embankments/bund around the planning area.
iii. Raising the planning area above the high flood level.
iv. Construction/improvement of drainage paths to effectively drain the water from the planning area.
v. Construction of buildings and structures on deep foundations going below the depth of scour or on stilts with deep enough foundations under water.
vi. Flood proofing works such as the following:
   - Providing Quick Drainage facility, consisting of
     - Revitalisation of secondary and primary drainage channels after establishing the drainage blockage points;
     - Provision of additional waterways;
     - Clearing of clogged cross drainage works;
   - Providing Human and Animal Shelters for population living within embankments in the form of raised platform or use of available high ground.

vii Anti-erosion actions in affected areas
viii. Any other suitable measure.

Note: 1. Similar protection methods could be used against flooding caused in cyclone prone areas by high intensity rains or by the storm surge.

2. The concept of land zoning should be kept in mind for areas where protection works are taken up to decide inter-se priority for location of structures considering possibility of failure of protection works during extreme disaster events.

APPENDIX : C
LIST OF OBNOXIOUS AND HAZARDOUS INDUSTRIES

Sr. No.	Industrial Groups	Noxious Characteristics
01.	02.	03.

(1)	CHEMICAL INDUSTRY :-		
A.	Inorganic Manufacturing Industries :		
	Acids, sulphuric acid, nitric acid, acetic acid (glacial) picric acid, hydrochloric acid, phosphoric acid, etc.		Fire hazards, offensive fumes and smokes.
ii)	Alkalis, caustic soda, caustic potash, soda ash etc.		Fire hazards, corrosive substances.
iii)	Production of mineral salts which involves use of acids.		
iv)	Carbon disulphide, ultramarine blue, chlorine, hydrogen.		Risk of fire, dust and fumes.
B.	Organic Manufacturing Industries :		
i)	Dyes and dyestuff intermediate manufacture.		Washer water is acidic contain quantities of sluge.
ii)	Synthetic plastic like polyethylene P.V.C. rexin, raisin nylon.		Distillates from reaction vessels, fire risk also.
iii)	Synthetic rubber.		Liquid effluents with unpleasant smell.
iv)	Insecticides, fungicides and pesticides.		Unpleasant smell and dust; fire hazards. Risk of fire.
v)	Phenoils and related industries based on coal tar distillations.		Fire hazards, unpleasant smell
vi)	Organic solvents, chlorinated minerals, methanol, methylated spirits.		Risk of fire.
vii)	Manufacture of compressed 'Permanent' liquified and dissolved gases. Acetylides pyridines, lotoform. B-Nepthol etc.		Risk of fire, smell.
viii)	MISCELLANEOUS :- Electro-thermal industries such as manufacture of calcium carbide, phosphorous, aluminum dust, paste, powder,		Risk of fire.
(2)	copper, zinc etc.		

01.	02.	03.
(3)	Positions :	
I.	Ammonium Sulpho-cyanide, arsenic and its compound, barium acetates, barium bodies, barium carbonate, barium cyanide, barium	Contamination if stored on same floor as or on floors above food (fire hazards in any

ethylsuphate, barium acetate, cinnabar copper sulphocyanide, Ferrocyanides, nitrocyanic acid, pottassium cyanide etc.	case.
Manufacture of cellulosic products : rayon fibre, waster products, rayophans paper etc. cellulose, nitrate, celluoid articles, scrap & solution.	Risk of fire.
Paints, enamels, colours, varnish (other than Litho Varnish) and Varnish remover of all kinds.	
Turpentine & turpentine substitutes.	
Matches.	Risk of fire and smell.
Printin ink.	
Industrial alcohol.	
Manufacture of newsprint.	Fire hazards.
	Fire hazards.
Petroleum Products :	Unpleasant smell.
Crude oil refining, processing & cracking, petroleum jelly, neptha cracking, including gas cracking for any purpose.	Unpleasant smell, enormous quantity of contaminated waste, fire hazards.
Carbon black manufacture and black of all kinds.	
Petroleum coke usage for graphite production.	Inflammable fumes & noise.
Lubricating & fuel oils & other oils such as schise oil, shale oil etc.	
	Fire hazards.
Rubber Industry	
Reclamation of rubber andproduction of tyres, rubber solutions containing mineral neptha and rubber waste.	Fire hazards.
	Fire hazards.

1.	02.	03.
	Heavy Engineering & Forgoing shops:	
	Using steam & power hammers & heavy metal forgings.	Noise, vibration & smoke.
	Wood & Wood Products :	
I.	Distillation of Wood.	
	Textiles :	
II	Oil sheets & waterproof clothing	
	a) Wool spinning.	Fire hazards.
		Wool washing liquors containing certain
	Clean rags (not including clean textiles cutting only) and grassy rags.	impurities. Fire hazards.
	Flax yarn & other fiber.	
	Textile finishing, bleaching and dyeing.	Fire hazards.
		Waste water containing acid etc.

	Foods :	
	Vegetable oils.	Noise, unpleasant smell.
XIV	Abottories.	Water, water with obnoxious smell.
1)	Alcohol distilleries and breweries & potanis	Oxygen causing unpleasant smell, noise,
2)	spirit.	fire hazards.
3)	Suger refining.	Unpleasant smell, fire hazards.
4)	Transport :	
	Manufacture of aircraft, locomotives,	Smoke and noise.
XV.	tractors etc.	

FORM NO. C.

(See Rule -9 and See Regulation No. 3.1)

Application for development permission under sections 27, 34 and 49 of G.T.P. & U. D. Act. 1976 / The Notice u./s. 258 and 254 of the B.P.M.C. Act, 1949.

To
The
Chief Executive Authority/Municipal Commissioner,
Urban Development Authority / Municipal Corporation.

I/We hereby apply for permission for development as described in the accompanying maps and drawings. The names of the persons employed by me for the preparation of plans, structural details and supervision of the work area as under :

a) The plans are prepared by Registered Architect/Engineer
Mr. _____.
b) The structural report, details and drawings are to be prepared and
supplied by Mr. _____.

I have read the Development Control Regulation/Bye-laws framed by the Authority under the provisions of the relevant Act and claim to be fully coversant with it. I shall fulfil my duties and responsibilities in accordance with the provisions of the Development Control Regulation/Bye-laws.

Signature of Owner/Builder/
Organiser/Developer or
Authorised agent of owner :
Date :

1. Applicant's name :

2. Postal Address for correspondence :

3. Applicant's interest in land with respect of rights :

4. Discription of Land, village, Town Planning Scheme, Revenue Survey Numbers, Final Plot No. :

5. What is the present use of the land and/ orther building if they are to be put to more than one kind of use, Please give details of each use :

6. Please describe in short the development work stating the proposed use of land for the building. If land and/or the building are to be put to more than one use, please give details of each use :

7. Is this land included in a layout sanctioned by the appropriate authority ?
If yes, please give date of sanction and reference No. with a copy of the sanctioned layout. If not, is it approved by any other Authority ?
Give the name of such Authority with date of sanction and reference no with a copy of the sanctioned layout. :

8. For residential use, number of dwelling units and :

floor

9. Nature and manner of working of industrial/commercial establishment in case the proposed use is for Industry/Commerce :

What separate arrangements have been proposed to be made for loading and unloading of goods from the industrial or commercial goods vehicles ? :

What arrangements have been proposed to be made for disposal of industrial waste effluent ? :

Signature of Owner/Builder/
Organiser/Developer or
Authorised agent of owner :
Date :

Instructions to applicant regarding maps and documents to be submitted along with the application :

A. The maps and drawings should be drawn or copies made on a paper of proper and durable quality so that the[illegible]re clearly and distinctly legible. Every map and/or drawing shall have to be signed by the applic[illegible]owner and his engineer/Architect/ and Organiser/Builder as the case may be. If copies of original maps or drawings are submitted, they shall be true copies.

1. **LAYOUT PLAN** (Three Copies)

Layout Plan of the whole land shall invariably accompany every application for permission to carry out development by way of building construction.

This map shall be drawn to a scale of not lees than 1:500 and show the following details.

a) Boundaries of the S.No./plots mentioned in the application and its lay out by showing sub-division.

b) Existing buildings and new buildings proposed to be constructed. Roads, streets, and carriage ways constructed there on (existing construction should be shown distinctly from the proposed one). Proposed new roads and streets, their levels and width.

c) Proposed use of every building and open space not to be built over within a plot.

d) If the layout is for residential use, maximum number of dwelling units that can be accommodated with any increase in future.

e) It the layout is for industrial or commercial use, maximum area which can be built upon without any increase in future.

f) Existing facilities regarding water supply, sewerage etc, diameter and gradient of water supply line, drainage lines for the disposal of storm water as well as for sewerage.

g) Location of the plot in relation to the near by public road.

h) Alignment and width of all the existing roads, including the road from which the plot has access from the major road. Existing access road and proposed new road, if any, should be shown clearly and distinctly.

i) Existing trees and natural scenery worth preserving.

j) Dimensions and areas of common plot, as required under these regulations, provided in the layout/sub-division of plot.

k) Tree plantation required under regulation No. 31.

2. An extract of the record of right of property register card or any other document showing the ownership of the land proposed for development.

3. Certified part plan and zoning certificate from the certificate from the Authority shall be enclosed along with the application.

4. The applicant shall also submit a certified copy of approved layout of final plot from the concerned authority for the latest approved layout of city survey numbers or revenue survey numbers from D.I.L.R. showing the area and measurement of the plot or land on which he proposes to develop or build.

5. a) Drawing (3 copies) to a scale not less than 1cm.= 1 metre for the buildings existing as well as proposed with floor area for each floor.

b) Layout showing parking arrangements with internal & surrounding roads and exit, and entry movement of vehicles etc. as per regulation No. 19 to the suitable scale.

6. In the case of lands falling within the Urban Land Ceiling (U.L.C.) Act, 1976 Limit, the applicant shall submit along with application :

i) The N.O.C. from the competent authority under the U.L.C. Act, 1976

ii) An affidavit and indemnity bond in the prescribed form under the U.L.C. Act, 1976.

7. Structural Designer's certificate duly signed by him .

8. Certificate of Undertaking: Certificate in the prescribed form no. 2(a), 2(b) and 2(c) by the Registered Architect/Engineer/Structural Designer/Clerk of Works/Developer/ undertaking the work.

9. Full information should be furnished as prescribed in Form No. 3 and 4 under these Development Control Regulations, as the case may be along with the plans.

10. The applicant shall also obtain copy of N.O.C. from the relevant authority as per Regulation No. 3.3 and 4.2 wherever applicable.

11. Certificates as prescribed in forms 2(a), 2(b) and 2(c) are required to be submitted prior to the commencement of the construction.

12. If during the construction of the building the Owner/ Organiser/ Builder/ Architect/ Engineer/ Surveyor is changed, he shall intimate the Competent Authority by registered letter that he was no longer responsible for the project, and the construction shall have to be suspended until the new owner/ Organiser/ Builder/ Architect/ Engineer/Surveyor etc. undertakes the full responsibility for the project as prescribed in form 2(a), 2(b), 2(c) and 2(d).

13. The new Owner/Developer/Architect/Engineer shall before taking responsibility as stated above in clause (12), check the work already executed is in accordance with the permission granted by the Competent Authority. He may go ahead with the remaining work only after obtaining permission of the Competent Authority.

B. SCRUTINY FEE

A person applying for a permission for carrying out any development shall with his application pay to the Competent Authority/M.C. the scrutiny fees at the following rates:

1 BUILT UP AREA

For lowrise building Rs. 3.00 per sq. mt. of Built up area of all floors for the intended residential development or part thereof subject to minimum scrutiny fee of Rs. 300.00

2

For high-rise, commercial, mix development and other than residential use Rs. 5.00 per sq.mt. of Built area of all floors for the intended development or part thereof subject to minimum scrutiny fee Rs. 300.00

3

Subdivision and amalgamation of land

c) Rs. 1.50 per sq. mt. of building unit/plot area for subdivision and amalgamation of all types of development.

d) Rs. 0.50 per sq. mt. of building unit/plot area for subdivision and amalgamation for agricultural and special agricultural zone.

Minimum scrutiny fee shall not be less than Rs. 300.00

4. **URBAN CENTRES, RURAL CENTRES AND AREA OUTSIDE URBAN COMPLEX AND FALLING IN AGRICULTURE ZONE ONLY**

50% of the scrutiny fee as mentioned in Regulation No.3.2.1, 3.2.2 and 3.2.3 for the respective uses and type of dwelling units subject to minimum scrutiny fee Rs 300.00

5 **RENEWAL OF DEVELOPMENT PERMISSION IN LIEU OF**

Development permission granted under these regulation shall be deemed to be lapsed, if such development work has not been commenced till the expiry of one year from the date of commencement certificate/development permission .Provided that, the Competent Authority may on application made to it before the expiry of above period (one year) extended such period by a further period of one year at a time by charging Rs.300.00 for renewal of development permission. The extended period shall in no case exceed three years in the aggregate.

6 **PUBLIC CHARITABLE TRUST:**

Rs. 500.00 if the intended development is for hospitals, dispensaries, schools or colleges or a place of worship, dharmshala, hostels etc. constructed by a public charitable trust registered under Public Charitable Trust Act 1950 or for any other purpose which the Authority may specify by a general or special order.

7 **DEVELOPMENT PERMISSION FOR MINING, QUARRYING AND BRICK KILN OPERATIONS :**

In case of mining, quarrying and brick kiln operations, the scrutiny fees will be as under.

(i) Mining, quarrying and brick kiln operation.
Rs. 500.00 per 0.4 hectare or part there of and a maximum of Rs 2500.00.

(ii) Brick kiln without Chimney.
Rs. 25.00 per 0.1 hectare or part there of and a maximum of Rs. 500.00.

(iii) Processing of lime sagol etc. without construction.
Rs. 25.00 per 0.1 Hectare or part thereof and maximum of Rs. 250.00.

(iv) Renewal of permission for mining, quarrying
Rs. 50.00 for one year.

(v) Renewal of permission for brick kiln (without chimney)

Rs 25.00 for one year.

(vi) Renewal of permission for processing of sagal, lime etc. without construction Rs. 10.00 for one year.

Note :- Fees to be decided by Competent Authority from time to time.

C. DEVELOPMENT CHARGE:

A copy of the receipt of the Development Charge if any, shall be submitted along with the application form.

FORM NO. C(a)

(See Rule -9 and Regulation No. 3.1)

Gujarat Town Planning and Urban Development Act, 1976.

Application for permission of Brick-kiln, Mining and Quarrying under Section - 27.

To

The
Chief Executive Authority/Municipal Commissioner,
Urban Development Authority / Municipal Corporation

I/We hereby apply for permission for development as described below. I/We are applying for development on this land for the first time. I/We certify that all terms and conditions laid down in the development permission granted during last year/previous years have been scrupulous observed.

Signature :

Date :

1.	Applicant Name	:
2.	Postal Address	:
3.	Applicants interest/title in land with respect of record of rights.	:
4.	Description of land, village, Revenue Survey No. and Area	:
5.	Present use of land	:
6.	Proposed use of land	:
7.	i) Whether in past brick-kiln/mining/quarrying was undertaken on the land in question ?	
	ii) If yes, since which year ?	:
	iii) Whether development permission and N.A. permission were obtained ?	:
8.	Total area of land in question	:
9.	How much area is already put to such use so far ? (Please shown on sketch plan)	:
10.	Area now proposed to be taken up for brick manufacture. (Please show on sketch plan)	:
11.	Duration (in month/year) for which permission is sought (Give time -limit for completion or termination of such use)	:

12. If the permission is asked for renewal :
i) No. and date of previous permission
ii) Amount of the Security Deposit :

:

Instruction to applicant regarding sketch plan and documents to be submitted alongwith the application (for new permission as well as renewal).

(1) An extract of the record of rights or any other document showing the ownership of the land owner for this purpose shall be indicated with necessary documentary-proof if the applicant is not the owner of the land in question.

(2) Zoning certificate from the Authority shall be enclosed along with the application.

3) A certified site plan showing the land in question along with surrounding area shall be attached.

4) True copies of last years permission.

FORM NO. 2 (A)

CERTIFICATE OF UNDERTAKING OF REGISTERED ARCHITECT/ENGINEER

To

Ref: Proposal work of _____
(Title of the project)

C.S.No.R.S.No/F.P.No._____Inward No._____ at village _____ Taluka _____

T.P.S.No._____ of _____
(Village/Town/City)

For_____
(Name of Owner/Organiser/Developer/Builder)

Address: _____

Tel.No. :_____

I am a member of Council of Architects/Engineers and I am possessing current registration to act as registered Architect/Engineer.

I hereby certify that I am appointed as the Registered Architect/Engineer/Surveyor to prepare the plans, sections and details as required under the provisions of the Act/ Development Control Regulations for the above mentioned project and that I have prepared and signed the same and that the execution of the project shall be carried out under my direction and supervision of supervisor or owner, as per the approved drawings. I am fully conversant with the provisions of the Regulations, which are in force, and about my duties and responsibilities under the same and I undertake to fulfill them in all respects, except under the circumstances of natural calamities.

I also undertake to provide my guidance for the adequate measure to be taken by the owners for installation of plumbing, drainage, sanitation and water supply. The appointment of site supervisor, clerk of works, building contractor, plumbing contractor and electrical contractor shall be made at the appropriate stage by the owner before the relevant work commences.

Signature:_____

Reg.No._____ Date _____

Name:_____

Address:_____

_____

Tel.No. :_____

FORM NO.2 (B)

CERTIFICATE OF UNDERTAKING OF REGISTERED STRUCTURAL DESIGNER

To

Ref: Proposal work of _____
(Title of the project)

C.S.No.R.S.No/F.P.No._____Inward No._____ at village _____ Taluka _____

T.P.S.No._____ of _____
(Village/Town/City)

Owner_____

Address: _____

Tel.No. : _____

I am possessing the required qualification and experience to act as a Structural Designer. This is to certify that I am appointed as the registered structural designer to prepare the structural report, structural details and structural drawings for the above mentioned project. I am fully conversant of my duties and responsibilities under the Regulations and assure that I shall fulfill them in all respects. I have prepared and signed the structural design and drawing of the proposed building as per the prevailing Indian Standard Specifications and further certify its structural safety and stability in design.

I undertake to supply the owner and the supervisor the detailed drawings. If my services are terminated, I undertake to initiate the Authority in writing.

Signature:_____

Reg.No. _____ Date: _____

Name: _____

Address: _____

_____

Tel.No. : _____

(to be struck off if not applicable)

FORM NO. 2(C)

(SEE REGULATION NO. 3.3 (VII))
CERTIFICATE OF UNDERTAKING OF
REGISTERED CLERKS OF WORKS/SITE SUPERVISER/DEVELOPER/OWNER

To.....

.....

.....

Ref : Proposed work of .....

(Title of the work)

C.S..NO. /R.S.NO. /F.P.NO.....in word.....

at village..... Taluka.....

in T.P.S NO.....at.....

Owner :

Address :

Tele. No.....

I possess a current Registration to act as Registered .....

I hereby certify that I am appointed as a registered .....on the above mentioned project and that all the works under my charge shall be executed in accordance with the stipulations of the National Building Code and relevant standards of the I.S.I.

I am fully conversant with the provisions of the Regulations which are in force and about the Duties and Responsibilities under the same and I undertake to fulfil them in all respect.

* I undertake not to supervise more than ten works at a given time as provided in Development Control Regulations.

* I undertake not to supervise work simultaneously at one point of time on any other sites during my supervision of the execution of this work.

Signature:

Registration No.....Date.....

Name.....

Address.....

.....

Tele.No.....

.....

To be struck off if not applicable

FORM No 2(d)
(Regulation No 3.3 (VII))
CERTIFICATE UNDERTAKING
FOR HAZARD SAFETY (REGULATION No. 18.4) REQUIREMENT

To,

_____

REF: Proposed work of _____

(Title of project)

C.S. No./RS.NO. (F.P. No.

_____

In ward No. _____ at Village _____ Taluka _____ T.P.S. No. _____ of _____ Village/Town/City

1. **Certified that the building plans submitted for approval satisfy the safety requirements as stipulated under Building Regulation No. 18.4 and the information given therein is factually correct to the best of our knowledge and understanding.**

2. It is also certified that the structural design including safety from hazards based on soil conditions shall be duly incorporated in the design of the building and these provisions shall be adhered to during the construction

Signature of Owner with date_____
Name in Block Letters_____
Address_____
_____
_____

Signature of the Engineer/
Structural Engineer with date_____
Name in Block Letters_____
Address_____
_____

Signature of the
Developer with date _____
Name in Block Letters _____
Address_____
_____

Signature of the
Architect with date_____
Name in Block Letters_____
Address _____
_____

Note: The certificate of Undertaking shall be signed by person concerned as per the provisions of these regulations

SPECIAL BUILDING INFORMATION SCHEDULE
(In case of small houses of one or two storeyed load bearing masonry construction)
TO BE ANNEXED WITH FORM 2(D)

											Reference
1 Building address	Sub-Plot No.	RSNo/FPNo/ Colony	TPScheme Name/No.	Town:	Taluka:	District					
2 Building category	2.1 Type of Construction		Brick masonry or other rectangular units			Dressed stone masonry		RCR masonry			
3 Location	3.1 Seismic zone		V		IV		III				Table : 1
	3.2 Design intensity (MM/MSK)		IX		VIII		VII				Table : 1
	3.3 Cyclone zone		20%	40%	50%	60%	75%	80%	100%		Table : 2
4 Foundation	4.1 Soil type at site (Note 2)		Rocky/Stiff		Medium	Soct/Black Cotton Soil		Liquefiable Ref.(1)			Table : 3
	4.2 Depth of water table below GL		In Meter:_____								
	4.3Type of footing/ Foundation used		Strip with or without sand bed		Individual column footing	Under-ream piles		*Any other (specify)			
5 Super-structure	5.1 Storeys etc.		Basements:0/1		G.F:	1st Floor		2nd Floor	Water tank on roof capacity=____ Ltr.		
	5.2. Mortar		C:S = 1:4		C:L:S =1:1:6	*Any other (Specify)					
	5.3 Floors		RC slabs		Stone slabs on joists	Prefab flooring elements on beams		*Any other (specify)			
	5.4 Roof		Flat like floors/ Sloping		Trussed/raftered/'A' frame/Sloping RC slab				* Any other (specify)		
	5.5 Roof covering		CGI sheeting		AC sheets			Morbi tiles	* Any other (specify)		

6 Safety of sloping roof	6.1 Bracing provided	In plan Yes/No/NA	In plane of rafters Yes/No/NA	In plane of vertical columns Yes/No/NA	Cyclone guidelines

where used	6.2 Roof anchorage	To walls=by Bolt : length=_____ cm						Cyclone guidelines
	6.3 Connections	Connecting to Purlins J-bolt/wire		Purlins to rafters Bolt/Wire		Truss elements Welding/Bolts/Nails/ Straps		Cyclone guidelines
7 Load bearing wall building	7.1 Opening in walls	Control used on sizes Yes/No/NA		Control used on location Yes/No/NA		Strengthening around Yes/No/NA		GSDMA guidelines
	7.2 Bands provided	Plinth band Yes/No/NA	Lintel band Yes/No/NA	Eave band Yes/No/NA	Roof band Yes/No/NA	Gable band Yes/No/NA	Ridge band Yes/No/NA	Construction Guidelines 11.3, 16.1
	7.3 Vertical bars	At corners of rooms Yes/No/NA			At Jambs of openings Yes/No/NA			Construction Guidelines Clause:11.5, 18
	7.4 Stiffening of floors/ roof with separate units	RC screed & band Yes/No/NA		Peripheral band and connectors Yes/No/NA		Diagonal planks and alround band Yes/No/NA		Construction Guidelines Clause:11.4, 17

Note: You have to encircle appropriate data/fact
or
Give relevant fact/data where option is not given
or
Specify particular fact/data where options are not applicable in your case.

Ref: 1. Guidelines for reconstruction and new construction of houses in Kachchh earthquake affected areas of Gujarat - Gujarat State Disaster Management Authority, Govt. of Gujarat - June, 2001.
2. Guidelines for cyclone resistant construction of buildings in Gujarat - Gujarat State Disaster Management Authority, Govt. of Gujarat - December, 2001.

FORM NO. 3.

(See Regulation No. 3.3 (VI.a))

Layout plan, Building Plan Details Form for carrying out development Work. 1) Site Plan 3.3 [under regulation no. (IV) & (VI) (a)] 2) Detailed Plan [under regulation no. 3.3 (V)] 3) Layout Plan [under regulation no. 3.3 (VI) (b)]	A	Area Statement	Sq Mts.	I. List of Drawing | No. of copies II. Ref. Description of last approved plans (if any) | Date : III. Description of proposed property IV. North line | Scale | Remarks
	1.	Area of Plot		
		(a) As per record		
		(b) As per site condition		
	2.	Deduction for		
		(a) Proposed roads		
		(b) Any reservations		
		Total (a + b)		
	3.	Net area of plot (1 - 2)		
	4.	% of Common Plot		
		Balance area of Plot (3 - 4)		
	5.	Permissible F.S.I.		
	6.	Total Built up area permissible at :		
		a. Ground Floor		
		b. All floors		
		Existing floor area at :		
		G.F.		
		F.F.		
		2nd floor		
		Rest of the floors and tower floor		
		Proposed area at :		
		G.F.		
		F.F.		
		2nd Floor		
		Rest of the floors and tower floor		
		Total : built up area :		
		Proposed F.S.I. consumed :		
	B.	Balcony area statement :		V. CERTIFICATE : i) Existing Structure and adjoining property is seen by me and necessary precaution will be taken for smooth working without any damage to existing work. Manhole connection is possible and is verified by me. ii) Certified that the plot under reference was Surveyed by me on _____ and the
	1.	Proposed balcony area per floor		
	2.	Excess balcony area (Total)		
	C.	Tenement Statement		
	1.	Area for tenement		
	2.	Tenement permissible at :		
		G.F.		
		All floors		

	3.	Tenement existing at : G.F. All floors		dimensions of sides etc. of plot state on plan are as measure on site and the area so worked out tallies with the area stated in document of ownership/T.P record. Architect/Engineer/Surveyor Signature.
	4.	Tenement proposed at : G.F. All floors		
	5.	Total tenements (3 + 4)		VI. SIGNATORIES
	D.	Tenement Particulars		Signatory Signature Name and address with Regn. No.
	1.	Nos. of rooms per tenement		
	2.	Toilet units provided for tenement.		
	3.	Tenement floor area		
	E.	Parking Statement.		
	1.	Parking space required as per regulations :		Owner
	2.	Proposed parking space :		Architect/ Engineer/ Surveyor
	3.	Loading unloading area :		

FORM NO. 4.

(See Regulation No. 3.3(viii))

FOR SUBDIVISION/ AMALGAMATION/LAYOUT OF LAND SITE PLAN [under regulation no. 3.3 IV and VI (a)] Layout Plan [under regulation no. 3.3 VII(b)]	A	Area Statement	Sq Mts.	I. List of Drawing attached | No. of copies II. Ref. & Description of Last approved plans if any | Date III. Description of proposed development and property IV. North line | Scale | Remarks V. CERTIFICATE Certified that the plot under reference was surveyed by me on _____ and the dimensions of sides etc. of plot state on plan are as measure on site and the area so worked out tallies with the area stated in document of ownership/T.P.record. Architect/Engineer Signature. VI. SIGNATORIES Signatory | Name and address with Regn. No. Owner/ Developer/ Architect/ Engineer/ Clerk of works/ Site supervisor
	1.	Area of Plot		
	2.	Deduction for :		
		(a) Proposed roads		
		(b) Any reservation		
		Total : (a+b)		
	3.	Net area of plot (1-2)		
	4.	Common plot		
		Balance area of plot (3-4)		
		Permissible F.S.I.		
		Total Built-up area permissible		
		Existing floor area		
		F.S.I.		
		Notes :		

FORM NO. D.

(See Rule -10 and Regulation No. 5.1)

DEVELOPMENT PERMISION

Permission is hereby granted/refused under Section 29(1) (i)/29(1)(ii)/29(1)(iii), 34, 49(1)(b) of the Gujarat Town Planning and Urban Development Act, 1976 / under Section 253 and 254 of Bombay Provincial Municipal Corporation Act, 1949.

to

(name of the person)

for

(Description of work)

on the following conditions/grounds

Conditions :
(in case of grant)

subject to the submission of detailed working drawings, and structural drawing(s) along with soil investigation report before the commencement of the work.

Grounds :
(in case of refusal)

a) Documents/N.O.C. etc.:-

Following documents/plans/N.O.C./undertakings as mentioned in form no. 1 are not submitted.

b) Site Clearance :

i) Site is not cleared as per the provisions of Development Plan with respect to
- road line
- reservations
- zone
- other (specify)

ii) Site is not cleared as per the provision of T.P. Scheme ..... with respect to
- Road
- reservation
- final plot
- other (specify)

iii) Proposed use is not permissible according to the width of road as per the provision No. 11.2.

c) Scrutiny of Layout :

Following provisions are not as per the Development Control Regulations :
- Set back
- margin
- common plot
- internal roads
- parking space
- ground coverage
- any other (specify)

d) Scrutiny of Building Requirements :

Following provisions are not as per the Development Control Regulations.
- F.S.I.
- Height
- Ventilation
- Open air space
- Provisions for Fire protection
- Any other (specify)

Chief Executive Authority/
Authorised office/
Commissioner/
Urban/Area Development Authority/
Municipal Corporation.

FORM NO.6 (A)

PROGRESS CERTIFICATE

Plinth Stage/In case of basement casting of basement slab

Reference No.
Owner's Name: Location:
Submitted on: Received on:

The Chief Executive Authority
Urban/Area Development Authority

Sir,

We hereby inform you that the work of execution of the building as per approved plan, working drawing and structural drawings has reached the Plinth Level and is executed under our supervision.

We declare that the amended plan is not necessary at this stage.

Yours faithfully,

Signature of the
Supervising Engineer/Owner

Date:

Name in block letters: _____
Address: _____
_____
_____

FORM NO.6 (B)

PROGRESS CERTIFICATE - FIRST STOREY

Reference No.

Owner's Name: Location:
Submitted on: Received on:

The Chief Executive Authority
Urban/Area Development Authority

Sir,

We hereby inform you that the work of execution of the building as per approved plan, working drawing and structural drawings has reached the first storey level and is executed under our supervision.

We declare that the amended plan is not necessary at this stage.

Yours faithfully,

Signature of the
Supervising Engineer/Owner

Date:

Name in block letters: _____

Address: _____

_____

_____

FORM NO.6(C)

PROGRESS CERTIFICATE - MIDDLE STOREY IN CASE OF HIGH-RISE BUILDING

Reference No.

Owner's Name: Location:
Submitted on: Received on:

The Chief Executive Authority
Urban/Area Development Authority

Sir,

We hereby inform you that the work of execution of the building as per approved plan, working drawing and structural drawings has reached _____ storey level and is executed under our supervision.

We declare that the amended plan is not necessary at this stage.

Yours faithfully,

Signature of the
Supervising Engineer/Owner

Date:

Name in block letters: _____

Address: _____

_____

_____

FORM NO.6 (D)

PROGRESS CERTIFICATE - LAST STOREY

Reference No.

Owner's Name: Location:
Submitted on: Received on:

The Chief Executive Authority
Anjar Area Development Authority

Sir,

We hereby inform you that the work of execution of the building as per approved plan, working drawing and structural drawings has reached _____ storey level and is executed under our supervision.

We declare that the amended plan is not necessary at this stage.

Yours faithfully,

Signature of the
Supervising Engineer/Owner

Date:

Name in block letters: _____

Address: _____

_____

_____

FORM NO. 7
[See Regulation No. 6.2(c)]

COMPLETION REPORT

Reference No.
Owner's Name:
Submitted on:
Location:
Received on:
The
Chief Executive Authority / Municipal Commissioner,
Urban Development Authority / Municipal Corporation

Sir,

The work of erection/re-erection of building as per approved plan is completed under the Supervision of Architect/Developer/Engineer who have given the completion certificate which is enclosed herewith.

We declare that the work is executed as per the provisions of the Act and Development Control Regulations/Byelaws and to our satisfaction. We declare that the construction is to be used for _____ the purpose as per approved plan and it shall not be changed without obtaining written permission.

We hereby declare that the plan as per the building erected has been submitted and approved.

We have transferred the area of parking space provided as per approved plan to an individual/association before for occupancy certificate.

Any subsequent change from the completion drawings will be our responsibility.

Yours faithfully,

(Developer's Signature) **(Owner's Signature)**

Name of Developer **Name of Owner**

Date:

Address:
Encl: Completion Certificate

FORM NO.8

BUILDING COMPLETION CERTIFICATE

Reference No.

Owner's Name: Location:
Submitted on: Received on:

The Chief Executive Authority
Urban/Area Development Authority

Sir,

1. The building/s has/have been constructed according to the sanctioned plan.

2. The building/s has/have been constructed as per approved plan and structural design (one set of structural drawings as executed and certified by the Structural Engineer is enclosed) which incorporates the provision of structural safety as specified in relevant prevailing Indian Standard Specifications/ Guidelines.

3. Construction has been done under our supervision/guidance and it adheres to the drawings submitted and records of supervision have been maintained by us.

Signature of the
Supervising Engineer/Owner

Date:

Name in block letters: _____
Address: _____
_____
_____

Signature of the
Structural Designer

Date:

Name in block lettes: _____
Address: _____
_____
_____

FORM NO.9

FORM OF OCCUPANCY CERTIFICATE

(Brief description of nature of development)

On Survey No._____ of village _____ Taluka _____ Plot No. _____ T.P.Scheme No. _____ Street _____ Ward/Sector _____ owned by _____ in the development area, completed and constructed as per plan prepared by _____ under the supervision of _____
(Architect/Engineer) (Supervising Engineer/Owner)

Architect has been inspected on _____ and I declare that the development has been carried out in accordance with the Development Permission No._____ dated _____ and that the development is fit for the use for which it has been permitted.

Chief Executive Authority
Urban/Area Development Authority

Date:

FORM NO. 10.
(See Regulation No. 9.1)

Registration for Architect/Engineer /Structural Designer/Clerk of Work/Site Supervisor/. Developer/ owner.

APPLICATION FORM

Name	:
Address (Local)	:
Permanent Address	:
Telephone No.	:
Qualifications	:
Experience	:
Are you serving anywhere ?	:
(Give detailed address of employer and his No Objection Certificate)	:
Registration/Registration renewal fee/remitted in person/by M. O. etc.	
(No such fees shall be payable by Architect registered with council of Architects, India	
Last year's Registration No.	
Further particulars, if any	
	:
	:

I hereby undertake to abide by all Rules, Regulations, Standing Orders, Requisitions and instructions given by the Authority and shall carry out duties and responsibilities as prescribed in Development Control Regulations. I also understand that if, I fail to perform my duties as above, the Authority will be entitled to withdraw my Registration and forfeit my Registration fee, if any.

Kindly grant me a new/renewed Registration for the year _____ . Registration Book may be sent to me when ready. I send herewith two passport size copies of my photographs signed by me.

Signature of applicant.

FORM NO. 11.
(See Regulation No. 26)

STRUCTURAL INSPECTION REPORT

(This form has to be completed by registered Structural Designer after his site Inspection and verification regarding compliance of all recommendation by the owner, which in the opinion of the registered structural designer are necessary for safety of the structure)

I. Description by title and location of the property including T.P.No., F.P.No. etc. :

II. Name of the present owner :

III. Description of the structure :

Class I or Class II (Briefly describe the property in general and the structure in particular)

(a) Function	(b) Framed construction							
	Reside-nce(with or ithout shops	Apart-ments (with or Without shops	Office Bldg.	Shoppin g centre	School, College	Hostel	Audit-oria	Factory
	1	2	3	4	5	6	7	8
A. Load bearing masonry wall construction								
B. Framed structure								
construction and structural materials	Critical load bearing element	Brick	RCC	Stone	Timber	Steel		
	Roof Floor	RCC	Timber	RBC	Steel	Jack-arch		

IV. Year of construction
Year of subsequent additions or rectification's (Please describe briefly the nature of additions or rectification's).

V. Date of last inspection report filed : Last filed by whom (This does not apply to the first report).

VI. Soil on which building is founded :
i) Any change subsequent to construction :
ii) Nearby open excavation
iii) Nearby collection of water :
iv) proximity of drain :
v) underground water-tank :
vi) R.W. Pipes out-lets :
vii) Settlements :
:

VII. The Super-structure (R.C.C. Frame structure) :
I) Crack in beam or column nature and :

extent of crack probable causes.
ii) Cover spell :
iii) Exposure of reinforcement :
iv) subsequent damage by user for taking pipes, conduits, hanging, fans or any other fixtures, etc. :
vi) Crack in slab :
vii) Spalling of concrete or plaster of slab :
viii) Corrosion of reinforcement
ix) Loads in excess of design loads :
:

VIII The Super-Structure :
(Steel Structure) :

I) Paintings :
ii) Corrosion :
iii) Joint, nuts, bolts, rivets, welds, gusset plates :
iv) Bending or buckling of members :
v) Base plate connections with columns or pedestals :
vi) Loading :

IX. The Super-Structure (Load bearing masonry structure) Cracks in masonary walls) :

(Please describe some of the major cracks, their nature, extent and location, with a sketch, if necessary.

X. Recommendations if any :

This is to certify that the above is a correct representation of facts as given to me by the owner and as determined by me after Site Inspection to the best of my ability and judgment.

The recommendations made by me to ensure adequate safety of the structure are compiled with by the owner to my entire satisfaction.

(Signature of the Registered structural Designer and date)

Name of the registered structural designer :

Registration No. Address :

Government of Gujarat

Urban Development and Urban Housing Department

Sachivalaya, Gandhinagar

NOTIFICATION

Date : 8 OCT. 2002

CORRIGENDUM

THE GUJARAT TOWN PLANNING & URBAN DEVELOPMENT ACT, 1976

No. GH/V/140 OF 2002/DVP/1599/1368/L : In the Government, in Urban Development And Urban Housing Department, Sachivalaya, Gandhinagar, Notification No. GH/V/59 OF 2002/ DVP/1599/1368/L Dated : 18-5-2002 published in the Gujarat Government Extraordinary Gazette of 18-05-2002, Central Section Part IV-B, on page number 127-1 to 127-191, regarding revised Development Plan of Ahmedabad Urban Development Authority, the following corrections shall be made in the Schedule :

14. In serial No. 67, delete words **"67(ii)"** after word **"Residential Zone-III for serial no. 67 (i) and".**

15. In APPENDIX-D, Regulation No. 10.6(4)(5) add word **"not"** before words **"deducted for the consideration of Floor Space Index of a building unit".**

16. In APPENDIX-D, Regulation No. 12.4.1(D)(d) replace words **"0.6 mts X 0.06 mts solid Architectural Projection shall be permitted in margins."** by **"0.6 mts Architectural Projection shall be permitted in margins, which shall not be an extension of the slab & shall not be used for habitable, purpose."**

17. Insert **"Index"** in the APPENDIX-D.

By order and in the name of the Governor of Gujarat.

(V. D. VAGHELA)
Officer on Special Duty and ex-officio Deputy Secretary
Urban Development and Urban Housing Department