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GOVERNMENT OF ARUNACHAL PRADESH
LAW AND JUDICIAL DEPARTMENT
AP CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 11th March, 2008

No. LAW/LEGN-6/2007.— The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 7th March, 2007)

The Arunachal Pradesh Urban and Country Planning Act, 2007

(ACT NO. 3 OF 2008)

AN

ACT

to provide for planning the development of urban areas and use of urban and rural land and to prevent encroachments of public lands and to lay down regulations for building constructions in urban areas in the State of Arunachal Pradesh and for purposes connected therewith.

BE it enacted by the Legislature of the State of Arunachal Pradesh in the Fifty eighth Year of the Republic of India as follows :

CHAPTER-I

Preliminary

1. (1) This Act may be called the **Arunachal Pradesh Urban and Country Planning Act, 2007**. Short title, extent, & commencement.
- (2) It extends to the whole of the State of Arunachal Pradesh or part thereof as may be notified by the State Government.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless there is anything repugnant in the subject or context otherwise requires :-
 - (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; 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 ;
 - (ii) **“Amenities”** include roads and streets, open spaces, parks, recreational ground, play-grounds, water and electric supply, street lighting, sewerage, drainage, public works and other utilities, services and conveniences ;

- (iii) **“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 ;
- (iv) **“Authority”** means **State Urban and Country Planning Board and Local Planning Authority** constituted under this Act;
- (v) **“Building Operations”** include-
 - (a) erection or re-roofing 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
 - (e) its one part or more parts used for human habitation into
 - (f) 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;
- (vi) **“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, houses not attached to any educational institutions, saris, and “commercial” shall be construed accordingly;
- (vii) **“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;
- (viii) **“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;
- (ix) **“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;
- (x) **“Development Plan”** means interim development plan or comprehensive development or comprehensive development plan prepared under this Act;
- (xi) **“Engineering Operations”** include the formation of laying out of means of access to a road or the laying out of means of water supply;
- (xii) **“Industry”** includes the carrying of any manufacturing process as defined in Factories Act, 1948; and “industrial” shall be construed accordingly;
- (xiii) **“Industrial use”** includes the user of any land or building or part thereof for purposes of industry as defined;
- (xiv) **“Land”** includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (xv) **“Local Authority”** means a Municipal Council or Committee, or Town Committee Board / Authority or District Board / Authority 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” of any land within its local limits falls in the area of a plan prepared or to be prepared under this Act ;

- (xvi) **“Local Newspaper”** means any newspaper published or circulated within the local Planning area ;
- (xvii) **“Planning Area”** means any area declared to be a Local Planning Area under this Act;
- (xviii) **“Planning Authorities”** means **State Urban and Country Planning Board and Local Planning Authority** constituted under this Act;
- (xix) **“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;
- (xx) **“Owner”** includes a mortgage 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 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 ;
- (xxi) **“Prescribed”** means prescribed by rules or regulations made under this Act ;
- (xxii) **“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 ;
- (xxiii) **“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;
- (xxiv) **“Regulation”** means a regulation made under this Act by the State Urban and Country Planning Board and Local Planning Authority and includes zoning and other regulations made as a part of a Development Plan ;
- (xxv) **“Residence”** includes the use for human habitation of any land or building or part thereof including gardens, grounds, garages, stables, and houses, if any, appertaining to such building; and ‘residential’ shall be construed accordingly;
- (xxvi) **“Rule”** means a rule made under this Act by the State Government; and
- (xxvii) **“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;
- (xxviii) Words and expressions not defined in this Act shall be subject to interpretation of the State Urban Development and Planning Authority.
- (xxix) ‘Director’ means Director of Town Planning/ Chief Town Planner, appointed by the State Government.

CHAPTER-II

State Urban and Country Planning Board

State Urban and Country Planning Board.

3. (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, an Authority to be called the **State Urban and Country Planning Board**.
- (2) The State Government may by notification in the Official Gazette, constitute the State Urban and Country Planning Board as deemed necessary from time to time.
- (3) The Director of Town Planning/ Chief Town Planner, shall be Member Secretary to the State Urban and Country Planning Board. He may for the purpose of carrying out functions assigned to him under this Act, hire Officers/Officials/ professionals from various Government Works Departments for certain periods for specific purposes as mentioned in section-13. Further, the State Urban and Country Planning Board may authorize the Director of Town Planning / Chief Town Planner, for execution of certain functions on behalf of the State Urban and Country Planning Board as required in the Act. The Director of Town Planning/ Chief Town Planner appointed under this Act shall possess such educational qualifications from any institution as recognized by the Institute of Town Planner, India.

Functions and powers of the State Urban and Country Planning Board.

4. (1) Subject to the provisions of this Act, and the rules framed there under, the functions of the State Urban and Country Planning Board shall be to guide, direct, and assist the Local Planning Authorities to frame policies in matters relating to Planning, 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 State Urban and Country Planning Board :
- (2) In particular and without prejudice to the generality of the foregoing provisions, the State Urban and Country Planning Board may, if required by the State Government-
- (a) direct the Local Planning Authorities/Sub-Divisional Planning Authorities as the case may be for the preparation of Development Plan;
- (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 State Urban and Country Planning Board may exercise all such powers as may be necessary or expedient for the purposes of carrying out its functions under this Act.
- (4) For carrying out the purposes of this Act, the State Urban and Country Planning Board on behalf of the State Government through the Secretary, shall supervise, guide and direct the Local Planning Authorities/ Sub-Divisional Planning Authorities as and when need arises.

Term of Office and conditions of service of Chairman and members of State Urban and Country Planning Board .

5. (1) The term of office and conditions of service of the Chairman and other members of the State Urban and Country Planning Board shall be such as may be prescribed; and they shall be entitled to receive such salaries with allowances or honorarium or both as may be fixed by the State Government from time to time.
- (2) The State Government may, if it thinks fit, terminate the appointment of Chairman or any members of the State Urban and Country Planning Board at any time.

- (3) The Chairman or any member may resign his membership of the State Urban and Country Planning 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 State Urban and Country Planning Board.
- (4) Any vacancy so created shall be filled by fresh appointment by the State Government.
6. (1) The State Urban and Country Planning Board shall convene meeting once in every six months and preferably twice in a year at such times and places and shall, subject to provisions of sub-section (2) and (3) below, observe the procedure as may be prescribed in regard to the transaction of its business at such meeting. Meetings of the State Urban and Country Planning Board.
- (2) The Chairman or in his absence the Vice-Chairman if any, or in the absence of Chairman and or the Vice Chairman, any member chosen by the members from amongst themselves, shall preside at a meeting of the State Urban and Country Planning Board.
- (3) All questions, at a meeting of the State Urban and Country Planning 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

Declaration of Local Planning Areas, their amalgamation, sub-division, inclusion of any area from Local Planning Area

7. (1) The State Government/ State Urban and Country Planning Board may, by notification declare any area in the State to be a Local Planning Area which may be comprised of one or more districts 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. Local Planning Areas & Local Planning Authority.
- (2) Every such notification shall define the limits of the area to which it relates.
- (3) The State Government/ State Urban and Country Planning Board may 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/ State Urban and Country Planning Board 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/ State Urban and Country Planning Board, shall apply to the 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 area are included in other Local Planning Areas, the State Government /State Urban and Country Planning Board shall, after consulting, the Local Planning Authorities, 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 Local 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. (1) The State Government/ State Urban and Country Planning Board may, by notification withdraw from the operation of this Act, the whole or a part of any Local Planning Area declared there under. Power to withdraw Local Planning area from operation of this Act :

- (2) 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 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 State Government, and the Local Authority or Authorities concerned and in what manner the properties and liabilities of the Local Planning Authorities 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 Local Planning Authority shall vest and be apportioned accordingly.
- Local Planning Authority.
9. (1) 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 having adequate representatives from Local Bodies.
- (2) Every Local Planning Authority shall be body corporate by the name aforesaid having perpetual succession and a common seal with there to acquire, hold and dispose of property both moveable and immovable and to contract and shall by the said name sue and be sued.
- (3) The State Government, may by notification in the Official Gazette constitute the Local Planning Authority with Chairman, Vice-Chairman and Members as deemed fit from time to time under this section.
- (4) The Assistant Town Planner, Town Planning shall be the Member Secretary to the Local Planning Authority till a Town Planner is appointed and posted to discharge the duties and responsibilities of the Member Secretary of a Local Planning Authority. The Town Planning/ Assistant Town Planner appointed under this Act shall possess such educational qualifications from any institution as recognized by the Institute of Town Planner, India.
- (5) The Local Planning Authority may, if need be felt, constitute a Sub-Divisional Planning Authority , with prior approval of the State Urban and Country Planning Board to discharge the power and functions of Local Planning Authority in the Sub-Divisional level, subject to following conditions-
- (i) The Local Planning Authority concerned may, if it thinks fit, overrule the decisions of Sub- Divisional Planning Authority and exercise its power and functions to discharge the duties assigned to it under this Act.
 - (ii) The Local Planning Authority may, if it is of the opinion that the continued existence of Sub-Divisional Planning Authority is not necessary, may recommend dissolution of the Sub-Divisional Planning Authority to the State Urban and Country Planning Board. The State Urban and Country Planning Board shall dissolve such Sub-Divisional Planning Authority.
- (6) The Chairman /Vice Chairman and members of Sub-Divisional Planning Authority shall be entitled to receive such allowances as may be fixed by the State Government.
- (7) All other rules which is applicable to the Local Planning Authority shall also be applicable to the Sub-Divisional Planning Authority.
- Term of office and conditions of service of the members of Local Planning Authority.
10. The term of office and conditions of service of the Chairman and Members of the Local Planning Authorities shall be such as will be prescribed and they shall be entitled to receive such allowances as may be fixed by the State Government as deemed necessary from time to time.
- Functions and powers of the Local Planning Authority.
11. Subject to the provisions of this Act, the rules framed there under and any directions which the State Government/ State Urban and Country Planning Board may give, the functions of every Local Planning Authority shall be, and it shall have power to prepare-

- (a) a existing Land Use Map-
- (b) a 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. (1) Each Local Planning Authority shall meet once in every 3 (Three) months or quarterly in a year, 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. Meeting of Local Planning Authorities.
- (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 Local Planning Authority.
- (3) All questions at a meeting of the Local 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. (1) The State Urban and Country Planning Board and Local Planning Authority may associate with itself in such manner and for such and for purposes as may be prescribed by rules any person/officers from various Departments of the State Government, whose assistance or advice it may desire in performing any its functions under this Act . In the event of non-availability of requisite experts/professionals from the various Government Departments, the State Urban and Country Planning Board and Local Planning Authority may hire Professionals/Firms/ experts in the Field from outside for specific purpose or outsource as deemed necessary from time to time with such remuneration and allowances as may be fixed by the Board. Temporary association of persons with State Urban and Country Planning Board the Local and Planning Authority for particular purposes.
- (2) Any person associated with it by the Local Planning Authority under sub-section - (1) for any purpose shall have a right to take part in the discussions of the Local 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.
- (3) The Officers as mentioned in the sub-section (1), on requisition of their services by the State Urban and Country Planning Board and Local Planning Authority, shall comply forthwith such requisition orders without fail.
14. (1) Subject to prior approval of the State Urban and Country Planning Board and such control and restrictions as may be prescribed by rules, any Local Planning Authority may appoint such number of officers and employees or may engage State Government Officials/Officers as may be necessary for the efficient performance of its functions and may determine their designations and grades/ salaries, allowances and honorarium etc. Staff of the Local Planning Authority.
- (2) The Officers and employees of the Local Planning Authority shall be entitled to receive such salaries and allowances and honorarium to the State Government Officials/Officers if engaged partly as may be fixed by the Local 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

Preparation of present Land use map and register.

15. As soon as may be, after its constitution every Local Planning Authority/ Sub-Divisional Planning Authority shall, not later than six months after its constitution or within such time as the State Government /State Urban and Country Planning Board 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.

Notice of the preparation of the map and register.

16. (1) After the preparation of the map, the Local 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 Map or a Register or both of the area is prepared by the Government 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 subject to such reviews as deemed necessary for the proper planning and regulation of urban and rural areas.

- (2) After the expiry of the period mentioned in sub-section (1), the Town Planner/Assistant Town Planner or any other Officer engaged by the Local Planning 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 Local Planning Authority.

- (3) The Local Planning Authority shall consider such report as mentioned at sub-section (2) 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 Local 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 State Urban and Country Planning Board.

- (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 conclusive evidence that the Map and Register has been duly prepared and adopted.

The power of the state government/ State Urban and Country Planning Board in case of default of the Local Planning Authority to prepare the map and register.

17. (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/ State Urban and Country Planning Board has extended, no map or Register has been prepared, OR
- (b) if at any time the state Government/ State Urban and Country Planning Board is satisfied that the Local Planning Authority is not taking steps necessary to prepare such a Map and a register within that period, the State Government/ State Urban and Country Planning Board may direct the Director of Town Planning/ Chief Town Planner, to prepare the Map and the Register by itself or by engaging Professionals/ Experts in the field by hiring their services as per existing rules.

- (2) After preparation of the Map and the Register, the Director of Town Planning/ Chief Town Planner of Town Planning shall submit the same to the State Urban and Country Planning Board, and the State Urban and Country Planning Board shall follow the procedure and exercise the powers of the Local 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 Local Planning Authority shall be paid by the Local Planning Authority from their own fund/resources or allocated earmarked fund for the purpose by the State Government.

CHAPTER-V***Development Plans***

18. (1) As soon as may be, after the declaration of a Local Planning Area, the Interim Local Planning Authority shall, not later than one year after such declaration or within such time as the State Government/ State Urban and Country Planning Board may, from time to time extend, prepare, after consultation with the Local Authorities concerned, if any and submit to the State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board, a plan (hereinafter called the "Interim Development Plan") for the planning area or any of its parts and such other area or area contiguous or adjacent to the planning area as the State Government/ State Urban and Country Planning Board may direct to be included in the Interim Development Plan.
- (2) The Interim Development Plan shall-
- (a) indicate broadly the manner in which the Local 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 play grounds ;
 - (iii) for such other purposes as the Local 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, airports, canals ;
 - (d) include regulations (hereinafter called zoning regulations) to regulate within each zone the location, height, number of story 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.
19. (1) As soon as may be, after the declaration of a Local Planning Area, the Local Planning Authority shall, but not later than 3 years after such declaration or within such time as the State Government/ State Urban and Country Planning Board may, from time to time, extend, prepare after consultation with the Local Authorities concerned, and submit to the state Government /State Urban and Country Planning Board 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/ State Urban and Country Planning Board 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 reserve for agriculture, public and semi- public open spaces, parks playgrounds, gardens and other re- creational uses, green belts and natural 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 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/ State Urban and Country Planning Board to be indicated, defined, and provided for ;
- (c) Include zoning regulations to regulate within each zone, the location, height, number of storey 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 Local 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 centers, Industrial area 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 area 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. If the Government 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 subject to reviews as deemed necessary for the proper planning and regulations of the Local Planning Areas by the Local Planning Authority.
21. (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 / State Urban and Country Planning Board has extended, no development plan has been prepared, OR,
- (b) If at any time the state Government/ State Urban and Country Planning Board is satisfied that the Local Planning Authority is not taking steps necessary to prepare such a development plan within that period, the State Government/ State Urban and Country Planning Board may direct the Director of Town Planning/ Chief Town Planner, of Town Planning, to prepare the development plan by itself or by hiring Professionals/Experts/Consultants in the field as per rules.
- (2) After preparation of the development plan, the Director of Town Planning/ Chief Town Planner of Town Planning shall submit the development plan to the State Government/ State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board shall follow the procedure and exercise the powers of the Local Planning Authority under sections-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 Local Planning Authority, shall be paid by the Local Planning Authority from their own fund, resources available to Local Planning Authority.

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

Power of state government/ State Urban and Country Planning Board in case of default of Local Planning Authority to prepare Development Plan.

CHAPTER-VI

Procedure for Approval and Preparation of Development Plan.

22. (1) As soon as may be, after the Development Plan has been submitted to the State Government/ State Urban and Country Planning Board, but not later than the time prescribed by the rules, the State Government/ State Urban and Country Planning Board may direct the concern Local Planning Authority to make such modifications in the development plan as the State Government/ State Urban and Country Planning Board thinks fit and thereupon the Local Planning Authority shall make these modifications. Consent of the State Government/ State Urban and Country Planning Board to the publication of notice of preparation of Development Plan.
- (2) The State Government/ State Urban and Country Planning Board shall, after the modifications, if any, 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 Concern Local Planning Authority.
23. (1) As soon as may be, after the Local Planning Authority had received the consent of the State Government/ State Urban and Country Planning Board to the publication of the notice under section 22 (2), the Local 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: Public notice of the preparation of the Development Plan.
- 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 Local Planning Authority shall appoint a Committee consisting of the officers from District Administration, Department of Urban Development and Town Planning and not less than two of its other members, to consider the objections filed under sub-section 23 (1) and report on them within such time as the Local 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 Local 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 State Urban and Country Planning Board.
24. 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/ State Urban and Country Planning 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 concern Local Planning Authority to modify the plan or prepare a fresh plan in accordance with such directions as the State Government/ State Urban and Country Planning Board may issue in this behalf. Approval by the State Government/ State Urban and Country Planning Board.
25. (1) Immediately after the Development Plan has been approved by the State Government/ State Urban and Country Planning Board, the Local Planning Authority shall publish a public notice in the Official Gazette and in a local newspaper, of the approval of the development plan for inspection. Coming into operation of the Development Plan.
- (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 proposal in the Comprehensive Development Plan are at variance with the Interim Development Plan.

Amendment of Development Plans. 26. 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 Local Planning Authority shall, after carrying out such fresh surveys as may be considered necessary or directed by the State Government/ State Urban and Country Planning Board prepare after consultation with the Local Authorities concerned, if any, and submit to the State Government/ State Urban and Country Planning Board, a Development Plan for any alteration or additions considered necessary by the Local Planning Authority to the Development Plan in operation.

The provisions of Section-23, 24 and 25 with such modifications as may be necessary shall apply to such a Development Plan.

Suspension of Plan in emergency by State Government/ State Urban and Country Planning Board. 27. If the State Government/ State Urban and Country Planning Board 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

Use and Development of land to be in conformity with Development Plan. 28. 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 Local 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.

Prohibition of Development without payment of Development charges and without permission. 29. (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 Local 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 Central or the State Government or any Local Authority of any works for the purpose of inspection, 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 un-metalled 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 or 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.

(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 Local Planning Authority for permission in such forms and containing such particulars and accompanied by such documents and plans as may be prescribed by the rules or 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 Local 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/ State Urban and Country Planning Board. At least, one month prior to the undertaking of such development where a Local Planning Authority has raised any objection in respect of the conformity of the 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 or 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 State Government/ State Urban and Country Planning Board / Local Planning Authority, or
- (ii) submit the proposals for development together with the objections raised by the Local Planning Authority to the State Government/ State Urban and Country Planning Board for decision.

The State Government/ State Urban and Country Planning Board on receipt of the proposals for development together with the objections of the Local Planning Authority, shall in consultation with the Director of Town Planning/ 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 Local 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 Local 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 Local Planning Authority expedient for the purpose of the permitted development.

(4) The Local 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 refusal be recorded in the order.

- (6) Any such order shall be communicated to the applicant in the manner prescribed by regulations.
- (7) The Local 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 Local 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.
- Appeal against grant of permission subject to conditions or refusal of Permission.
30. (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, or 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 State Government/ State Urban and Country Planning Board.
- (2) The State Government/ State Urban and Country Planning Board, after receiving the appeal, may give a reasonable opportunity to the appellant and the concern Local Planning Authority to be heard or any other person appointed by the State Government/ State Urban and Country Planning Board on their behalf to give a reasonable opportunity to the appellant and the Local Planning Authority concerned to be heard and to submit thereafter his report on the appeal to the State Government/ State Urban and Country Planning Board.
- (3) After hearing the appellant and the Local Planning Authority concerned or after considering the aforesaid report the State Government/ State Urban and Country Planning 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
 - (vi) imposing other conditions, if any as it may think fit.
- (4) The State Government/ State Urban and Country Planning Board may, by a resolution, delegate any of its functions and powers under this section to the Secretary, State Urban and Country Planning Board, in such cases and subject to such conditions, if any as may be specified therein.
- Lapse of permission
31. 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 State Government/ State Urban and Country Planning Board and Local 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.
- Obligation to acquire on refusal of permission, or on grant of permission in certain cases.
32. (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 reasonable 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 to 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 State Urban and Country Planning Board and the Local 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 Local Planning Authority concerned, and after hearing shall submit a report thereon to the State Government/ State Urban and Country Planning Board; after receiving such report, the State Government/ State Urban and Country Planning Board,
- (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 (1) are fulfilled regarding the land or any part of the land, shall pass an order;
- (i) confirming the notice;
- or
- (ii) directing the Local 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 3 (three) years from the date on which an acquisition notice is served under sub-section (1), the State Government/ State Urban and Country Planning Board have 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/ State Urban and Country Planning Board shall proceed to acquire the land or that part of any land regarding which the notice has been confirmed within 3 (three) years of the confirmation of the acquisition notice.
33. (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 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 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 Local Planning Authority, if he has not been served an acquisition notice, or if the acquisition is not confirmed by the State Government/ State Urban and Country Planning Board under Section -30, compensation for such refusal or for grant of permission subject to conditions :

Compensation for refusal of permission or grant of permission subject to conditions in certain cases.

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 Local Planning Authority, a special officer with sufficient knowledge on the subject nominated for the purpose shall, after giving an opportunity of being heard to the applicant, make a report to the Local Planning Authority.
- (4) The Local 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 Local Planning Authority shall refer the matter for the abdication of the Court and the decision of the Court shall be final and binding on the owner and the Local Planning Authority.
- Power of revocation and modification of permission to develop.
34. (1) If it appears to the Local Planning Authority that it is expedient having regard to the Development Plan, prepared, under preparation or to be prepared and to any other material considerations, that a permission to develop land granted under this Act or any other law, it should be revoked or modified, the Local 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 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, such order shall be passed at any time after the change has taken place.
- (2) When permission is revoked or modified by an order as under the last foregoing section, if the owner claims from the Local Planning 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 Local Planning Authority shall after giving the owner reasonable opportunity of being heard 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 Local Planning Authority shall refer the matter to the adjudication of the Court and the decision of the Court shall be binding and final on the owner and the Local Planning Authority.
- Penalty for unauthorized development or for use otherwise than in conformity with the development plan.
35. (1) Any person whether at his own instance or at the instance of any other person or anybody commences, undertakes or carries out development, institutes or changes any use of any land –
- (a) in contravention of any development plan ;
- (b) without obtaining a certificate regarding development changes under section 29 (1) (a) ;
- (c) without permission as required under this Act ;
- (d) in contravention of any condition subject to which 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 twenty 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 continue after conviction for the first commission of the offence or imprisonment of three months or both.

(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 twenty thousand rupees and in the case of a continuing offence with a further fine which may extend to five hundred and fifty rupees for every day during which such offence continues or imprisonment of three months periods after conviction for the first commission of the offence or both.

36. (1) Where any development of land has been carried out as described in section 35, the Local 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,

Power to require removal of unauthorized development.

- (i) in case specified in clause (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 to any use of land ;

Provided that in the case the notice requires the discontinuance of any use of land the Local 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 State Government/ State Urban and Country Planning 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 State Government/ State Urban and Country Planning Board under sub-section (2), the Director Town Planning/ Chief Town Planner, as the Secretary to the State Urban and Country Planning Board or any other person appointed by him in their behalf shall, after allowing a reasonable opportunity of being heard to the appellant and the Local Planning Authority concerned, submit his report to the State Government/ State Urban and Country Planning Board.
- (5) After considering the aforesaid report, the State Government/ State Urban and Country Planning 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 Local 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 Local Planning Authority may consider necessary including demolition or alteration of any building or works of carrying out of any building or other operations .
- (ii) The Local Planning Authority shall 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 twenty thousand rupees, and in the case of continuing offence, with a further fine of Rupees five hundred every passing day during which such offence continues or imprisonment of three months period after conviction for the first commission of the offence or both including confiscation of the said land.
- Power to stop unauthorized development and requisition of Police.
37. (1) Where any development of land as described in Section 35 is being carried out but has not been completed, the Local 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 clauses (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 twenty 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 serving of the notice during which the non-compliance has continued or continues or imprisonment of three months period from date of conviction for the first commission of the offence or both.
- (4) If such notice is not complied forthwith the Local Planning Authority or such officer of the Local Planning Authority, who may be authorized in this behalf, may requisition 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 Local Planning Authority or such officer of the Local Planning Authority who may be authorized in his behalf, may if he thinks fit, depute by a written order, a police officer or any officer or employee of the Local 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 Local 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.
- Power to require removal of authorized development of use.
38. (1) If it appears to a Local Planning Authority that it is expedient in the interest of 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 Local 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 aggrieved by such notice may within the said period and in the manner prescribed, appeal to the Board / Authority.
- (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 to 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 Local 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, and acquiring 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.

CHAPTER-VIII

Levy, Assessment and Recovery of Development Charge.

39. (1) Subject to the provisions of this Act, and the rules so made under it and with previous sanction of the State Government/ State Urban and Country Planning Board, every Local Planning Authority shall by a notification published in the Official Gazette, levy a charge (hereinafter called 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 40: Levy of development charge.
- Provided that the rate 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/State Government or any Local Authority.
- (4) The State Government/ State Urban and Country Planning Board, may by rules provide for the exemption from the levy of the development charge any development, or institution or change of any use of any land specified in the rules;
40. The Development Charge shall not exceed; Rates of the development charge.
- (1) (a) For the institution of use:
- (i) for residence Rs.5/- per.sq. meter.
 - (ii) for industry Rs.50/- per.sq. meter.
 - (iii) for commerce Rs.25/- per.sq. meter.

(b) For change of use:

- (i) from agriculture to residence Rs.25/- per.sq. meter.
- (ii) from agriculture to industry Rs.50/- per.sq. meter.
- (iii) from agriculture to commerce Rs.25/- per.sq. meter.
- (iv) from residence to industry Rs.50/- per.sq. meter.
- (v) from residence to commerce Rs.25/- per.sq. meter.
- (vi) from industry to residence Rs.50/- per.sq. meter.
- (vii) from industry to commerce Rs.25/- per.sq. meter.

- (2) For carrying on of development by erection or re-erection of any building of works. Rs.5/- per cubic meter of the content of such building or works.

Note: The amount may be reviewed by the Government from time to time.

Assessment of development charge.

41. (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 Planning Authority /Local Planning Authority in the manner prescribed for the assessment of development charge payable in respect thereof.
- (2) The State Urban and Country Planning Board /Local 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 Special Officer nominated for the purpose 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 Local Planning Authority and State Urban and Country Planning Board.
- (4) After taking into consideration the aforesaid report the Local Planning Authority and State Urban and Country Planning Board shall assess the amount of development charge by an order.

Provided that –

- (a) where permission under Chapter-VII has not been granted for carrying out the said development, the District Urban Development and State Urban and Country Planning Board may postpone the assessment of the development charge;
 - (b) where the application relates to the carrying out of any development, the Local Planning Authority and State Urban and Country Planning Board 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 will carry out the development within such period as the Local Planning Authority and State Urban and Country Planning Board considers appropriate;
 - (c) Where the application relates to the institution or change of any use the Local Planning Authority and State Urban and Country Planning Board 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 Local Planning Authority considers appropriate.
- (5) The Local Planning Authority and State Urban and Country Planning Board 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 42, shall be final and shall not be questioned in any court.

Appeals against assessment.

42. (1) If any person, liable for such development charges is dissatisfied with the order of assessment, he may, within such time and in such manner as may be prescribed appeal to the State Government/ State Urban and Country Planning Board.

- (2) On an appeal made to the State Government/ State Urban and Country Planning Board under sub-section (1), the Director Town Planning/ Chief Town Planner, as the Secretary to the State Government/ State Urban and Country Planning Board, shall after giving reasonable opportunity of being heard to such person and the Local Planning Authority concerned make a report to the State Government/ State Urban and Country Planning Board.
- (3) The State Government/ State Urban and Country Planning 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 Local Planning Authority concerned, pass such order as it deems fit.
43. (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. Development charge to be a charged on land to be recoverable as arrears of land revenues.
- (2) The development charge shall be recoverable as arrears of land revenue.

CHAPTER – IX
Finance, Accounts, and Audit

44. (1) Every Local Planning Authority shall have and maintain its own fund to which shall be credited – Funds of the Local Planning Authority.
- (a) All moneys received by the Local 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 Local Planning Authority under this Act or rules or regulations made thereunder;
- (c) All moneys received by the Local 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/ State Urban and Country Planning Board may direct.
- (3) Every Local Planning Authority may keep in current account of the State Bank of India or any other bank approved by the State Government/ State Urban and Country Planning Board 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/ State Urban and Country Planning Board.
- (4) The State Government/ State Urban and Country Planning Board may, make such grants, advances and loans to any Local 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/ State Urban and Country Planning Board may determine.
45. Every Local 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 ensuring showing the estimated receipts and expenditure of the Local Planning Authority and shall forward to the State Government/ State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board such number of copies thereof as may be prescribed by rules. Budget of the Local Planning Authority.
46. (1) Every Local 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. Accounts and Audit.
- (2) The accounts of every Local Planning Authority shall be subjected 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 Local 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 Local 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 Local Planning Authority.
- (4) The accounts of every Local 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/ State Urban and Country Planning Board .
- Annual Reports.
47. (1) The State Government/ State Urban and Country Planning Board shall prepare for every year a report of its activities during that year and submit the report to the State Government/ State Urban and Country Planning Board 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 Local Planning Authority shall prepare for every year a report of its activities during that year and submit the report to the State Government/ State Urban and Country Planning Board and the State Government/ State Urban and Country Planning Board in such form on or before such date as may be prescribed by rules.
- Pension and provident funds.
48. (1) Every Local 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/ State Urban and Country Planning Board may declare that the provisions of the Government Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER – X

Supplemental and Miscellaneous Provisions

- Power of entry.
49. (1) The Director Town Planning/ Chief Town Planner, as the Secretary to State Urban Development & Planning Authority or any other Officer of Local Planning Authority or any person authorized by the State Government/ State Urban and Country Planning Board or any Local 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 market 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 on 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 Director Town Planning/ Chief Town Planner, as the Secretary, State Urban Development & Planning Authority under sub-section (1) shall extend to the whole of the State and the power of any other officer of any Local Planning Authority under sub-section (1) shall extend only to its planning area and such other area which the State Government/ State Urban and Country Planning Board may have directed to be included in a Development Plan.
- (3) Any person who obstructs the entry of a person empowered or authorized 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 five thousand rupees, or with both.
50. (1) All documents including notices and orders required by this Act or any rule or regulation made there under to be served upon any person shall, save as otherwise provided in this Act or rule or regulation, be deemed to be duly served – Service of Notice etc.
- (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 authorized 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 State Urban and Country Planning Board/Local Planning Authority/Sub-divisional Planning Authority or any other officer authorized by the State Urban and Country Planning Board / Local Planning Authority /Sub-divisional 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 served 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.	51. Every public notice given under this Act or rules or regulations there under shall be in writing over the signature of the Chairman/ Secretary to the State Urban and Country Planning Board and Chairman/Member Secretary Local Planning Authority/Sub-divisional Planning Authority or such other officer who may be authorized in this behalf by the State Urban and Country Planning Board/ Local Planning Authority/Sub-divisional Planning Authority 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 Chairman/ Secretary to the State Urban and Country Planning Board and Chairman/Member Secretary , Local Planning Authority/Sub-divisional Planning Authority thinks fit.
Notices etc. to fix reasonable time.	52. Where any notice order or other document issued or made under this Act or any rule or regulation made there under requires anything to be done for the doing of which no time is fixed in this Act or rule or regulations there under the notice order or other document shall specify a reasonable time for doing the same.
Authentication of orders and documents of the State Urban and Country Planning Board and the Local Planning Authority.	53. All permissions, orders decisions, notices and other documents of the State Urban and Country Planning Board and any Local Planning Authority shall be authenticated by the signature of the Chairman/ Secretary to the State Urban and Country Planning Board or Chairman/ Member Secretary he Local Planning Authority or such other officer as may be authorized by the State Urban and Country Planning Board, or the Local Planning Authority in this behalf.
Mode of proof of records of the State Urban and Country Planning Board and the Local Planning Authority.	54. A copy of any receipt, application, plan, notice, order, entry in register, or other document in the possession of the State Urban and Country Planning Board or any Local Planning Authority, if duly certified by the legal keeper thereof, or other person authorized by the State Urban and Country Planning Board or the Local 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 transaction 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 State Urban and Country Planning Board and Local Planning Authority.	55. No Chairman/ Secretary/Member Secretary, member or officer or servant of the State Urban and Country Planning Board or any Local Planning Authority shall in any local proceeding to which the State Urban and Country Planning Board or Local Planning Authority is not a party be required to produce and register or document the contents of which can be proved under the preceding section by a certified copy, or to appeal as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.
Offences by Companies.	56. (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; <p style="margin-left: 40px;">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 of that he exercised all due diligence to prevent the commission of such offence.</p> (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. <p style="margin-left: 40px;">Explanation – For the purpose of this section –</p> (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.	57. If any person –obstructs, or molests any person engaged or employed by the State Urban and Country Planning Board or any Local Planning Authority/ Sub-divisional Planning Authority, or any person with whom the State Urban and Country Planning Board or the Local Planning 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 removes any mark set up for the purposes of indicating any level or direction necessary to the execution of works authorized under this Act, he/she shall be punishable with fine which may extend to ten thousand rupees or with imprisonment for a term which may extend to six months or both.
58. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the State Urban and Country Planning Board or the Local Planning Authority concerned or any officer authorized by the State Urban and Country Planning Board or the Local Planning Authority in this behalf. Sanction of prosecution.
59. (1) The State Urban and Country Planning Board or the Local Planning Authority concerned or any person authorized 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. Compound of offences.
- (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.
60. No Court inferior to that of a magistrate of the first class shall try an offence punishable under this Act. Jurisdiction of Courts.
61. 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 authorized by this Act in exercise of its power under the said section. Magistrate's power to impose enhanced penalties.
62. All fines realized in connection with prosecution under this Act shall be paid to the Local Planning Authority concerned. Fine when realized to be paid to Local Planning Authority.
63. Every member and every officer and other employee of the State Urban and Country Planning Board and every Local Planning Authority /Sub-divisional Planning Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Members and officers to be public servants.
64. 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 there under. Protection of action taken in good faith.
65. Save as otherwise expressly provided in this Act, every order passed or direction issued by the State Urban and Country Planning Board / Chairman/ Secretary to the State Urban and Country Planning Board or order passed or notice issued by any Local Planning Authority under this Act shall be final and shall not be questioned in any suit or other legal proceeding. Finality of orders.
66. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of – Validation of acts and proceedings.
- (a) the existence of any vacancy in, or any defect in the constitution of the State Urban and Country Planning Board or any Local Planning Authority;
- (b) any person having ceased to be a member;
- (c) any person associated with the State Urban and Country Planning Board or any Local 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 State Urban and Country Planning Board and any Local 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.
67. (1) The State Urban and Country Planning Board may, by a resolution, direct that any power exercisable by it under this Act, rules or regulations there under may also be exercised by any Local Planning Authority, Local Authority, or any officer of the State Urban and Country Planning Board or the State Government with previous consent of State Government/ State Urban and Country Planning Board / Local 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. Power to delegate.

- (2) The Director Town Planning/ Chief Town Planner, in the capacity of Secretary to the State Urban and Country Planning Board, may by an order in writing delegate any power exercisable by him under this Act, rules or regulations to any officer of the State Urban and Country Planning Board or the State Government or any Local Planning Authority or Local Authority in such case and subject to such conditions, if any, as may be specified therein.
- (3) Any Local Planning Authority may, by a resolution direct that any power exercisable by it under this Act, rules, or regulations there under 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/State Urban and Country Planning Board with previous consent of State Government/State Urban and Country Planning Board 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 Officer from Directorate of Town Planning of any Local 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 Local Planning Authority or Local Authority concerned, in such cases and subject to such conditions, if any as may be specified therein.
- Control by the State Government/State Urban and Country Planning Board.
68. (1) The Local Planning Authority shall carry out such directions as may be issued from time to time by the State Government/ Secretary to the State Urban and Country Planning Board for the efficient administration of this Act and every Local Planning Authority shall carry out such directions as may be issued from time to time by the Secretary to the State Urban and Country Planning Board for the purpose.
- (2) If in connection with the exercise of its powers and discharge of its functions by any Local Planning Authority under this Act, any dispute arises between the Local Planning Authority and any other Local authorities or parties, the decision of the State Urban and Country Planning Board on such disputes shall be final.
- Returns and information.
69. Every Local Planning Authority shall furnish to the State Urban and Country Planning Board such reports, returns and other information as the State Urban and Country Planning Board may from time to time as required.
- Effect of the laws.
70. (1) Save as aforesaid, the provisions of this Act and the rules and regulations made there under 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.
- Power to make rules.
71. (1) The State Government /State Urban and Country Planning Board 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 State Urban and Country Planning Board and Local Planning Authority;
- (b) the term of office and conditions of service of the Chairman and members of the State Urban and Country Planning Board and Local Planning Authority .
- (c) the qualification and disqualification for being chosen as and for being members of the State Urban and Country Planning Board or Local Planning Authority.
- (d) the time and place of holding and the procedure to be followed in meetings of the State Urban and Country Planning Board ;

- (e) the functions and powers, duties of the Town Planners/Architects/Engineers or any other professionals hired under section 13; the term of his office and conditions of his service;
 - (f) the manner of nomination of representatives of Local Authorities under section 9 (3)
 - (g) The manner in which and the purposes for which any State Urban and Country Planning Board /Local Planning Authorities 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 State Urban and Country Planning Board and of Local Planning Authority.
 - (i) the time within which the State Urban and Country Planning Board 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 Local 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 State Government/State Urban and Country Planning Board ;
 - (t) the form of the annual statement of accounts and balance sheet;
 - (u) the form of the annual report of the State Urban and Country Planning Board and the date on or before which it shall be submitted to the State Government;
 - (v) the form of the annual report of Local Planning Authorities and date on or before which it shall be submitted to be State Government/State Urban and Country Planning Board;
 - (w) the manner and the constitution of provident funds for the whole time paid members and officers and other employees of Local Planning Authorities/State Urban and Country Planning Board;
 - (x) and the conditions subject to which such funds may be constituted;
 - (y) the documents of which copies may be granted, the fees for such copies;
 - (z) any other matter which has to be or may be prescribed by rules.
72. The State Government/State Urban and Country Planning Board may make regulations consistent with this Act and the rules made there under, 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 Local Planning Authority/Local Authority, the number of members necessary to form a quorum therein;
 - (b) the powers and duties of the officers and employees of the Local Planning Authority/Local 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 use otherwise than in conformity with a development plan or perspective plan or an annual plan;
- (e) The form of application, details of particulars, documents and plans and amount of fee to accompany the application.
- (f) The principles, building bye-laws, guidelines, planning norms and standards, regulations, conditions and restrictions in accordance with which developments may be undertaken or regulated ; and
- (g) Any other matter which has to be or may be prescribed by rules and regulations and or any matter for efficient administration of the objectives of this Act.
- Laying of rules before state legislature. 73. Every rule made by the Government of Arunachal Pradesh under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Arunachal Pradesh, while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- Dissolution of Local Planning Authorities. 74. (1) Where the State Government /State Urban and Country Planning Board is satisfied that the purposes for which any Local Planning Authority was established under this Act have been substantially achieved so as to render the continued existence of the Local Planning Authority in the opinion of the State Government /State Urban and Country Planning Board unnecessary the State Government/State Urban and Country Planning Board, may, by notification in the Official Gazette declare that the Local Planning Authority shall be dissolved with the effect from such date as may be specified in the notification and the Local 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 realizable by, the Local Planning Authority shall vest in, or be realizable by the State Government/ State Urban and Country Planning Board;
- (b) all liabilities which are enforceable against the Local Planning Authority shall be enforceable against the State Government/ State Urban and Country Planning Board; and
- (c) For the purpose of realizing properties, funds and dues referred to in clause (a), the functions of the planning authority shall be discharged by the State Government/ State Urban and Country Planning Board.

Sunil Choudhury,
Secretary to the
Government of Arunachal Pradesh,
Itanagar.

